Council Hospital to be admitted. This is how his interest in the hospital developed.

Also while living in Maynard, Cowle headed up the National Youth Association during the time of President Roosevelt. This program paid young people for doing various jobs. But Cowle's position was strictly a public service—no salary. For 24 years he was active in the Fraternal Order of Eagles there.

Cowle's favorite job at the hospital was running a store for the patients. One could buy stamps, ice cream, cigarettes, candy, writing materials and other items. From the small profits, Cowle would buy candy for the children patients who looked on him as a cross between grandpa and Santa Claus. But the store was closed a number of years ago—replaced by vending machines which perhaps are efficient but lack the personal warmth Cowle radiates.

SCHOOLBUSING

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 22, 1972

Mr. BADILLO. Mr. Speaker, although I was unable to participate in yesterday's discussion of schoolbusing under the special order of my good friend and colleague from Ohio (Mr. STOKES) I want to associate myself with the thrust of the remarks made by him and by my other colleagues who were able to obtain time to speak.

Although grave issues involving war and peace, economic stability, job opportunity and the future of our cities remain unresolved before Congress and the administration, none poses a greater threat to our basic institutions and to the hope for brotherhood among all Americans than the schoolbusing issue.

As this issue is developing, with impetus from the White House and Capitol Hill, it threatens to divide our society to a greater extent than we have seen in a century, and it threatens the basic principles of American democracy.

Let there be no doubt about what President Nixon has done with his proposal for a moratorium on schoolbusing, a limitation on the jurisdiction of the courts and a cynical attempt to return to the "separate but equal" docrine under the guise of a new cliche—"quality education."

Senator HUMPHREY, perhaps unintentionally in light of his recent about-face, described Mr. Nixon's maneuver aptly when he remarked last week that—

> The President has been able to get his finger up in the air and sense what's going on.

No doubt, the President determined that to take a strong antibusing stand would gain him political credit. But if sniffing the political winds and responding to fear and emotion as Mr. Nixon has done is to be the hallmark of national leadership in the United States, then the future of our Nation is in grave jeopardy.

If Congress aids and abets Mr. Nixon, it will be taking a giant stride toward fulfilling the Kerner Commission's dire prophecy of separate and unequal societies in this Nation. It will be helping to launch an unlawful and unwarranted invasion of the jurisdiction of our Federal courts and an insidious attack on the doctrine of separation of powers.

The record clearly shows that the courts have not ordered massive busing to achieve racial balance. As a matter of fact, Mr. Nixon's own appointee, Chief Justice Burger, laid down some very reasonable guidelines for busing in the Swann decision of April 20, 1971. The Chief Justice declared:

> Busing will not be allowed to significantly impinge on the educational process.

He went on to warn that—

> When the time or distance or travel is so great as to risk either the health of the children or significantly impinge on the educational process it would be considered unreasonable.

So how has the Court jeopardized the rights of anyone or threatened the quality of education?

What the President is clearly attempting to do is to erode the jurisdiction of the courts and the authority of the Constitution. If he succeeds, we will be seeing just a first step in the dismantling of the Bill of Rights.

The President's proposal to spend $2.5 billion for so-called quality education in disadvantaged areas is perhaps not as dangerous but equally fraudulent, for it really proposes nothing new in the way of funding for education program but relies primarily on funds already budgeted under title I of the Elementary and Secondary Education Act—and far below the authorized levels—plus funds under the school desegregation legislation.

If quality education meant something to this Administration other than a special code word, we would be dealing with budget requests for full funding of title I and all the other major education programs. Instead, the President's budget priorities continue to emphasize arms over education and subsidies for the rich over sustenance for the poor and hungry.

I think it vital for the forces of decency and fairness in Congress not to just react defensively to the President's proposals, but to move ahead by offering counter-proposals aimed at achieving comprehensive school integration, eliminating inequities in the quality of education within the States and from State to State, upgrading all levels of education with funding of education programs in line with real needs, and by enacting legislation to break down the housing patterns that perpetuate school segregation.

I have already introduced legislation in some of these areas and I will be offering additional bills in the next few weeks. I hope they will not only serve to continue the constructive dialog begun with Congressman STOKES' special order, but will help us establish a legislative program aimed at strengthening our society and its basic institutions, not destroying them as Richard Nixon and his associates would do.

SENATE—*Friday, March 24, 1972*

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

PRAYER

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

Make us ready, O Lord, for the welcome of Him who is King of Kings and Lord of Lords. May we receive the royal presence with open hearts, with palm branches of devotion and garlands of love. May we work as in the regal presence of the Creator and Ruler of all realms. Keep ever before us the kingdom of justice and peace on earth and the king who rules in might and splendor above all worlds.

For Thine is the kingdom and the power and the glory. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 23, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

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

BEEF PRICES

Mr. MANSFIELD. Mr. President, there has been a good deal of talk, statements in the press, advertisements and what not, urging people not to buy beef because the price is too high.

I think the record should be made clear that, so far as the price of beef on the hoof is concerned, the price now, which averages somewhere around 35 or 36 cents is not out of line and certainly is not responsible for the prices which the consumers have to pay today.

The cost of manufacture, processing, and distribution—not the meat as such as it is sold over the counter—has made the difference in meat prices today as compared to 20 years ago.

In comparison with take-home pay, the price of meat has become consistently smaller as average family income has moved upward. In terms of dollars and cents, the average retail price of meat has advanced about 35 percent in the past 20 years, while personal disposable income of U.S. consumers has increased, on the average, by more than 100 percent in the same period.

Those who are complaining about the price of beef should compare the price of beef today with what it was, on the hoof, 20 years ago, and they will find that the price per hundredweight is actually lower today. What they should do

is compare retail prices of beef cuts today with those for the same cuts 20 years ago, and they will find that they range from 40 to 70 percent higher to the consumer.

I wonder why they do not tell the consuming public who is getting the 40- to 70-percent markup, and why it is not explained graphically just how the housewife's dollar spent for beef is being distributed, and to whom?

I wonder why they do not attempt to deal factually and intelligently with the wage spiral over the past 20 years as being a major factor in the increased cost of meat to the consumer, not to the producer, and its effect on meat prices by the packer, the processor, and by the retailer.

Twenty years ago, beef prices paid to the producer—that is, beef on the hoof—by the packers was 140 percent of parity. Today it is 88 percent of parity, or less.

Last week, Omaha prices for Prime live steers was $35.75 a hundred pounds, down $1 a hundred for the week, and down to $2.40 a hundred from the 20-year high in January.

Mr. President, I am in receipt of a number of letters from my State which, of course, is interested in the production of cattle, and I would like to read a portion of one letter from an old friend, Henry L. Esp, a rancher who lives in Hardin, Mont.

He writes:

> In the last 20 years personal income has increased 254% while livestock prices have increased 4%. Twenty years ago the housewife spent 23% of her income for food, today it is 16%, with a smaller percentage being spent for beef than at any time in the past.

Mr. President, what this administration is now doing—and I think doing wrongly—is increasing frozen beef, veal, and other meat imports by approximately 8 percent.

May I point out as an illustration that the farmer has, all too often, been the pigeon for the press in trying to place the blame for an increase in food prices at the wrong source.

Over the past quarter of a century, generally speaking, wheat has sold around $2 a bushel, all things considered. But during that period, bread has increased in price from 13 cents and 14 cents a loaf to around 40 cents, 41 cents, or 42 cents a loaf.

Is the wheat producer making money at that rate? Is he making money when his costs have increased four times?

The same reasoning applies to the beef producer, who is trying to get by on his own as much as he can, whose price has remained fairly stable—sometimes very low during that period.

Now that he is able to make a dollar or two, he gets the blame. Advertisements are taken out against the cattleman, supposedly on behalf of consumers, but nothing is said about the processing, the slicing, the packaging, and all the other factors which should be taken into consideration once the cattle have left the ranch and have been sent to market.

(At this point Mr. BYRD of West Virginia assumed the chair as Presiding Officer.)

Mr. MANSFIELD. So, I hope that the record will be made straight and that the truth, insofar as the wheat rancher and the beef producer are concerned, will be understood by the American people, and the blame will be placed, not on them where it does not belong, but on all the steps which take place once the wheat and the beef leave the ranch and the farm and go through the many procedures before it reaches the Safeway, the Giant, the A. & P. stores, and, finally, neatly wrapped up, neatly packaged and cellophaned is sold at an extraordinarily high price to the consumer.

I yield now to my colleague from Montana.

Mr. METCALF. My colleague, the distinguished majority leader, has performed a distinct service this morning in clarifying just where the increase in the price of food comes from.

I have just returned from Montana where I have been talking to the wheat farmers and to the livestock growers.

In my State we find universally that even though they have larger and larger capital investments than they have had at any time in their lives, even though they are operating on more and more land than anytime before, their net income and their purchasing power is declining year after year. This year Montana had one of the most severe winters in its history, and the livestock operators suffered badly. Yet the price of beef, as far as the general purchasing power is concerned, came down.

The Secretary of Agriculture has authorized increased quotas, as the majority leader has indicated, on chilled beef and goats and lamb. Certainly after this past winter we do not need any more chilled beef in Montana.

The wheat farmer today is getting less real return per bushel of wheat than he got in the depth of the depression; $1.20 and $1.30 a bushel on wheat is less real return in terms of today's inflated prices than $0.30 wheat back in the depression when we thought $1 wheat would be a good purchasing power.

It should be $4 wheat if the farmer has to buy machinery at today's prices, if he has to buy clothes at today's price, if he has to buy automobiles at today's prices, and if he has to buy tires and gasoline at today's prices. All of those things are inflated four or five times from the time of the depression.

The livestock operator is in exactly the same situation, and he is the real person who is being charged for this growing and spiraling increase in the price of meat that comes from the farmers of the Midwest, the Far West, and from our State of Montana.

It is the processor who, time after time, adds on a little bit more cost and adds a lot of profit on top of any cost. At 40 or 45 cents for a loaf of bread on $1.20 a bushel for wheat, it is outrageous as far as the return of the farmer is concerned.

The other day when the distinguished majority leader and I had legislation before the Committee on Agriculture and Forestry seeking to increase the price of feed grains 25 percent, some of the leaders of labor organizations and other organizations recognized that an increase in the price of wheat to the farmer would be infinitesimal as far as the consumer's cost is concerned. Others have supported our legislation for an increase in the price of feed grains and in the price of wheat.

Something has to be done to raise the net income of the farmers of America or the small towns where churches, schools, and post offices dot the landscape in those towns in the Middle West and Far West will be gone, and we will have left nothing but huge livestock operations and huge wheat farmers without anyone to go to the bank.

The local people there are concerned with the real vital growth of the people of America.

Mr. MANSFIELD. Mr. President, I thank my distinguished colleague and point out that in my reference to $2 wheat, I was bringing in the certificate plan which would still represent, I think, an approximate $2 average over the last quarter of a century and would hold up pretty well.

The Senator is right. We have small towns disappearing. The small towns have been the background of this country from the beginning. We have small towns disappearing. The price and the resulting increases in cost to maintain a farm is much greater.

We have a shifting away from the family-sized farm to the commercial-type farm as far as beef and wheat is concerned.

I think it bodes ill for the country to allow such procedures to be continued.

I emphasize again, along with my distinguished colleague from Montana, that the farmer, whether he produces wheat or beef, is not to blame for the high prices the consumers pay today.

I do hope that that truth, because that is what it is, would sink home.

The PRESIDING OFFICER. Under the previous order, the Senator from Delaware (Mr. ROTH) is recognized for 15 minutes. The Chair thanks the Senator from Delaware for his usual courtesy.

Mr. MANSFIELD. Mr. President, if the Senator would yield for a moment, may I say to the distinguished Senator from Delaware who now has the floor, that having been born in Montana and having lived in Montana and having some of his family still in Montana, undoubtedly has an awareness of the situation as it affects the topics which the two Senators from Montana have discussed today.

Mr. ROTH. Mr. President, I would like to say that I share the concern of the majority leader so far as the agricultural sector of our Nation is concerned. As a matter of fact, not only do we have an agricultural background in my native State, but also in the State of Delaware a large industry, if one wants to call it that, is that of agribusiness. Yet, one of the real problems facing this Nation is that problem facing the small family farmer who, as the majority leader has said, has been the backbone of this country.

I think it is important that we do what we can to maintain his strength.

AGREEMENT ON THE NEUTRALIZATION OF SOUTHEAST ASIA

Mr. ROTH. Mr. President, before the President's departure for China, he described his trip as "not an end in itself but the launching of a process." The generally friendly atmosphere of the trip itself, the joint communique issued at its conclusion, and the initiation of regular bilateral discussions at a new site—Paris—indicate that this process has indeed been launched. The first question—whether to have direct communications with China and how to initiate them—has been settled. Now we are engaged in the consideration of a second question—how these channels are to be used and for what purpose. One purpose, one which has already been much discussed, is to improve the climate of bilateral relations between ourselves and the Chinese by eliminating insofar as possible potential areas of misunderstanding and miscalculation. A second purpose, one which is much more speculative in these opening stages of the dialog, is to use the new links to promote cooperation on general issues affecting the peace and stability of the world and especially Asia. I intend to explore in more detail one such area of possible cooperation—agreement on the neutralization of Southeast Asia. First, however, let me indicate why I believe that efforts in this direction are important to consider now.

We have been reminded often that the Sino-American dialog is one between the world's most powerful and the world's most populous countries. It is not surprising, therefore, that the nature of relations between these two countries should have important international implications far beyond its strictly bilateral aspects. Countries all over the world have followed the progress of the President's visit with the closest attention and examined the joint communique for its every nuance of meaning. Most expressed their hopes that the new detente would enhance the prospects for global peace. Some, however, mostly Asian countries, expressed their concern that the two large countries would come to an understanding that would be detrimental to the interests of their respective allies.

On our side, it was the statement in the joint communique on the eventual withdrawal of American troops from Taiwan that caused the greatest concern among our Asian allies, who are understandably worried that the United States is unilaterally dismantling the structure of security it has provided in East Asia for more than two decades. It is true that in the joint communique the United States acknowledges the position of Chinese leaders both on Taiwan and on the mainland that Taiwan is a part of China. The communique also supports the principle of noninterference in the internal affairs of other countries and advocates the normalization of relations with the Peking government, a position that would appear to weaken the basis of our defense treaty with the Nationalist Government. On the other hand, we have also reaffirmed our commitment to the Nationalists not to alter the defense treaty with Taiwan and the language of the joint communique links American withdrawals to diminished tensions in the area.

I believe that any general and genuine relaxation of tensions must be based upon some measure of confidence by the smaller Asian countries that the new diplomatic relationships do not undermine their freedom from interference and legitimate security interests. The United States must now make as one of its highest diplomatic priorities the reassuring of our allies—especially Japan and the countries of Southeast Asia. In the short run this can best be accomplished through the kinds of efforts our Assistant Secretary of State, Marshall Green, undertook in visiting and verbally reassuring our allies at the conclusion of the China trip. In the long run, however, this can best be accomplished by using the new channels of communication with China to promote alternative security arrangements that would be compatible with our own interests and those of the other large powers, and of primary importance, which would safeguard the interests and integrity of the smaller countries of the region. There can be no guarantee in advance that such arrangements could be worked out to the satisfaction of all parties, or that even if arrangements could be agreed upon, they would be honored. But it is useful to try to identify areas where possibilities exist so that we lose no chance to promote the cause of peace.

Possibilities can exist only where the countries indigenous to the area agree among themselves to live in harmony. More than a year ago, my respected senior colleague, Senator AIKEN, emphasized the importance of Asian initiative in any proposal for a conference dealing with the security problems of that region. Since the Senator spoke, there has been a significant but little noted Southeast Asian initiative, a ministerial conference of the countries of ASEAN, the Association of Southeast Asian Nations, which have proposed that Southeast Asia should be a zone of peace, freedom, and neutrality, free from outside interference.

To an American, the striking aspect of this neutralization proposal is its compatibility with our foreign policy aims for this part of the world. Neutrality and freedom from outside interference would guarantee the sovereignty and territorial integrity of Southeast Asian countries from aggression from outside the region. Just as importantly, neutralization should be compatible as well with the legitimate interests of the other large powers. It would be tantamount to removing non-Asian military presence from the area adjacent to China's southern frontier and should eliminate Southeast Asia as a potential bone of conflict between China and the Soviet Union, Japan, or ourselves.

The practical implementation of this proposal involved many difficulties. As a beginning, however, the United States could give sound endorsement to the Kuala Lumpur declaration of the ASEAN foreign ministers. This endorsement should make it clear that this country would welcome further initiatives by the ASEAN countries and would participate in a conference of larger powers called to express their common regard for the principles of neutrality. Such an initiative would challenge the Soviet Union and China to give concrete evidence of their adherence to the Bandung Principles, including those of nonaggression and noninterference in the internal affairs of other countries.

I do not believe that a single conference, no matter how well organized and prepared for, would be able to work out all the arrangements required to make neutralization of Southeast Asia a reality. But it could make a beginning. Initially, the great powers and the ASEAN countries might agree to the establishment in these Southeast Asian countries of a zone free of nuclear weapons. Such an agreement would help to provide the psychological atmosphere within which further accords might be achieved.

Unfortunately, I believe that such a conference would probably have to deal strictly with the ASEAN countries—Indonesia, Malaysia, the Philippines, Singapore, and Thailand—which have made this proposal—and that it could not initially include the Indochina countries. The proposals that have emerged from both sides in Vietnam indicate that the central dilemma in that country is what it has always been—the shape of future political arrangements in South Vietnam. These arrangements are fundamentally a Vietnamese problem and cannot be resolved in the absence of accord among the various Vietnamese parties. On the bilateral level the United States and China can seek a better understanding of each other's positions and intentions, and these exchanges might help us to pursue our disengagement program with greater confidence. It is very unlikely, however, that the termination of either our military involvement in South Vietnam or Communist aid to the North would end a war that began before outside involvement and is only incidentally related to that involvement. It is just as unlikely that arrangements for the related countries of Cambodia and Laos could be concluded in advance of a Vietnam accord. I can only hope that the Vietnamese can come to an agreement that will respect the wishes of their own peoples and that at some future time Vietnam, Cambodia, and Laos can enter into the zone of peace, freedom, and neutrality that has been proposed by the ASEAN countries.

Effective international collaboration on Southeast Asia requires an expansion of the present dialog to include at least Japan and the Soviet Union both of which are Asian powers. Tensions would be increased rather than diminished if either country or large domestic groups within those countries believe that the Sino-American detente is somehow directed at them. The importance of close ties between Japan and the United States cannot be overemphasized. Japan is the

second most productive country in the non-Communist world and has, by far, the largest economy indigenous to Asia. An American relationship with China that tended to alienate us from Japan could have adverse effects not only upon our own interests, but on those of China as well. Elements within Japan that advocate the acquisition of nuclear weapons could be strengthened. Other Japanese might urge a countervailing Japanese-Soviet alliance, greatly increasing tensions in Northeast Asia.

Mr. President, I will soon be visiting Japan under the auspices of the United States-Japan Parliament exchange program of the School of International Affairs of Columbia University. While there, I will explore the opinions of Japanese Government leaders and Diet members on recent diplomatic developments in Asia and on the concept of neutralization of Southeast Asia and share them with you on my return.

The United States would be ill-advised to try to exploit Sino-Soviet differences, just as China would be unwise to attempt to split the United States and Japan. The President has been very explicit on this point. The Soviet Union remains the most important foreign power with which we deal because militarily and technologically it is the only country with approximate parity to the United States. Here are the largest possibilities for damage to international stability just as there are some of the greatest opportunities for cooperation in such areas as space exploration and arms control. If we were to become associated with China's vendetta against its former ally it could only be harmful to our long-range interests by jeopardizing those limited agreements that have been so arduously negotiated with the Soviet Union over the past decade. It would be most foolish to believe that war between China and the Soviet Union could ultimately work to our advantage. The experience of this century has demonstrated that it is very difficult to remain aloof from wars involving the major countries because they eventually impinge upon our vital interests.

I believe that it would also be desirable that India be brought into any forthcoming discussions on the future of Southeast Asia. As the result of recent developments in the subcontinent and the consolidation of Mrs. Gandhi's internal position, India may take a more active role in international affairs in general and Southeast Asia in particular. Like China, India, with its population of 600 million, is a massive country adjacent to the region of Southeast Asia. For this reason, India's participation in the shaping of future arrangements should strengthen these arrangements and give India a positive stake in their preservation.

I would conclude on a note of caution. I have outlined a possibility for multilateral diplomacy in Southeast Asia, but even the initiation of intergovernmental discussions on the concept of neutralization, not to speak of the realization of the concept, is contingent upon many incalculable factors and upon the adjustment of the interests of both small and large countries involved in the region. A breakdown of collaboration among the ASEAN countries themselves or a failure of great power diplomacy to continue higher level contacts could close the opportunity that now seems open. The Sino-American link, for example, is only very tenuous. The joint communique makes it very evident that our positions and those of the Chinese differ decidedly on many international issues. Though we have both agreed to some general principles of international conduct, there are even difficult and highly controversial problems still to be solved in the future.

It is important that the administration, the Members of Congress, and the public remain sensitive to the differences of outlook and policy that underlie these broad principles because the greatest damage we could do to the developing dialog would be to delude ourselves into believing that harmony already exists and then suffer disappointment. Like the relationship itself, any broader proposals, such as that for the neutralization of Southeast Asia, must be approached cautiously and with an eye toward the interests of all the countries concerned. If we assess wishfully the interests of other countries or if we gloss over our own interests for the sake of a quick conclusion to a fine-sounding agreement, it would eventually reemerge to upset the accord. I hope, however, that with careful planning, pragmatic policy analysis, and astute diplomacy, we may find ways to adjust and conciliate interests that will diminish tensions and lead to a greater measure of international stability in the area of East and Southeast Asia.

Mr. President, I ask unanimous consent that a copy of the text of the Kuala Lumpur declaration be included in the RECORD.

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

KUALA LUMPUR DECLARATION—NOVEMBER 29, 1971

We the Foreign Ministers of Indonesia, Malaysia, the Philippines, Singapore and the Special Envoy of the National Executive Council of Thailand.

Firmly believing in the merits of regional cooperation which has drawn our countries to cooperate together in the economic, social and cultural fields in the Association of South East Asian Nations.

Desirous of bringing about a relaxation of international tension and of achieving a lasting peace in South East Asia.

Inspired by the worthy aims and objectives of the United Nations, in particular by the principles of respect for the sovereignty and territorial integrity of all States, abstention from the threat or use of force, peaceful settlement of international disputes, equal rights and self-determination and non-interference in the internal affairs of States.

Believing in the continuing validity of the 'Declaration on the Promotion of World peace and cooperation" of the Bandung Conference of 1955, which, among others, enunciates the principles by which States may coexist peacefully.

Recognizing the right of every State, large or small, to lead its national existence free from outside interference in its internal affairs as this interference will adversely affect its freedom, independence and integrity.

Dedicated to the maintenance of peace, freedom and independence unimpaired.

Believing in the need to meet present challenges and new developments by cooperating with all peace and freedom loving nations, both within and outside the region, in the furtherance of world peace, stability and harmony.

Cognizant of the significant trend towards establishing nuclear-free zones, as in the "Treaty of the Prohibition of nuclear weapons in Latin America" and the Lusaka Declaration proclaiming Africa a nuclear-free zone, for the purpose of promoting world peace and security by reducing the areas of international conflicts and tensions.

Reiterating our commitment, to the principle in the Bangkok Declaration which established ASEAN in 1967, "that the countries of South East Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peaceful and progressive national development, and that they are determined to ensure their stability and security from external interference in any form or manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their people."

Agreeing that the neutralization of South East Asia is a desirable objective and that we should explore ways and means of bringing about its realization, and

Convinced that the time is propitious for joint action to give effective expression to the deeply felt desire of the peoples of South East Asia to ensure the continution of peace and stability indispensable to their independence and their economic and social well-being:

Do hereby state:

"1. that Indonesia, Malaysia, the Philippines, Singapore and Thailand are determined to exert initially necessary efforts to secure the recognition of, and respect for, South East Asia as a zone of peace, freedom and neutrality, free from any form or manner of interference by outside powers,

2. that South East Asian countries should make concerted efforts to broaden the areas of cooperation which would contribute to their strength, solidarity and closer relationship".

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. BYRD) is recognized for not to exceed 15 minutes.

MISUSE OF HOUSING FUNDS IN NEW YORK

Mr. BYRD of Virginia. Mr. President, yesterday the New York Times reported that millions of dollars in housing funds reportedly are being misused in New York City. The Times reports that—

Scores of Federal and local indictments are imminent in Manhattan and Brooklyn for the alleged misuse of hundreds of millions of dollars appropriated to help solve the housing problem of the city's poor.

Persons close to investigations by Federal, state and city officials have disclosed in a series of interviews that vast sums, most of which came from the Federal Government, have been diverted from their intended purpose into the pockets of real estate speculators through schemes in which banks, lawyers, brokers, credit-rating organizations, contractors and city and Federal employes have cooperated.

Fraud and corruption in other programs designed to improve the lot of those living in the slums of the city are said to be even

more widespread and will also produce indictments, according to those investigating.

I think it is vitally important that the agencies of Government charged with the responsibility of administering tax funds take firm steps to see that those funds are properly handled.

Congress has developed and approved 168 different antipoverty programs. It has appropriated $31 billion to try to help the poor of our Nation.

It is important that those funds be handled in such a way as to carry out the objective of Congress; namely, to help the poor; but it is becoming increasingly evident that graft and corruption have got into many of the programs. So it is vitally important, as I see it, that the responsible executives and administrators take every necessary step to safeguard these public funds.

As best I can determine from the news accounts, at least three agencies are involved in the New York programs which are under investigation: the Housing and Urban Development Administration, the Department of Health, Education, and Welfare, and the Federal Housing Administration.

All of those agencies and departments have adequate personnel. There should be a closer policing of the vast sums of money which Congress is appropriating to try to help the needy and the poor.

When these funds are mishandled, misused, or misappropriated, two important groups of people suffer: One group is the poor for whom the funds are intended; the second group are the taxpayers of the Nation who furnish the funds.

When we speak of taxpayers, we are speaking of the working people. They are the ones from whom the funds come. The funds come out of the pockets of the wage earners. I submit that we who are in Government have a deep obligation to see to it that those funds are safeguarded and handled as a public trust.

I note, too, that under one of the programs, called the relocation program:

"Finder's fees" of up to $750 are paid to landlords who provide apartments for families on welfare, or families in urgent need of housing because of eviction from a development site, fire, or other emergency.

Investigators have found that unscrupulous landlords collect the finder's fee repeatedly for the same apartments by getting rid of welfare tenants a few weeks after they have moved in, at a cost of thousands of dollars to the taxpayers and infinite misery of the poor.

Mr. President, there is an area where the Department of Health, Education, and Welfare should move in, and move in fast. The Department should be seeking to protect the tax funds of the citizens of the Nation.

The Department of Health, Education, and Welfare now has 114,000 employees. They are able to involve themselves in all sorts of matters which are purely of a local nature, but they seem to be unable to involve themselves in the welfare area where the public and the poor people simultaneously are being taken advantage of by unscrupulous landlords, manipulators, and speculators.

So I would hope that those who have the responsibility for administering programs which Congress enacts, those who have the responsibility for the disbursement of public funds, would crack down, and crack down hard, on those who are misappropriating or misusing public funds.

I say again that there is only one place from which tax funds come, and that is from the pockets of the hard-working men and women of our Nation.

Mr. President, I ask unanimous consent to have printed in the RECORD the article entitled "Millions in Housing Funds Reportedly Misused Here," written by Edith Evans Asbury, and published in the New York Times of yesterday, Thursday, March 23, 1972.

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

MILLIONS IN HOUSING FUNDS REPORTEDLY MISUSED HERE

(By Edith Evans Asbury)

Scores of Federal and local indictments are imminent in Manhattan and Brooklyn for the alleged misuse of hundreds of millions of dollars appropriated to help solve the housing problem of the city's poor.

Persons close to investigations by Federal, state and city officials have disclosed in a series of interviews that vast sums, most of which came from the Federal Government, have been diverted from their intended purpose into the pockets of real estate speculators through schemes in which banks, lawyers, brokers, credit-rating organizations, contractors and city and Federal employes have cooperated.

As a result of some of those schemes, whole neighborhoods—especially in Brooklyn and the Bronx—have been emptied of residents and ruined.

The misuse of city funds meant to rehabilitate slum housing and provide emergency repairs has already been exposed in several inquiries, including those by the City Council and Manhattan District Attorney Frank S. Hogan. As a result, several landlords, lawyers and city officials have been indicted, and more indictments are expected.

Fraud and corruption in other programs designed to improve the lot of those living in the slums of the city are said to be even more widespread and will also produce indictments, according to those investigating.

The relocation and "miniloan" programs of the City's Housing and Development Administration, both of which use Federal funds, are under investigation. So are the special loan programs of the Federal Housing Administration for the purchase of homes by low-income families.

Under the relocation program, "finder's fees" of up to $750 are paid to landlords who provide apartments for families on welfare, or families in urgent need of housing because of eviction from a development site, fire, or other emergency.

Investigators have found that unscrupulous landlords collect the finder's fee repeatedly for the same apartments by getting rid of welfare tenants a few weeks after they have moved in, at a cost of thousands of dollars to the taxpayers and infinite misery of the poor.

Speculators engaged in "block-busting" in several areas of Brooklyn have found the finder's fees an extra source of income as well as useful in their activities, according to sources close to the investigation.

SALES AND RESALES

"Block-busting" is the name given to a method whereby a speculator scares white families into moving out of a neighborhood into which a black or Puerto Rican family has moved, buys the house at a depressed price and resells to minority families at a higher price.

Current investigations show that here, as in other cities across the United States, block-busting speculators have been very successful in getting F.H.A.-insured mortgages large enough to cover most of the inflated price at which the house is sold to the minority family.

The purchaser, the investigators have found, is often persuaded to buy despite the fact that he cannot afford the house. When it turns out that he indeed cannot afford to keep the house, there is a foreclosure. The F.H.A. is responsible for the large mortgage balance. The same or another speculator then buys the house cheap and sells it again at an inflated price, again with an F.H.A. mortgage, to still another low-income victim who also gets foreclosed.

At each turnover of the house, the purchaser loses his down-payment and probably any faith he had in the white Establishment, says Patrick Cea, associate counsel in the office of Secretary of State John P. Lomenzo.

Mr. Cea has held numerous hearings at which details of the aforementioned cycle were described, and victims testified that the speculator supplied fraudulent credit ratings, employment records income verifications and other records to obtain F.H.A approval of the mortgages.

In one case, Mr. Cea said, the speculator supplied a "wife to sign the deed after the bona fide wife refused to."

As the result of the hearings, state-issued real estate licenses have been revoked.

"But that's the limit of our authority," Mr. Cea said. "On the way out of my office they can start selling all over again—as individuals."

Because Federal funds are involved, Secretary of State Lomenzo has referred his cases most of which occurred in Brooklyn, to United States Attorney Robert A. Morse, whose Eastern District includes Brooklyn.

United States Attorney Whitney North Seymour Jr. of the Southern District, is investigating alleged misuse of Federal housing funds in Manhattan.

WHOLE SECTIONS RUINED

Whole sections of Brooklyn and the Bronx—part of the East New York and Brownsville neighborhoods of Brooklyn and of the South Bronx, for example, have been devastated as the result of these F.H.A.-financed activities.

When the houses reach the point of no resale, they remain in the hands of F.H.A., which cannot resell them unless it uses government money to rehabilitate the houses.

In some cases, the F.H.A. has done this and sold the houses to the City Public Housing Authority. In most cases, however, the crumbling houses—or the lots on which they stood, are marks of blight.

In areas which have been designated for urban renewal or intensive code-enforcement programs, yet another Federal program designed to help low-income families solve their housing problems is under investigation.

This is the so-called 312 program provided Federal loans at 3 per cent interest for up to 20 years with a $17,000 a house limit for rehabilitation of owner-occupied one-to-four-family houses.

The city H.D.A. acts as a conduit for these loans, some of which are handled by the same department that administered the scandal-ridden Municipal Loan Program. District Attorney Hogan, who obtained several indictments in connection with the Municipal Loan Program, is also investigating the local handling of loans under the 312 program.

One hundred and fifty-four such loans, totaling approximately $3.3-million have been approved in the city since the 312 program began in 1964.

To be really successful, the misuse of

Federal funds earmarked for programs to help families of low income requires the collaboration of government employes. Investigators have found evidence of such help among employes of both the city and Federal governments, and are presenting it to grand juries.

Senator Philip A. Hart, Democrat of Michigan, who has held hearings on similar patterns of housing fraud and corruption in other cities will hold two hearings on the subject here in May, with more hearings set for later in Washington.

"Although New York doesn't yet show up on the charts as having a serious foreclosure problem, evidence indicates that it soon will—and may rank well above the national average," Senator Hart said, when he announced the New York hearings.

Senator Hart is chairman of the Antitrust and Monopoly Subcommittee of the Senate Judiciary Committee.

"The subcommittee began the New York investigation about five months ago," the Senator said, "after requests from city and state officials that we do so." He declined to identify the sources of the requests.

He said the requests followed hearings in Boston that established that "an apparently noble idea—to provide housing for about 1,800 families with F.H.A.-insured mortgages resulted in an extension of the ghetto and great unrest in the communities."

The Senator said that "As an antitrust subcommittee, we are interested in what competitive forces work in the money market which induce mortgage companies to make bad loans."

Initially, Senator Hart said, the subcommittee will examine problems associated with the sale of one- to four-family homes in Bronx, Brooklyn and Queens underwritten by F.H.A. or guaranteed by the Veterans Administration. Later he said, attention will turn to multi-family dwellings financed with conventional loans, and to conversion of apartments to cooperatives.

The subcommittee's investigation has shown that "dramatic" racial changes in Brooklyn have resulted from "the great number of sales" underwritten by F.H.A. or guaranteed by V.A.

"Between 1960 and 1970, Brooklyn lost 740,000 whites, and gained 285,000 blacks and 220 Puerto Ricans" who seem to be "the victims of a plan which was designed originally to improve their lot in life," Senator Hart said.

IMPORTATION OF CHROME ORE FROM RHODESIA

Mr. BYRD of Virginia. Mr. President, how much time have I remaining?

The ACTING PRESIDENT pro tempore. The Senator from Virginia has 8 minutes remaining.

Mr. BYRD of Virginia. Mr. President, on Monday, March 20, dockworkers at Burnside, La., unloaded 25,000 tons of Rhodesian chrome ore. That is the first time since 1966—almost 6 years ago—that the United States has been permitted to trade with Rhodesia.

In 1966, the United Nations, and subsequently President Johnson by unilateral action, placed an embargo on trade with Rhodesia. As a result of that embargo, the United States became dependent on Communist Russia for 60 percent of its chrome requirements.

The bulk of the world's chrome comes from Rhodesia, and when that source was cut off to the United States, the United States then had to go elsewhere. As I mentioned, we then became dependent on the Soviet Union for this strategic material.

Chrome is a vital and essential ingredient in many national defense items. It is necessary for use in all stainless steel products. It is necessary to use chrome in the production of jet aircraft, submarines, and many other defense elements.

Last November, Congress passed legislation which provided that so long as the United States imported strategic material from a Communist country, the importation of the same material from non-Communist countries could not be prohibited by Executive order of the President.

That legislation passed the Senate, it was approved by the House of Representatives by a vote of 251 to 100, and it was signed into law by the President of the United States.

I think that is a very important, necessary, and desirable piece of legislation, because it has ended U.S. dependence on Communist Russia for a vital defense material.

When I presented the legislation, Mr. President, I did so because it seemed to me that it is very illogical for the United States to be appropriating $80 billion for defense requirements and at the same time to be dependent upon Communist Russia for a vital defense material. Congress concurred in that view, and the legislation was enacted.

Of course, there are those in opposition who say that this supersedes and sets aside a mandate of the United Nation, it does. Yes, it does. But as U.S. Ambassador Christopher H. Phillips stated, even while the United States was complying fully with the sanctions against trade with Rhodesia, Rhodesia, according to Mr. Phillips, had been able to increase its exports of strategic commodities, such exports being as high or higher than in 1965.

"Somebody bought those goods," Phillips said. "Somebody has been buying them each year since the sanctions went into effect." Of course they have. Ambassador Phillips is the second ranking member of the American delegation, and he says at least nine nations with delegations on the Security Council, including most of the permanent members, had been accused of violating the sanctions.

Mr. President, many of the members of the United Nations were violating the sanctions, as Ambassador Phillips pointed out.

But whether they were or whether they were not, the United States, in my judgment, took the right action.

Congress took the right action in saying that so far as this strategic material is concerned, the United States will no longer be dependent on Communist Russia, but we will purchase that material from Rhodesia even though it is in contradiction to the sanctions put on by the Security Council.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Connecticut (Mr. WEICKER) is recognized for not to exceed 15 minutes.

JUDICIAL FREEDOM AND MEANINGFUL NATIONAL COMMITMENT

Mr. WEICKER. Mr. President, the President of the United States has requested of the Congress certain legislation that is intended to:

First, give direction to the courts of this Nation on the matter of busing; and

Second, provide a program of educational funding that would assure equal educational opportunity for all our children.

In sending such programs to the Congress, the President has left an impression with the American people that busing can be halted by simply saying so to the courts, and that equal educational opportunity can be attained at minimal national inconvenience and out of pocket expense.

To all of which I respond, "In no way."

First, let me state now, as I have in the past, my personal disbelief in busing as a means of achieving equality of educational opportunity.

Second, I am as proud of the solid overall achievements in minority rights under Richard Nixon as I am angry with the political exercise of March 16, sometimes called the President's program on busing.

Our areas of disagreement are twofold:

First, constitutional;

Second, achieving equality of educational opportunity for $2.5 billion.

On October 21, 1971, the President addressed the Nation over television. That address announced his nominations of Lewis Powell and William Rehnquist to the Supreme Court. In the course of that speech, President Nixon stated:

> Let me add a final word tonight with regard to a subject that is very close to my heart because of my legal background, and because of years of study of the American system of government. I have noted with great distress a growing tendency in the country to criticize the Supreme Court as an institution. Now, let us all recognize that every individual has a right to disagree with decisions of a court. But after those decisions are handed down, it is our obligation to obey the law, whether we like it or not and it is our duty as citizens to respect the institution of the Supreme Court of the United States.
>
> We have had many historic, and even sometimes violent debates throughout our history about the role of the Supreme Court in our Government. But let us never forget that respect for the Court, as the final interpreter of the law, is indispensable if America is to remain a free society.

Those words accurately describe my feelings as to the role of the Judiciary in our Government. To be true to those words means rejecting the judicial interference advocated in the Student Transportation Moratorium Act of 1972 and the Equal Educational Opportunities Act of 1972. Why?

Because when our Founding Fathers set up the rules for building a nation they gave each branch of Government one swing at each pitch.

Referring again to the Powell-Rehnquist speech of October 21, the President stated:

> You will recall, I am sure, that during my campaign for the Presidency, I pledged to nominate to the Supreme Court individuals who shared my judicial philosophy, which is basically a conservative philosophy.

This the President has had unprecedented opportunity to do during his first term in office. Not only at the level of the Supreme Court but throughout the Federal judicial system. Since January of 1969 he has appointed four new Justices to the Supreme Court and 161 justices to the lower Federal courts. These figures represent an almost one-third turnover in the space of 3 years.

Certainly then, the ingredient of conservatism has been added to the Federal court system—a conservatism that most would agree was long overdue. But that was and is the President's swing at the pitch.

Referring again to the speech of October 21, which so magnificently set forth the philosophy of the founders of this country, the President said:

> By "judicial philosophy" I do not mean agreeing with the President on every issue. It would be a total repudiation of our constitutional system if Judges on the Supreme Court, or any other Federal court, for that matter, were like puppets on a string pulled by the President who appointed them.
>
> When I appointed Chief Justice Burger, I told him that from the day he was confirmed by the Senate, he could expect that I would never talk to him about a case that was before the Court.

May I suggest that because the talks to the judiciary are over television, as in the cases of Lieutenant Calley and busing, they are no less demeaning or suspect than if they were held one on one behind closed doors.

The function of Congress should not be to collaborate in such talks but to see to the business of legislative rather than judicial or executive solutions of America's problems. The courts, except as to number, type, and the character of the men who sit on them, are not our business. America is.

The time has come for each American to believe that the Federal courts exist for him as much as for the other fellow. Certainly each of us, at one time or the other, has felt left out because of a particular court decision. But the fact remains that the judiciary has played an important role in making this the Nation it was dreamt to be.

I think history shows that majorities have prospered in this country. But, it is what America has done for its minorities that gives meaning to the word "greatest," as in "the greatest Nation on earth."

"Majority and minority" does not mean white or black. It means the workingman; it means the diseased; it means the elderly; it means the uneducated. All of these were—and some still are—minorities in a rights or compassion sense. And since politicians, Presidents and Senators, are elected by majorities, logically the judiciary has drawn down the duty of being a voice for minorities.

Majority or minority aside, one thing I do know is that when the day comes that it is my ox that is being gored, I hope to God there is a court system in this land whose concern is me and principle rather than the President and the tempers of the times.

One comment in passing as to the constitutional amendment route. The reason I reject that as a way of handling the busing question has nothing to do with how long it would take, but has a great deal to do with its cheapening of the Constitution. The Constitution of the United States is a document for all generations, not just for the class of 1972. The last time we used it as a vehicle for handling a national craze, we invoked prohibition on January 16, 1920, only to repeal it on December 5, 1933. Such in and out legislating eventually would render the Constitution worthless.

In closing my arguments against what I believe to be the unconstitutional aspects of the two acts, I would like to address a few comments to my own State of Connecticut.

I would like each parent who has a child that is being bused in Connecticut under a Federal court order to stand up. The fact is that no such situations exist in our State. Whatever busing exists is strictly on a local, voluntary basis. The present status of litigation is two law suits. One is in the city of Waterbury relative to segregation, which law suit has been brought by the Justice Department. The Justice Department is not the Supreme Court, it is the Nixon administration.

The second is in the city of Hartford, again relative to segregation practices, by private individuals. There has been no trial at the lowest level, much less a court order.

Might I suggest to the people of Connecticut that instead of giving gratuitous encouragement to efforts intended to slow down the breaking up of de jure segregation—that is separate but equal—we utilize the time to take care of any de facto situations in our State, so that neither Congress nor the courts will legislate a solution for a problem that, if handled imaginatively now, can be handled voluntarily without busing.

In conclusion, certainly insofar as a Connecticut resident is concerned, he is getting nothing for giving up some of his constitutional rights. Our history is that we sold wooden nutmegs, we did not buy them.

With respect to the question of the Equal Educational Opportunities Act of 1972, my disagreement here lies not with the principle but with the substance of what has been proposed.

The impression has been left with the people of my State that this is a new program with new funding to build new schools. In fact, what has been proposed is already an ongoing program. No new money has been recommended. And no new concepts such as linking schools and home together have been proposed. It is like having your Christmas gifts given back to you as birthday presents.

I think it important to point to this shifting around of existing funds because many people have written me giving as their reason for support of the President's program their belief that the stated $2.5 billion makes them quits of what they recognize to be a valid national obligation of supplying quality education for all children. Unfortunately, catchup equality does not come that cheap. If the right and proper thing were to be done for America's disadvantaged, it would cost us not $2.5 billion in old funds but $12 billion per year in new funds. I base this figure on an estimated per pupil cost of $1,200 per year for a quality education. At the present time we are spending slightly over $900 per pupil. As there are 46 million children of elementary and secondary school age, this would mean the spending of an additional $300 per pupil or the spending of the aforementioned $12 billion.

Many persons believe, this Senator included, that fully an equal amount of money would have to be spent on housing in conjunction with education in order to achieve practical equality of opportunity. But so as not to drive away the remainder of those who came expecting a free show, I will stick to the $12 billion tab.

What it all adds up to in this area is that honesty nowadays seems to be the worst political policy. As clearly set forth in the Newsweek poll of February 25, 1972, Americans indicated their being equally opposed to busing and to segregated schools. It then follows, if busing is going to be rejected, that we have the job as the President has indicated of providing equality of educational opportunity for all Americans. I just think the American people have a right to know what that providing is going to cost and to be assured that it is going to do the job as advertised.

Having disagreed, I would like to state my alternatives to the President's proposals. I have a deep belief in the sanctity of our courts. Under no circumstance would I see that sanctity violated even in the smallest way for the shortest period of time.

In years past, many availed themselves of the right of unlimited debate on the Senate floor to slow the process of desegregation in this Nation. Should the occasion arise, I would hope my colleagues would avail themselves of the same right to slow the reintroduction of the separate but equal philosophy into the enactments of this body. What I am saying is that for those who think we are going to get the hot busing issue over the election year hump by a little moratorium on the courts, I suspect they are going to see the Senator from Connecticut and others still arguing the propriety of such a method right up to election day. And during that period of time the courts of the United States will continue to operate without Presidential or congressional back-seat driving.

As to assuring that we do have equality of educational opportunity, shortly after the Easter recess I will introduce legislation calling for an immediate and temporary 10-percent surcharge on all personal and corporate income taxes. The income thus generated would amount to approximately $12 billion a year and would be earmarked specifically for educational and housing programs aimed at the creation of equality of life opportunity.

That is it. Judicial freedom and meaningful national commitment. A judicial spur in the legislative and Presidential hide cannot hurt this country. The more we really want equality of opportunity the less the possibility of busing or any other contrived solution.

What we cannot have is liberty and justice for all with our prejudices and wallets intact.

To say otherwise is a commitment to mediocrity. I think that Connecticut and America still enjoy the harder challenge of excellence.

Mr. RIBICOFF. Mr. President, I wish to commend my colleague, the junior Senator from Connecticut, for his courageous speech this morning, which I have read with care and interest.

These are difficult times in this Nation, and I am pleased to see him stand up against the rush toward panic on the question of school integration.

Unfortunately, rather than exercising leadership to bring this country together, too many politicians of both parties are at the head of the parade leading back toward separate and ultimately unequal schools for minorities.

This is an issue that transcends party lines, and I am proud to stand here this morning with my colleague from Connecticut, Senator WEICKER, who is trying to bring some sense to this entire discussion.

Mr. WEICKER. I thank my distinguished colleague very much for his gracious comments.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois (Mr. STEVENSON) is recognized for not to exceed 15 minutes.

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

Mr. STEVENSON. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the agreement that the Senate begin debate on the naval vessel loan at 10 a.m. be negated temporarily, so that the distinguished Senator may have his full 15 minutes.

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

THE JUSTICE DEPARTMENT

Mr. STEVENSON. Mr. President, during my brief tenure in the Senate, some of my hardest decisions have required a balancing of the President's right to choose men for high office and the Senate's responsibility to advise and consent. I have recognized the presidential prerogative to choose those of his own persuasion if they be persons of intellect and integrity. On occasion, the process of decision has been long and arduous. The basis of decision has been obscured by the emotions of conflict. The nomination of Justice Rehnquist was such an occasion.

I consented to that appointment. I had no doubt about the character, the intellect, the integrity and professional ability of Mr. Rehnquist. I have such doubts about Mr. Kleindienst, the President's nominee for Attorney General. The Attorney General is the chief law enforcement officer of the United States. In the pledge of allegiance, schoolchildren, and all of us, reaffirm our dedication to justice in this Nation. And in large measure the responsibility for justice reposes in the Attorney General.

Justice has been symbolized as blind dispassion. That has not been the public's understanding of the Justice Department in recent years. We have had, an Attorney General between tours of duty as a campaign manager, and unable to forget either his past or future political responsibilities. We have had the image of a Justice Department functioning as an arm of a political presidency. Mr. Kleindienst, as Deputy Attorney General, has been an enthusiastic participant in that concept of justice.

I do not know the whole truth about the ITT settlement.

I do know that angry charges and countercharges of lying are an inauspicious beginning as the chief law enforcement officer of the Nation.

I do know as well that this administration has lost sight of the only acceptable standard against which to measure any public official, let alone the Nation's chief law enforcement officer.

The appearance of misconduct can erode public confidence as effectively as misconduct itself. I do not believe it is too much to demand that our public officials be free of even the appearance of impropriety. It is a harsh standard. At times it will work unfairly—but we accept any lower standard at the risk of undermining the very foundation of our self-governing society.

The Judiciary Committee's inquiry into the fitness of Mr. Kleindienst to be our attorney general—or, more precisely, its inquiry into the tangled dealings between various Republican figures and the executives of ITT—has placed the Justice Department under a cloud of suspicion and mistrust.

Why did ITT promise to help finance the Republican National Convention? Was the promise simply a disinterested, public-spirited gesture? Or did ITT hope to gain something from it—specifically, a favorable settlement in antitrust proceedings?

Did the Republican administration in Washington know what was going on—and did it, in fact, cooperate in the deal?

These are serious questions.

Because the hearings are unfinished, it would be premature to make a judgment on these questions now.

But there are some things that need to be said now. This episode in Washington is one that concerns not only the integrity of Mr. Kleindienst and Mr. Mitchell and Mr. Nixon, but the faith of every American in the system under which we live.

There is as yet no conclusive proof that ITT and the administration conspired to obstruct enforcement of the law. But if the word "impropriety" has any meaning, an impropriety has been committed.

No one has denied that ITT—whose case was under consideration by the Justice Department—made a substantial contribution to underwrite the Republication National Convention.

Spokesmen for the administration have given no sign that they find anything questionable about such a transaction.

But it is questionable. One newspaper put it this way:

> There is the larger question * * * of how one of the world's greatest corporations could think it proper or publicly acceptable, while its fate was in the hands of a Republican administration's antitrust department, for it to be secretly arranging to underwrite a large part of the Republican party convention. There is the other side of that question, which is how a responsible government, or political party, could find no impropriety * * *

It may be that there was no cynical deal between high officials of the Justice Department and those of ITT; certainly it is not likely that such a deal can be conclusively proved. The administration may be guilty of no more than insensitivity to the question of propriety.

Can anyone believe that ITT made its contribution without some hope of gain? Why else did its Washington lobbyist go to California to help arrange ITT's gift to the convention committee?

And why did the administration—at whatever time it learned of this questionable gesture—not see that it was questionable? Why? Because our highest leaders are insensitive to the moral issue and unaware of the high standard which must govern the conduct and the appointment of public officials. This is only one more depressing piece of evidence of that insensitivity.

It is not the first involving ITT. Three years ago Mr. McLaren, Chief of the Antitrust Division, sought to block ITT's acquisition of the Canteen Corp. Mr. Mitchell disqualified himself because his and Mr. Nixon's former law firm had represented an ITT subsidiary. Mr. Kleindienst took over. Mr. McLaren recommended that the Justice Department seek to enjoin the merger, but Mr. Kleindienst delayed action on Mr. McLaren's recommendation until it was too late to seek the injunction.

Other large companies with connections in the administration have fared equally well—or better. Elmer Bobst is a confidante, contributor, and crony of Mr. Nixon. He is also honorary chairman of Warner-Lambert which, like the ITT subsidiary, retains the former law firm of Mr. Nixon and Mr. Mitchell. As in the ITT-Canteen case, Mr. McLaren sought again to enjoin a merger—this time a merger between Warner-Lambert and Parke-Davis. Again Mr. Mitchell disqualified himself. Again Mr. Kleindienst took over. He talked to attorneys and representatives of Parke-Davis and Warner-Lambert. He says a Parke-Davis representative told him:

> That if this merger did not come about, Parke-Davis was going to get out of the research business.

Parke-Davis denies it told him any such thing. Mr. Bobst admits that he lobbied the White House. As in the ITT-Canteen case, Mr. McLaren's original recommendation was rejected. No injunction was sought, and the merger went through.

It seems at this point that corporations with known financial connections to Mr. Nixon and Mr. Mitchell manage to resolve their antitrust difficulties out of court and in the shadows.

Mr. McLaren is a man of undoubted integrity and ability. He undoubtedly did his best to enforce the law—and that may explain his hasty departure from the Justice Department.

His nomination to the Federal district court was received unexpectedly in the

Senate on December 2. On that same day my consent to the nomination was obtained. The Senate Judiciary Committee gave it favorable consideration and the Senate confirmed—all within less than 24 hours.

I was told at the time that the district court in Chicago faced a backlog of cases—and that Judge Hoffman was requesting immediate senior—or part-time—status. The Congress, I was told would soon recess for Christmas, and so immediate action on the nomination was necessary. I now find there there was no backlog of cases and that Judge Hoffman did not want immediate senior status. I still do not know the real reason for Mr. McLaren's hasty departure from the Justice Department.

It is not only the antitrust division which is under suspicion. The chief of the criminal division departed in some haste, too—but for different reasons. His connections with the financial machinations of Texas politicians and others was revealed.

And powerful corporations are not alone in finding favor at the Justice Department.

The current issue of Life magazine charges that another Nixon benefactor and crony, C. Arnholt Smith, has enjoyed immunity from the law. Investigations of unlawful contributions to Mr. Nixon by or through companies controlled by Mr. Smith were reportedly squelched by the U.S. attorney in San Diego. That U.S. attorney, Mr. Harry Steward, was recommended by Mr. Smith for appointment and subsequently was exonerated for his role in this case by Mr. Kleindienst. It is said that Mr. Smith's companies channeled money illegally to Mr. Nixon's 1968 campaign through an advertising agency. This was done, it is charged, with impunity—and with some thanks to Mr. Kleindienst.

The benefactors of Republican politicians in Illinois have been recipients of similar favors from the Justice Department. We have a case involving an advertising agency with close ties to prominent Republican officials, which described its scheme in a letter dated February 10, 1964, as follows:

> If you have any contributors who would prefer to be billed by our firm in order to write it off as a business expense, please let me know and we will take care of the matter. We will send a duplicate of the invoice to you, and credit the—blank—campaign with that amount when it is paid.

In 1968 the Internal Revenue Service launched a tax fraud investigation of the advertising agency.

The case was referred to the U.S. Justice Department for prosecution of at least two offenders in June, 1969. It was still sitting in the Justice Department in March, 1970, when the Internal Revenue Service in Chicago sent an 11-page letter to the assistant attorney general in charge of the tax division asking for authorization of a grand jury investigation in Chicago.

There was no reply to the IRS letter of March 1970, until June 1970, shortly after the resignation of Thomas A. Foran, a Democrat, who was U.S. Attorney in Chicago at the time. The reply directed the IRS to drop the case.

Mr. Foran is a man of the highest integrity, but under the Federal Code of Regulations the former U.S. Attorney cannot testify regarding the facts in this matter unless permitted or authorized to do so by the Attorney General of the United States.

Details of this case were reported in an article in the Chicago Sun-Times on November 3, 1970, and I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STEVENSON. Mr. President, I would urge the Judiciary Committee to investigate this case.

One might ask at this point—are all of these charges unfair, based only upon rumor? The answer is that conclusive proof so far is lacking. But the evidence to date indicates to me that only the tip of the iceberg is showing. However you look at it, the appearance of gross impropriety in the Justice Department is there. And it eats like acid at our faith in the impartiality of our judicial process. What is left to protect us? Who prosecutes the prosecutor? How can we "revere" the law, as Lincoln exhorted us—when the law is there, or so it seems, to be enforced against the many, but not the few? Who, the people must ask, is this Government of, for and by—Republican campaign contributors?

After the 1968 elections, Mr. Kleindienst held a conversation with a Mr. Carson, who had helped raise funds and campaigned for Mr. Nixon. Mr. Carson said he had a friend of substantial means who was under indictment and would like to make a campaign contribution to Mr. Nixon of between $50,000 and $100,000. That was after the campaign was over. Mr. Kleindienst said to Mr. Carson he could do nothing for the indicted friend. But he did not report the offer until after he learned the FBI was investigating. He was unable—or unwilling then—and apparently still is—to perceive that offer for what it was—a bribe. And now the man who cannot tell a bribe when offered is proposed for chief law enforcement officer of the United States.

What are we to think?

At a neighborhood party, an official of ITT finds it easy to arrange a meeting between Mr. Kleindienst and a spokesman for the giant corporation.

What about the others in our society—the people who literally and figuratively are not invited to the party?

The executives and lobbyists of ITT encountered no obstacles when they sought access in the corridors of power. Mr. Peter Flanigan, one of the President's assistants, has become known as an "ambassador to big business." But who speaks for the people? If such a man exists, he is not yet so famous, perhaps because his achievements are less apparent.

I believe the Justice Department should be free of partisanship and speak for all the people. I fear it is becoming a fund-raising branch of Republican campaign headquarters.

Even before the election of 1968, Mr. Nixon had made the Justice Department a partisan political issue. After his election he installed his chief political operatives as the chief officials of the Justice Department. I do not claim the Democrats in the past have been free of all guilt. But I do believe that the past is no excuse for the present. And I cannot remember such a politicized Justice Department. These men do not deny their political role. They speak at partisan gatherings. They advise the President on partisan matters. Their statements on the nonpartisan issue of crime and violence are partisan. Even the FBI crime statistics are interpreted for partisan purposes.

With such a background, it is little wonder that many citizens are now inclined to believe allegations of money changing in the temple of justice. Perhaps if Mr. Mitchell and Mr. Kleindienst had been less aggressively partisan in the past, their denials would not be so widely doubted. But the matter goes deeper. If the Department of Justice is deeply tainted with the stain of partisan politics, the faith of the people in the processes of justice will be deeply shaken. And when the people do not believe in the legitimacy of their institutions, they will not accept the authority of those instiutions. What is at issue is not a matter of partisan advantage in one administration or another. The issue is whether, ultimately, our leaders will be able to lead, and our Government able to govern; whether the people believe those whom they elect.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period of not to exceed 10 minutes for the conduct of morning business with a 3-minute limitation thereon.

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

Mr. MANSFIELD. Mr. President, I yield my 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for an additional 3 minutes.

THE JUSTICE DEPARTMENT

Mr. STEVENSON. Mr. President, last week one of the President's appointees to the Justice Department, Mr. Robert Mardian, an assistant attorney general, was reported to have complained about radicals and dissenters in government. The Wall Street Journal published this account of Mr. Mardian's complaint:

> Not only are "revolutionary terrorists" finding it easier to infiltrate the bureaucracy . . . but "we're getting more people in government who feel they should be ruled by a sense of conscience" rather than what the bureaucracy expects of them.

For my own part, I would prefer, and I believe the American people would prefer, that our public servants be guided by conscience. It would be best if conscience and obedience to bureaucratic expectations could coincide. It has been possible in the past—it could be again.

These are difficult days for men of

conscience. These are days of fat political contributions and careless ethics. But before we carve Mr. Mardian's complaint above the portals of the Department of Justice, we should remember another quotation:

When a man assumes a public trust, he should consider himself a public property.

That was Thomas Jefferson. What he said was true then and is today.

With the records of the Washington office of ITT shredded, and activities at the Justice Department and the White House shrouded in secrecy, it will be difficult to ascertain the whole truth in the matters now under investigation. But suspicion will persist and the erosion of public confidence in our public institutions will continue unless the doubts that now exist are dispelled.

The President can spare further embarrassment—not only to his administration, but to all of our institutions of self-government—by withdrawing the nomination of Mr. Kleindienst. I urge him to do so.

Failing that, I urge the Judiciary Committee to broaden its inquiry into these matters. If the President declines to withdraw the nomination of Mr. Kleindienst, I would hope that he will permit Mr. Flanigan to testify before the committee, and that Mr. Steward and Mr. Foran be permitted to answer questions that have been raised concerning the Justice Department's alleged role in blocking the prosecution of cases in California and Illinois.

No citizen who cares deeply about his country and the integrity of its institutions can really hope that these charges are true. But we do not know the truth. The charges and suspicions cannot be swept under the rug by the administration or by the Senate without substantiating public fears that the concept of equal justice has been corrupted by the Justice Department's willingness to recognize that some men and some corporations are more equal than others. I do not believe that we of the Senate can perform our constitutional duty to grant or withhold our "consent" to the nomination of Mr. Kleindienst until we do know the truth. And I for one will not vote to confirm his nomination until the doubts about his character and fitness are dispelled. They can only be dispelled—or substantiated—by a thoroughgoing investigation. I urge the Judiciary Committee to conduct such an investigation, if Mr. Nixon refuses to withdraw the nomination of Richard Kleindienst for Attorney General.

EXHIBIT 1

[From the Chicago Sun-Times, Nov. 3, 1970]

GOP AD AGENCY PROBE SOUGHT BY IRS

(By Ray Brennan and Max Sonderby)

An Internal Revenue Service attorney recommended last March that a federal grand jury investigate the income tax affairs of a Chicago advertising agency that has handled campaign work for Republican political candidates, the Sun-Times learned Monday.

The agency is James & Thomas Inc., 233 E. Erie, of which Thomas J. Drennan, political strategist for Gov. Ogilvie, was a partner, vice president and director until last March 30. In the IRS recommendation, no reference was made to Drennan except as a 50 per cent owner of the agency.

The request for a grand jury inquiry was made March 17 in an 11-page letter over the signature of Chicago IRS regional counsel Frank Conley to Johnnie M. Walters, an assistant attorney general in Washington, in charge of the tax division.

The letter raised the possibility of criminal indictment in connection with purported contributions to Republican campaigns by two Chicago area firms through the James & Thomas agency.

On June 30, about 3½ months after mailing of the 11-page letter, Vincent Russo, a veteran assistant attorney general in Washington, turned down the grand jury recommendation.

Russo said he did not believe a successful prosecution could be managed on the evidence outlined in the recommendation, and pointed out that the amounts of money involved were not large. Russo gave his decision in a letter to the IRS in Chicago.

Two federal officials in Chicago confirmed to the Sun-Times that the March 17 letter was sent to Walters, that it proposed a grand jury inquiry and that this newspaper's information as to the contents was correct.

They also confirmed that the turn-down letter was sent to the Chicago-IRS by Russo.

The recommendation letter to Walters stated that certain witnesses had refused to answer questions asked by IRS agents in Chicago and that they might be persuaded to testify if placed under oath before a grand jury.

One of the reluctant witnesses was named in the letter as F. Thomas Bertsche, president of James & Thomas, which until recently was located at 200 E. Ohio.

The letter suggested that a grand jury investigation might produce evidence that could lead to prosecution of Bertsche, although the evidence was lacking at that time. The letter continued:

"It is suggested that the indictment (of Bertsche) be returned before April 25, 1971, six years after the first false invoice was supplied by James & Thomas. . . ."

COMPANIES NAMED IN LETTER

The two Chicago area business firms named in the letter are the Flick-Reedy Corp., a major manufacturing concern in northwest suburban Bensenville and Schiller & Frank, architects at 23 E. Jackson.

The IRS investigation in Chicago involved an income tax practice long employed in handling campaign contributions from business firms to political candidates in Chicago, Cook County and Illinois. Such contributions are not tax-deductible under IRS regulations and political contributions by corporations are in general illegal.

Using the technique—frowned on by IRS as illegal—Mr. A, an advertising man, goes to Mr. B, a businessman, and suggests that he make a contribution to Mr. C, a candidate. As an incentive, Mr. A tells Mr. B in effect:

"I will send your firm an invoice (billing) for advertising. You pay the amount of the bill and I will send the amount to Mr. C for his campaign. You can then charge off the amount on your firm's tax return as a business expense."

"BUSINESS EXPENSE" CONTRIBUTIONS

In referring to possible prosecution, the March 17 letter stated:

"The apparent fraud on the revenue (income taxes) was accomplished by F. Thomas Bertsche's acts as the sole executive officer of James & Thomas of tendering false invoices which disguised political contributions as business expenses. . . ."

The purportedly false invoices were rendered, according to the letter, "in order to facilitate tax deductions of $2,000 by Schiller & Frank on its partnership returns for 1965 and $2,600 by Flick-Reedy Corp. on its income tax returns for the fiscal year ended June 30, 1965."

Conley wrote in the letter that documentary evidence was lacking to show that the two business firms did, in fact, deduct the payments on their taxes. The letter added:

"However, with respect to each return, oral admissions were made by the officers of the respective entities (firms) that the payments were deducted."

Officials of Schiller & Frank refused to submit their books and records to IRS agents for examination, the March 17 letter stated, adding:

"Similarly, the books and records of Flick-Reedy Corp. were not examined because, although it was a corporation, both Frank Flick and Arthur Conrad refused to testify (answer questions of IRS agents)."

Conley went on to quote Donald Schiller of Schiller & Frank as stating that he signed a $2,000 check made payable to James & Thomas, Conley added:

"Schiller has stated that he believes the $2,000 was entered on the partnership records as a promotion expense . . . His explanation of this payment to the development of a brochure is demonstrably false.

VIEWS EVIDENCE AS SUFFICIENT

"Lastly, Schiller signed the partnership (income tax) return for 1965."

Conley, then wrote that the present evidence was sufficient to support an indictment on a prima facie case against Schiller for violation of the U.S. Code 26–7206 (signing of a false income tax return).

In recommending possible prosecution, the March 17 letter further stated that the evidence also supported a conspiracy count against Schiller in conjunction with Bertsche and James & Thomas Inc.

As for a grand jury investigation, Conley pointed out to Walters in the letter:

"Primarily, through the records of James & Thomas Inc., the evidence will show that the payments made to it by Schiller & Frank and by a Flick-Reedy Corp. were indirect political campaign contributions. . . .

"In our view (the view of Chicago IRS agents), the facts involved in the instant (James & Thomas) case depict an aggravated situation which warrants the institution of recommended (grand jury) proceedings."

OFFER TO FUNDRAISERS

Conley went on to quote a letter dated Feb. 10, 1964 by Bertsche to an Illinois campaign fund-raising organization:

"If you have any contributors who would prefer to be billed by our firm in order to write it off as a business expense, please let me know and we will take care of the matter.

"We will send a duplicate of the invoice to you and credit the . . . campaign with that amount when it is paid."

When asked for comment Monday night, Bertsche referred all questions to a law firm of Schippers, Betar, Lamendella & O'Brien.

David S. Schippers, a former assistant U.S. attorney in Chicago and a member of the law firm, confirmed that he had conferred with Russo in Washington and that Russo had turned down the grand jury recommendation by Conley.

Schippers said that the recommendation has been resubmitted since Russo's original refusal. Conley proposed in the March 17 letter that Bertsche and certain other persons be prosecuted for conspiracy.

CONCEDES IRS QUESTIONING

Donald Schiller, 2730 Ridge, Highland Park, partner in Schiller & Frank, conceded to the Sun-Times that he was questioned by IRS agents about the advertising agency matter. As for statements in the Conley letter, Schiller said: "They (the IRS agents) are entitled to their belief."

Frank Flick, 1815 Merry, Oak Brook, president of Flick-Reedy, could not be reached for comment.

Drennan, when reached at his home, said he had no comment. However, he pointed out a number of times previously that he never had a part in management of James & Thomas and that he now has no connection with the agency.

Conley's recommendation in no way concerned Drennan's publicity firm, Chicago Public Relations Associates, 77 W. Washington, thus giving the firm a clean bill of health in the matter.

SUMMATION BY CONLEY

The Sun-Times disclosed on June 15, 1969 that James & Thomas was under income tax investigation concerning campaign contribution matters. The IRS inquiry began in 1968 and went back to 1963 political contributions.

In summing up the case Conley wrote that the scheme detailed in the letter of Feb. 10 (Bertsche's letter) was actually implemented.

He said that the Chicago IRS was satisfied that the documentary evidence established the political purpose of the payment to James & Thomas Inc. by Schiller & Frank and Flick-Reedy Corp.

He said that the officers of the contributors had steadfastly maintained that the disbursements were not political, but rather for services rendered to them by James & Thomas Inc.

However, Conley reported, the company officers refused to make statements to that effect under oath.

CITES INFORMATION FROM AGENCY

As documentary evidence in the case, Conley's letter cited information obtained from the James & Thomas books and records, which were obtained and examined by the Chicago IRS on a U.S. District Court order.

Conley wrote of the agency's records:

"These clearly show that the payments were made following the issuance of false invoices and the checks were credited to outstanding and long overdue accounts of campaign committees.

"Further, the job cost records of James & Thomas Inc. reflect the fact that it (the agency) incurred no cost whatsoever nor did it perform any services for the payors in question. We are talking about Flick-Reedy and about Schiller & Frank.

"Lastly, the job numbers assigned to the contributors were the same numbers previously given to the political accounts in question."

Conley referred to the $2,000 paid to the agency by Schiller & Frank, stating that the agency job number was 1,211 and that the billing was for "design and development of four-page, four-color brochure."

The same job number previously has been assigned to work done for a political campaign and represented payment for rental of billboard space, Conley noted. Conley added:

"As for the Flick-Reedy transaction, documentary evidence again points rather clearly to an indirect political contribution having been made and deducted (for income tax purposes) by the corporation."

Mr. GURNEY. Mr. President, I regret I did not come into the Chamber earlier to be able to hear all of the statement of the distinguished junior Senator from Illinois. I did come in and listen to the last minute or two. I gather that the import of the statement, at least that portion I heard, was that there was some doubt in the Senator's mind that the investigation was not being fairly and thoroughly conducted.

The senior Senator from Florida is a member of the Committee on the Judiciary and I have attended every day of hearings we have had so far in the renewed hearings on the confirmation of Mr. Kleindienst. I have not been there every hour of the hearings. One of the reasons I have not been there for every hour of the hearings is that the Democratic members on the committee are stalling and prolonging the hearings by asking questions over and over and over again that have been covered not once, not twice, not 10 times, not 25 times, but nearer 50 or 100 times. There is a great deal of politics going on in these hearings.

I know of no attempt by anybody on the committee, or for that matter, the administration, to hush up anything. We have had 3 weeks of hearings so far and there will be more on Sunday, Monday, and Tuesday, in Denver, Colo. This Senator is a part of the subcommittee that is going there.

I cannot remember in the 9 years I have been in Congress any confirmation of any public official that has been more thoroughly aired than this one has; and so far, I might say, listening to what has been going on, I have not found a shred of evidence, not a single shred of evidence, and I have either listened to all of it or read all of it, that ties Mr. Kleindienst in any respect to the contribution ITT made to the city of San Diego for the Republican Convention to be held there this summer, nor have I found any shred of evidence that indicates there was any impropriety at all on the part of the Justice Department in the settlement of this ITT antitrust suit.

As a matter of fact, if some of the objective writings are read about this—the Wall Street Journal in the past week or so had a couple articles—anybody with any sense at all would realize that this was the biggest antitrust settlement in the history of this Government and it was a harsh one so far as ITT was concerned.

Mr. President, the settlement caused the divestment from ITT of companies totally $1 billion in assets. I think it is very interesting that right after the settlement was announced the stock of ITT took a sharp drop on the market and many investors, so-called insiders, sold a great number of their shares of stock. Whether that was the right thing to do or not I do not know. But that is not a part of our hearings; it is a matter for the SEC to determine. But it indicates from what happened in the market and from what insiders did that this was not a sweetheart settlement so far as ITT was concerned.

One thing that troubles me at this juncture of the proceedings is that any Member of this body who is a lawyer should have second thoughts about prejudging what is going on in the Committee on the Judiciary in these hearings and what the final result will be until this matter is fully aired, until we have the evidence upon the table, until the Committee on the Judiciary comes to termination on these renewed hearings, and until this matter is thoroughly aired on this floor, as it will be.

It seems to me that all of us, as responsible Members of the Senate, should take this course of action instead of perhaps following some of the irresponsible writings and expressions I have seen on this matter day after day reported by the media in some newspapers and heard also on television, that give but a very small capsule picture of what has been going on in the proceedings in the Committee on the Judiciary. A great deal of the reporting of the testimony that actually has shown what has taken place has not reached the eyes of the public at all.

I can assure the Senator from Illinois that before the Committee on the Judiciary winds up I think we will have all the evidence that the Senate will need in order to make a judgment on whether we should confirm Mr. Kleindienst as Attorney General or not.

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

EXTENSION OF TIME FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. The time allotted for the transaction of routine morning business has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time may be extended for 5 minutes under the same conditions.

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

OUR NATIONAL FORESTS

Mr. CHURCH. Mr. President, the young boy or girl sitting in class in Omaha or Oshkosh, in Chicago or Cincinnati, in Austin or Albany, is unlikely to know what clearcutting is all about. But those representing the lumber companies and Mr. John Whittaker at the White House know only too well the harm done to our national forests, when this method of harvesting timber is misapplied.

Well, it is time for all of us to learn more about clearcutting; to know when it can be used sensibly and when it should not be used at all; to know what sort of pressures are exerted for its use on marginal lands, and to know what can be done to prevent wrongful and wasteful clearcutting. After all, the national forests belong to all Americans.

During the last several years, Congress has heard mounting criticism of clearcutting as practiced in the management of our national forests. The misapplication of clearcutting—the knocking down of every tree in a designated area in the process of cutting marketable timber—is said to have occurred in such places, among others, as the Bitterroot National Forest in Montana, the Monongahela National Forest in West Virginia, and the Boise National Forest in Idaho.

In response to the growing concern about the misuse of clearcutting, the Subcommittee on Public Lands, which I chair, convened a series of hearings on forest management on the public lands. These hearings, beginning in the Spring of 1971, and extending into this year, provided an opportunity to review clearcutting practices. Forestry specialists from the universities, lumber industry spokesmen, witnesses representing conservation and environmental organizations, outdoor enthusiasts, sportsmen and private citizens, all testified. The committee also heard from the Forest Service and the Bureau of Land Management.

Following these public hearings, the subcommittee met to consider various courses of action. Recognizing that there is no single harvesting technique that will meet the needs of all forests in different parts of the country or the needs of all parts of a single forest, the sub-

committee has drafted a series of recommended guidelines for the Forest Service and the Bureau of Land Management to apply to clearcutting in the future. These recommendations have been discussed with the Federal agencies which would administer them to make certain that they are technically sound. The subcommittee expects to issue its report, containing these guidelines, within the coming week.

I was dismayed to learn that the White House has decided to say nothing about clearcutting. An Executive order to restrict clearcutting has apparently been retracted under pressure from lumber and housing interests.

Mr. President, I do not know all the aspects of the process that led up to the White House's retreat on the clearcutting Executive order. I have, however, read two accounts of the process that are most revealing.

I ask unanimous consent that an editorial by Mr. Clare Conley, appearing in Field and Stream on this subject be printed in the RECORD. I also ask that an article by Mr. Lloyd Tupling in the February issue of the Sierra Club Bulletin be printed in the RECORD for the information of my colleagues. They shed a considerable light on the question of who is really in charge of our national forests.

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

[From Field and Stream, April 1972]

EDITORIAL

(By Clare Conley)

Before getting into this editorial I want to define what clearcuttig a forest amounts to. It is a method of harvesting trees which causes complete devastation. It is more harmful than a forest fire. The land is churned up over vast areas by big machinery. *Every* tree is cut down and most of the surface plants are killed. Until grasses and shrubs can get started again, the land is wide open to extreme erosion. Timber companies prefer this method of harvest because it is cheaper than cutting selected mature trees and leaving the remainder unharmed and because having once destroyed a mixture of kinds of trees on a certain tract they can then plant one type of tree which they prefer. These trees are planted in neat little rows for fast growth, all standing the same height and all reaching maturity at the same time for another cutting. But it is no longer a forest any more than an orchard is a forest. There are no open grassy glens, no bushes, no aspen or alders. Everything is crowded and shaded out by the trees, and for the major part of the growth years of the trees there is little food for animals or birds. It is a sterile sort of forest designed by a computer. This is what has been happening to our National Forests by those who cut trees for profit. But remember, the cutters do not own the forests—everyone does. Do you think this kind of mismanagement is good for you and your forests?

January 7, 1972—the final draft of an Executive Order to be announced by President Nixon was typed up and sent in secret to the U.S. Forest Service, the Council of Environmental Quality, and to the Bureau of Land Management. It put strict limits on the use of clearcutting—"Except for limited experimental and research purposes not associated with commercial timber sale," the order said. Recreation and scenic values were to be protected. Harm to wildlife was to be kept to a minimum and the beauty of the area was to be protected. Waters associated with a clearcut were not to be laden with eroded soil.

Furthermore, the order required future timber sales to have specifications for the operations of the timber companies. The maximum use of merchantable timber was to be made and the amount destroyed as slash was to be reduced. Cutting, skidding, or yarding was to be controlled near lakes and streams and a strip of forest was to be left along lakes and streams. Furthermore, the order stated, "Timber sale planning procedures will make adequate provision for obtaining and taking into account the views of citizens." Such an order would effectively put clearcutting back to the use for which it is logical—research and protection—not harvest. It would force the use of selective tree cutting, a method that has been socially and economically acceptable for decades.

January 8, 1972—National Forest Products Assn. Chairman L. L. Stewart (president, Bohemia Lumber Company, Eugene, Ore.) and NFPA president H. E. Sanders (president, Sanders Lumber Company, Meridian, Miss.) plus Industrial Forestry Assn. directors Paul F. Ehinger (vice-president, Hines Lumber Company, Chicago) and C. W. Bingham (vice-president Weyerhaeuser, Tacoma, Wash.) and president of Western Wood Products Assn. John Hampton (Willamina Lumber Company, Portland, Ore.) met with Secretary of Agriculture Butz, U.S. Forest Service Chief Cliff, Assistant Secretary of the Interior Loesch, and Bureau of Land Management official Storms. As reported in the *Industrial Forestry Assn. Facts* of January 11, 1972, "We *all* agreed on the undesirability of such an order. . . ."

January 10, 1972—A meeting set up by Butz with John Whittaker of the White House staff took place attended by Butz, Whittaker, Interior Assistant Secretaries Larson and Loesch, White House Staffer Fairbanks, Council of Environmental Quality Chairman Russell Train, Forest Service Chief Cliff, and eight forest industry spokesmen.

January 13, 1972—An official announcement released this day to the press stated that no Executive Order pertaining to clearcutting would be issued by President Nixon. In referring to the affair, Sen. Fred Harris of Oklahoma said that it once again proved an old political axiom that public interests win in public; and private interests win in private.

[From Sierra Club Bulletin, February 1972]

WASHINGTON REPORT

(By W. Lloyd Tupling)

Who would have thought that the Paul Bunyan crowd would themselves escalate clear-cutting of timber on Federal forest land as an environmental issue of national significance?

Always a controversial forest management practice, clear-cutting has been the target of conservationists for many years. But it took timber industry pressure on the Nixon Administration in recent weeks to thrust it full bloom into the political arena. Numerous newspaper articles which followed the shelving of a proposed presidential order restraining clear-cutting attest to this fact.

The scenario began late last spring when the Council on Environmental Quality, concerned about the criticism of clear-cutting approved by the Forest Service, launched a study of the practice, which requires the cutting of all trees on a tract selected for commercial timber production. Aside from the esthetic impact of denuding large sections of forest land, the study showed indications of soil erosion, stream pollution, wildlife habitat destruction and other adverse effects.

As a result, a proposed executive order was prepared for President Nixon's signature. The first section of the draft stated that as a matter of policy, "the Federal Government shall provide leadership in the development and application of environmentally sound forest management practices." (Why should anyone oppose that?) But, it went on to other sections, including one entitled, "Limitations on the use of clear-cutting." One of these limitations was that "there will be no clear-cutting in areas of outstanding scenic beauty . . ." As later developments revealed, this was the limitation which evoked the most violent response from timber industry opponents.

On January 11, a story appeared in the New York Times with the headline "President plans to limit clear-cutting in national forests; timber men are disturbed".

Disturbed. Indeed, they were frantic. Sources in the Department of Agriculture had alerted the National Forest Products Association around January 1 that the Council on Environmental Quality was pressing for early presidential action. A nationwide industry counterattack was immediately launched. The January 7 management report of the American Plywood Association declared "Threat of clear-cut curb demands urgent action!" and said the Association "joins with all other industry associations in urging every company in the industry to communicate at once with Secretary of Agriculture Earl L. Butz and Interior Secretary Rogers C. B. Morton, as well as with congressmen, documenting the drastic economic effects should an executive order be issued restricting clear-cutting of timber."

An industry spokesman denounced the regulation aimed at protection of scenic areas as the "dangerous one . . . an open invitation to litigation, protests and related activities which would handcuff the Forest Service."

On January 10, at the behest of officials of the National Forest Products Association, the newly-named Agriculture Secretary Earl Butz convened a meeting in his office which included John Whitaker, the President's special assistant; Harrison Loesch, Assistant Secretary of Interior; Chairman Russell Train of CEQ, Ed Cliff, Chief of the Forest Service, and his deputy, John McGuire. On January 12, a CEQ official announced that Train, Butz and Morton had jointly decided against pushing the presidential order. Ordinarily the existence or scuttling of an executive order draws scant attention in the national capitol. But this time the atmosphere was different. Headlines declared: "Butz leads fight against Nixon order," "See surrender to timber industry," "Limit on cutting timber dropped," "Nixon's aides switch after opposition by industry."

This press attention was enough to set off political fireworks from various directions. In Powell, Wyoming, Sen. Gale McGee, author of legislation for a two-year moratorium on clear-cutting, charged that "large timber interests continue to call the shots for the Nixon Administration on national forest management policies.

"The Administration's first really solid attempt to face up to the complexity of the clear-cutting issue has been thwarted by industry pressure," said McGee.

Sen. Fred R. Harris of Oklahoma was less charitable. "We ought to know more about this seemingly incestuous relationship between the timber lobby and the government," Harris declared. "We ought to know why Secretary Butz consulted the timber interests and no one lese. We ought to know the financial advantage to the industry of the decision not to restrict clear-cutting."

The demise of the Nixon clear-cutting order is only one of the number of recent developments spotlighting the need for full congressional review of national timber management practices. Experts at the Forest Service Forest and Range Management Station have prepared a report indicating that the amount of forest land suitable and available for timber production in western national forests may have been over-estimated by "as much as 22 percent." At the same time, tim-

ber-harvesting on Bureau of Land Management areas in western Oregon is headed for a cumulative overcut of about 20 percent.

Obviously, if the amount of commercial timberland has been over-estimated and the allowable cut accelerates at the same time, Congress needs to take a hard look at Federal management practice.

TREATIES BETWEEN BONN AND POLAND AND SOVIET UNION

Mr. MANSFIELD. Mr. President, there is a segment of news, largely below the horizon, which I think is of transcendent importance to the future of Western Europe, and indirectly to this country.

There is a real danger that the West German Parliament will vote against ratification of the treaties negotiated last year between Bonn and the Governments of Poland and the Soviet Union. It is a chilling thought.

The nonaggression pacts involve, among other things, abandonment of West German claims to territories lost as a result of the Nazi defeat in World War II. The present borders with Poland and East Germany would be recognized as permanent.

In return, Bonn was given to understand that the Russians would cease their propaganda war against West Germany, cooperating in establishing greater freedom of movement to and from West Berlin, and otherwise help to normalize relations in the heart of Europe.

The Russians have indicated they will not sign the final protocol for the Berlin accord unless Bonn approves the Moscow and Warsaw Treaties. The United States and other Western Powers, for that part, indicate that if Moscow does not sign the Berlin protocol, they will not sit down for the European security conference the Russians have been so energetically seeking.

I ask unanimous consent that a very pertinent column by one of the country's best known and most trustworthy commentators, Mr. Marquis Childs, published in the Washington Post of today, Friday, March 24, and also an editorial from the Los Angeles Times under date of March 23, 1972, be printed in the RECORD.

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

GERMANY TESTS ITS DEMOCRACY

Democracy is the worst possible form of government except all the others, Winston Churchill once said.

In Germany, where democracy is a new and rather tender plant, a test is just ahead so momentous that the importance of the consequences can hardly be exaggerated.

The treaties with the East, designed to ease tensions with Moscow and Warsaw, will be before the Parliament for ratification next month. Long and painstaking negotiation by Chancellor Willy Brandt and the able younger men around him was aimed at breaking the stalemate out of the Cold War. It was a recognition that the prewar past and the territories lost when the Nazi armies were defeated could never be restored.

Today there is a real threat that the treaties will be rejected as the slender majority of the coalition of Social-Democrats and Free Democrats is chipped away. Linked to ratification is the agreement between East and West Germany giving Berliners a status they have never had before. The whole structure put together with so much patient persistence could come crashing down.

One casualty in the general ruin might be the strategic arms limitation agreement on which the Nixon administration has put such a high stake. The present masters of the Kremlin, Leonid Brezhnev and Alexei Kosygin, are identified with the treaties and the thaw between East and West. It is a safe assumption that they have hard-line opponents who, if their policy should fail, would be ready to move in.

The reaction in the United States would be sharp. While the demand for cutting back the 250,000 American troops in Germany has subsided, with the hope of mutual agreed reduction by the two sides, it would be given a new force with proof that the Germans were bent on keeping alive the old hatreds and the old drive to restore the past.

Americans simply will not underwrite a new Cold War to gratify German ambitions. It is little more than 25 years since the smoke stopped rising from the gas ovens at Auschwitz and Belsen. The memory of that prolonged horror has not been wiped out.

This is something the Christian Democrats, bent on bringing down the Brandt government in a good old lustful power struggle, apparently fail to realize. Cutting back American troop strength as one way to relieve the pressure on the dollar would look very attractive.

The process of ratification is complicated. In the first instance the lower house, the Bundestag, can ratify with a simple majority. But then if the upper house, the Bundesrat, voted in the negative, the treaties must receive in the Bundestag an outright majority of 249.

That would mean for the Brandt government squeaking by with a one-vote margin. As the chipping process continues and something like panic seizes the Free Democrat partners in the coalition, this is teetering on the abyss.

Brandt's position is complicated by the rise in inflation and the threat of unemployment. Voters complain that many of the promises he made in the election campaign in 1969 for internal reforms have not been carried out. This has been due to circumstances largely beyond the chancellor's control.

Should the treaties be rejected, Brandt would dissolve the Parliament on a vote of no confidence and elections would be held in 60 days. The Social-Democrats might get a majority, according to present indicators. The damage, however, would have been done, with all those hopeful of restoring the past happy to see the door slammed.

For the whole world the signal would be loud and clear. The Germans were on the march again, as so often before with such terrible consequences for humanity.

UNITED STATES HAS STAKE IN BONN'S EASTERN PACTS

There is a real danger that the West German parliament will vote against ratification of the treaties negotiated last year between Bonn and the governments of Poland and the Soviet Union. It is a chilling thought.

The "nonaggression" pacts involve, among other things, abandonment of West German claims to territories lost as a result of the Nazi defeat in World War II. The present borders with Poland and East Germany would be recognized as permanent.

In return, Bonn was given to understand that the Russians would cease their propaganda war against West Germany, cooperate in establishing greater freedom of movement to and from West Berlin, and otherwise help to normalize relations in the heart of Europe.

Despite a certain vagueness in the Soviet commitments, a majority of Germans seemed to approve of the treaties at the time they were negotiated. Bonn's Western allies, too, generally applauded them—and still do—as a promising step toward detente.

The opposition Christian Democratic Party, however, has mounted a surprisingly effective drive to defeat the treaties. Already the pacts have been initially voted down by the Bundesrat. And there is a strong possibility that Chancellor Willy Brandt's government will lose in the Bundestag, the other house in the West German parliament, when the treaties come up for a vote in early May.

The consequences of such development might be unfortunate, indeed—not just for West Germany but for the whole mosaic of East-West relationships, including President Nixon's visit to Moscow in late May.

The Russians have indicated they won't sign the final protocol for the Berlin accord unless Bonn approves the Moscow and Warsaw treaties. The United States and other Western powers, for their part, indicate that if Moscow doesn't sign the Berlin protocol, they will not sit down for the European security conference the Russians have been so energetically seeking.

Soviet diplomats, alarmed by the possibility that the treaties won't be approved, have warned darkly that there won't be a second chance, that if the pacts are voted down the West Germans may as well get set for a renewal of the cold war.

This may be empty bluff, of course. But on the other hand it may not.

It should not be overlooked that the current Kremlin leadership has staked a great deal of prestige on the negotiations with Bonn. If the treaties are rejected, a leadership crisis might be precipitated. And that, in turn, would introduce a disturbing new element of uncertainty in the whole range of relations between Washington and Moscow—including the vitally important area of arms control.

The opposition Christian Democrats are not alone, of course, in questioning the sincerity of the Russian interest in European detente. They should ask themselves, though, if they really want to take responsibility—before history as well as the German voters—of voting down the Eastern treaties before Soviet motives can be decently tested at the conference table.

PREPARATION BY THE SECRETARY OF THE SENATE TO MEET OBLIGATIONS UNDER THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

Mr. MANSFIELD. Mr. President, if I may have 1 additional minute so I may make an announcement in behalf of the distinguished minority leader and myself, I am happy to be able to report that the Office of the Secretary of the Senate is today completing preparation to meet obligations which the Congress has assigned to the Secretary under the Federal Election Campaign Act of 1971.

This act, which I introduced in its original form along with Senators CANNON, PASTORE, and PELL, and which passed the Senate by a vote of 88 to 2 last August 5, places comprehensive reporting and disclosure requirements and explicit limitations on media expenditures on all candidates for the Senate.

It is a complex act, covering a complex subject, and it has placed a heavy administrative burden on the Office of the Secretary of the Senate, who is one of the three supervisory officers along with the Clerk of the House and the Comptroller General. These three officers have engaged in a collaborative effort to keep the forms and regulations as similar as possible.

For its part, the Senate can be satisfied that every effort has been made by the Secretary's office to get this new law off on the right foot and to make compliance with this act as straightforward and uncomplicated as possible. I urge all

Members and their staffs to familiarize themselves with the forms and regulations which have been prepared and to take all necessary steps to comply. With this in mind, I ask unanimous consent to have printed at this point in the RECORD, the text of the Manual of Law, Regulations, and Accounting Instructions of the Secretary of the Senate, along with sample forms for the registration of political committees and for disclosure of receipts and expenditures by candidates, committees, and other persons required to report.

I also ask unanimous consent that the statement of the Secretary of the Senate before the Appropriations Committee, which pertains largely to the plans for administering the new law be included in the RECORD.

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

MANUAL OF LAW, REGULATION AND ACCOUNTING INSTRUCTIONS RELATING TO DISCLOSURE OF CAMPAIGN FUNDS FOR CANDIDATES FOR THE U.S. SENATE AND FOR POLITICAL COMMITTEES SUPPORTING SUCH CANDIDATES

PART I—THE LAW

The following is the full text of title III of Public Law 92-225, the Federal Election Campaign Act of 1971, which requires disclosure of receipts and expenditures made for the purpose of influencing nominations or election of candidates for the United States Senate.

Title III—Disclosure of Federal campaign funds

Definitions

SEC. 301. When used in this title—

(a) "election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(b) "candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or, (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

(c) "Federal office" means the office of President or Vice President of the United States; or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

(d) "political committee" means any committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

(e) "contribution" means—

(1) a gift, subscription, loan, advance, or deposit of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make a contribution for any such purpose;

(3) a transfer of funds between political committees;

(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such candidate or committee without charge for any such purpose; and

(5) notwithstanding the foregoing meanings of "contribution", the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

(f) "expenditure" means—

(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to Federal office, or as a presidential or vice-presidential elector, or for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

(2) a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure, and

(3) a transfer of funds between political committees;

(g) "supervisory officer" means the Secretary of the Senate with respect to candidates for Senator; the Clerk of the House of Representatives with respect to candidates for Representative in, or Delegate or Resident Commissioner to, the Congress of the United States; and the Comptroller General of the United States in any other case;

(h) "person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons; and

(i) "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

Organization of Political Committees

SEC. 302. (a) Every political committee shall have a chairman and a treasurer. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

(b) Every person who receives a contribution in excess of $10 for a political committee shall, on demand of the treasurer, and in any event within five days after receipt of such contribution, render to the treasurer a detailed account thereof, including the amount, the name and address (occupation and the principal place of business, if any) of the person making such contribution, and the date on which received. All funds of a political committee shall be segregated from, and may not be commingled with, any personal funds of officers, members, or associates of such committee.

(c) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) all contributions made to or for such committee;

(2) the full name and mailing address (occupation and the principal place of business, if any) of every person making a contribution in excess of $10, and the date and amount thereof;

(3) all expenditures made by or on behalf of such committee; and

(4) the full name and mailing address (occupation and the principal place of business, if any) of every person to whom any expenditure is made, the date and amount thereof and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(d) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure made by or on behalf of a political committee in excess of $100 in amount, and for any such expenditure in a lesser amount, if the aggregate amount of such expenditures to the same person during a calendar year exceeds $100. The treasurer shall preserve all receipted bills and accounts required to be kept by this section in periods of time to be determined by the supervisory officer.

(e) Any political committee which solicits or receives contributions or makes expenditures on behalf of any candidate that is not authorized in writing by such candidate to do so shall include a notice on the face or front page of all literature and advertisements published in connection with such candidate's campaign by such committee or on its behalf stating that the committee is not authorized by such candidate and that such candidate is not responsible for the activities of such committee.

(f)(1) Any political committee shall include on the face or front page of all literature and advertisements soliciting funds the following notice:

"A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C., 20402".

(2)(A) The supervisory officer shall compile and furnish to the Public Printer, not later than the last day of March of each year, an annual report for each political committee which has filed a report with him under this title during the period from March 10 of the preceding calendar year through January 31 of the year in which such annual report is made available to the Public Printer. Each such annual report shall contain—

(i) a copy of the statement of organization of the political committee required under section 303, together with any amendments thereto; and

(ii) a copy of each report filed by such committee under section 304 from March 10 of the preceding year through January 31 of the year in which the annual report is so furnished to the Public Printer.

(B) The Public Printer shall make copies of such annual reports available for sale to the public by the Superintendent of Documents as soon as practicable after they are received from the supervisory officer.

REGISTRATION OF POLITICAL COMMITTEES; STATEMENTS

SEC. 303. (a) Each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000 shall file with the supervisory officer a statement of organization, within ten days after its organization or, if later, ten days after the date on which it has information which causes the committee to anticipate it will receive contributions or make expenditures in excess of $1,000. Each such committee in existence at the date of enactment of this Act shall file a statement of organization with the supervisory officer at such time as he prescribes.

(b) The statement of organization shall include—

(1) the name and address of the committee;

(2) the names, addresses, and relationships of affiliated or connected organizations;

(3) the area, scope, or jurisdiction of the committee;

(4) the name, address, and position of the custodian of books and accounts;

(5) the name, address, and position of other principal officers, including officers and members of the finance committee, if any;

(6) the name, address, office sought, and party affiliation of (A) each candidate whom the committee is supporting, and (B) any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever; or, if the committee is supporting the entire ticket of any party, the name of the party;

(7) a statement whether the committee is a continuing one;

(8) the disposition of residual funds which will be made in the event of dissolution;

(9) a listing of all banks, safety deposit boxes, or other repositories used;

(10) a statement of the reports required to be filed by the committee with State or local officers, and, if so, the names, addresses, and positions of such persons; and

(11) such other information as shall be required by the supervisory officer.

(c) Any change in information previously submitted in a statement of organization shall be reported to the supervisory officer within a ten-day period following the change.

(d) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the supervisory officer.

Reports by Political Committees and Candidates

SEC. 304. (a) Each treasurer of a political committee supporting a candidate or candidates for election to Federal office, and each candidate for election to such office, shall file with the appropriate supervisory officer reports of receipts and expenditures on forms to be prescribed or approved by him. Such reports shall be filed on the tenth day of March, June, and September, in each year, and in the fifteenth and fifth days next preceding the date on which an election is held, and also by the thirty-first day of January. Such reports shall be complete as of such date as the supervisory officer may prescribe, which shall not be less than five days before the date of filing, except that any contribution of $5,000 or more received after the last report is filed prior to the election shall be reported within forty-eight hours after its receipt.

(b) Each report under this section shall disclose—

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made one or more contributions to or for such committee or candidate (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events) within the calendar year in an aggregate amount or value in excess of $100, together with the amount and date of such contributions;

(3) the total sum of individual contributions made to or for such committees or candidate during the reporting period and not reported under paragraph (2);

(4) the name and address of each political committee or candidate from which the reporting committee or the candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers;

(5) each loan to or from any person within the calendar year in an aggregate amount or value in excess of $100, together with the full names and mailing addresses (occupations and the principal places of business, if any) of the lender and endorsers, if any, and the date and amount of such loans;

(6) the total amount of proceeds from (A) the sale of tickets to each dinner, luncheon, rally, and other fundraising event; (B) mass collections made at such events; and (C) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(7) each contribution, rebate, refund, or other receipt in excess of $100 not otherwise listed under paragraphs (2) through (6);

(8) the total sum of all receipts by or for such committee or candidate during the reporting period;

(9) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by such committee or on behalf of such committee or candidate within the calendar year in an aggregate amount or value in excess of $100, the amount, date, and purpose of each such expenditure and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom an expenditures for personal services, salaries, and reimbursed expenses in excess of $100 has been made, and which is not otherwise reported, including the amount, date, and purpose of such expenditure;

(11) the total sum of expenditures made by such committee or candidate during the calendar year;

(12) the amount and nature of debts and obligations owed by or to the committee, in such form as the supervisory officer may prescribe and a continuous reporting of their debts and obligations after the election at such periods as the supervisory officer may require until such debts and obligations are extinguished; and

(13) such other information as shall be required by the supervisory officer.

(c) The reports required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee or candidate shall file a statement to that effect.

Reports by others than political committees

SEC. 305. Every person (other than a political committee or candidate) who makes contributions or expenditures, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the supervisory officer a statement containing the information required by section 304. Statements required by this section shall be filed on the dates on which reports by political committees are filed, but need not be cumulative.

Formal requirements respecting reports and statements

SEC. 306. (a) A report or statement required by this title to be filed by a treasurer of a political committee, a candidate, or by any other person, shall be verified by the oath or affirmation of the person filing such report or statement, taken before any officer authorized to administer oaths.

(b) A copy of a report or statement shall be preserved by the person filing it for a period of time to be designated by the supervisory officer in a published regulation.

(c) The supervisory officer may, by published regulation of general applicability, relieve any category of political committees of the obligation to comply with section 304 if such committee (1) primarily supports persons seeking State or local office, and does not substantially support candidates, and (2) does not operate in more than one State or on a statewide basis.

(d) The supervisory officer shall, by published regulations of general applicability, prescribe the manner in which contributions and expenditures in the nature of debts and other contracts, agreements, and promises to make contributions or expenditures shall be reported. Such regulations shall provide that they be reported in separate schedules. In determining aggregate amounts of contributions and expenditures, amount reported as provided in such regulations shall not be considered until actual payment is made.

Reports on Convention Financing

SEC. 307. Each convention or other organization which—

(1) represents a State, or a political subdivision thereof, or any group of persons, in dealing with officials of a national political party with respect to matters involving a convention held in such State or political subdivision to nominate a candidate for the office of President or Vice President, or

(2) represents a national political party in making arrangements for the convention of such party held to nominate a candidate for the office of President or Vice President,

shall, within sixty days following the end of the convention (but not later than twenty days prior to the date on which presidential and vice-presidential electors are chosen), file with the Comptroller General of the United States a full and complete financial statement, in such form and detail as he may prescribe, of the sources from which it derived its funds, and the purposes for which such funds were expended.

Duties of the Supervisory Officer

SEC. 308. (a) It shall be the duty of the supervisory officer—

(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;

(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

(4) to make the reports and statements filed with him available for public inspection and copying, commercing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(5) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he shall determine and broken down into candidate, party, and nonparty expenditures on the national, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separate-

ly; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100;

(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

(9) to prepare and publish such other reports as he may deem appropriate;

(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

(12) to report apparent violations of law to the appropriate law enforcement authorities; and

(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements.

(c) It shall be the duty of the Comptroller General to serve as a national clearinghouse for information in respect to the administration of elections. In carrying out his duties under this subsection, the Comptroller General shall enter into contracts for the purpose of conducting independent studies of the administration of elections. Such studies shall include, but shall not be limited to, studies of—

(1) the method of selection of, and the type of duties assigned to, officials and personnel working on boards of elections;

(2) practices relating to the registration of voters; and

(3) voting and counting methods.

Studies made under this subsection shall be published by the Comptroller General and copies thereof shall be made available to the general public upon the payment of the cost thereof. Nothing in this subsection shall be construed to authorize the Comptroller General to require the inclusion of any comment or recommendation of the Comptroller General in any such study.

(d) (1) Any person who believes a violation of this title has occurred may file a complaint with the supervisory officer. If the supervisory officer determines there is substantial reason to believe such a violation has occurred, he shall expeditiously make an investigation, which shall also include an investigation of reports and statements filed by the complainant if he is a candidate, of the matter complained of. Whenever in the judgment of the supervisory officer, after affording due notice and an opportunity for a hearing, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this title or any regulation or order issued thereunder, the Attorney General on behalf of the United States shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order in the district court of the United States for the district in which the person is found, resides, or transacts business. Upon a proper showing that such person has engaged or is about to engage in such acts or practices, a permanent or temporary injunction, restraining order, or other order shall be granted without bond by such court.

(2) In any action brought under paragraph (1) of this subsection, subpenas for witnesses who are required to attend a United States district court may run into any other district.

(3) Any party aggrieved by an order granted under paragraph (1) of this subsection may, at any time within sixty days after the date of entry thereof, file a petition with the United States court of appeals for the circuit in which such person is found, resides, or transacts business, for judicial review of such order.

(4) The judgment of the court of appeals affirming or setting aside, in whole or in part, any such order of the district court shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(5) Any action brought under this subsection shall be advanced on the docket of the court in which filed, and put ahead of all other actions (other than other actions brought under this subsection).

Statements filed with state officers

SEC. 309. (a) A copy of each statement required to be filed with a supervisory officer by this title shall be filed with the Secretary of State (or, if there is no office of Secretary of State, the equivalent State officer) of the appropriate State. For purposes of this subsection, the term "appropriate State" means—

(1) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of President or Vice President of the United States, each State in which an expenditure is made by him or on his behalf, and

(2) for reports relating to expenditures and contributions in connection with the campaign for nomination for election, or election, of a candidate to the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, the State in which he seeks election.

(b) It shall be the duty of the Secretary of State, or the equivalent State officer, under subsection (a)—

(1) to receive and maintain in an orderly manner all reports and statements required by this title to be filed with him;

(2) to preserve such reports and statements for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

(3) to make the reports and statements filed with him available for public inspection and copying during regular office hours, commencing as soon as practicable but not later than the end of the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, requested by any person, at the expense of such person; and

(4) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate.

Prohibition of Contributions in Name of Another

SEC. 310. No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

Penalty for Violations

SEC. 311. (a) Any person who violates any of the provisions of this title shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) In case of any conviction under this title, where the punishment inflicted does not include imprisonment, such conviction shall be deemed a misdemeanor conviction only.

PART II—REGULATIONS AND INSTRUCTIONS

The following regulations and instructions are issued by the Secretary of the Senate under authority of section 308 of the Federal Election Campaign Act, and supplement the provisions of the act.

A. Prescribed forms

All statements and reports required to be filed to disclose receipts and expenditures made for the purpose of influencing nominations or elections to the U.S. Senate shall be filed on forms prescribed by the Secretary of the Senate. If statements or reports are required to be filed in connection with election to other Federal offices, they shall be filed with each appropriate supervisory officer on the forms prescribed by that supervisory officer. Such statements and reports and any changes or corrections thereto shall be typewritten or printed legibly in ink. Use only black, blue or blue-black ribbon or ink.

Registration and Statement of Organization (Committees Only)

Each political committee which anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding $1,000, any portion of which will be expended for the purposes of influencing the nomination or election of any candidate or candidates for the U.S. Senate, shall file a statement of organization with the Secretary of the Senate within 10 days after the effective date of the Act, or within 10 days after the organization of the committee, or within 10 days after the committee has information which causes it to anticipate receiving such contributions or making such expenditures exceeding $1,000. No political committee which is included within the scope of the act shall be exempted from filing a statement of organization with the Secretary of the Senate by reason of being required to file also with another supervisory officer.

Reports of Receipt and Expenditures (Candidates, Committees, and Other Persons)

Reports of receipts and expenditures required by the act shall be filed with the Secretary of the Senate by all candidates for the U.S. Senate and by those political committees which are required to file a statement of organization with the Secretary and have not been granted a waiver of such reporting requirement.

Persons who make contributions or expenditures in support of a candidate for the U.S. Senate, *other than* by contribution to a political committee or candidate, in an aggregate amount in excess of $100 during a calendar year, shall report such contributions in the same manner as do committees, as provided by section 305 of the act. Persons complying with this regulation may use the prescribed reporting forms which have been issued for committees, substituting the person's name wherever the identification of a committee is required by the form. Reports filed by such persons need not be cumulative. They shall be due on the same dates as are reports from candidates and committees except that persons complying with section 305 of the act need file reports only for those reporting periods within which such direct contributions or expenditures have been made.

B. Definitions

(See section 301 of the act for definitions of "election," "candidate," "Federal office," "political committee," "contribution," "expenditures," "supervisory officer," "person" and "State." See also section 102 of the act for additional definitions under title I.)

"Affiliated or Connected Organization" includes but is not limited to (a) an organization which organized the reporting committee primarily for the purpose of influencing the nomination or election of candidates for Federal office; or (b) an organization whose primary purpose is to support the reporting committee; or (c) an organization whose membership is generally similar to that of the reporting committee.

"Calendar Year" for 1972, the first year during which the act will be effective, means

the period from April 7, 1972, to and including December 31, 1972. No report is required to show any expenditures or contribution which occurred before April 7, 1972, the effective date of the act, except that any expenditure for communications media (as defined in title I of the Federal Election Campaign Act) *used* on or after April 7, 1972, shall be charged against the candidate's expenditure limitation applicable to the election for which it is used, regardless of when the use is paid for or contracted for. For further information concerning communications media spending, refer to the Comptroller General's Regulations on title I of the act.

"File," "Filed," and "Filing" means delivery to the Office of the Secretary of the Senate, Washington, D.C., by midnight of the prescribed filing date, or deposit as certified air mail, in an established U.S. Post Office, postage prepaid, no later than midnight of the second day next preceding the filing date. Certified mail receipts shall be retained as evidence of filing. Documents deposited within 500 miles of Washington, D.C., need not be sent by air mail, but shall be certified. *In the event the mailing deadline falls on a day in which no mail is certified, the next preceding day on which mail is certified shall be deemed the mailing date.* All reports may be deposited in preprinted return envelopes supplied by the Secretary of the Senate, bearing a declaration of contents and requesting priority handling. In the event a report is too large to be inserted in the preprinted envelope, it should be packaged separately but the whole face of the preprinted envelope may be used as a mailing label. (See separate requirement for filing under "Complaints of Violation.")

"Full Name" and "Name" mean the identification of the person usually given for business purposes.

"Mailing Address" and "Address" mean building number, street number and ZIP code.

"Occupation and Principal Place of Business, if any" means, if self-employed, type of work or profession and city where self-employed; or, if employed, type of work or title, name of employer or employing organization and city of employment.

"Periodic Reports" means those reports of receipts and expenditures which shall be filed on the 10th day of March, June, and September and no later than the 31st day of January.

"Preelection Reports" means those reports of receipts and expenditures which shall be filed on the 15th and fifth days next preceding an election.

C. Special instructions regarding statements and reports

Personal responsibility

Any person required to file a statement, report, or other document with the Secretary of the Senate under the act shall be personally responsible for the timely filing of a complete and accurate report, statement, or document.

Committee officers

Every political committee shall have a chairman and a treasurer, who shall be separate individuals. No contribution and no expenditure shall be accepted or made by or on behalf of a political committee at a time when there is a vacancy in the office of chairman or treasurer thereof. No expenditure shall be made for or on behalf of a political committee without the authorization of its chairman or treasurer, or their designated agents.

Special Reports After Closing of Last Preelection Report

Any contribution of $5,000 or more (including a transfer of funds from a candidate or committee) which is received after the prescribed closing date for books for the last report prior to an election shall be separately reported within 48 hours after its receipt. Such contribution shall be reported to the Secretary of the Senate by telegraph or by hand-delivered letter giving the date and amount of the contribution and the full name and mailing address (occupation and principal place of business, if any) of the contributor. *All such contributions shall also be declared in the next periodic or preelection report due under the Act.*

Waiver of Filings

If a periodic report is due on or within 10 days of the filing date for a preelection report, the filing of the preelection report shall fulfill both requirements and shall be so indicated on the report form.

Waiver of reporting requirements

Any political committee required to file reports with the Secretary of the Senate may be relieved of the duty to comply with such requirement if all of the following conditions are satisfied—

(1) the committee is a local, city, or county committee and does not conduct its activities throughout the State or in any other State; and

(2) the committee primarily supports persons seeking State or local office; and

(3) the committee does not make contributions or expenditures in support of a candidate for election to the U.S. Senate in an aggregate amount exceeding $1,000 in a calendar year.

Upon receipt of such statement of organization from a committee that meets all of the above three requirements, the Secretary of the Senate will grant a waiver and so advise the reporting committee. Such waiver shall continue only for such time as all of the three above conditions are satisfied.

Identification Number for Committees

Upon receipt of a statement of organization, the Secretary of the Senate shall acknowledge receipt thereof, assign an identification number to the registering committee, and notify the committee of the number assigned. This identification number shall be entered by the political committee on all subsequent reports or statements filed with the Secretary under the act, as well as on all communications concerning such reports or statements.

Changes and Corrections

Any changes in information previously submitted in a statement of organization, and any corrections to a statement or report shall be reported to the Secretary within 10 days following the date of the event prompting such change or correction. The change or correction shall be reported by letter in the same manner as was the information previously submitted, shall identify the form and the paragraph or schedule containing the information to be changed or corrected, and shall be verified by oath or affirmation by the person required by law to submit such information at the time the change or correction is reported.

Notification of Suspension, Dissolution or Termination

Any committee which, after having filed one or more statements of organization with the Secretary of the Senate, disbands or determines that it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000, shall so notify the Secretary. Such notification shall include a termination report and a statement as to the disposition of residual funds if the committee is disbanding and shall be verified by oath or affirmation and filed in the same manner as the statement of organization. Candidate for the U.S. Senate shall continue to file reports of receipts and expenditures for as long as they (1) continue to be a candidate or (2) continue to receive contributions or make expenditures in connection with an election. When they cease to be a candidate or when they cease to receive contributions or make expenditures in connection with an election, they shall file a termination report that covers the period from the closing date of the last previous report filed through the date of termination.

D. Accounting instructions

Dates for Closing Books

Reports of receipts and expenditures due on the 15th day next preceeding an election shall be complete as of midnight of the 22d day next preceding such election. Reports of receipts and expenditures due on the 10th day of the months of March, June and September and by the 31st day of January shall be complete as of midnight of the last day of the preceding month. All such reports shall be cumulative and shall cover the period from the closing date of the last previous report filed.

Canceled Check as Receipt

A canceled check showing payment of a bill, together with the bill or invoice stating the purpose of the expenditure, shall be deemed to be a receipted bill.

Cash on Hand

Cash includes but is not limited to money, balances on deposit in banks and savings and loan institutions, checks, negotiable money orders and other paper commonly accepted by a bank in a deposit of cash, and cash funds in other repositories.

Contributed Services

Services which a person is paid to perform or which are performed in lieu of regular duties for such person's employer, are deemed not to be voluntary services and should be reported and identified as a contribution in kind.

Disclosure of Receipt and Consumption of Contributions in Kind

Each contribution in kind shall be declared at fair market value and reported on the appropriate schedule of receipts, identified as to its nature and listed as "contribution in kind." The total amount of goods and services contributed in kind shall be deemed to have been consumed in the reporting period in which received. Each such contribution shall be declared as an expenditure at the fair market value and reported on the appropriate expenditure schedule, identified as "contribution in kind." (For exceptions concerning broadcast time donated to a candidate, see the Guidelines of the Federal Communications Commission pertaining to title I of the Federal Election Campaign Act of 1971.)

Uniform Identity of Contributors

In determining the aggregate of a person's contributions, the treasurer or candidate shall list contributions from the same donor under the same name. In each instance when a contribution received from a person in a reporting period is added to previously reported unitemized contribution from the same contributor and the aggregate exceeds $100 within the calendar year, the name, address, occupation, principal place of business, if any, of that contributor shall then be listed on the prescribed reporting forms. In addition, any subsequent contribution(s) received from a contributor who has previously been reported within the calendar year shall be listed on the prescribed reporting forms using the same name as previously reported.

Allocation of expenditures between candidates

A political committee making an expenditure for or on behalf of more than one candidate for Federal, State or local office shall allocate the expenditures among such candidates on a reasonable basis and report this allocation for each Federal candidate on the prescribed form to each appropriate supervisory officer. The treasurer shall retain for audit any documents supporting the allocation.

Allocations of expenditures for the use of

communications media shall comply with the provisions of the Comptroller General's Regulations on title I of the act.

Manner of reporting debts and contracts, agreements and promises to make contributions or expenditures

Every contribution and expenditure in the nature of a debt incurred, or a contract, agreement, or promise to make contributions or expenditures entered into after April 7, 1972, which is in writing and exceeds the amount of $100, shall be reported in separate schedules on the reporting forms prescribed by the Secretary of the Senate until such debts, contracts, agreements, or promises are paid, liquidated, canceled, forgiven or otherwise extinguished. Such debts, contracts, agreements, and promises shall not be considered as part of the totals of receipts or expenditures until actual payment is made.

Records of proceeds of events

The treasurer of each political committee and each candidate shall keep full and complete records of proceeds from the *sale of tickets and mass collections* at each dinner, luncheon, rally, and other fund-raising event, and such records shall include the date, amount of proceeds, location, nature of each event and an itemized list of individuals who purchased tickets within the calendar year in an aggregate amount in excess of $100. They shall also keep full and complete records of the proceeds from the *sale of items* such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials.

Retained copies and records

Each treasurer of a political committee, candidate, or other person filing a report or statement with the Secretary of the Senate under the Act shall preserve a copy thereof for a period of not less than 6 years from the date of filing.

Each such person required to file any report or statement with the Secretary shall maintain records on the matters required to be reported, including vouchers, cancelled checks, bills, invoices, worksheets, and receipts, which will provide in sufficient detail the necessary information and data from which the filed reports and statements may be verified, explained, clarified and checked for accuracy and completeness, and he shall keep such records available for audit, inspection, or examination by the Secretary, or his authorized representatives, for a period of not less than 6 years from the date of filing of the reports or statements or of changes or corrections thereto.

Audits

Audits and field investigations may be made as directed by the Secretary of the Senate. All candidates, political committees and other persons required to file reports under these regulations shall keep adequate books and records. Such books and records shall be maintained on a current basis and shall be made available for inspection and audit by the Secretary of the Senate or his authorized representatives.

E. Public inspection and copying of reports

Reports and statements filed with the Secretary of the Senate under the act will be made available for inspection and copying in Room ST–2 of the U.S. Capitol by any person, commencing as soon as practicable after receipt but, in any case, not later than the end of the second day following the day of receipt.

A list of general rules with respect to the inspection and copying of documents, and a schedule of charges for copies as authorized by the act shall be posted in the Office of the Secretary of the Senate.

Any information copied or obtained from reports and statements shall not be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose. For purposes of this regulation, "any commercial purpose" means any sale, trade, or barter of any list of names or addresses taken from such reports and statements and any use of any such lists for any surveys or sales promotion activity. For purposes of this regulation, "soliciting contributions" means requesting gifts or donations of money, or anything of value for any cause or organization—political, social, charitable, religious, or otherwise. Violations of this subsection are subject to the criminal penalties provided in section 311 of the act.

F. Complaints of violations

Any person who believes a violation of title III of the act of these regulations has occurred which is within the jurisdiction of the Secretary of the Senate, may file a written complaint in person or by registered or certified mail with the Secretary. When a complaint is received, it shall be stamped to show the date and time of receipt, and acknowledged by registered or certified mail.

There is no prescribed form for a complaint, but all complaints shall be typewritten or handwritten legibly in ink. The name and address of the persons making the complaint shall be typewritten or hand printed on the complaint, and it shall be signed by such person and verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. A complaint shall name the alleged violator, describe in detail the alleged violation and shall be submitted together with any evidentiary material. Complaints will not be available for public inspection or copying.

No investigation shall be required if a complaint is frivolous on its face, illegible, too indefinite, does not identify any violator, is unsigned or is not notarized.

PART III—OTHER TITLES

A. Title I—Campaign communications

The Law

Short title

SEC. 101. This title may be cited as the "Campaign Communications Reform Act".

Definitions

means broadcasting stations, newspapers,

SEC. 102. For purposes of this title:

(1) The term "communications media" magazines, outdoor advertising facilities, and telephones; but, with respect to telephones, spending or an expenditure shall be deemed to be spending or an expenditure for the use of communications media only if such spending or expenditure is for the costs of telephones, paid telephonists, and automatic telephone equipment, used by a candidate for Federal elective office to communicate with potential voters (excluding any costs of telephones incurred by a volunteer for use of telephones by him).

(2) The term "broadcasting station" has "the same meaning as such term has under section 315(f) of the Communications Act of 1934.

(3) The term "Federal elective office" means the office of President of the United States, or of Senator or Representatives, or Resident Commissioner or Delegate to, the Congress of the United States (and for other purposes of section 103(b) such term includes the office of Vice President).

(4) The term "legally qualified candidate" means any person who (A) meets the qualifications prescribed by the applicable laws to hold the Federal elective office for which he is a candidate, and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors.

(5) The term "voting age population" means resident population, eighteen years of age and older.

(6) The term "State" includes the District of Columbia and the Commonwealth of Puerto Rico.

Media rate and related requirements

SEC. 103. (a) (1) Section 315(b) of the Communications Act of 1934 is amended to read as follows:

"(b) The charges made for the use of any broadcasting station by any person who is a legally qualified candidate for any public office in connection with his campaign for nomination for election, or election, to such office shall not exceed—

"(1) during the forty-five days preceding the date of a primary or primary runoff election and during the sixty days preceding the date of a general or special election in which such person is a candidate, the lowest unit charge of the station for the same class and amount of time for the same period; and

"(2) at any time, the charges made for comparable use of such station by other users thereof."

(2) (A) Section 312(a) of such Act is amended by striking "or" at the end of clause (5), striking the period at the end of clause (6) and inserting in lieu thereof a semicolon and "or", and adding at the end of such section 312(a) the following new paragraph:

"(7) for willful or repeated failure to allow reasonable access to or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy.".

(B) The second sentence of section 315(a) of such Act is amended by inserting "under this subsection" after "No obligation is imposed".

(b) To the extent that any person sells space in any newspaper or magazine to a legally qualified candidate for Federal elective office, or nomination thereto, in connection with such candidate's campaign for nomination for, or election to, such office, the charges made for the use of such space in connection with his campaign shall not exceed the charges made for comparable use of such space for other purposes.

Limitations of expenditures for use of communications media

SEC. 104. (a) (1) Subject to paragraph (4), no legally qualified candidate in an election (other than a primary or primary runoff election) for a Federal elective office may—

(A) spend for the use of communications media on behalf of his candidacy in such election a total amount in excess of the greater of—

(i) 10 cents multiplied by the voting population (as certified under paragraph (5)) of the geographical area in which the election for such office is held, or

(ii) $50,000, or

(B) spend for the use of broadcast stations on behalf of his candidacy in such election a total amount in excess of 60 per centum of the amount determined under subparagraph (A) with respect to such election.

(2) No legally qualified candidate in a primary election for nomination to a Federal elective office, other than President, may spend—

(A) for the use of communications media, or

(B) for the use of broadcast stations,

on behalf of his candidacy in such election a total amount in excess of the amounts determined under paragraph (1) (A) or (B), respectively, with respect to the general election for such office. For purposes of this subsection a primary runoff election shall be treated as a separate primary election.

(3(A) No person who is a candidate for presidential nomination may spend—

(i) for the use in a State of communications media, or

(ii) for the use in a State broadcast stations,

on behalf of his candidacy for presidential nomination a total amount in excess of the amounts which would have been determined under paragraph (1) (A) or (B), respectively,

had he been a candidate for election for the office of Senator from such State (or for the office of Delegate or Resident Commissioner in the case of the District of Columbia or the Commonwealth of Puerto Rico).

(B) For purposes of this paragraph (3), a person is a candidate for presidential nomination if he makes (or any other person makes on his behalf) an expenditure for the use of any communications medium on behalf of his candidacy for any political party's nomination for election to the office of President. He shall be considered to be such a candidate during the period—

(i) beginning on the date on which he (or such other person) first makes such an expenditure (or, if later, January 1 of the year in which the election for the office of President is held), and

(ii) ending on the date on which such political party nominates a candidate for the office of President.

For purposes of this title and of section 315 of the Communications Act of 1934, a candidate for presidential nomination shall be considered a legally qualified candidate for public office.

(C) The Comptroller General shall prescribe regulations under which any expenditure by a candidate for presidential nomination for the use in two or more States of a communications medium shall be attributed to such candidate's expenditure limitation in each such State, based on the number of persons in such State who can reasonably be expected to be reached by such communications medium.

(4) (A) For purposes of subparagraph (B):

(i) The term "price index" means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

(ii) The term "base period" means the calendar year 1970.

(B) At the beginning of each calendar year (commencing in 1972), as there becomes available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each amount determined under paragraph (1) (A) (i) and (ii) shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year.

(5) Within 60 days after the date of enactment of this Act, and during the first week of January in 1973 and every subsequent year, the Secretary of Commerce shall certify to the Comptroller General and publish in the Federal Register an estimate of the voting age population of each State and congressional district for the last calendar year ending before the date of certification.

(6) Amounts spent for the use of communications media on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) shall, for the purposes of this subsection, be deemed to have been spent by such candidate. Amounts spent for the use of communications media by or on behalf of any legally qualified candidate for the office of Vice President of the United States shall, for the purposes of this section, be deemed to have been spent by the candidate for the office of President of the United States with whom he is running.

(7) For purposes of this section and section 315(c) of the Communications Act of 1934—

(A) spending and charges for the use of communications media include not only the direct charges of the media but also agents' commissions allowed the agent by the media, and

(B) any expenditure for the use of any communications medium by or on behalf of the candidacy of a candidate for Federal elective office (or nomination thereto) shall be charged against the expenditure limitation under this subsection applicable to the election in which such medium is used.

(b) No person may make any charge for the use by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) of any newspaper, magazine, or outdoor advertising facility, unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies in writing to the person making such charge that the payment of such charge will not violate paragraph (1), (2), or (3) of subsection (a), whichever is applicable.

(c) Section 315 of the Communications Act of 1934 is amended by redesignating subsection (c) as subsection (g) and by inserting after subsection (b) the following new subsections:

"(c) No station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate for Federal elective office (or for nomination to such office) unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate any limitation specified in paragraph (1), (2), or (3) of section 104(a) of the Campaign Communications Reform Act, whichever paragraph is applicable.

"(d) If a State by law and expressly—

"(1) has provided that a primary or other election for any office of such State or of a political subdivision thereof is subject to this subsection,

"(2) has specified a limitation upon total expenditures for the use of broadcasting stations on behalf of the candidacy of each legally qualified candidate in such election,

"(3) has provided in any such law an unequivocal expression of intent to be bound by the provisions of this subsection, and

(4) has stipulated that the amount of such limitation shall not exceed the amount which would be determined for such election under section 104(a)(1)(B) or 104(a)(2)(B) (whichever is applicable) of the Campaign Communications Reform Act had such election been an election for a Federal elective office or nomination thereto;

then no station licensee may make any charge for the use of such station by or on behalf of any legally qualified candidate in such election unless such candidate (or a person specifically authorized by such candidate in writing to do so) certifies to such licensee in writing that the payment of such charge will not violate such State limitation.

"(e) Whoever willfully and knowingly violates the provisions of subsection (c) or (d) of this section shall be punished by a fine not to exceed $5,000 or imprisonment for a period not to exceed five years, or both. The provisions of sections 501 through 503 of this Act shall not apply to violations of either such subsection.

"(f)(1) For the purposes of this section:

"(A) The term 'broadcasting station' includes a community antenna television system.

"(B) The terms 'licensee' and 'station liccensee' when used with respect to a community antenna television system, means the operator of such system.

"(C) The term 'Federal elective office' means the office of President of the United States, or of Senator or Representative in, or Resident Commissioner or Delegate to, the Congress of the United States.

"(2) for purposes of subsections (c) and (d), the term 'legally qualified candidate' means any person who (A) meets the qualifications prescribed by the applicable laws to hold the office for which he is a candidate and (B) is eligible under applicable State law to be voted for by the electorate directly or by means of delegates or electors."

Regulations

SEC. 105. The Comptroller General shall prescribe such regulations as may be necessary or appropriate to carry out sections 102, 103(b), 104(a), and 104(b) of this Act.

Penalties

SEC. 106. Whoever willfully and knowingly violates any provision of section 103(b), 104(a), or 104(b) or any regulation under section 105 shall be punished by a fine of not more than $5,000 or by imprisonment of not more than five years, or both.

(See also regulations of the Comptroller General and Guidelines of the Federal Communications Commission pertaining to this title.)

B. Title II—Criminal Code Amendments

The Law

SEC. 201. Section 5991 of title 18, United States Code, is amended to read as follows:

§ 591. Definitions

"When used in sections 597, 599, 600, 602, 608, 610, and 611 of this title—

"(a) 'election' means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President, and (5) the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(b) 'candidate' means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and, for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, to Federal office, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office;

"(c) 'Federal office' means the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States;

"(d) 'political committee' means any individual, committee, association, or organization which accepts contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000;

"(e) 'contribution' means—

"(1) a gift, subscription, loan, advance, or deposit of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for such purposes;

"(3) a transfer of funds between political committees;

"(4) the payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to such

candidate or political committee without charge for any such purpose; and

"(5) notwithstanding the foregoing meanings of 'contribution', the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee;

"(f) 'expenditure' means—

"(1) a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business), made for the purpose of influencing the nomination for election, or election, of any person to Federal office, for the purpose of influencing the result of a primary held for the selection of delegates to a national nominating convention of a political party or for the expression of a preference for the nomination of persons for election to the office of President, or for the purpose of influencing the election of delegates to a constitutional convention for proposing amendments to the Constitution of the United States;

"(2) a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure; and

"(3) a transfer of funds between political committees;

"(g) 'person' and 'whoever' mean an individual, partnership, committee, association, corporation, or any other organization or group of persons; and

"(h) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.".

SEC. 202. Section 600 of title 18, United States Code, is amended to read as follows:

"§ 600. Promise of employment or other benefit for political activity

"Whoever, directly or indirectly, promises any employment, position, compensation, contract, appointment, or other benefit, provided for or made possible in whole or in part by any Act of Congress, or any special consideration in obtaining any such benefit, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in connection with any general or special election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, shall be fined not more than $1,000 or imprisoned not more than one year, or both.".

SEC. 203. Section 608 of title 18, United States Code, is amended to read as follows:

"§ 608. Limitations on contributions and expenditures

"(a) (1) No candidate may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for nomination for election, or election, to Federal office in excess of—

"(A) $50,000, in the case of a candidate for the office of President or Vice President;

"(B) $35,000, in the case of a candidate for the office of Senator; or

"(C) $25,000, in the case of a candidate for the office of Representative, or Delegate or Resident Commissioner to the Congress.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.

"(b) No candidate or political committee shall knowingly accept any contribution or authorized any expenditure in violation of the provisions of this section.

"(c) Violation of the provisions of this section is punishable by a fine not to exceed $1,000, imprisonment for not to exceed one year, or both.".

SEC. 204. Section 609 of title 18, United States Code, is repealed.

SEC. 205. Section 610 of title 18, United States Code, relating to contributions or expenditures by national banks, corporations, or labor organizations, is amended by adding at the end thereof the following paragraph:

"As used in this section, the phrase 'contribution or expenditure' shall include any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value (except a loan of money by a national or State bank made in accordance with the applicable banking laws and regulations and in the ordinary course of business) to any candidate, campaign, committee, or political party or organization, in connection with any election to any of the offices referred to in this section; but shall not include communications by a corporation to its stockholders and their families or by a labor organization to its members and their families on any subject; nonpartisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders and their families, or by a labor organization aimed at its members and their families; the establishment, administration, and solicitation of contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization: *Provided*, That it shall be unlawful for such a fund to make a contribution or expenditure by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal; or by dues, fees, or other monies required as a condition of membership in a labor organization or as a condition of employment, or by monies obtained in any commercial transactions.".

SEC. 206. Section 611 of title 18, United States Code, is amended to read as follows:

"§ 611. Contributions by Government Contractors

"Whoever—

"(a) entering into any contract with the United States or any department or agency thereof either for the rendition of personal services or furnishing any material, supplies, or equipment to the United States or any department or agency thereof or for selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, at any time between the commencement of negotiations for and the later of (1) the completion of performance under, or (2) the termination of negotiations for, such contract or furnishing of material, supplies, equipment, land or buildings, directly or indirectly makes any contribution of money or other thing of value, or promises expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; or

"(b) knowingly solicits any such contribution from any such person for any such purpose during any such period;

shall be fined not more than $5,000 or imprisoned not more than five years, or both.".

SEC. 207. The table of sections for chapter 29 of title 18, United States Code, is amended by—

(1) striking out the item relating to section 608 and inserting in lieu thereof the following:

"608. Limitations on contributions and expenditures.";

(2) striking out the item relating to section 609 and inserting in lieu thereof the following:

"609. Repealed.";

(3) striking out the item relating to section 611 and inserting in lieu thereof the following:

"611 Contributions by Government contractors.".

C. Title IV—General provisions

The Law

Extension of credit by regulated industries

SEC. 401. The Civil Aeronautics Board, the Federal Communications Commission, and the Interstate Commerce Commission shall each promulgate, within ninety days after the date of enactment of this Act, its own regulations with respect to the extension of credit, without security, by any person regulated by such Board or Commission to any candidate for Federal office (as such term is defined in section 301(c) of the Federal Election Campaign Act of 1971), or to any person on behalf of such a candidate, for goods furnished or services rendered in connection with the campaign of such candidate for nomination for election, or election, to such office.

Prohibition against use of certain Federal funds for election activities

SEC. 402. No part of any funds appropriated to carry out the Economic Opportunity Act of 1964 shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971, and the term "Federal office" has the same meaning given such term by section 301(c) of such Act.

Effect on State Law

SEC. 403. (a) Nothing in this Act shall be deemed to invalidate or make inapplicable any provision of any State law, except where compliance with such provision of law would result in a violation of a provision of this Act.

(b) Notwithstanding subsection (a), no provision of State law shall be construed to prohibit any person from taking any action authorized by this Act or from making any expenditure (as such term is defined in section 301(f) of this Act) which he could lawfully make under this Act.

Partial Invalidity

SEC. 404. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Repealing Clause

SEC. 405. The Federal Corrupt Practices Act, 1925 (2 U.S.C. 241–256), is repealed.

Effective Date

SEC. 406. Except as provided for in section 401 of this Act, the provisions of this Act shall become effective on December 31, 1971, or sixty days after the date of enactment of this Act, whichever is later.

Approved February 7, 1972.

Legislative history: House Reports: No. 92–564 accompanying H.R. 11060 (Committee on House Administration) and No. 92–752 (Committee of Conference).

Senate Reports: No. 92–96 (Committee on Commerce), No. 92–229 (Committee on Rules and Administration) and No. 92–580 (Committee of Conference).

Congressional Records: Vol. 117 (1971):

July 21, 23, Aug. 2–5, considered and passed Senate.

Nov. 18, 29, 30, considered and passed House, amended, in lieu of H.R. 11060.
Dec. 14, Senate agreed to conference report.
Vol. 118 (1972):
Jan. 19, House agreed to conference report.
Weekly compilation of Presidential documents, Vol. 8, No. 7:
Feb. 7, Presidential statement.

Mr. MANSFIELD. Mr. President, in connection with the Federal Election Campaign Act of 1971, which goes into effect on April 7, I ask unanimous consent to have printed in the RECORD at this point for the information of the Senate various forms which have been developed by the Secretary of the Senate for use in reporting receipts and expenditures of candidates and political committees and in registering political committees.

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

UNITED STATES SENATE

Office of the Secretary of the Senate
Washington, D.C. 20510

REGISTRATION FORM AND STATEMENT OF ORGANIZATION FOR POLITICAL COMMITTEES

SUPPORTING CANDIDATES FOR U.S. SENATE AND ANTICIPATING CONTRIBUTIONS OR EXPENDITURES IN EXCESS OF $1,000 IN ANY CALENDAR YEAR

REQUIREMENTS FOR REGISTRATION OF POLITICAL COMMITTEES
(In accordance with the provisions of the Federal Elections Campaign Act of 1971)

A. This registration form will be filed with the Secretary of the Senate by the Treasurer of each political committee which anticipates receiving contributions or making expenditures during the calendar year in an aggregate amount exceeding $1,000, any portion of which is for the purpose of influencing the nomination or election of candidates for the U.S. Senate. It will be filed within 10 days after organization of the committee, or 10 days after the date on which the committee has information which causes it to anticipate contributions or expenditures in excess of $1,000, any portion of which is for the purpose of influencing the nomination or election of candidates for the U.S. Senate. Each such committee in existence on April 7, 1972, shall file a statement of organization with the Secretary of the Senate on or before April 17, 1972.

B. If the committee also supports candidates for the U.S. House of Representatives or for President of the United States, similar statements must be filed with the Clerk of the House of Representatives or the Comptroller General of the United States, respectively. A copy of each such statement of organization must also be filed with the Secretary of State of the appropriate State(s).

C. A copy of this registration and statement of organization shall be preserved by the treasurer of the political committee for a period of 6 years.

D. Any change or correction of information previously submitted in a statement of organization shall be reported to the Secretary of the Senate within 10 days following the change or correction. Amendment to a statement shall contain the date, identity of the committee, and the changed or corrected information, appropriately identified. Such amendment shall be verified by oath or affirmation.

E. Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding $1,000 shall so notify the Secretary of the Senate. Such notification shall be verified by oath or affirmation and shall include a statement as to the disposition of residual funds if the committee is disbanded.

(See Manual of the Secretary of the Senate for Detailed Regulations and Instructions)

1. Full name of committee: _____

Address: _____

_____

Date of this registration: _____ | Identification Number Assigned by Secretary |

2. Affiliated or connected organizations: (See Definition on page 4)

Name of affiliated or connected organization	Mailing address and ZIP code	Relationship
*		

3. Area, Scope and Jurisdiction of the Committee:
   (a) Will this committee operate in more than one State? _____
   (b) Will it operate on a statewide basis in one State? _____
   (c) Will it primarily support candidates at the State and local level? _____
   (d) Will it support a candidate for the U.S. Senate in an aggregate amount in excess of $1,000 during the calendar year? _____

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above if the information is continued on a separate sheet.

SENATE ELECTION FORM 1

Name of Committee _____

4. (a) If committee is supporting individual candidates for the U.S. Senate, list each candidate by name, address, and party affiliation:

Full names of candidates	Mailing address and ZIP code	State	Party
*			

(b) List by name, address, office sought, and party affiliation, any candidate for other Federal office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
*			

(c) List by name, address, office sought, and party affiliation, any candidate for any other public office that this committee is supporting:

Full names of candidates	Mailing address and ZIP code	Office sought	Party
*			

5. If this committee is supporting the entire ticket of a party, give name of party: _____

6. Identify by name, address and position, the committee's custodian of books and accounts:

Full name	Mailing address and ZIP code	Committee title or position
*		

7. List by name, address and position, other principal officers of the committee, including officers and members of the finance committee, if any:

Full name	Mailing address and ZIP code	Committee title or position
*		

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above if the information is continued on a separate sheet.

8. Does this committee plan to stay in existence beyond the current calendar year?..... If so, how long? .....

9. In the event of dissolution, what disposition will be made of residual funds? .....

.....

10. List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of bank, repository, etc.	Mailing address and ZIP code
*	

11. List all reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports.

Report title	Dates required to be filed	Name and position of recipient	Mailing address and ZIP code
*			

*Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate box above if the information is continued on a separate sheet.

State of _____

SS.

County of _____

I, _____, being duly sworn, depose (affirm) and say that the
(Full Name of Treasurer of Political Committee)

information in this Registration Form and Statement of Organization is complete, true, and correct.

_____
(Signature of Treasurer of Political Committee)

Subscribed and sworn to (affirmed) before me this _____ day of _____, A.D. 19____.

_____
(Notary Public)

[SEAL] My commission expires _____, 19____

RETURN COMPLETED REPORT AND ATTACHMENTS TO:
Hon. Francis R. Valeo, Secretary of the Senate, U.S. Capitol, Washington, D.C. 20510

UNITED STATES SENATE

Office of the Secretary of the Senate

RECEIPTS AND EXPENDITURES REPORT

OF A

CANDIDATE

FOR NOMINATION OR FOR ELECTION TO THE UNITED STATES SENATE

Name of Candidate _____

Address _____

_____

REPORT IDENTITY

(See Paragraph A under "General Information" on the back of this page.)

(a) Periodic report due: (Check one) March 10 ____ June 10 ____ September 10 ____ January 31 ____

(b) 1st Preelection report due 15 days before the

(Check)		(Date)
_____	General Election on	_____
_____	Special Election on	_____
_____	Primary Election on	_____
_____	Runoff Election on	_____
_____	Caucus or Convention on	_____

(c) 2d Preelection report due 5 days before the

(Check)		(Date)
_____	General Election on	_____
_____	Special Election on	_____
_____	Primary Election on	_____
_____	Runoff Election on	_____
_____	Caucus or Convention on	_____

(d) This is also a: First report ____ Termination report ____ (Check only when applicable)

VERIFICATION BY OATH OR AFFIRMATION

State of _____
County of _____ ss.

I, _____ (Full Name of Candidate), being duly sworn, depose (affirm) and say that this Receipts and Expenditures Report is complete, true, and correct.

_____ (Signature of Candidate)

Subscribed and sworn to (affirmed) before me this _____ day of _____, A.D., 19____.

_____ (Notary Public)

My Commission Expires _____, 19____.

[SEAL]

RETURN COMPLETED REPORT AND ATTACHMENTS TO:
Hon. Francis R. Valeo, Secretary of the Senate, U.S. Capitol, Washington, D.C. 20510

SENATE ELECTION FORM 2

Name of Candidate _____

SUMMARY REPORT COVERING PERIOD FROM _____ THRU _____

	Column A—This period	Column B—Calendar year to date
SECTION A—RECEIPTS:		
Part 1. Individual contributions:		
a. Itemized (use schedule A*)	$	
b. Unitemized	$	
Total individual contributions	$	$
Part 2. Sales and collections:		
Itemized (use schedule B*)	$	$
Part 3. Loans received:		
a. Itemized (use schedule A*)	$	
b. Unitemized	$	
Total loans received	$	$
Part 4. Other receipts (refunds, rebates, interest, etc.):		
a. Itemized (use schedule A*)	$	
b. Unitemized	$	
Total other receipts	$	$
Part 5. Transfers in:		
Itemize all (use schedule A*)	$	$
TOTAL RECEIPTS	$	$
SECTION B—EXPENDITURES:		
Part 6. Communications media expenditures:		
Itemize all (use schedule C*)	$	$
Part 7. Expenditures for personal services, salaries, and reimbursed expenses:		
a. Itemized (use schedule D*)	$	
b. Unitemized	$	
Total expenditures for personal services, salaries, and reimbursed expenses	$	$
Part 8. Loans made:		
a. Itemized (use schedule D*)	$	
b. Unitemized	$	
Total loans made	$	$
Part 9. Other expenditures:		
a. Itemized (use schedule C*)	$	
b. Unitemized	$	
Total other expenditures	$	$
Part 10. Transfers out:		
Itemize all (use schedule D*)	$	$
TOTAL EXPENDITURES	$	$
SECTION C—CASH BALANCES:		
Cash on hand at beginning of reporting period	$	
Add total receipts (section A above)	$	
Subtotal	$	
Subtract total expenditures (section B above)	$	
Cash on hand at close of reporting period	$	

*Schedules are to be used only when itemization is required. (See each Schedule for instructions.) When itemization is unnecessary for a given Part, the total of any amounts for that Part is to be entered as a lump sum on the "*Unitemized*" line of the appropriate Part of the Summary Report. The word "None" should be entered on any line of the Summary Report when no amount is being reported.

GENERAL INFORMATION

(In accordance with the provisions of the Federal Election Campaign Act of 1971, P.L. 92–225)

SEE MANUAL OF THE SECRETARY OF THE SENATE FOR DETAILED REGULATIONS AND INSTRUCTIONS

A. Each candidate for election to the U.S. Senate shall file with the Secretary of the Senate periodic reports of receipts and expenditures on the tenth day of March, June and September and by the thirty-first day of January in each year, and shall file preelection reports on the fifteenth and fifth days next preceding the date on which an election is held. All of the periodic reports shall be complete as of the close of the next preceding month and the preelection reports shall be complete as of midnight of the seventh day next preceding the filing date. Any contribution of $5,000 or more (including a transfer of funds from a candidate or committee) which is received after the closing date prescribed for books for the last report prior to an election shall be separately reported within 48 hours after its receipt. Such contribution shall be reported to the Secretary by telegraph or hand delivered letter and shall be declared in the next report due under the Act. (Sec. 304.)

B. The Reports of Receipts and Expenditures shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions for expenditures have been accepted or expended during a calendar year, the candidate shall file a statement to that effect. (Sec. 304.)

C. A copy of the Report of Receipts and Expenditures shall be preserved by the candidate filing under the Act for a period of six (6) years.

D. Any correction of information previously submitted in a Report of Receipts and Expenditures shall be reported to the Secretary of the Senate within ten (10) days following discovery of the error. Such amendment to the Report of Receipts and Expenditures shall contain the date, identity of the candidate, and the corrections appropriately identified, and shall be verified by the oath or affirmation of the person filing such information, taken before any officer authorized to administer oaths.

UNITED STATES SENATE

Office of the Secretary of the Senate

RECEIPTS AND EXPENDITURES REPORT OF COMMITTEES

SUPPORTING CANDIDATE(S) FOR NOMINATION OR FOR ELECTION AS UNITED STATES SENATOR

Name of Committee .....
Address .....
.....
.....

Identification Number

REPORT IDENTITY

(See Paragraph A under "General Information" on the back of this page.)

(a) Periodic report due: (Check one) March 10 ____ June 10 ____ September 10 ____ January 31 ____

(b) 1st Preelection report due 15 days before the

(Check)		(Date)
_____	General Election on.....	_____
_____	Special Election on.....	_____
_____	Primary Election on.....	_____
_____	Runoff Election on.....	_____
_____	Caucus or Convention on....	_____

(c) 2d Preelection report due 5 days before the

(Check)		(Date)
_____	General Election on.....	_____
_____	Special Election on.....	_____
_____	Primary Election on.....	_____
_____	Runoff Election on.....	_____
_____	Caucus or Convention on....	_____

(d) This is also a: First report ____ Termination report ____ (Check only when applicable)

VERIFICATION BY OATH OR AFFIRMATION

State of _____
County of _____ ss.

I, _____ (Full Name of Treasurer of Committee), being duly sworn, depose (affirm) and say that this Receipts and Expenditures Report is complete, true, and correct.

_____ (Signature of Treasurer of Committee)

Subscribed and sworn to (affirmed) before me this _____ day of _____, A.D., 19____.

_____ (Notary Public)

My Commission Expires _____, 19____.

[SEAL]

RETURN COMPLETED REPORT AND ATTACHMENTS TO:
Hon. Francis R. Valeo, Secretary of the Senate, U.S. Capitol, Washington, D.C. 20510

SENATE ELECTION FORM 3

Name of Committee _____

SUMMARY REPORT COVERING PERIOD FROM _____ THRU _____.

		Column A—This period	Column B—Calendar year to date
SECTION A—RECEIPTS:			
Part 1.	Individual contributions:		
	a. Itemized (use schedule A*)	$	
	b. Unitemized	$	
	Total individual contributions	$	$
Part 2.	Sales and collections:		
	Itemized (use schedule B*)	$	$
Part 3.	Loans received:		
	a. Itemized (use schedule A*)	$	
	b. Unitemized	$	
	Total loans received	$	$
Part 4.	Other receipts (refunds, rebates, interest, etc.):		
	a. Itemized (use schedule A*)	$	
	b. Unitemized	$	
	Total other receipts	$	$
Part 5.	Transfers in:		
	Itemize all (use schedule A*)	$	$
	TOTAL RECEIPTS	$	$
SECTION B—EXPENDITURES:			
Part 6.	Communications media expenditures:		
	Itemize all (use schedule C*)	$	$
Part 7.	Expenditures for personal services, salaries, and reimbursed expenses:		
	a. Itemized (use schedule D*)	$	
	b. Unitemized	$	
	Total expenditures for personal services, salaries, and reimbursed expenses	$	$
Part 8.	Loans made:		
	a. Itemized (use schedule D*)	$	
	b. Unitemized	$	
	Total loans made	$	$
Part 9.	Other expenditures:		
	a. Itemized (use schedule C*)	$	
	b. Unitemized	$	
	Total other expenditures	$	$
Part 10.	Transfers out:		
	Itemize all (use schedule D*)	$	$
	TOTAL EXPENDITURES	$	$
SECTION C—CASH BALANCES:			
	Cash on hand at beginning of reporting period	$	
	Add total receipts (section A above)	$	
	Subtotal	$	
	Subtract total expenditures (section B above)	$	
	Cash on hand at close of reporting period	$	
SECTION D—DEBTS AND OBLIGATIONS:			
Part 11.	Debts and obligations owed *to* the committee (use schedule E*)	$	
Part 12.	Debts and obligations owed *by* the committee (use schedule E*)	$	

*Schedules are to be used only when itemization is required. (See each Schedule for instructions.) When itemization is unnecessary for a given Part, the total of any amounts for that Part is to be entered as a lump sum on the "*Unitemized*" line of the appropriate Part of the Summary Report. The word "None" should be entered on any line of the Summary Report when no amount is being reported.

GENERAL INFORMATION

(In accordance with the provisions of the Federal Elections Campaign Act of 1971, P.L. 92-225)

SEE MANUAL OF THE SECRETARY OF THE SENATE FOR DETAILED REGULATIONS AND INSTRUCTIONS

A. Each treasurer of a political committee supporting a candidate or candidates for election to the U.S. Senate shall file with the Secretary of the Senate periodic reports of receipts and expenditures on the tenth day of March, June and September and by the thirty-first day of January in each year, and shall file preelection reports on the fifteenth and fifth days next preceding the date on which the election is held. All of the periodic reports shall be complete as of the close of the next preceding month and the preelection reports shall be complete as of midnight of the seventh day next preceding the filing date. Any contribution of $5,000 or more (including a transfer of funds from a candidate or committee) which is received after the closing date prescribed for books for the last report prior to an election shall be separately reported within 48 hours after its receipt. Such contribution shall be reported to the Secretary by telegraph or hand delivered letter and shall be declared in the next report due under the Act. (Sec. 304.)

B. The Reports of Receipts and Expenditures shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during such year, only the amount need be carried forward. If no contributions or expenditures have been accepted or expended during a calendar year, the treasurer of the political committee shall file a statement to that effect. (Sec. 304.)

C. A copy of the Report of Receipts and Expenditures shall be preserved by the treasurer of the political committee or other person filing under section 305 of the Act for a period of six (6) years.

D. Any correction of information previously submitted in a Report of Receipts and Expenditures shall be reported to the Secretary of the Senate within ten (10) days following discovery of the error. Such amendment to the Report of Receipts and Expenditures shall contain the date, identity of the committee, and the corrections appropriately identified, and shall be verified by the oath or affirmation of the person filing such information, taken before any officer authorized to administer oaths.

E. Every person who makes contributions or expenditures in support of a candidate for the U.S. Senate, other than by contribution to a political committee or candidate, in an aggregate amount in excess of $100 within a calendar year shall file with the Secretary of the Senate a report containing the information required by section 304 of the Federal Elections Campaign Act of 1971. This form may be used for such purpose. Reports required by this section shall be made only for those periods in which such expenditures have been made. They shall be filed on the dates on which reports by political committees are filed, but need not be cumulative. (Sec. 305.)

SCHEDULE A

ITEMIZED RECEIPTS—CONTRIBUTIONS, TICKET PURCHASES, LOANS, AND TRANSFERS

_____ Part No. _____
(Full Name of Candidate or Committee) (Use for itemizing Part 1, 2, 3, 4, or 5)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place of business, if any)	Aggregate Year-to-date (complete if applicable)	Amount of Receipt This Period
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	
		Aggregate Year-to-date $	

TOTAL THIS PERIOD _____
(Last page of this Part only)

Page ____

INSTRUCTIONS FOR PREPARING SCHEDULE A

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Receipts for Part 1, 3, 4, or 5 and in conjunction with Schedule B for Part 2. Do not itemize more than one Part on a page. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

This Schedule is to be used to ITEMIZE ONLY THE RECEIPTS AS SPECIFIED BELOW FOR EACH PART. The "Total This Period" amount for each itemized Part is to be carried forward to the corresponding Part of the Summary Report. When applicable, the total of all other receipts NOT REQUIRED TO BE ITEMIZED UNDER A GIVEN PART is to be entered as a lump sum on the "UNITEMIZED" line of the appropriate Part of the Summary Report.

Part 1(a). ITEMIZED CONTRIBUTIONS.—This is an itemized account giving the date, full name and mailing address (occupation and principal place of business, if any) of each person who has made one or more contributions to or for the reporting committee or candidate during the reporting period in an amount in excess of $100 or whose total contributions to date (aggregate) during the calendar year are in excess of $100. *Exclude from this part the purchase of tickets for events such as dinners, luncheons, rallies and similar fundraising events which are reported in Part 2.* The actual amount of the contribution(s) received during this reporting period will be entered in the "Amount of Receipt This Period" column.

When the sum of a person's contribution(s) in this calendar year exceeds $100, that total shall be entered in the "Aggregate Year-to-Date" box. When a subsequent contribution(s) is received in the calendar year from the same contributor, each such subsequent contribution shall be itemized as above and included in the total reported in the "Aggregate Year-to-Date" box. [Section 304(b)(2).]

Part 2. ITEMIZED TICKET PURCHASES FOR EVENTS SUCH AS DINNERS, LUNCHEONS, RALLIES AND SIMILAR FUNDRAISING EVENTS.—This is an itemized account giving the date, full name and mailing address (occupation and principal place of business, if any) of each person who has purchased one or more tickets for events such as dinners, luncheons, rallies and similar fundraising events during this reporting period in an amount in excess of $100 or whose total ticket purchases to date (aggregate) are in excess of $100. The actual amount of the ticket purchases during this period will be entered in the "Amount of Receipt This Period" column.

When the sum of a person's ticket purchase(s) in this calendar year exceeds $100, that total shall be entered in the "Aggregate Year-to-Date" box. When a subsequent ticket purchase(s) is received in the calendar year from the same contributor, each such subsequent ticket purchase shall be itemized as above and included in the total reported in the "Aggregate Year-to-Date" box. [Section 304(b)(2).]

This is an itemization only to support Schedule B. The "Total This Period" amount should not be carried forward to Schedule B or the Summary Report. Attach Part No. 2 of this Schedule to Schedule B.

Part 3(a). ITEMIZED LOANS RECEIVED.—This is an itemized account giving the date, full name and mailing address (occupation and principal place of business, if any) of each lender and endorser of a loan(s) which has been received this reporting period in excess of $100 or whose total loans to date (aggregate) are in excess of $100. The actual amount of the loan(s) received during this reporting period will be entered in the "Amount of Receipt This Period" column.

When the sum of a person's loan(s) in this calendar year exceeds $100, that total shall be entered in the "Aggregate Year-to-Date" box. When a subsequent loan(s) is received in the calendar year from the same contributor, each such subsequent loan shall be itemized as above and included in the total reported in the "Aggregate Year-to-Date" box. [Section 304(b)(5).]

Part 4(a). ITEMIZED OTHER RECEIPTS.—This is an account of receipts in the form of a refund, return, rebate, interest, investment or other miscellaneous receipt **not otherwise reported in Part 1, 2, 3, or 5.** Give the date, full name and mailing address (occupation and principal place of business, if any) of each person from whom one or more such receipts have been received in this reporting period in an amount in excess of $100. The actual amount of the receipt(s) during this reporting period will be entered in the "Amount of Receipt This Period" column. Do not use the "Aggregate Year-to-Date" box. [Section 304(b)(7).]

Part 5. ITEMIZED TRANSFERS IN FROM POLITICAL COMMITTEES AND CANDIDATES.—This is an itemized account giving the date, full name and mailing address of each political committee or candidate from whom any transfer of funds has been received within this reporting period in any amount. The actual amount of the transfer(s) during this reporting period will be entered in the "Amount of Receipt This Period" column. Do not use the "Aggregate Year-to-Date" box. [Section 304(b)(4).]

SCHEDULE B

ITEMIZED RECEIPTS—SALES AND COLLECTIONS

Use for Part No. 2 only

____

(Full Name of Candidate or Committee)

SEE REVERSE SIDE FOR INSTRUCTIONS

Total Sum of Proceeds during the reporting period from:

1. Sale of tickets (List by event below)* .... $______
2. Mass collections (List by event below) .... $______
3. Sale of Items .... $______

Total (Carry forward to Part 2 of Summary) $______

List of Sales and Collections by Event

Date of Event (month, day, year)	Type of Event	Amount From Sale of Tickets This Period*	Amount From Mass Collections This Period
	TOTALS THIS PERIOD (Last page of this Schedule only)		

*After completion of the above list by event, use a separate Schedule A to list the date, full name and mailing address (occupation and principal place of business, if any) of each person who has purchased one or more tickets for events such as dinners, luncheons, rallies, and similar fundraising events during this reporting period in an amount in excess of $100 or whose total ticket purchases to date for the calendar year (aggregate) are in excess of $100. Attach the separate Schedule A to this Schedule.

Page ___

INSTRUCTIONS FOR PREPARING SCHEDULE B

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Sales and Collections. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

Part 2. FUNDS RECEIVED FROM SALES AND COLLECTIONS.—This is an account of proceeds during this reporting period from (1) the sale of tickets to each dinner, luncheon, rally, or other fund-raising event; and (2) mass collections made at each such event. The sale of items (3) such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature and similar materials during the reporting period shall be reported in the total amount. Ticket sales and mass collections must be listed by each event, giving the date and type of event and the amount of proceeds collected. Ticket sales to any individual in an amount *in excess of $100* during this reporting period or in an aggregate amount within the calendar year must be itemized using a separate Schedule A form which must be attached to support this Schedule B. (See Schedule A for instructions.) [Section 304(b)(6).]

SCHEDULE C

ITEMIZED EXPENDITURE—COMMUNICATIONS AND NON-COMMUNICATIONS MEDIA

(Full Name of Candidate or Committee)

Part No. ____
(Use for itemizing Part 6 or 9)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

DATE OF PAYMENT (month, day, year)	PAYEE (Recipient of Payment) Full Name, Mailing Address, (occupation and principal place of business, if any)	PURPOSE OF EXPENDITURE (For communications media expenditures, also specify date(s) of use)	CHECK (√) EXPENDITURE BY ELECTION					AMOUNT OF EXPENDITURE THIS PERIOD	ALLOCATE EXPENDITURES BY CANDIDATE (To be completed only by Committees supporting more than one candidate)	
			Primary	General	Special	Runoff	Caucus or Convention		Full Name, Congressional District (if applicable), State, and Party	Amount of Expenditure This Period

TOTAL THIS PERIOD_____
(Last page of this Part only)

Page ____

INSTRUCTIONS FOR PREPARING SCHEDULE C

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Expenditures for Part 6 or 9. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

This Schedule is to be used to ITEMIZE ONLY THE EXPENDITURES AS SPECIFIED BELOW FOR EACH PART. The "Total This Period" amount for each itemized Part is to be carried forward to the corresponding Part of the Summary Report. When applicable, the total of all other expenditures NOT REQUIRED TO BE ITEMIZED UNDER A GIVEN PART is to be entered as a lump sum on the "UNITEMIZED" line of the appropriate Part of the Summary Report.

Part 6. COMMUNICATIONS MEDIA EXPENDITURES.—This is an account of expenditures in any amount during this reporting period in the communications media, which are defined as television, radio, CATV, newspaper or magazine advertising, outdoor advertising, or expenditures for the costs of telephones, paid telephonists, and automatic telephone equipment used to communicate with potential voters. Itemize as to amount and date of expenditure and other data as indicated in the column headings. Expenditures include not only the direct charges of the media but also agents' commissions which should be separately stated if so billed. Date or dates of use or period of intended use are also required. If an expenditure is for two or more purposes, specify the amount of expenditure allocable to each.

If an expenditure was made before April 7, 1972, for use of communications media after that date, the use and amount must be reported and charged against the candidate's limitation applicable to the election in which used. Report the date or dates of use as well as the amount paid, the payee and other required information on a separate Schedule C appropriately labeled. Do not include the amounts paid in the total expenditures amount for the reporting period.

Only multicandidate committees (*i.e.*, those supporting financially more than one candidate) need allocate each expenditure on behalf of a candidate or candidates in the appropriate space. *Committees supporting a single candidate need state only once that all expenditures are on behalf of that candidate.*

Part 6 includes telephone canvass expenditures which are chargeable to the statutory limitation as communications media expenses, namely, for the costs of telephones, paid telephonists, and automatic telephone equipment obtained for the specific purpose of communicating with potential voters. It does not include normal telephone costs of a candidate, his staff and his authorized committees for campaign purposes, which are reported separately with other expenditures under Part 9. Nor does it include costs incurred by an individual volunteer for use of a telephone by him. [Section 304(b)(9).]

Part 9. NON-COMMUNICATIONS MEDIA EXPENDITURES.—This is an account of all other expenditures over $100 made during this reporting period and not included in Parts 7, 8, or 10, itemized as to amount and date of expenditure and other data as indicated in the column headings. If an expenditure is for two or more purposes, specify the amount of expenditure allocable to each.

In Part 9, the only other expenditures that need be allocated in the appropriate space are those of multicandidate committees (*i.e.*, those supporting financially more than one candidate) which are transfers of funds to a candidate or candidates or are specifically identifiable expenditures to or on behalf of a candidate or candidates. *Committees supporting a single candidate need state so only once.*

The schedule includes normal telephone costs of a candidate, his staff and his authorized committees for general campaign purposes; it does not include telephone canvass expenditures which are chargeable to limitation as communications media expenses, as described in the above instructions to Part 6. [Section 304(b)(9).]

SCHEDULE D

ITEMIZED EXPENDITURES—PERSONAL SERVICES, LOANS, AND TRANSFERS

_____ Part No. _____
(Full Name of Candidate or Committee) (Use for itemizing Part 7, 8, or 10)

SEE REVERSE SIDE FOR INSTRUCTIONS
(Use separate page(s) for each numbered Part)

Date (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place of business, if any)	Amount of Expenditure This Period

TOTAL THIS PERIOD _____
(Last page of this Part only)

Page ____

INSTRUCTIONS FOR PREPARING SCHEDULE D

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Expenditures for Part 7, 8 or 10. Do not itemize more than one Part on a page. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format.

This Schedule is to be used to ITEMIZE ONLY THE EXPENDITURES AS SPECIFIED BELOW FOR EACH PART. The "Total This Period" amount for each itemized Part is to be carried forward to the corresponding Part of the Summary Report. When applicable, the total of all other expenditures NOT REQUIRED TO BE ITEMIZED UNDER A GIVEN PART is to be entered as a lump sum on the "UNITEMIZED" line of the appropriate Part of the Summary Report.

Part 7. ITEMIZED EXPENDITURES FOR PERSONAL SERVICES, SALARIES, AND REIMBURSED EXPENSES.—This is an account of expenditures by the committee or candidate for personal services, salaries and reimbursed expenses over $100 during the reporting period. Give the date, full name and mailing address (occupation and the principal place of business, if any) of the recipient, and purpose of each such expenditure. List the amount of the expenditure in the "Amount of Expenditure This Period" column. [Section 304(b)(11).]

Part 8. ITEMIZED LOANS MADE.—This is an account of loans made by the committee or candidate during this reporting period in excess of $100. Give the date, full name and mailing address (occupation and principal place of business, if any) of each person or committee to whom a loan was made. List the amount of the loan in the "Amount of Expenditure This Period" column. [Section 304(b)(5).]

Part 10. ITEMIZED TRANSFERS OUT TO POLITICAL COMMITTEES AND CANDIDATES.—This is an itemized account giving the date, full name and mailing address of each political committee or candidate to whom any transfer of funds was made within this reporting period in any amount. List the amount of the transfer in the "Amount of Expenditure This Period" column. [Section 304(b)(4).]

SCHEDULE E

DEBTS AND OBLIGATIONS

_____ Part No. _____
(Full Name of Committee) (Use for itemizing Part 11 or 12)

SEE REVERSE SIDE FOR INSTRUCTIONS

(Use separate page(s) for each numbered Part)

Date Incurred (month, day, year)	Full Name, Mailing Address, and ZIP Code (occupation and principal place and business, if any)	Amount of Original Debt, Contract, Agreement, or Promise	Cumulative Payment To Date	Outstanding Balance at Close of This Period
	TOTALS THIS PERIOD (Last page of this Part only)			*

Page _____

*Carry outstanding balance only to appropriate part of summary.

INSTRUCTIONS FOR PREPARING SCHEDULE E

(See Appropriate Supervisory Officer's Manual for Additional Regulations and Instructions)

Use this form to itemize Debts and Obligations Owed by or to the Committee for Part 11 or 12. Do not itemize more than one Part on a page. This form may be duplicated or the information may be itemized on computer printouts or any 8½ x 11" paper providing only the information required in the same format. Obligations as used in these instructions mean contracts, agreements, and promises.

Part 11. DEBTS AND OBLIGATIONS OWED *TO* THE COMMITTEE.—This is an itemized account of debts and obligations owed to the reporting committee at the close of the reporting period. Give the full name and mailing address (occupation and the principal place of business, if any) of each *debtor*, together with the amount, date, nature of each transaction, cumulative payment(s) received to date, and the outstanding balance at the close of the reporting period. These debts and obligations shall continue to be reported on each subsequent report until extinguished. [Section 304(b)(12).]

Part 12. DEBTS AND OBLIGATIONS OWED *BY* THE COMMITTEE.—This is an itemized account of debts and obligations owed by the reporting committee at the close of the reported period. Give the full name and mailing address (occupation and the principal place of business, if any) of each *creditor*, together with the amount, date, nature of each such transaction, cumulative payment(s) made to date, and the outstanding balance at the close of the reporting period. These debts and obligations shall continue to be reported on each subsequent report until extinguished. [Section 304(b)(12).]

[Extract from Senate Appropriations Committee hearings on legislative branch appropriations 1973—Secretary of the Senate]

STATEMENT OF FRANCIS R. VALEO, SECRETARY OF THE SENATE

ELIMINATION OF CASH PAYROLL DISBURSEMENTS AND PAYMENTS BY CHECKS

Senator HOLLINGS. You may proceed, Mr. Valeo.

Mr. VALEO. Mr. Chairman and Senator Cotton: I appreciate this opportunity to come before the subcommittee to discuss the operations of the Offices of the Secretary of the Senate.

Since we last met, the major changes that have taken place under the jurisdiction of the Secretary's office have been in the Disbursing Office operations. Through the dedicated perseverance of Mr. William Ridgely, cash payroll disbursements have been eliminated and all payments to all Senators and employees are now made by check.

This removes the substantial security problem which, as you know from my previous appearances, had become, in my judgment, a most serious threat to the Senate and its personnel in recent years.

AUTOMATING OF PERSONNEL AND DISBURSING RECORDS

I can also report to you that substantial progress is being made in automating the personnel and disbursing records of the Disbursing Office. These are steps toward modernization of procedures which will enable the Senate to meet the growing complexity of its fiscal operations.

I repeat that they could not have been brought to fruition without Mr. Ridgely's determined efforts, and the able technical guidance of the computer staff which was assigned to this problem at my request by the Chairman of the Rules Committee and the cooperation of the Sergeant at Arms.

RESTORATION OF OLD SUPREME COURT CHAMBER

On another project which is of concern to me as Secretary of the Senate, I want to thank the committee for its persistent interest and support of the proposed restoration of the Old Supreme Court Chamber. I hope that, with the new proposal to divide the job in two parts, you will maintain your interest in this matter and that the traditional and unanimous Senate position will prevail in bringing an end to the long neglect of one of the great treasures of the Capitol.

FIXING OF SALARIES ON NOT-TO-EXCEED BASIS

Turning to the overall fiscal position of my office, I want to recapitulate our present position before I outline future needs. You will recall that for the past 2 years you have authorized me to fix salaries on a not-to-exceed basis. I can report to you today that we are finding this useful and helpful in the reorganization of the offices and also in achieving a considerable savings of public funds. As of February 29, a total of $52,316 was not being expended, out of the Secretary's aggregate appropriation excluding the Disbursing Office payroll and the Administrative Fund, for the present year.

PROPOSED PAYROLL ADMINISTRATIVE FLEXIBILITY

In recent appearances before this committee, I have requested a greater degree of administrative flexibility for the entire Secretary's payroll. I repeat that request today, although there is not time to go into it in greater detail. I would observe, however, that if I had that authority, with regard to all of the Secretary's offices, as I do with regard to expenditures of the Disbursing Office and my administrative payroll, I would not have to ask for the additional appropriations for new positions, which are now necessitated by the new circumstances in the Secretary's office.

FEDERAL ELECTION CAMPAIGN ACT IMPLEMENTATION

My principal purpose in coming before you today is to seek your approval of several budget items which arise from the new Federal Elections Campaign Act of 1971.

As you know, the Secretary of the Senate is designated as one of three supervisory officers who are held responsible for carrying out this new law.

SECTION 308: DUTIES OF THE SUPERVISORY OFFICERS

The act becomes effective on April 7, 1972. Several members of my staff have been working since December to assure that we will be able to meet the responsibilities of the act. The scope of these responsibilities is outlined clearly by section 308 of the act, entitled, "Duties of the Supervisory Officers", which I submit for the record at this point.

(Sec. 308 follows:)

"DUTIES OF THE SUPERVISORY OFFICER

"SEC. 308. (a) It shall be the duty of the supervisory officer—

"(1) to develop and furnish to the person required by the provisions of this Act prescribed forms for the making of the reports and statements required to be filed with him under this title;

"(2) to prepare, publish, and furnish to the person required to file such reports and statements a manual setting forth recommended uniform methods of bookkeeping and reporting;

"(3) to develop a filing, coding, and cross-indexing system consonant with the purposes of this title;

"(4) to make the reports and statements filed with him available for public inspection and copying, commencing as soon as practicable but not later than the end of the second day following the day during which it was received, and to permit copying of any such report or statement by hand or by duplicating machine, as requested by any person, at the expense of such person: *Provided*, That any information copied from such reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

"(5) to preserve such reports and statement for a period of ten years from date of receipt, except that reports and statements relating solely to candidates for the House of Representatives shall be preserved for only five years from the date of receipt;

"(6) to compile and maintain a current list of all statements or parts of statements pertaining to each candidate;

"(7) to prepare and publish an annual report including compilations of (A) total reported contributions and expenditures for all candidates, political committees, and other persons during the year; (B) total amounts expended according to such categories as he

shall determine and broken down into candidate, party, and nonparty expenditures on the National, State, and local levels; (C) total amounts expended for influencing nominations and elections stated separately; (D) total amounts contributed according to such categories of amounts as he shall determine and broken down into contributions on the national, State, and local levels for candidates and political committees; and (E) aggregate amounts contributed by any contributor shown to have contributed in excess of $100;

"(8) to prepare and publish from time to time special reports comparing the various totals and categories of contributions and expenditures made with respect to preceding elections;

"(9) to prepare and publish such other reports as he may deem appropriate;

"(10) to assure wide dissemination of statistics, summaries, and reports prepared under this title;

"(11) to make from time to time audits and field investigations with respect to reports and statements filed under the provisions of this title, and with respect to alleged failures to file any report or statement required under the provisions of this title;

"(12) to report apparent violations of law to the appropriate law enforcement authorities; and

"(13) to prescribe suitable rules and regulations to carry out the provisions of this title.

"(b) The supervisory officer shall encourage, and cooperate with, the election officials in the several States to develop procedures which will eliminate the necessity of multiple filings by permitting the filing of copies of Federal reports to satisfy the State requirements."

FLEXIBLE ADMINISTRATIVE ARRANGEMENTS

In circumstances which are now only partially predictable I am trying to make flexible administrative arrangements. In that way, I believe we will be able to keep costs at a minimum.

WORK VOLUME

Let me describe the problem which confronts us with regard to determining the volume of work. The Federal Elections Campaign Act requires each candidate and each committee supporting candidates for the Senate to render regular quarterly reports and also special reports 15 and 5 days before each election; this includes primary and runoff elections as well as the general election. It is reasonable to predict that we may receive in excess of 4,000 reports in the course of an election year. At this point, however, we have no way of predicting how voluminous each of these reports will be; some may run only three or four pages; others will run to several hundred pages per report. If the average report is 50 pages in length we will have a total volume of some 200,000 pages to file, display, copy, index, store, and retrieve over a year's time. The estimate is probably conservative.

Because of the cyclical nature of the report requirements, moreover, we know that the workload for receiving, processing, and displaying these documents is going to be highly variable. There will be high peaks of activity around the quarterly filing dates in March, June, September, and January, especially during Senate election years. There will be another intense peak of activity in the month preceding the general election in November.

STATE PRIMARIES: MEMORANDUM PUBLISHED BY OFFICE OF THE SECRETARY

In addition, there will be a continuing volume of reporting activity in connection with various State primaries between now and October. I submit for the record a memorandum which has just been published by my office, listing filing dates and the senatorial elections with which we will be concerned this year.

(The memorandum follows:)

["Office of the Secretary of the Senate]

"ADVISORY MEMORANDUM ON DISCLOSURE PROVISIONS OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

"SCOPE

"The Act repeals the Federal Corrupt Practices Act of 1925 and substitutes a broader set of requirements, including:

"Political committees

"Registration of all political committees, defined as organizations which have contributions or expenditures above $1,000 a year, any portion of which is for the purpose of influencing the nomination or election of Senators.

"Four quarterly reports of receipts and expenditures of all registered *committees* and also special reports 15 and 5 days before primary and general elections.

"Candidates

"Quarterly reports of receipts and expenditures of all *candidates* in both primary and general elections; also special reports 15 and 5 days before such elections.

"Individual supporters

"Statements by all *individual contributors* who expend in excess of $100 in a calendar year for the election of a candidate, if they do so *other than through contributions to committees or to candidates.*

"SCHEDULE OF REPORTING

"The Act becomes effective April 7, 1972, and, in general, reporting applies only to transactions on or after that date. The reporting schedule for 1972 is as follows:

"April 17.—Registration deadline for all political committees in existence on the date of enactment (February 7, 1972).

"June 10.—Quarterly reports of receipts and expenditures due from candidates *and* committees.

"Fifteen days preceding a primary or runoff election.—The first pre-primary reports of receipts and expenditures due from candidates *and* committees. (See following schedule for primary dates in individual States).

"Five days preceding a primary or runoff election.—The second pre-primary reports of receipts and expenditures due from candidates *and* committees. (See following schedule for primary dates in individual States).

"September 10.—Quarterly reports of receipts and expenditures due from candidates *and* committees.

"October 23.—First pre-general election reports of receipts and expenditures due from all candidates *and* committees. (15 days preceding the general election on November 7).

"November 2.—Second pre-election reports and receipts and expenditures due from all candidates *and* committees. (5 days preceding the general election on November 7).

"January 31, 1973.—Final reports on receipts and expenditures for the year 1972 due from all candidates and committees.

"March 10, 1973.—First quarterly reports of 1973 due from candidates *and* committees.

"PROCEDURES AND OPERATIONS

"The Act establishes the Secretary of the Senate as the supervisory officer for all elections pertaining to the United States Senate. With respect to these elections, the Secretary is required to:

"Develop and supply prescribed forms for all of the above reports and statements.

"Publish a manual of administrative regulations and reporting procedures.

"Make reports and statements available promptly for public inspection and copying by duplicating machine at cost.

"Keep all records for ten years.

"Maintain indexes and cross references, including a current list of the statements and reports pertaining to each candidate.

"Publish annually the accumulated reports and organizational statements (registration) of each political committee.

"Cooperate with States to assure maximum use of same reporting forms for Federal and State registry and reports.

"Investigate complaints of violations, by hearing procedures if required, with referral to the Department of Justice in the event of statutory violation.

Tabulate data reported by candidate and committees and publish annual summaries which contain the following breakdowns:

"Annual totals of the reports of candidates, committees and individuals.

"Total expenditures broken down as to candidate and party.

"Total expenditures for influencing nominations and for influencing general elections.

"Total contributions broken down as to candidates and committees.

"Total contributions by individuals in excess of $100."

ADMINISTRATIVE PAYROLL ADJUSTMENTS

To cope with the dual problem of unpredictable volume and variable intensity of activity, we propose an administrative plan which provides for a variable response. To put this plan into operation, adjustment will have to be made in the Secretary's administrative payroll, as follows:

FUNDING INCREASE

1. Increase the overall present total of the administrative payroll by $14,000 in the coming year.

TRANSFER OF TWO EMPLOYEES TO STATUTORY PAYROLL

2. Transfer two Senate employees presently on that payroll to the statutory payroll, since their duties are now, clearly continuing. The two positions are that of third assistant parliamentarian, presently No. 402 on the payroll and carrying a position gross-pay rate of $19,684, and the assistant messenger position presently No. 403. The position gross for this messenger's position is $8,547. I would propose to increase it to not exceed $9,583 on the statutory payroll since I plan to assign this position to the new campaign reports office with increased responsibilities. The effect of these two transfers will be to increase the aggregate statutory payroll of the office of the Secretary by $29,267, from the present level of $2,114,992 to $2,144,259, excluding $85,988 for the administrative fund.

These two steps, namely increasing the administrative payroll by $14,000 and transferring the two positions just cited to the statutory payroll, will make available a total of $42,200 in the administrative roll.

NECESSARY HIRING AND CONTINGENCIES

To this should be added $9,000 presently unobligated on the administrative roll, for a total of $51,200 available for hiring as deemed necessary to meet the needs of the new situation as well as any unforeseen contingencies which may arise elsewhere in the Secretary's offices.

It is my intention to use less than $30,000 of this total at the outset to employ two new secretarial-clerical assistants in connection with the new law. It is possible that experience may reveal the need to hire others, either in the clerical field or as qualified legal assistants. These needs simply cannot be predicted at this point.

OFFICE OF THE SECRETARY OF THE SENATE

SCHEDULE OF SENATORIAL PRIMARY AND RUNOFF ELECTION DATES, BY STATE, TOGETHER WITH CONCOMMITANT REPORTING DATES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT OF 1971 (REVISED AS OF MAR. 1, 1972)

1972—State	Primary election			Primary runoff election		
	Date	1st pre-primary report	2d pre-primary report	Date	1st pre-primary report	2d pre-primary report
Alabama [1]	May 2	Apr. 17	Apr. 27	May 30	May 15	May 25
Alaska [1]	Aug. 22	Aug. 7	Aug. 17	None		
Arizona	Sept. 12	Aug. 28	Sept. 7	None		
Arkansas [1]	May 30	May 15	May 25	June 13	May 29	June 8
California	June 6	May 22	June 1	None		
Colorado [1]	Sept. 12	Aug. 28	Sept. 7			
Connecticut:						
Democrat	Aug. 9	July 25	Aug. 4	None		
Republican	Aug. 16	Aug. 1	Aug. 11	None		
Delaware: [1]						
Democrat	([2])					
Republican	July 17	July 2	July 12			
District of Columbia	May 2	Apr. 17	Apr. 27	May 23	May 8	May 18
Florida	Sept. 12	Aug. 28	Sept. 7	Oct. 3	Sept. 18	Sept. 28
Georgia [1]	Aug. 8	July 24	Aug. 3	Aug. 22	Aug. 7	Aug. 17
Hawaii	Oct. 7	Sept. 23	Oct. 2			
Idaho [1]	Aug. 8	July 24	Aug. 3			
Illinois [1]	Mar. 21	Mar. 6	Mar. 16			
Indiana	May 2	Apr. 17	Apr. 27	None		
Iowa [1]	June 6	May 22	June 1	None		
Kansas [1]	Aug. 1	July 17	July 27	None		
Kentucky [1]	May 23	May 8	May 18	None		
Louisiana [1]	Aug. 19	Aug. 4	Aug. 14	Sept. 30	Sept. 15	Sept. 25
Maine [1]	June 19	June 4	June 14	None		
Maryland	May 16	May 1	May 11	None		
Massachusetts [1]	Sept. 19	Sept. 4	Sept. 14			
Michigan [1]	Aug. 8	July 24	Aug. 3	None		
Minnesota [1]	Sept. 12	Aug. 28	Sept. 7			
Mississippi [1]	June 6	May 22	June 1	June 27	June 12	June 22
Missouri	Aug. 8	July 24	Aug. 3	None		
Montana [1]	June 6	May 22	June 1	None		
Nebraska [1]	May 9	Apr. 24	May 4	None		
Nevada	Sept. 5	Aug. 21	Aug. 31	None		
New Hampshire [1]	Sept. 12	Aug. 28	Sept. 7	None		
New Jersey [1]	June 6	May 22	June 1	None		
New Mexico [1]	June 6	May 22	June 1	None		
New York	June 20	June 5	June 15			
North Carolina [1]	May 6	Apr. 21	May 1	June 3	May 19	May 29
North Dakota	Sept. 5	Aug. 21	Aug. 31	None		
Ohio	May 2	Apr. 17	Apr. 27	None		
Oklahoma [1]	Aug. 22	Aug. 7	Aug. 17	Sept. 19	Sept. 4	Sept. 14
Oregon [1]	May 23	May 8	May 18			
Pennsylvania	Apr. 25	Apr. 10	Apr. 20	None		
Rhode Island [1]	Sept. 12	Aug. 28	Sept. 7	None		
South Carolina [1]	June 13	May 29	June 8	June 27	June 12	June 22
South Dakota [1]	June 6	May 22	June 1			
Tennessee [1]	Aug. 3	July 19	July 29	None		
Texas [1]	May 6	Apr. 21	May 1	June 3	May 19	May 29
Utah	Sept. 12	Aug. 28	Sept. 7	None		
Vermont	Sept. 12	Aug. 28	Sept. 7			
Virginia [1]	June 13	May 29	June 8			
Washington	Sept. 19	Sept. 4	Sept. 14	None		
West Virginia [1]	May 9	Apr. 24	May 4	None		
Wisconsin	Sept. 12	Aug. 28	Sept. 7			
Wyoming [1]	Aug. 22	Aug. 7	Aug. 17	None		

[1] States in which senatorial elections occur in 1972.

[2] Convention undecided.

CONTRACTS WITH PRIVATE DATA PROCESSING FIRMS

It is proposed that other variable personnel needs be met by contract with private data processing firms and by the engagement of temporary professional or legal help, as necessary. This approach is taken in lieu of increasing the permanent personnel costs of the Senate. To understand what these costs may involve, I refer you to the following paragraphs of section 308(a) of the act which you have before you:

Paragraph 4, which requires the Secretary to make all reports filed available for public inspection within 48 hours and to permit machine copying on a reimbursable basis.

Paragraph 5, which requires the preservation of all reports and documents filed for a period of 10 years.

Paragraphs 3 and 6, which require maintenance of up-to-date cross indexes and lists of reports received.

TECHNICAL ADVICE OF COMPUTER SERVICES SUBCOMMITTEE OF THE COMMITTEE ON RULES AND ADMINISTRATION

Because of the great volume of documents involved in the complexity of meeting the time requirements, it has been apparent from the beginning that the required processing could not be accomplished by the usual manual means, so I have turned to the Computer Services Subcommittee of the Committee on Rules and Administration for technical advice as to how best the law can be complied with at the lowest cost to the Senate. If I may digress for a moment, I wish to note for the record the superb support and assistance which I have received to date from the Rules Committee and its distinguished Chairman, Senator B. Everett Jordan. He is doing everything possible to assist us in putting this law into effect.

RECOMMENDED MICROFILM SYSTEM: TECHNICAL PERSONNEL CONTRACT REQUISITE

The Computer Services Subcommittee has recommended that we meet the display, copying, and storage requirements of the act, in large part, by a microfilm system. The system involves contracting for technical personnel in varying numbers to meet fluctuating need and to process the microfilm on an overnight basis. The system also involves the leasing of various types of equipment, also on a flexible basis appropriate to varying need.

The technical personnel whose services are required are microfilm camera operators and key tape terminal operators. We are allowing for six persons in this category for an estimated 100 work days in the year. I am advised that there are firms which can supply such personnel on a variable basis.

Calculating from prevailing wage rates for this type of service, estimates are that total contract costs for such personnel could run to $43,200. I respectfully request authority to contract for these expenditures from the Senate's contingent fund with the approval of the Committee on Rules and Admnistration.

CONTRACT FOR DESIGN OF COMPUTER PROGRAMING SYSTEM

I request similar contracting authority for microfilm processing in the amount of $16,800, and to cover a nonrecurring contract cost of $40,000 for the design of a computer programing system for the daily cross indexes and lists which are required by paragraphs 3 and 6 of section 308 of the law.

TOTAL CONTRACT AUTHORITY

The total contract authority which is requested, then, for technical services is $100,000. I stress that it is a maximum figure and I want to assure this committee that every effort will be made to hold these costs to a minimum. Indeed, I am hopeful that a considerable portion of this total will not be expended. In the circumstances it seems to me that the use of contract authority in this regard appears to offer a far less costly means of complying with the act than would straight appropriations for employment of in-house permanent staff and services.

LEASING OF EQUIPMENT

In a related vein I want to outline for you the costs of leasing various items of equipment which are necessary to the processes which I have just outlined. It is my understanding that such leases would be entered into for the Office of the Secretary by the Sergeant at Arms. I am, therefore, not requesting this authority for myself but, with your concurrence, will ask that the Sergeant at Arms rent various items of equipment.

The item and the annual rental charges are:

Micro-film cameras (3)	$15,500
Micro-film reader-printers (3)	13,000
High-speed Xerox copier	10,800
Computer key tape terminals	5,500
Total	44,800

INDETERMINATE COSTS: ECONOMICAL PROCEDURE

These also are allowances based on uncertain estimates. We do not know, for example, what public demand will be made for copies of the contribution reports. It is possible that more units may be needed in peak periods. Conversely, we may find that some of the units may be removed, especially during nonelection years, thus reducing the rental charges considerably.

Hence, I believe the contract-rental route promises, again, greater economies than outright acquisition of this expensive and ever-charging equipment by the Senate. I should note, too, that a reasonable per-page charge will be made for all copies provided and these receipts should offset a part of the annual rental charges.

SECTION 308(A), PARAGRAPH 11: TRAVEL EXPENSES, LEGAL AND OTHER ASSISTANCE AND LOAN OF AGENCY PERSONNEL

Section 308(a) paragraph 11 requires the Secretary of the Senate to make audits and field investigations and section 308(b) directs the Secretary to cooperate with the officials of the several States to simplify the administration of the act. This will entail travel expenses and, very likely, the procurement of temporary or intermittent legal and other professional assistance, and coopted personnel from other agencies.

AUTHORITY PURSUANT TO SENATE RESOLUTION 267

I would like to note in this regard, and also with respect to my request for the other contracting authority, that Senate Resolution 267 which is now in force has provided the Secretary with temporary broad authority: (1) to make expenditures from the contingent fund of the Senate, (2) with the prior consent of the Government department or any agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of such department or agency, (3) to procure the temporary or intermittent services of individual consultants, or organiza-

tions thereof, in the same manner and under the same conditions to the extent applicable as a standing committee of the Senate may procure such services under section 202(1) of the Legislative Reorganization Act of 1946, and (4) to incur official travel expenses.

REPORT ACCOMPANYING RESOLUTION

The report which accompanied that resolution expressed the hope that the legislative branch appropriation for 1973 would provide a general continuation of that authority and I respectfully request that you will see fit to do so at the same levels of expenditure.

FUNDING AUTHORIZATION

Senate Resolution 267 made such a provision for $38,000. I also would ask this sum be authorized in a breakdown of $30,000 yearly for the reimbursable services of agency personnel and to hire fee-consultants, and $8,000 for official travel expenses.

GENERAL HOUSEKEEPING REQUESTS

There are two general housekeeping requests which I must bring to your attention in connection with the Federal Elections Campaign Act. The first deals with stationery supplies necessary to support the operations I have outlined above. The Rules Committee has already assigned two additional rooms in the Capitol to house these operations. They need to be outfitted. Total requirements for this purpose cannot be predicted precisely but to make adequate provision I request that the stationery allowance of the Office of the Secretary be increased from $3,900 to $5,900 I also request that the postage allowance for the Office of the Secretary be increased from $410 to $610 to cover such air mail and special delivery costs as may be incurred in making a timely distribution of official forms, regulations and other communications.

TOTAL COSTS

To recapitulate, my estimate of the total costs involved in carrying out the Federal Elections Campaign Act for Senate elections can be summarized as follows:

Increase in the Secretary's administrative payroll	$14,000
Increase in the Secretary's statutory aggregate (which releases equivalent funds in the administrative roll for new obligation)	29,267
Contract authority for expenditures from the contingency fund for technical services:	
Personal services	43,200
Film processing	16,800
Computer programing system (one-shot expenditure)	40,000
Engagement of temporary, intermittent or reimbursable personnel (legal and other professional)	30,000
Travel	8,000
Stationery supplies	2,000
Postage	200
Equipment rental, Sergeant at Arms	44,912
Total cost	228,379

BASIC CAPABILITY TO COMPLY WITH STATUTE AND SUPPLEMENTAL REQUEST FOR ANNUAL STATISTICS RECAPITULATIONS

The amount involved is substantial, considering that it covers only the estimated costs of the Senate elections, but the requirements of the new act are also substantial and formidable. In my judgment, the funds requested will provide a basic capability of complying fully with the Senate's share of the new law, with the sole exception of certain annual statistical recapitulations which the act also requires, and which we have not yet had a chance to go into fully. These will have to be the subject of a supplemental request. It is possible that we have overestimated on some items and underestimated on others. We simply cannot tell for sure until we have the benefit of at least a year's experience, so I ask the committee to give us what we believe is necessary for carrying out the congressional intent with my assurances that we will do whatever we can to minimize the expenditures.

Operations of secretary's office: option of making later requests

Because of the immediacy of the problems, I have addressed my testimony this morning almost entirely to the Federal Election Campaign Act. I would like the option of suggesting to this subcommittee, within the week and by letter, if I may, any further matters regarding the operations of the Secretary's offices which should have the attention of your members. I do not know that I will have such suggestions, but I would appreciate the opportunity of being able to give them.

Senator HOLLINGS. You certainly will have that opportunity, Mr. Valeo.

Page volume of reports: uniformity of procedure by Senate, House, and GAO

You state that you cannot tell how many pages may be involved, and there might be as many as 200,000 pages to file, display, copy, store, and retrieve. Has there been a coordination of the uniformity as between yourself, GAO, and the House side? Can you get one form? You might have one campaign committee giving to Senator Cotton and one to Senator Hollings and one to President Nixon. One committee like that would be the committee for intelligent and farsighted Government.

Mr. VALEO. Yes, sir. We have been meeting very regularly. We are designing our forms in concert with the GAO and the Clerk of the House. We have achieved agreement on practically all aspects of the basic form for each of the submissions that are required under the law.

Senator HOLLINGS. Will that form average a report of 50 pages?

Mr. VALEO. We figure an average of 50 but we cannot be sure because some will run several hundred. If you have to list every contributor of over $100, you can imagine in some instances this will be quite formidable.

Senator HOLLINGS. That would be listing names but there wouldn't be all that explanation.

Mr. VALEO. They would be listed as part of a committee report, perhaps, a campaign committee report.

Contracts

Senator HOLLINGS. The other thing is we don't want the tail wagging the dog about moving you out. I think it is good to hire and contract out this personnel.

Space for display of documents

You noted there are two rooms in the Capitol being assigned. This really ought to be set off some place outside the Capitol in a more accessible building so that anybody wanting to look at the files and examine the records wouldn't be trooping through the Capitol and bolixing up further the traffic in the passageways and what have you just to be checking on each fellow and who contributed.

I don't know who contemplated putting this in the Capitol of the United States.

Mr. VALEO. The rooms are actually on the terrace level of the Capitol. They are relatively small rooms. We had a third room there already assigned to the Secretary for other purposes. The three in conjunction with one another have been designed so that they can handle it. It is not in the middle of the Capitol. It is in one of the least crowded parts of the Capitol. But it is certainly available to the public. Since the press itself will be one of the principal consumers of this, and since they are in the Capitol themselves, it does seem to make sense to have it there. Also, for supervisory purposes in this first year, the operation should be near my office. However, in due course, the thing to do may be to move it somewhere else. There is no absolute necessity for it to be in the Capitol. I will put it that way.

Senator HOLLINGS. I thought it might expand and get bigger and more used. There are a lot of other places, of course, that are available to the press. We would not be taking it away from the press. The press is over all these buildings. It would be better in the New Senate Office Building where we are right now, where the press is also, than right over in the Capitol.

Mr. VALEO. I will be prepared to make recommendations of that kind on the basis of a year's experience. I can't foresee all of the contingencies at this time.

Senator HOLLINGS. Senator Cotton?

Senator COTTON. I think the chairman has covered the points. It was a very excellent statement.

Charges for use of Xerox machine

Senator HOLLINGS. We want to be brief, but let me ask you this: What happens to the funds you will collect for the use of your Xerox machines?

Mr. VALEO. We expect that to go back perhaps into a miscellaneous receipts fund of some sort. Actually, we haven't set up the actual bookkeeping arrangements. They will go into some sort of a miscellaneous receipts fund. I would be very appreciative of the guidance of your staff on that point as to the best way to proceed.

Senator HOLLINGS. We will coordinate with you.

Administrative fund increase: Official reporters

How about the addition in the administrative fund, the Official Reporters office. You had an additional clerical position last year.

Mr. VALEO. We have a situation with a very long-time employee of the Senate who has been ill and, possibly close to retirement. We have had to meet that situation by keeping a prospective replacement on the administrative payroll.

Date of statutory implementation: Alabama primary

Senator HOLLINGS. You will be ready to go on April 7?

Mr. VALEO. We hope to be. We expect to have these forms out. Our first situation arises with the Alabama primary.

Senator HOLLINGS. When is that?

Mr. VALEO. May 2.

Senator HOLLINGS. When would the reports be in to you for the May 2 Alabama primary?

Mr. VALEO. There would be one, 15 days prior to it and the second one, 5 days prior to it.

Senator HOLLINGS. That would be the middle of April.

Mr. VALEO. That is right. We expect to get the forms out for that primary by mid-March, along with a general distribution of the registration forms because committees, political committees, which are now in existence and were in existence at the date of enactment of the law, will have to begin to register on the 17th, actually, of April.

Introduction of associates

Senator HOLLINGS. Do your associates wish to add anything at this point?

Mr. VALEO. I wish to point them out. This is Mr. Orlando Potter and Mr. William Ridgely. Mr. Potter has been handling a good deal of the detail work on designing this system. Mr. Ridgely, of course, is responsible for what is happening in the Disbursing Office. Mr. St. Claire is in overall charge of the project for me.

Senator HOLLINGS. For Federal elections?

Mr. VALEO. Among other things, yes. He is Assistant Secretary.

Senator HOLLINGS. We appreciate very much your appearance. We will look forward to anything else you may have in the next week. Just submit any further testimony by

letter and we will cover it in our official record of the hearings.

Mr. VALEO. Thank you, Mr. Chairman.

Conclusion of hearings

Senator HOLLING. Thank you very much.

That will conclude the hearings of the subcommittee.

(Whereupon, at 12:18 p.m., Thursday, March 2, the hearings were concluded and the subcommittee was recessed, to reconvene at the call of the Chair.)

Mr. SCOTT. Mr. President, I wish to acknowledge the statement made by the distinguished majority leader, and the testimony of Mr. Valeo is of interest to all Senators. I commend it to their attention, particularly the effective date of April 7, 1972.

The first primary to be covered under the provisions of the Campaign Act itself would be the Alabama primary. Mr. Valeo has testified there will be ample time to have forms put out in time for compliance from that primary on.

As most of us know, the General Accounting Office has been preparing guidelines which will be useful. I understand the first guidelines are some 40 pages long. They are now trying to get down to some 14 pages. I would hope they could give us a careful summary or an index so w ecould make ready reference to what the requirements are, because this act is difficult to comply with, in view of its complexity and the wide provisions for reporting, for which I am in part responsible, as I offered a similar bill at one time.

Also, it should be called to the attention of the Senate that various regulatory agencies, such as the Federal Communications Commission and others, are preparing their own guidelines for the extension of credit or conditions under which credit cannot be extended to candidates or committees. I would hope that these provisions can be faithfully complied with. No candidate ought to be permitted to conduct his campaign on the cuff or at the expense of Government-regulated agencies.

So we are here plowing new ground. We are trying to implement an act which is desirable. Some flaws may develop as time goes along, but it seems to be better than the previous act. It is an act, however, which could be violated unintentionally, so that we are all on notice to do our very best to see that full and genuine compliance is observed, because the eyes of the country are on the Federal legislators in this regard.

I thank the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I want to state that, along with the distinguished minority leader, we thought it best that all this information be placed in the RECORD at this time. I want to commend the distinguished Secretary of the Senate, Mr. Francis Valeo, for the painstaking effort and outstanding job he has done, and done in such a short time, comparatively speaking. So, for all Senators, and for all candidates for the Senate, the information available under the new law will be contained in the CONGRESSIONAL RECORD for their study and their consideration.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, in view of the shortness of time before the first vote occurs, that the time for the conduct of morning business be extended to 10:45 a.m.

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

THE NAVAL VESSEL LOAN BILL—PRIVILEGE OF THE FLOOR

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that Mr. LaBre Garcia and Mr. Forrest Rettgers be given the privilege of the floor during the consideration of H.R. 9526.

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

CHANGE OF MINIMUM AGE QUALIFICATION FOR SERVING AS A JUROR IN FEDERAL COURTS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1975.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1975) to change the minimum age qualification for serving as a juror in Federal courts from twenty-one years of age to eighteen years of age, which were, on page 1, line 3, strike out "(a)".

On page 1, strike out all after line 5, over through and including line 2 on page 2.

On page 2, strike out lines 6 through 13, inclusive, and insert:

SEC. 3. (a) Each judicial district and each division or combination of divisions within a judicial district, for which a separate plan for random selection of jurors, has been adopted pursuant to section 1863 of title 28, United States Code other than the District of Columbia and the districts of Puerto Rico and the Canal Zone, shall not later than September 1, 1973, refill its master jury wheel with names obtained from the voter registration lists, for, or the lists of actual voters, in, the 1972 general election.

(b) The District of Columbia and the judicial districts of Puerto Rico and the Canal Zone shall not later than September 1, 1973, refill their master jury wheels from sources which include the names of persons eighteen years of age or older.

(c) The qualified jury wheel in each judicial district, and in each division or combination of divisions in a judicial district for which a separate plan for random selection of jurors has been adopted, shall be refilled from the master jury wheel not later than October 1, 1973.

SEC. 4. (a) Nothing in this Act shall affect the composition of any master jury wheel or qualified jury wheel prior to the date on which it is first refilled in compliance with the terms of section 3.

(b) Nothing in this Act shall affect the composition or preclude the service of any jury empaneled on or before the date on which the qualified jury wheel from which the jurors' names were drawn is refilled in compliance with the provisions of section 3.

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

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 676, 677, and then over to 680 and down through and including 687.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the measures in the order requested, and the clerk will state the first measure by title.

"THE ELECTORAL COMMISSION OF 1877" PAINTING

The Senate proceeded to consider the concurrent resolution (S. Con. Res. 59) to authorize the loan of the Cornelia Fasset painting, "The Electoral Commission of 1877," to the National Portrait Gallery of the Smithsonian Institution, which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 9, after the word "than", strike out "April 14, 1972" and insert "May 2, 1972"; so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring). That the Architect of the Capitol shall, on behalf of the Congress, lend the Cornelia Fasset painting, "The Electoral Commission of 1877", located in the Capitol, to the Smithsonian Institution for the National Portrait Gallery exhibit of political memorabilia relating to elections from 1796 to 1968. Such loan shall be made so that the portrait shall be available for display by the National Portrait Gallery not later than May 2, 1972, and under procedures that will assure its proper preservation, display, and return to the Capitol as soon as practicable after September 5, 1972.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

JOHN D. ROCKEFELLER, JR., MEMORIAL PARKWAY

The Senate proceeded to consider the bill (S. 3159) to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 3, line 22, after the word "this" strike out "Act." and insert "Act, not to exceed, however, $3,092,000 (August 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) That for the purpose of commemorating the many significant contributions to the cause of conservation in the United States, which have been made by John D. Rockefeller, Jr., and

to provide both a symbolic and desirable physical connection between the world's first national park, Yellowstone, and the Grand Teton National Park, which was made possible through the efforts and generosity of this distinguished citizen, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to establish the John D. Rockefeller, Junior, Memorial Parkway (hereinafter referred to as the "parkway") to consist of those lands and interests in lands, in Teton County, Wyoming, as generally depicted on a drawing entitled "Boundary Map, John D. Rockefeller, Junior, Memorial Parkway, Wyoming", numbered PKY–JDRM–20,000, and dated August 1971, a copy of which shall be on file and available for inspection in the offices of the National Park Service, Department of the Interior. The Secretary shall establish the parkway by publication of a notice to that effect in the Federal Register, at such time as he deems advisable. The Secretary may make minor revisions in the boundary of the parkway from time to time, with the concurrence of the Secretary of Agriculture where national forest lands are involved, by publication of a revised drawing or other boundary description in the Federal Register.

(b) The Secretary shall also take such action as he may deem necessary and appropriate to designate and identify as "Rockefeller Parkway" the existing and future connecting roadways within the parkway, and between West Thumb in Yellowstone National Park, and the South Entrance of Grand Teton National Park: *Provided*, That notwithstanding such designation, such roads within the Yellowstone and Grand Teton National Parks shall continue to be managed in accordance with the statutes and policies applicable to these parks.

SEC. 2. Within the boundaries of the parkway, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency. Lands and interests in lands owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of another Federal agency shall, upon request of the Secretary, be transferred without consideration to the jurisdiction of the Secretary for the purposes of the parkway.

SEC. 3. (a) The Secretary shall administer the parkway as a unit of the National Park System in accordance with the authority contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

(b) The lands within the parkway, subject to valid existing rights, are hereby withdrawn from location, entry, and patent under the United States mining laws.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, not to exceed, however, $3,092,000 (August 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

The amendment was agreed to.

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

FOSSIL BUTTE NATIONAL MONUMENT

The Senate proceeded to consider the bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 17, after the word "owner.", strike out "When acquiring land by exchange the Secretary may convey to the grantor federally owned land under his jurisdiction which he classifies as suitable for exchange or other disposal. The properties so exchanged shall be approximately equal in fair market value, but in order to equalize values the Secretary may accept cash from, or pay cash to, the grantor."; and, on page 3, line 20, strike out "Act." and insert "Act, not to exceed, however, $4,469,000 (June 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for the benefit and enjoyment of present and future generations outstanding paleontological sites and related geological phenomena, and to provide for the display and interpretation of scientific specimens, the Fossil Butte National Monument (hereinafter referred to as the "monument") is hereby established, to consist of lands, waters, and interests therein within the boundaries as generally depicted on the drawing entitled "A proposed Fossil Butte National Monument, Wyoming," numbered FBNM–7200, dated April 1963, revised July 1964, and totaling approximately eight thousand one hundred and eighty acres. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the monument from time to time by publication of a notice to that effect in the Federal Register, except that at no time shall the boundaries encompass more than eight thousand two hundred acres.

SEC. 2. The Secretary shall administer the monument pursuant to the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

SEC. 3. Within the boundaries of the monument the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests therein owned by the State of Wyoming or a political subdivision thereof may be acquired only with the concurrence of the owner.

SEC. 4. (a) The Secretary shall permit the use of lands and waters within the monument for grazing and stock watering at such periods and places where such uses will not conflict with public use, interpretation, or administration of the monument for a period of thirty years from the effective date of this Act: *Provided, however,* That the Secretary shall have the power to extend the use of the lands for grazing and stock watering for as long after the thirty-year period as it is determined by the Secretary that such use does not conflict with the public use, interpretation, or administration of the monument: *And, provided, further,* That the use of lands within the monument for stock driveways shall continue in perpetuity at such places where this use will not conflict with administration of the monument.

(b) Upon termination of the uses set forth in subsection (a) of this section, the Secretary of the Interior is authorized to provide for the disposition and use of water surplus to the needs of the monument, to a point or points outside the boundaries of the monument.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this *Act, not to exceed, however, $4,469,000 (June 1971 prices) for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.*

Mr. McGEE. Mr. President, I am pleased that the Senate is about to pass S. 141, to establish the Fossil Butte National Monument near Kemmerer, Wyo.

For many years the people of Wyoming have shared a great concern and a desire to conserve this most unique area for scientific, educational, recreational, and artistic purposes for future generations.

The proposed area for the Fossil Butte National Monument is located a short distance west of Kemmerer, Wyo., on U.S. Highway 30 North, a main artery of Interstate Highway 80, 30 miles to the south.

Mr. President, Wyoming is a vacation wonderland. Millions of tourists from all parts of the Nation visit western Wyoming every year. Fossil Butte is located on crossroads between Grand Teton National Park and Yellowstone National Park to the north, and Flaming Gorge National Recreation Area, which is located only 135 miles to the south.

Excellent highways and other modes of transportation make this area readily accessible from all directions. The investment which we propose to make in this area will therefore be repaid many times by providing the general public with an added attraction and recreational facilities, not to mention the preservation of a unique scientific and educational treasure.

Mr. President, it is difficult in words to describe the beauty of this area and the geological formations which have evolved from a metamorphosis of the earth's surface over a period of 500 million years. No other site in America has a more abundant supply of fossil fish deposits. As only one example of the fossilized marine life, Eocene fish fossils at Fossil Butte are believed to be the best and most significant in the United States and probably in the world. It is truly a paleontologist's paradise and has attracted the attention of the academic community and laymen alike for many years.

Since Senator HANSEN and I introduced the bill 5 years ago. I have received letters and expressions of support from as far away as Slippery Rock State College, in Pennsylvania, and as nearby as the University of Wyoming. There is understandably broad support for the conservation of the natural, historical, and recreational heritage which the Fossil Butte area contains. On the other hand, there is evidence of willful destruction and serious depletion of the public treasures to be found there. It is, therefore, imperative, I believe, that Congress act now to establish the Fossil Butte National Monument and preserve in perpetuity this national asset.

The proposed boundary of the Fossil Butte National Monument encompasses an area of 8,180 acres. The bill authorizes the Secretary of the Interior to adjust the

boundary from time to time should that become necessary and advisable. The total acreage, however, is limited by the terms of the bill to no more than 8,200 acres. Ninety-six percent of this land is already in Federal ownership; 380 acres are privately owned; and the remainder is owned by the State of Wyoming. The Secretary is authorized to acquire the State lands by donation or exchange and to purchase, exchange, or receive by donation the private lands and interests therein.

Mr. President, the Federal lands within the monument area currently provide grazing for cattle and sheep, and there are in effect and applicable to these lands approximately 20 grazing permits renewable annually. When this legislation was initially proposed, we encountered substantial opposition from those ranchers who held the grazing permits. They feared the loss of these important grazing privileges. Consequently, the many people who share a common interest in the Fossil Butte National Monument area, including members of the Kemmerer Booster Club, the western Wyoming resource conservation and development project, individual ranchers, and civic leaders, worked diligently to resolve this problem. As a result of these efforts, and with the unanimous approval of the entire Wyoming congressional delegation, section 4(a) of the bill was amended to provide for a 30-year period after the enactment of this bill during which the Secretary of the Interior shall permit grazing and stock watering within the monument area. Furthermore, this use may be continued after the 30-year period in instances where grazing and stock watering will not be in conflict with public use and administration of the area. The provisions of section 4(a) represent a reasonable compromise of divergent points of view and have my complete support. Typically, in the past, legislation has limited to 10 years the period during which the Secretary of the Interior could exercise control of grazing and stock watering in conjunction with his administration and management of areas set aside as national monuments or national parks. I believe, however, that this area is not typical in this respect and the uniqueness of the area justifies the 30-year provision contained in section 4(a). In fact, the public interest and the attractions of the area will be enhanced by cattle and sheep grazing in the area under proper management and control by the Secretary. Therefore, I sincerely urge the committee to adopt the provisions contained in section 4(a). Such action will certainly improve the chances of early congressional approval.

This proposal to establish the Fossil Butte National Monument has been endorsed by the Advisory Board on National Parks, Historic Sites, Buildings and Monuments, on three different occasions since 1961. The National Park Service has made a thorough study of the proposal and the land area to be included, and, as a result of this study, the Secretary of the Interior has approved our proposal. Most importantly, it has broad and virtually unanimous endorsement among the people of southwest Wyoming and the State government.

Mr. President, I express my appreciation to the chairman and members of the Committee on Interior and Insular Affairs for the consideration which they have given this legislation. I hope it will receive final congressional approval in the near future.

The amendments were agreed to.

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

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF "THE BUDGET OF THE UNITED STATES, FISCAL YEAR 1973"

The resolution (S. Res. 276) authorizing the printing of additional copies of Senate hearings entitled "The Budget of the United States, Fiscal Year 1973" was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Appropriations five hundred and fifty additional copies of its hearings entitled "The Budget of the United States, Fiscal Year 1973".

AUTHORIZATION FOR PRINTING "PROGRESS IN THE PREVENTION AND CONTROLS OF AIR POLLUTION AS A SENATE DOCUMENT

The resolution (S. Res. 278) authorizing the printing of the report entitled "Progress in the Prevention and Control of Air Pollution" as a Senate document was considered and agreed to, as follows:

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 313, Public Law 91–604, the Clean Air Act Amendments of 1970) entitled "Progress in the Prevention and Control of Air Pollution" be printed as a Senate Document.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

AUTHORIZATION FOR PRINTING "THE ECONOMICS OF CLEAN AIR" AS A SENATE DOCUMENT

The resolution (S. Res. 279) authorizing the printing of the report entitled "The Economics of Clean Air" as a Senate document was considered and agreed to, as follows:

Resolved, That the annual report of the Administrator of the Environmental Protection Agency, to the Congress of the United States (in compliance with section 312(a), Public Law 91–604, The Clean Air Amendments of 1970), entitled "The Economics of Clean Air", be printed with illustrations as a Senate document.

SEC. 2. There shall be printed two thousand five hundred additional copies of such document for the use of the Committee on Public Works.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF THE 1972 ANNUAL REPORT OF THE JOINT ECONOMIC COMMITTEE

The resolution (S. Res. 283) authorizing the printing of additional copies of the 1972 annual report of the Joint Economic Committee was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Joint Economic Committee three thousand additional copies of its report on the January 1972 Economic Report of the President.

DISTRIBUTION AND PRINTING OF TRIBUTES TO FORMER SENATORS HAYDEN, ROBERTSON, AND HOLLAND

The resolution (S. Res. 287) relating to the printing and distribution of legislative proceedings with respect to the deaths of former Senators Hayden, Robertson, and Holland was considered and agreed to, as follows:

Resolved, That the legislative proceedings in the United States Congress relating to the deaths of the former Senator from Arizona, Mr. Hayden, the former Senator from Virginia, Mr. Robertson, and the former Senator from Florida, Mr. Holland, ordered to be printed by the Senate on January 26, 1972, as separate Senate documents, be printed and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses, on behalf of Members of Congress dying in office, are printed under sections 723 and 724 of such title.

ESTABLISHMENT OF A JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1973

The concurrent resolution (S. Con. Res. 63) to establish a Joint Committee on Inaugural Ceremonies of 1973 was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators, and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 20th day of January 1973.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF THE CONSUMER PRODUCT SAFETY ACT OF 1971

The concurrent resolution (S. Con. Res. 70) authorizing the printing of additional copies of Senate hearings on the Consumer Product Safety Act of 1971 was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Commerce two thousand additional copies each of parts 1 and 2 of its hearings during the first session, Ninety-second Congress, on the Consumer Product Safety Act of 1971.

RESIGNATIONS FROM THE FEDERAL PAY BOARD

Mr. GRIFFIN. Mr. President, I deeply regret that four leaders of some of the Nation's largest unions have abandoned the fight against inflation.

I can only characterize the walkout—led by George Meany—as a callous display of contempt for the public interest.

While other workers in the country are supposed to go along with 5½-percent raises, George Meany is mad be-

cause longshoremen, who average nearly $7 an hour, are being held to a 15-percent increase—nearly three times what the guidelines provide.

The cost of living is now going up at the rate of about 3 percent a year—with wage and price controls in effect. Union members are consumers, too; and they must wonder like the rest of us what would happen to prices if Mr. Meany really got his way.

The battle against inflation will be more difficult without the cooperation of Mr. Meany and those who followed him. But the fight will go on, and President Nixon will win it.

QUORUM CALL

The PRESIDING OFFICER. Is there further morning business?

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. 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.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

S. 3419. An original bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT TO FILE WRITTEN REPORT AND JOINT REFERRAL OF BILL

Mr. MAGNUSON. Mr. President, I report an original bill from the Committee on Commerce. I ask unanimous consent that I have until April 10, 1972, to file the written report on the bill. Furthermore, I ask unanimous consent that the bill as reported from the Committee on Commerce be simultaneously referred to the Committees on Government Operations and Labor and Public Welfare for consideration of those aspects in titles I and II of the bill which fall within their respective jurisdictions; that the Committee on Labor and Public Welfare report the bill no later than May 23, 1972; that the Committee on Government Operations report the bill no later than May 25, 1972; and that on May 25, 1972 both the Committee on Government Operations and the Committee on Labor and Public Welfare, if they have not reported the bill by the respective dates, shall be considered to have been discharged from further consideration of the bill and that it be placed on the Senate Calendar.

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

Mr. MAGNUSON. Mr. President, every effort is being made to cooperate in this endeavor. I have instructed my staff to furnish the two committees with tentative drafts of the report by early next week. I look forward to continuing cooperation in this important legislative undertaking.

I have cleared this matter with the chairman of the Committee on Government Operations, the Senator from Arkansas (Mr. MCCLELLAN); the distinguished Senator from Connecticut (Mr. RIBICOFF), who will be handling the bill, and with the distinguished Senator from Illinois (Mr. PERCY), who is the ranking minority member of that committee. I have also cleared it with the distinguished Senator from New Jersey (Mr. WILLIAMS), the chairman of the Committee on Labor and Public Welfare, and with the distinguished Senator from New York (Mr. JAVITS), who is the ranking minority member of that committee. I have also cleared it with one other Member.

For the record, Mr. President, this is a bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes. It is a long, complicated bill that has been in the making for almost 5 years.

The Commerce Committee appointed a separate, independent commission to make a study of product safety. They worked for 2 years and made a report. The Commerce Committee has had numerous hearings on this matter and many executive sessions. Finally, we ironed out a bill that we think is acceptable.

For the record, the bill provides for the setting up of an independent agency for product safety, rather than the proposal to keep it in HEW. The Committee on Labor and Public Welfare wants to consider the matter because it does transfer the responsibility for foods and drugs into this independent agency. These two committees want to look at factors within their jurisdiction. The remainder of the bill has been ironed out by the Commerce Committee.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BOGGS:

S. 3418. A bill for the relief of Kimiko Bethard. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON, from the Committee on Commerce:

S. 3419. An original bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes. Referred, by unanimous consent, to the Committees on Labor and Public Welfare and Government Operations, with instructions to report on May 23 and May 25, 1972, respectively.

By Mr. KENNEDY:

S. 3420. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Assistance Administration to carry out a program of financial assistance to encourage and assist the States in registering voters. Referred to the Committee on Post Office and Civil Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 3420. A bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Assistance Administration to carry out a program of financial assistance to encourage and assist the States in registering voters. Referred to the Committee on Post Office and Civil Service.

VOTER REGISTRATION ASSISTANCE ACT OF 1972

Mr. KENNEDY. Mr. President, I send to the desk of the Senate for appropriate reference the Voter Registration Assistance Act of 1972. The purpose of this bill is to establish a comprehensive program of Federal financial assistance to aid State and local governments in carrying out their existing voter registration programs. The bill also contains specific financial incentives to encourage State and local governments to modernize their registration procedures, and it offers additional financial incentives keyed to the success of registration programs in the enrollment of previously unregistered voters.

Two weeks ago on the Senate floor, by the narrow margin of 46–42, the Senate killed perhaps the most promising Federal voter registration legislation ever proposed. S. 2574, the National Voter Registration Act sponsored by Senator GALE MCGEE of Wyoming, would have accomplished two highly significant reforms in the area of voting—it would have allowed citizens to register by post card, and it would have reduced State and local residence requirements for voting to 30 days.

Thanks to the far-reaching decision of the Supreme Court in Dunn against Blumfield earlier this week, the problem of burdensome residence restrictions on voting has largely been resolved. In effect, a major portion of S. 2574, although killed by the Senate, has now been passed by the Supreme Court.

By the overwhelming margin of 6–1, with two Justices not participating in the decision, the Court held that Tennessee's durational residence requirements for voting—1 year's residence in the State and 3 months' residence in the district—was an unconstitutional infringement on the right of vote and the right to travel. As a result of the Court's decision, it is estimated that some 5 to 8 million mobile citizens will be eligible to vote in elections across the country this year. Equally important, the decision went far beyond the provisions of S. 2574, since it applies not only to Federal elections, but to State and local elections as well.

The only substantial objection raised against the Court's decision was the fear, expressed by a number of election officials, that State and local registrars would be under a heavy burden to comply with the tide of new applications for registration expected to flow from the decision. In part, the fear is strengthened by the strong implication in the Court's decision that registration may not be closed earlier than 30 days before an election.

Thus, the Court's ruling, in effect, is an invitation to Congress to provide assistance to the States in meeting their new constitutional obligations, and that is the purpose of the legislation I am introducing today.

The bill contains six principal provisions:

First, it offers to make "basic" grants to States and local governments in amounts up to 30 percent of the cost of carrying out their existing voter registration programs. Through this provision, the bill offers direct and immediate financial assistance to local registrars hard pressed to carry out their current duties.

Second, the bill offers a series of financial incentives to States and local governments to increase the percentage of eligible voters who are registered. The amount of such "incentive" grants may be up to 10 percent of the overall cost of the registration program for each increase of 5 percent in the percentage of voters actually registered. The amounts available under this provision will be in addition to the 30-percent basic grants for which States would be eligible under the first provision described above. Thus, a State that increases its percentage of registered voters from 70 to 75 percent not only would be eligible for its "basic" grant of 30 percent of the cost of the registration program, but also would be eligible for an 'incentive" grant of an additional 10 percent.

Third, the bill offers planning grants to States and local governments to modernize their voter registration procedures. South Carolina has taken the lead in using electronic data processing techniques for voters registration. The present bill would enable a grant to be made to pay the full costs of planning such computer or similar programs, with limits for the grants based on the number of eligible voters in the jurisdiction receiving the grant.

Fourth, the bill offers to pay the full cost of a post card registration program adopted by my State or local governments. The amounts available would, however, be limited to direct costs of preparing and processing the cards. In effect, this provision of the bill seeks to establish through voluntary means what S. 2574 would have made mandatory.

Fifth, the bill offers technical assistance to States and local governments to improve their registration procedures, including assistance in developing programs for the prevention and control of fraud. By this provision, innovative approaches to registration disclosed in any part of the Nation will be made available to all jurisdictions, and nationwide improvements will be facilitated.

Sixth, to carry out the financial assistance program proposed by the bill, a new agency—a bipartisan Voter Registration Assistance Administration—would be established in the Census Bureau. The Bureau already has extensive expertise in developing election data and in related voting programs. By building on the foundation now available, it should be possible to launch the proposed new program in time to make significant assistance available for the 1972 elections.

To me, voter registration is the key to voter turnout. In America today, the real obstacles in the path to the ballot box are the barriers imposed by the archaic and unreasonable voter registration procedures now used in virtually every State.

We know that Americans who are registered are Americans who vote. Across the Nation, the momentum is building to reform our obsolete registration procedures. S. 2574 was a near miss. I believe that, pending the enactment of the more comprehensive sort of a program envisaged by S. 2574, we have an obligation to assist the States in whatever way we can to meet the burden imposed by the Supreme Court's decision in the Dunn case, and to offer as much help as we can to encourage the voters of America to register. The cost is small, and the rewards to our democratic system will be enormous.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in my remarks.

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

S. 3420

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 "Voter Registration Assistance Act of 1972."

SEC. 2. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 11—VOTER REGISTRATION ASSISTANCE ADMINISTRATION

"Sec.
"401. Definitions.
"402. Establishment.
"403. Duties and powers.
"404. Programs of assistance.
"405. Grants to carry out and increase voter registration.
"406. Grants to modernize voter registration.
"407. Grants for post card registration.
"408. Technical assistance and fraud prevention.
"409. Applications for assistance.
"410. Regulations.

"§ 401. Definitions.

"As used in this chapter—

"(1) 'Administration' means the Voter Registration Assistance Administration;

"(2) 'State' means each State of the United States, the political subdivisions of each State, and the District of Columbia;

"(3) 'election' means any primary, special, general, or other election held for the purpose of nominating or electing candidates for any public office, including any election held for the purpose of expressing a preference for the nomination of individuals for election to the office of President or Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention; and

"(4) 'grant' means grant, contract, or other appropriate financial arrangement.

"§ 402. Establishment of Voter Registration Assistance Administration.

"(a) There is established within the Bureau of the Census, Department of Commerce, the Voter Registration Assistance Administration.

"(b) The President shall appoint, by and with the advice and consent of the Senate, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be adherents of the same political party.

"§ 403. Duties and powers.

"The Administration shall—

"(1) provide assistance by grant to States and political subdivisions thereof in carrying out and improving their voter registration procedures;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States;

"(3) provide assistance, upon their request, to officials of States and political subdivisions thereof concerning voter registration and election problems generally;

"(4) obtain facilities and supplies, and appoint and fix the pay of officers and employees, as may be necessary to permit the Administration to carry out its duties and powers under this chapter, and such officers and employees shall be in the competitive service under title 5, United States Code;

"(5) appoint and fix the pay of officers and employees for temporary services as authorized under subchapter II of chapter 1 of this title for temporary employees of the Bureau of the Census;

"(6) prepare and submit annually to the President and the Congress a report on its activities, and on voter registration and elections generally in the United States; and

"(7) take such other actions as it deems necessary and proper to carry out its duties and powers under this chapter.

"§ 404. Programs of assistance.

"In accord with sections 405, 406, 407, and 408, the Administration is authorized to provide assistance by grant, contract, or other arrangement to States and political subdivisions thereof in improving their voter registration procedures and increasing voter participation in elections.

"§ 405. Grants to carry out and increase voter registration.

"(a) The Administration authorized to make grants to any State or political subdivision thereof for the purpose of carrying out existing voter registration procedures. A grant made under this subsection shall not be in excess of thirty percent of the direct costs of carrying out the voter registration procedures of the jurisdiction receiving the grant.

"(b) In order to encourage and assist States and political subdivisions thereof to increase and expand their voter registration programs, the Administration is authorized to make grants to any State or political subdivision thereof which increases the percentage of eligible voters who are registered. The amount of such grant shall be ten percent of the direct costs of carrying out the voter registration procedures, for each five percent increase in the percentage of eligible voters registered above the percentage of eligible voters registered at the time of the most recent general election held in such jurisdiction.

"(c) The total amount of grants made available to a State or political subdivision thereof under this section shall not exceed the total direct cost of the voter registration procedures of such jurisdiction.

"§ 406. Grants to modernize voter registration.

"In order to encourage and assist States and political subdivisions thereof to modernize their voter registration procedures, the Administration is authorized to make grants to any State or political subdivision thereof for planning and evaluating a system of voter registration utilizing electronic data processing or other similar appropriate procedures. A grant made under this subsection shall not be in excess of a total of one-half cent for each potential voter in the jurisdiction receiving the grant, or $15,000, whichever is greater;

"§ 407. Grants for post card registration.

"The Administration is authorized to make grants to any State or political subdivision thereof to carry out programs of voter registration by postal card. The amount of such grant shall not be in excess of the full direct cost of preparing and processing such postal cards.

"§ 408. Technical assistance and fraud prevention.

"The Administration is authorized to provide technical assistance, including assistance in developing programs for the prevention and control of fraud, to any State or political subdivision thereof for improving voter registration and voter participation. Such assistance shall be made avilable at the request of States and political subdivisions thereof, to the extent practicable and consistent with the provisions of this chapter.

"§ 409. Applications for assistance.

"A grant authorized by section 405, 406, or 407 of this chapter may be made only upon application to the Administration at such time or times and containing such information as the Administration may prescribe. No application shall be approved unless it—

"(a) sets forth the authority for the grant under this chapter;

"(b) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this chapter, and provides for making available to the Administration, for purposes of audit and examination, books, documents, papers, and records related to any funds received under this chapter; and

"(c) provides for making such reports, in such form and containing such information, as the Administration may reasonably require to carry out its functions under this chapter, for keeping such records, and for affording such access thereto as the Administration may find necessary to assure the correctness and verification of such reports.

"§ 410. Regulations

"The Administration is authorized to issue rules and regulations for the administration of this chapter."

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11. Voter Registration Assistance Administration ---------- 401"

SEC. 3. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Administrator and Associate Administrators (2), Voter Registration Assistance Administration, Bureau of the Census."

SEC. 4. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

THE WAR POWERS ACT—AMENDMENTS

AMENDMENTS NOS. 1084 AND 1085

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

Mr. FULBRIGHT submitted two amendments intended to be proposed by him to the bill (S. 2956) 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.

STUDENT TRANSPORTATION MORATORIUM ACT OF 1972—AMENDMENT

AMENDMENT NO. 1086

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

Mr. GURNEY. Mr. President, I am today introducing an amendment to the "Student Transportation Moratorium Act of 1972" that was introduced March 21. This moratorium bill, as it stands, only stops future busing; it does not stop present busing. My amendment would equalize the situation by applying the moratorium to existing busing in the South as well as to proposed busing plans anywhere else in the Nation.

Specifically, my amendment provides that any busing order entered prior to passage of the moratorium bill will, upon application to the court, be reopened for consideration and its implementation stayed.

The language of this amendment closely parallels that found in section 406 of the proposed "Equal Education Opportunities Act of 1972" that is to come before us shortly. But, in addition, it provides an effective means of implementing a moratorium that would treat all our citizens in all parts of the country the same way—something the "Student Transportation Moratorium Act of 1972" presently fails to do. So, while this amendment does not represent a permanent solution, at least it will help bridge the gap until Congress chooses to act on this business of forced busing.

What is really involved here is a question of fairness. If we are going to have a moratorium on forced busing, it should apply to all sections of the country, not just some. Providing that the moratorium will not apply to the South is discriminatory in that it penalizes one section of the country for complying with the law while, at the same time, grants immunity to the rest. It would seem only logical that school systems which have already had busing forced upon them need this moratorium more, rather than less, than those that have not. A moratorium that applies to some school districts should certainly apply to those who are suffering the most; standards of fair play demand no less.

Those who might argue that this would mean a return to a dual school system in the South would do well to keep some figures in mind. In the recent Florida primary, 79 percent of the voters indicated they were opposed to any return to a dual school system. Also, recent studies show that southern schools are better integrated than those elsewhere; almost 44 percent of southern black pupils attend majority white schools, while only 28 percent of the blacks in the North and 30 percent of the blacks in the border States could make the same claims. Linking these two together, it is quite apparent that a return to segregated schools is neither the intention nor the issue; if it were, how does one explain the fact that three out of four southerners polled in 1970 expressed support for integrated schools. In short, most people in the South do not oppose desegregation; they just want what everyone else wants—fair treatment and the right to send their children to a neighborhood school.

There is no reason—particularly in view of the facts and figures just cited—that the South, simply by virtue of the fact that busing is already a fact of life there, should be denied these rights at the same time Congress is making it a policy to protect them elsewhere. If forced busing is wrong or undesirable, it is wrong and undesirable everywhere and to say anything else would be both unfair and inconsistent.

Forced busing affects everybody—young, old, rich, poor, parents, and those without school-age children. We all have to pay for it and we all have to live with it. Therefore, it seems essential that, if we are going to legislate in this area, we develop a uniform national policy that will apply to all people in all sections of the country without favoring one section over another.

Every indicator shows that a great majority of Americans—back and white—oppose forced busing. Whether it be in a referendum in Florida or at a political convention in Gary, Ind., the people have made their position quite clear. And that position is—do something to stop forced busing.

This moratorium, if passed in such a form so as to apply to everybody, will cool off the passions and give us the time to find the best way to deal with the problem. But, if the moratorium is to work and if it is to have the confidence of the American people, it must be fair and that means it must apply to existing busing as well as proposed busing.

My amendment would enable it to do just that. Therefore, I urge its adoption.

ADDITIONAL STATEMENTS

PAUL DOUGLAS' 80TH BIRTHDAY

Mr. PROXMIRE. Mr. President, Sunday, the 26th of March, is the 80th birthday of our friend and former colleague, Paul H. Douglas of Illinois. In the Senate we knew him as a fighting liberal who took on unpopular causes and fought them through to success. Civil rights, one man-one vote, depressed areas, improvements in social security, tax loopholes, consumer bills, the Indiana Dunes, the disclosure of union-management pension and welfare funds, the 1955 minimum wage bill, and a host of others.

A NUMBER OF DISTINGUISHED CAREERS

But Paul Douglas was more than a Senator. He had half a dozen other careers as well—fighting marine, Chicago alderman, university professor, arbitrator in the printing industry, and public citizen.

As chairman of the Joint Economic Committee, I should like to dwell today on Paul Douglas' academic career as an economist, in which he made a number of original contributions to knowledge.

PAUL DOUGLAS AS AN ECONOMIST

The education of Paul H. Douglas at Bowdoin College, Columbia and Harvard Universities laid the foundation for one of the most distinguished and productive careers in the profession of economics in this century. His doctorate was awarded by Columbia University in 1921 when he was already serving as assistant professor at the University of Chicago following teaching at the University of Illinois, Reid College, and the University of Washington. During World War I he served the Emergency Fleet Corp. During his career as an economist he was elevated to associate professor at Chicago in 1923 and full professor in 1925, holding that rank until he was sworn in as the Senator from Illinois in January 1949. He also served as a visiting professor in economics at Amherst College from 1924 to 1927 and at Oberlin College from 1930 to 1931.

During his career he had an active interest and worked extensively at economic theory, labor problems, taxation, money and banking, international trade,

and social security. The areas in which he worked that produced the greatest contribution to the profession were in the fields of wages and social security. He became interested in wage theory and the related subject of the theory of production at an early stage in his career. A manuscript he produced entitled "The Theory of Wages" won first prize in an international contest in 1927. Considerably elaborated, it was published in book form in 1934. He also published "Real Wages in the United States: 1890–1926," the classic study on this subject at the time. His related interest in social security resulted in his book entitled "Social Security in the United States."

THE COBB-DOUGLAS FUNCTION

It was while he was visiting professor at Amherst that he began his work on the theory of production which led to perhaps his most enduring fame in the profession. In the spring of 1927 while working on the manuscripts that later became "The Theory of Wages" and "Real Wages in the United States" Douglas began studying time series for employment, fixed capital, and output in manufacturing in the United States since 1899. His interest sprang, by his own account, from the attempt to find a more secure basis for the theory of wages in terms of marginal productivity of labor and capital. He himself has reported that he went to his friend on the Amherst faculty who was a mathematician, Charles W. Cobb, who helped Douglas select the mathematical function relating production to capital and labor employed. The simple function they devised was already well known in mathematics and had been suggested over 30 years earlier by an English economist. Douglas, however, was not satisfied with mere theorizing about production. He and Cobb attempted to actually fit the function to statistical data comprising measurements of output, capital stock, and labor employed. He examined the consistency of his results with the available studies on income from the National Bureau of Economic Research to see whether the shares of labor and capital in value added corresponded to those derived from the fitted production function.

CRITICISM AND DERISION

Their researches were reported in December 1927, in a joint paper before the annual meeting of the American Economic Association. Thus was borne into the literature what has since been famed as the Cobb-Douglas production function. Initially the study was greeted with criticism and derision. Today it has become a classic in the field. Douglas and Cobb have been vindicated. One economist said recently that the reason the Lord rested on the 7th day, was that on the 8th day he created the Cobb-Douglas function.

VINDICATION

What followed was a long series of similar studies. The empirical results of the long series of studies pursued for some 20 years were broadly consistent and remain today broadly consistent with later research. For his distinctive contributions Douglas was widely honored by his profession. He was elected a fellow of the Econometrics Society, and in 1947 he was honored with the presidency of the American Economic Association.

By tradition, the president of the association presents the principal address at the annual meeting in December of the year he serves. Professor Douglas' presidential address in December 1947 was entitled "Are There Laws of Production," and in this paper he summed up 22 years of labor. But even as he prepared to deliver this summary of a life's work of contributions to his profession he was about to say farewell to the scholar's life. While he and his wife were preparing to go down to the ballroom where he was to read his paper to the AEA, the telephone rang in his suite, and he was told that he had been nominated by his party to be the candidate for the U.S. Senate from Illinois. A year later he was elected and sworn in as the Senator from Illinois and started another stage in the outstanding career of this remarkable man.

Paul Douglas, your friends and admirers salute you on your 80th birthday.

UNIVERSITY OF MARYLAND TERRAPINS

Mr. MATHIAS. Mr. President, the State of Maryland is known for the success of its professional athletic teams. Now the Baltimore Orioles, Colts, and Bullets will have to make room for a new championship-caliber cousin from the other end of the Baltimore-Washington Parkway. The University of Maryland Terrapins, under the direction of Coach Lefty Driesell, moved into the final round of the National Invitational Tournament last night defeating Jacksonville University, 91 to 77. The victory moved Maryland's seasonal record to 26 and 5, one of the best won-lost records in the Nation.

I congratulate the University of Maryland team and its coaches on their fine season. Like all Marylanders, I am eagerly awaiting Saturday's final round game with Niagara and anticipating the return of the Terrapins as NIT champions. This year the NIT, next year the NCAA.

I ask unanimous consent that two articles about the Maryland team, published in this morning's Baltimore Sun, be printed in the RECORD.

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

THE MORNING AFTER

(By Bob Maisel)

For a team which critics have said is poorly coached, has little speed, less poise and is completely devoid of the killer instinct, Maryland continues to do all right for itself up there in Fun City.

The Terps are now 26–5 on the season, have advanced to the final round of the NIT in Madison Square Garden tomorrow afternoon, and it might even be that they discovered their missing killer instinct last night, blowing highly touted Jacksonville off the court, 91–77.

The first half was ragged, but in the second Maryland put everything together to play as well as I've seen them play all season. They scored 53 points in that second half, with everybody contributing behind the lead of Tom McMillen and Len Elmore.

For the game, McMullen had 25 points, Elmore 23, and between them they dominated the boards.

DOING IT THE HARD WAY

For much of the season, Maryland has done things the hard way, a mark of inexperience. But, even though they seldom won laughing, they nevertheless found some way to be on top at the end.

Last night, there was indication that more of the same was coming. On top by 11 and on the foul line near the end of the first half, the Terps missed the fouls, Jacksonville answered with two straight baskets and cut it to 38–31 at the buzzer.

Early in the second half, Maryland built its lead to 10, and seemingly in seconds Jacksonville had cut it to 3 at 50–47. Same old Maryland? Not this time. McMillen scored 8 of the next 10 points. Elmore got hot with him, the rest of the Terps got into the swing of it, and it was never again close.

Jacksonville is reputed to be a team with a strong running game, but the more you see of Maryland the more you realize that they play their best against the running teams. The teams which slow it down and stall have given them the most trouble.

The Terps are maturing, learning how to adjust.

WHICH WOULD BE YOUR CHOICE?

Quick . . . would you rather have. Wes Unseld or Fred Carter? Unseld or Bill Bradley? Walt Bellamy? Bob Lanier Paul Silas? Jerry Lucas?

One of the thankless jobs in sports is voting in various polls. If you come up with the right man at the end, that's the way it should be. You get no credit. If you pick one who is questionable, you hear about your incompetence from all sides.

Players especially are quick to put the rap on sports writers for doing a poor job of voting. So, yesterday for the first time I saw the complete tabulation of the vote for the Podoloff Trophy, which goes to the Most Valuable Player of the Year in the NBA.

The NBA players did the voting themselves and there certainly can be no quarrel with their selection of Kareem Abdul-Jabbar as the runaway winner. Or with Jerry West finishing second, Wilt Chamberlain third, and maybe John Havlicek fourth and Spencer Haywood fifth.

Even before then I started looking for Unseld, but without question I expected to see him somewhere in the top ten. The farther down the list I went, the more amazed I was.

Would you believe that altogether 27 players received votes, down to one each for Bellamy, Bradley and Carter, and that Wes Unseld did not even get a call?

Unbelievable . . . absolutely unbelievable. Bob Lanier finished ninth with two first-place votes, three seconds and two thirds for a total of 21 points.

You can't vote for players on your own team, so that lets the Bullets off the hook. But, it makes you wonder what the other players are doing while they are running around out there in their underwear, or sitting on the bench. They obviously aren't paying attention.

If Unseld isn't one of the 27 Most Valuable Players in the NBA you could fool every fan and every sports writer who has seen a game since the first day Wes stepped on a pro court out of Louisville.

Don't tell the players, though. They haven't found out about it yet.

So, any time a player gives us some guff about how we voted in one poll or another, just haul out your copy of the Podoloff Trophy results, stick it under his nose, and you'll have no more trouble from him.

Unseld isn't just valuable, he's the franchise.

SEATTLE HAS GRIPE

Then, there is the controversy over Gene Shue resting his regulars, going with the subs

and losing the 2 games played since the Bullets clinched their division.

This is one of the dangers when you have so many divisions and have second place teams fighting for playoff spots. You can't blame Shue for trying to bring his team into the playoffs in the best possible shape. That's where the money and prestige are, and his spot is clinched.

You also can't blame them for griping in Seattle, though. They still had a chance to catch the Warriors until the Bullets decided to go with their reserves. Maybe the Warriors would have won the game anyway, but I doubt if Seattle is convinced.

Remember when the Colts lost their final game of the season, and actually appeared to benefit? If they had won, they would have played Kansas City in the first playoff game. When they lost they played Cleveland, a team that didn't figure to be as tough.

Systems like these open the door for suspicion and trouble.

Even though you can understand Shue's logic, there is still something about the whole thing that doesn't seem quite right. Maybe if he had told the fans of his plans a couple of days before, it wouldn't have been quite as objectionable.

They talk about not drawing the way they should, yet it doesn't do much to convince a man he should come back, when he pays his way in and doesn't see the regulars with the game and a playoff spot still in question.

TERPS GAIN NIT FINAL IN ROMP; NIAGARA WINS

(By Ed Winsten)

NEW YORK.—After all those weeks of tedious slowdowns, Maryland finally found a basketball team that wanted to run.

It turned out to be a delightful experience for the Terps, who manhandled Jacksonville University, 91 to 77, last night to gain the championship game of the 35th National Invitation Tournament at Madison Square Garden.

In the semi-final nightcap, Niagara defeated St. John's 69–67, on two free throws by Al Williams with five seconds remaining. St. John's had trailed by as many as 12 points before catching up with seven minutes remaining and keeping close the rest of the way.

In winning their 26th game of the marathon season, the Terps ran up the most points they have scored since December 29, when they crushed Western Kentucky, 103–67, in their Holiday Tournament. The next night they scored 90 in beating St. Johns'.

Chief reasons for the scoring binge were sophomore Tom McMillen and Len Elmore, who came up with 48 points between them. McMillen was 10 for 17 from the field and moved to within 6 points of Gene Shue's school record for a season.

Elmore also became the school's leading one-season rebounder with his 14 recoveries.

TERPS PARRY THRUST

McMillen and Elmore crushed Jacksonville's lone bid in the second half. After Harold Fox made it 52–49, Elmore hit a 16-footer, McMillen connected on two 20-footers and converted two free throws as the Terps ran off to a 60–49 lead with 10:15 to go.

"We were in a zone trap trying to catch up when McMillen hit those shots," said Jacksonville coach Tom Wasdin. "We were double teaming and gambling that he wouldn't hit them."

"I was concentrating on the outside shots because it was more effective," added McMillen. "I thought I should have done better inside, but I'll do anything to win."

Elmore was somewhat of a surprise, hitting 8 of 13 from the field, several from 15–17 feet.

"I do that all the time . . . in practice," said a laughing Elmore. "I don't usually take those shots but they left me open."

Elmore missed a few minutes near the beginning of the second half and getting bonked on the left eye. He passed it off as "somebody's head, or something." It hadn't swelled noticeably after the game.

COME OUT HOT

The Terps came out like gangbusters, swarming over the court early, in contrast to some of their slow starts.

"Now is not the time for a slow start," said Bob Bodell. "We had some team meetings about that this week. It's a matter of getting out there and running and hustling, that's all."

Bodell was called for an unusual foul while guarding Fox in the second half. Fox made a long jumper, then hit a free throw to make it, 50–47.

"I asked him (the official) about that," Bodell said, "and he said he called me for 'spearing.' I asked what that was, and he said he didn't want me to spear him (Fox) in the eye. I've never heard of spearing before.

"Fox, he's pretty quick," he added. "He ran by me a couple of times."

Fox, the Northwestern (Md.) High grad who had been looking forward to this game, finished with 26 points, mostly from long range.

"The points don't mean anything," he said. "We lost. Our defense wasn't as strong as usual, that was the main point of the game.

"Overall, they played a hellova game; I expect them to win the tournament. Their guards are deceptive," he added. "They look slow, but they're pretty quick. That Howard (White) is quick. And McMillen, he's a nice ball player."

Fox added that Maryland presented them with more problems than most teams, chiefly because of the mobility of McMillen and Elmore outside.

"We're used to playing teams with big guys who stay under the basket," he explained.

Niagara's victory saved the NIT of having to stage a rematch of Maryland's December Invitation Tournament in which the Terps defeated the Redmen.

St. John's, in this tournament for the 21st time, was without its star rebounder, Mel Davis, who tore a tendon in his knee Tuesday, and it hurt the Redmen underneath.

But even getting beaten off the boards, St. John's steadily whittled away and went up, 59–58, with 6.55 to go. Thirty seconds later, Marshall Wingate put Niagara back on top, 60–59.

Later, forward Bill Schaeffer made two free throws to knot the score at 67 with 46 seconds left, and Niagara ran off 40 seconds before Williams was fouled on a drive. The team's best free throw shooter, Williams put in both. Schaeffer's shot at the buzzer rolled off the rim.

THE 80TH BIRTHDAY ANNIVERSARY OF FORMER SENATOR PAUL DOUGLAS OF ILLINOIS

Mr. STEVENSON. Mr. President, March 26 will mark the opening of a new decade for an esteemed former colleague of many present in this Chamber and a friend of two generations of Stevensons—Paul H. Douglas, of Illinois, will be 80.

During the time I have served in the Senate, I have noted with pride the many times that Senator Douglas' colleagues have drawn attention to issues which he championed by drawing the name and spirit of Paul Douglas into the battle for the public good. His record in the Senate—established over 18 years—continues to serve as the impetus for much legislation important to America's people: Conservation of our natural resources, truth-in-lending, the development of underdeveloped communities, civil rights, medicare. It is an endless litany of endless fights for the common man. Senator Douglas, in retirement, is not resting on his laurels, his career completed. His work is still done in this Chamber and in the committee rooms of the Senate when the people win victories for justice, good sense, and decency in politics.

Paul Douglas is remembered and revered for his concern for his fellow man. It was relentless and uncompromising. The people of Illinois continue to reap the benefits of his fights to save the Indiana Dunes, to promote rural electrification and bring industry to areas of chronic unemployment. To Paul Douglas' gallery of Illinois heroes—John Peter Altgeld, Abraham Lincoln, and Jane Addams—the people of Illinois have added with their affection, respect, and gratitude this towering public servant.

The people of the United States continue to reap the benefits of his service. That service was moral leadership always granted in a spirit of trust, honesty, and kindness. Paul Douglas is a man with a loving and generous heart coupled with intellectual integrity and brilliance. His service goes back over long years as a teacher, a scholar, and author, a marine in combat, as alderman and Senator always in the service of his country. In no way can the Nation express its thanks to this gracious and wise man better than by recommitting itself to what Paul Douglas stood for.

NOMINATION OF ALFRED T. MACFARLAND AS A COMMISSIONER OF THE INTERSTATE COMMERCE COMMISSION

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Tennessee (Mr. BROCK), who is necessarily absent, I ask unanimous consent to have printed in the RECORD a statement by him relating to the nomination of Mr. Alfred T. MacFarland, of Tennessee, as a Commissioner of the Interstate Commerce Commission.

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

STATEMENT BY SENATOR BROCK

I was extremely pleased to learn of President Nixon's nomination of Mr. Alfred T. MacFarland as a commissioner of the Interstate Commerce Commission.

Although my association with Mr. MacFarland has been relatively brief, we have become the best of friends. His accomplishments for Tennessee have long been a matter of the greatest pride to the citizens of my State.

A life-long Democrat, Alf MacFarland has a truly distinguished record of public service and his credentials are numerous. He has served as both a representative and senator in the Tennessee State legislature. He was general counsel to the Tennessee Public Service Commission and later became the State Commissioner of Revenue. From 1959 to 1961, Mr. MacFarland assisted the Governor as a member of his Cabinet and has participated as a board member on a host of State committees.

In addition to his tremendous efforts in behalf of Tennessee, he has maintained his

own law office since his admittance to the bar in 1942.

I have the greatest respect for Alf MacFarland. He is one of the most erudite and accomplished individuals I know. I am delighted by his nomination and commend him for confirmation by the Senate.

SHIPBUILDING CLAIMS BY LOCKHEED CORP.

Mr. PROXMIRE. Mr. President, a year ago, I asked the General Accounting Office to look into the settlement of five consolidated shipbuilding claims filed against the Navy by the Lockheed Corp.

The Navy eventually paid $18 million to Lockheed in settlement of those claims.

Based on the General Accounting Office's investigation and my own understanding of the case, I have concluded that the settlement was wrong and unsupported by the facts.

The original claim was padded and puffed up to such a gross extent as to suggest intentional misrepresentation on the part of Lockheed.

The way this claim was handled by the Navy and its contractor has stretched claims procedures close to the point of corruption.

A Navy audit showed, according to a study done at my request by the General Accounting Office, that a significant part of Lockheed's claim included erroneous cost data and lacked adequate supporting documents.

Lockheed claimed that late delivery by the Navy of boilers for two destroyer escorts caused a 14-month delay on one ship and a 7½-month delay on the other. An audit revealed only a 48-day delay occurred in the first ship and that there was no delay at all in the construction of the second.

Lockheed's cost accounting system and other records were so inadequate that the additional costs claimed could not be related to specific Government actions.

Because of the lack of concrete evidence demonstrating the extent of the Government's responsibility, the GAO concluded that it was "not in a position to express an opinion of the reasonableness of the settlement."

It also appears that the claim, although treated in a consolidated fashion by the Navy for most purposes, was subdivided into five parts in order to avoid bringing it before the civilian Claims Control and Surveillance Group, formerly headed by Gordon W. Rule.

The Rule group had authority to review all claims in excess of $5 million. Although the Lockheed claim was settled for more than triple that amount, dividing it into five portions kept the claim out of its hands.

I ask unanimous consent to have printed in the RECORD the General Accounting Office report on this subject.

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

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., March 15, 1972.

Hon. WILLIAM PROXMIRE,
Chairman, Joint Economic Committee, Congress of the United States.

DEAR MR. CHAIRMAN: Pursuant to our letter to you of June 16, 1971, and in continuation of our evaluation of the disposition of shipbuilders' claims for price increases on contracts awarded by the Department of the Navy, we have examined into the circumstances surrounding the initiation, evaluation, and settlement of five consolidated claims made by the Lockheed Shipbuilding and Construction Company. The claims amounted to $40.9 million as of August 22, 1969, and this amount was evaluated by Navy technical personnel. Subsequent to August 22, 1969, Lockheed informally revised the claims, which increased the total to $46.3 million. In May 1970 the Navy negotiated a settlement in the amount of $17.9 million.

The enclosure to this letter contains information on five Lockheed contracts, including the types of vessels involved, contract prices, delivery dates, and claim settlement amounts. The contracts were awarded on a fixed-price basis in the total amount of $83.5 million. The final amount paid, however, including additional amounts for escalation clauses, change orders, and claim settlements, was about $121 million.

LOCKHEED'S DEVELOPMENT OF CONSOLIDATED CLAIMS

A company official advised us that Lockheed, upon realizing that it was getting into a serious loss position on its Navy contracts, decided in 1966 to develop claims and to submit them to the Navy for the recovery of additional costs. Lockheed believed that the losses had been caused by actions for which the Government was at fault. During 1967 Lockheed established a team to develop claims for reimbursement of costs above those normally resulting from formal change orders or other written directions from the Navy.

The claims were based on a number of underlying causes, such as late and defective Government-financed material, defective or impossible Government specifications, late and defective lead-yard plans (working plans and other design data prepared by the contractor that had constructed the first ship of a new design class), increased inspection requirements, work in excess of specifications requirements, delays and disruptions caused by change orders, and various constructive changes (directions by the Government for changed or additional work not covered by formal change orders).

The contracts required Lockheed to accumulate and maintain data on a total-cost basis. Also Lockheed's cost accounting system did not provide for linking additional actual costs incurred to individual events or changes. Amounts claimed by Lockheed were established by estimating the amounts of additional labor and overhead which might have been expended because of Government actions plus the actual or estimated cost of additional materials used.

The Navy established a special task force for evaluating the claims and negotiating an equitable settlement with Lockheed. The task force consisted of a contracting officer in charge, a negotiator, a counsel, an engineer, an auditor, and a separate three-member technical evaluation team for each of the claims. Each three-member technical evaluation team consisted of an engineer, a counsel, and a technical analyst. The task force was able to get assistance as needed.

The Navy's task force spent approximately 1 year in evaluating Lockheed's claims. The task force auditor was provided by the Defense Contract Audit Agency and was responsible for determining the financial accuracy of the claims. The audits included such tests as verifying to the accounting records the labor and overhead rates and the material prices used by Lockheed to establish the amounts claimed. The audits showed that a significant part of Lockheed's claims included erroneous cost data and lacked adequate supporting documentation. The advisory audit reports recommended disallowance of about $8.9 million of Lockheed's claims, including $2.2 million of additional labor costs which exceeded actual recorded labor costs.

The technical evaluation teams were responsible for determining the reasonableness of the labor-hours and material items claimed. We found that generally they had evaluated each claimed item by (1) reviewing pertinent Navy and Lockheed records, such as letters and memorandums, to determine whether the event actually had happened as claimed, (2) reviewing Lockheed's claim-support records, such as cost-estimate schedules and ship-compartment diagrams, and (3) using their own experience and professional judgment to make an estimate of the number of man-hours and the amount of material that they considered reasonable. The following two examples illustrate the reviews made by teachnical teams:

1. Lockheed claimed 243,334 additional production man-hours attributable to late delivery of Government-furnished boilers for the construction of two destroyer escorts. Lockheed contended that delivery of the boilers for one of the ships had been delayed 14 months, or 424 days, and for the other ship had been delayed 7½ months, or 226 days.

To arrive at these figures, Lockheed evaluated the effects of the late deliveries on its ship construction plan by (1) developing from its records the total actual expanded man-hours by month for each ship and (2) having a team of Lockheed employees who had been directly involved in the work on the two ships estimate the amount of additional production man-hours attributable to the late delivery of the Government-furnished boilers. In a technical advisory report, the Navy stated that it (1) had divided man-hours claimed by Lockheed between the two ships by using a ratio developed from Lockheed's claim of the number of days' delay on each ship, (2) had investigated the ship's compartments whose construction Lockheed claimed had been disrupted by the late delivery of the boilers, and (3) had compared the actual boiler-installation dates with the scheduled boiler-installation dates for each ship.

The Navy found that the installation of boilers in one ship had been delayed 48 working days and that the installation of boilers in the second ship had not been delayed. In evaluating the hours claimed by Lockheed for the ship for which delivery of the boiler had been delayed, the Navy found that Lockheed's claim was based on the use of 65 men each day. By applying the 65-man figure to the 48 working days' delay on the ship, the Navy determined that 24,960 man-hours of delay had been caused by the late delivery of Government-furnished boilers compared with 157,167 man-days determined by the Navy to be the part of Lockheed's claim applicable to the late delivery. The Navy evaluator recommended disallowance of the excessive man-hours claimed, including all the 86,167 man-hours of labor determined by the Navy to be the hours claimed by Lockheed as applying to the second ship, for which the installation of boilers had not been delayed.

2. Lockheed claimed that 8,796 additional production man-hours were attributable to work not required by contract specifications to correct an overweight condition of the hydrofoil. Lockheed contended that the contract provided that the shipbuilder fabricate the hull and structure in accordance with certain specifications furnished by the Government and that, because of a defect in the Government specifications which caused the ship to be overweight, Lockheed had had to conduct a comprehensive, far-reaching research and engineering development effort to reduce the weight of the ship. Lockheed calculated the additional production man-hours required to correct this defect by (1) estimating the production man-hours expended to fabricate the hull and structure

and (2) subtracting from this number the production man-hours estimated to have been originally bid for the hull and structure fabrication. In the technical advisory report, the Navy evaluators accepted Lockheed's contentions and concluded that, due to the extra effort involved, the 8,796 additional production man-hours claimed by Lockheed were reasonable.

CONCLUSIONS

Lockheed's cost accounting system and other records did not relate its additional costs to Government actions; therefore, the extent to which the Government was responsible for these costs was difficult to establish. In the absence of such accounting records, Lockheed based its claims largely on engineering estimates.

Because of the significant number of engineering and technical judgments that entered into the settlement and because of the lack of available documentation against which to verify the extent of the Government's responsibility, we are not in a position to express an opinion on the reasonableness of the settlement. We believe, however, that, under the circumstances, the Navy made a commendable effort to effect a reasonable settlement, and we did not find any basis for questioning the reasonableness of the settlement made.

We believe also that the Navy should require contractors to maintain records in support of claims. We have discussed the issue of adequate recordkeeping with the Navy. Navy officials advised us that they were exploring with an industry group problems that might be anticipated in requiring contractors to segregate direct costs for contract changes under the "Change Order Accounting" clause. The Navy also presented for the group's review a proposed "Estimating System Criteria Specification." In addition, the Navy stated that business review offices had been established at three supervisor-of-shipbuilding locations to study estimating and pricing techniques of major private shipbuilders constructing Navy ships.

In a report issued in February 1972 entitled "Causes of Shipbuilders' Claims for Price Increases" (B-133170), we reviewed other Navy actions designed to minimize the number and dollar value of shipbuilding claims and concluded that the Navy's actions held considerable promise for achieving their objectives. The Navy's actions include programs to improve ship specifications, to minimize delays and defects in Government-furnished equipment and information, and to promote a common understanding of quality assurance requirements.

We did not obtain agency or contractor comments on the matters included in this report.

We plan to make no further distribution of this report unless copies are specifically requested, and then we shall make distribution only after your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

If we can further assist you in this matter, please let us know.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

DESCRIPTION OF 5 LOCKHEED CONTRACTS

	NObs 4516	NObs 4619	NObs 4645	NObs 4680	NObs 4758	Total
Type of contract	Fixed price	Fixed price	Fixed price	Fixed price	Fixed price	
Award date	January 1962	March 1963	March 1963	July 1963	March 1964	
Type of work	Construction	Modernization, renovation, and conversion.	Construction	Construction	Conversion and repair	
Number of ships	3	2	2	1	2	10
Type of ship	Guided missile destroyer escorts.	Fleet oilers	Destroyer escorts	Hydrofoil	Ammunition	
Original delivery dates	February 1965, June 1965, October 1965.	June 1964, September 1964.	March 1966, July 1966	November 1965	July 1965, January 1966	
Actual delivery dates	March 1966, May 1967, May 1968.	December 1964, February 1965.	March 1968, October 1968.	March 1969	June 1966, November 1968.	
Original contract price	$28,453,995	$14,949,563	$19,721,200	$11,795,000	$8,545,515	$83,465,373
Causes of price increases:						
Change orders	3,182,855	5,112,776	547,421	182,458	8,606,934	17,631,444
Escalation	1,585,400		403,693			1,989,094
Claim settlement	4,247,000	1,727,000	3,811,000	4,000,000	4,115,000	17,900,000
Final contract price	37,469,250	21,789,339	24,483,314	15,977,458	21,267,549	120,986,910
Consolidated claim:						
Original	9,590,353	6,413,343	9,359,031	4,649,851	6,066,752	36,079,330
Revised Aug. 22, 1969	10,464,258	6,238,187	10,231,615	6,782,536	7,214,661	40,931,257

MARYLAND DAY, 1972

Mr. MATHIAS. Mr. President, it was 338 years ago tomorrow—March 25, 1634, that two small ships from England sailed up Chesapeake Bay and landed at what is now St. Mary's City in southern Maryland. These two shiploads of settlers had crossed the stormy Atlantic in winter seeking an opportunity to live in religious freedom on the then-wild shores of North America. They sought to escape the sectarian strife then wracking England and much of the rest of Europe.

It was in this settlement 15 years later that the famous Maryland Act of Toleration—one of the landmark documents in the attainment of civil liberties—was adopted. And it was from this settlement that the expansion of the State of Maryland developed.

The road to lasting religious freedom was a bumpy one; subsequent governments even in colonial Maryland were not as tolerant as that group of original settlers had been.

And the road to expansion has also been bumpy, from a few hundred Englishmen landing in lightly populated Indian country to the more than 4 million people who populate our State today.

It is appropriate on this occasion, symbolic of the origin of one of the first amendment rights which we hold so dear, to call attention to an article, "The Old Maryland Idea," which appears in the current issue of Liberty magazine.

Th author of this article pays well-deserved tribute to the few individuals, such as Lord Baltimore, the leader of the Maryland settlement, who were prepared to exert moral leadership against popular opinion of the 17th century on this issue.

I would also take this occasion to call attention to an article, "Maryland On the Half Shell," which appeared in the February issue of National Geographic magazine. In flowing text and glorious pictures, the Geographic has depicted the breathtaking beauty of Maryland's countryside and the dynamism of her cities—attributes which all Marylanders should pause and reflect upon on this date.

But the beauty of Maryland—as of our other States—is endangered by the neglect of modern civilization. I am taking this occasion to call attention to the need for urgent action to reclaim the beauty of Chesapeake Bay and its tributaries which existed 338 years ago.

Mr. President, I ask unanimous consent to include in the RECORD the two articles to which I have referred and a statement I am issuing on this occasion.

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

STATEMENT OF SENATOR CHARLES MCC. MATHIAS, JR., BEING ISSUED IN BALTIMORE ON MARYLAND DAY 1972

Maryland Day annually commemorates the founding of the colony of Maryland on March 25, 1634. Each year it provides us with the opportunity to recall some of the courage of the past that has created the present and that challenges us to equal it in the future.

The beauty and serenity of the Chesapeake Bay, its great tributaries and the shores that limit them, even after 338 years of human traffic, give us an idea of the breathtaking beauty of the scene that greeted the eyes of the passengers on the Ark and the Dove in 1634. We can imagine the ship-bound immigrants watching, as Father Andrew White described it, "Birds diversely feathered—eagles, swans, hernes, geese, bitters, ducks, partridge read, blew, partie coloured and the like, by which will appeare, the place abounds not alone with profit, but also with pleasure."

We are forced by the conditions that exist in the bay today to envy the purity of the Chesapeake's waters which Father White found to be "the most delightful water I ever saw, between two sweet landes—" And there is a challenge in this description. It does not require the expertise of an environmental engineer to recognize the danger that now confronts the Chesapeake. The choice must be made now, and Maryland Day 1972 would be a good day to make it, whether the Chesapeake will be once again the most delightful water ever seen or whether it will become America's Dead Sea.

Every Marylander has a stake in this decision and a part to play in executing it, either

by positive action or by passive neglect. Since most Maryland rivers and streams ultimately empty into the Chesapeake, most Marylanders have a direct, consequential relationship with the Bay and its tributaries. No one can be indifferent without being irresponsible!

The goal for Marylanders on Maryland Day 1972 should be to restore the waters of the Chesapeake to the standard of sweetness and purity that existed on March 25, 1634. This will be difficult, expensive, extended and controversial. It will require some sacrifice and great dedication. But the alternative is hardly acceptable. There are too many arid, uninhabitable sites of once prosperous civilizations not to heed the warning. Unless the Marylanders of 1972 act soon, it may well be that in another 338 years there will be no observance of Maryland Day on the despoiled, depopulated shores of the Chesapeake Bay.

I pledge myself to do my part to save the Bay, and I call on every Marylander to join in this great work of healing and rehabilitation.

[From the National Geographic, Feb. 1972]

MARYLAND ON THE HALF SHELL

(By Stuart E. Jones)

Sailing across Chesapeake Bay, we were overtaken and passed by a trim yawl *Despot's Heel* lettered on her stern. Later, berthed in a marina at sundown, I met the owner and mentioned his boat's unusual name.

"You aren't going to ask what it means?" he said. "You must be a native Marylander."

For the benefit of non-Marylanders, the line "The despot's heel is on thy shore" appears in the state anthem, "Maryland, My Maryland." The yawl's owner, I learned, was noted for running his boat aground; it was frequently on somebody's shore.

"It's a bit subtle," he admitted.

Maryland, like the name *Despot's Heel*, deserves the adjective "subtle," meaning "delicate, elusive, obscure, hard to distinguish or describe." That's the Free State—crammed with charms as delicate and elusive as the iodine scent of tidewater marshes, obscure as Baltimore's reasons for covering honest red brick with imitation stone, indescribable as a Blue Ridge sunset.

I know it fairly well, having been born and raised there, having gone away and returned several times. Recently I again became a resident—this time permanently, I hope, beside a quiet, lovely creek on the Eastern Shore.

Before settling there, I took a long look at Maryland in all its incredible variety, from thundering Atlantic surf in the east to forested mountains in the west, and southward from the Pennsylvania border to the Potomac River mouth, where southern Maryland ends and Virginia begins (map, pages 188–9).

But first I talked with Governor Marvin Mandel, a Baltimorean who succeeded a man whose name has become a household word—Vice President Spiro T. Agnew.

"I hardly think you can come up with a descriptive phrase any better than the one written by your late editor some years ago," said the Governor.

In a desk drawer he found a well-thumbed copy of NATIONAL GEOGRAPHIC for February 1927. He turned to "A Maryland Pilgrimage," in which Dr. Gilbert H. Grosvenor had described the state as "a delightful geographic miniature of America."

And so it is. Citizens like to boast that Maryland's 10,577 square miles include samplings of almost every physical feature of the United States.

I found that much had changed, especially in my native Baltimore. Not so long ago, that name might have evoked a response some thing like: "Oh, yes, that's the place you have to drive through to get from Washington to New York. Terrible traffic! And those monotonous white-marble steps!"

As if to oblige these critics, Baltimore had built a beltway-tunnel system that shunts traffic around its narrow streets and under its harbor. And the city, now 243 years old, had begun the formidable task of bringing itself up to date.

As I gazed down from high windows of One Charles Center, architect Mies van der Rohe's magnificent office building, the immediate surroundings seemed much like the business sections of Houston, or Atlanta or Boston. But beyond lay the familiar port, the Nation's third largest in foreign commerce, thrusting into the city's heart (pages 198–9) and reaching southeastward toward the Chesapeake. In the far distance a battery of belching chimneys marked Sparrows Point, where the Bethlehem Steel Corporation lights up the night sky with its vast furnaces and builds giant tankers and other vessels.

On a hilltop to the northeast I picked out the Johns Hopkins Hospital's 83-year-old administration building, its Victorian brick mass and copper-ribbed dome dwarfed by several newer structures housing clinics, laboratories, and departments of the famous teaching and healing institution (page 195).

To the west, the smaller, older, and equally distinguished University of Maryland Hospital and the university's schools of medicine, dentistry, pharmacy, and nursing were in the throes of expansion. As I watched, a Maryland State Police helicopter landed an emergency patient beside a waiting ambulance atop a campus parking garage.

Later, as I revisited neighborhoods I once knew well, it became clear that Baltimore was experiencing a profound social, political, and economic upheaval. In what I had remembered as an unusually class-conscious community, many of the city's staid old clubs had eased their membership restrictions. The newest, the elegant Center Club, announced at birth a policy of ignoring race, religion, and nationality of prospective members.

More and more, the city's large and immensely varied ethnic groups—especially a black population now pushing toward 50 percent of the 900,000 total—were making their voices heard. In 1970, for the first time in its history, Baltimore elected a black Congressman—Parren J. Mitchell, former professor of sociology at Morgan State College and veteran fighter for civil rights.

Another Baltimore congressional district containing both silk-stocking neighborhoods and inner-city slums, elected Paul S. Sarbanes, son of Greek immigrants, Rhodes scholar as Oxford, and brilliant lawyer.

Amid all the change, I found many Baltimoreans clinging to time-honored customs—like speaking their own "language."

Baltimorese reaches its finest flower in East Baltimore, in blue-collar neighborhoods like Highlandtown and Canton, where rows of narrow flat-front brick houses with white-marble steps stretch for miles (preceding pages). These tidy, stable settlements are home to the machinists, carpenters, welders, shipwrights, tugboat crewmen, and others who do a busy seaport's hard work.

"Well, I guess I'll *washa dishes*," a typical East Baltimore housewife might say after serving breakfast and getting her man off to work. After performing that chore in the kitchen *zinc*, she will go outside to sweep the *payment*, or sidewalk.

In her lexicon smoke comes out of chimbleys. Ice does not melt; it *milks*. If you have a lawn, you mow it with a *paramour*.

After trips to the zoo *Droodle* (Druid Hill) Park, East Baltimoreans tell of seeing *larns, taggers*, and *zeebers*. In their neighborhood bars they talk endlessly about their baseball, football, and basketball teams and rejoice that they live in *Bawlmer, Merlan*, city of champions.

On my strolls I noted, too, that many rowhouse dwellers still find privacy behind colorfully painted window screens, an art form for which the city is noted. The passerby can't see through the charming picture, but the window sitter in his darkened parlor enjoys a clear view of happenings in the street.

Pictorial screens were introduced to Baltimore more than fifty years ago by the late William Oktavec, an immigrant from Czechoslovakia. In a small art-restoration and framing shop, I found Richard, one of his four sons, painting the "cozy-cottage" number" on a screen. It portrayed a red-roofed bungalow, with trees, ducks in a pond, and a curving lane (preceding page).

"This has always been the most popular subject," said Mr. Oktavec. "Next come a Swiss mountain scene and a mill with a waterwheel. Some customers send pictures of their own to be reproduced on screens."

In East Baltimore I heard of a schoolteacher who was surprised, and somewhat disturbed, to learn from her pupils that many parents knew little about the big city outside the painted screens. Deciding to remedy the lack, the teacher organized bus tours, and her invitations were accepted eagerly.

After several sight-seeing jaunts, she addressed a busload of parents one day:

"How many have seen Fort McHenry?"

All hands were raised. Similiar responses came when she asked about the Star-Spangled Banner Flag House, the Baltimore and Ohio Transportation Museum, the U.S. Frigate *Constellation*, and other standard attractions.

Then she asked, "How many have been to Charles Center?" Three hands went up.

Thus it happened that these Baltimoreans traveled the few miles from their homes to enjoy a closeup view of downtown Charles Center, one of the Nation's most spectacular urban-renewal achievements. In awed disbelief they trudged through the city's heart, where scores of shabby buildings had given way to a business-residential-entertainment complex that speaks of tomorrow rather than of the 19th century (following pages).

My own first brief view of Charles Center overwhelmed me. Driving into the city a few years ago after a long absence, I headed north on Charles Street and, as always, looked for the Sunpapers building where I once worked. It wasn't there. In its place, nearing completion, was the ultramodern Morris A. Mechanic Theatre, named for the show-business leader who endowed it. Nearby yawned great holes where familiar landmarks once stood. They would be replaced by office buildings, shops, high-rise apartments, shaded plazas, pedestrian malls on several levels, and underground parking garages.

By 1971 I found the mid-city project virtually complete and swarms of hard-hatted demolition and construction crews busy on the second phase—a drastic face-lifting that will turn the seedy Inner Harbor area into another modern complex. It will include a slender, pentagonal World Trade Center designed by I. M. Pei.

At 4:30 on a July morning I found myself about as far as one can get—in spirit if not in miles—from the Nation's seventh largest city. In pitch darkness I was standing on a rickety Eastern Shore pier, waiting to go crabbing with Raymond Eason.

Mr. Eason is a waterman. That means he is one of about 16,000 Marylanders who make their basic living from fruitful Chesapeake Bay and its myriad rivers, creeks, and coves.* It is a hard life, with modest financial rewards, but it offers independence—and that, say watermen, is a precious thing to have.

Watermen harvest crabs in summer, oysters in winter, soft-shell claims and many varieties of fish almost the year round. Some also farm a bit. Their wives keep house, tend truck gardens, work in seafood packinghouses, and drive school buses. Sons often follow their fathers' trade, and daughters become watermen's wives; so the cycle has

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* See "Chesapeake Country," by Nathaniel T. Kenney, NATIONAL GEOGRAPHIC, September 1964.

gone since the 17th century, when the watermen's English forebears first settled along the shores of the bay.

Before dawn Mr. Eason arrived in a pickup truck with his grandsons John, 11, and Martin, 8. While Mr. Eason assembled his gear, I asked the boys if they expected to become watermen like their grandfather.

"No, sir," said John. "I'm going to be a backhoe driver."

"Me, too," said Martin.

Mr. Eason rumpled John's hair and chuckled. "They'll be watermen," he said.

We clambered aboard Mr. Eason's long, narrow workboat. He glanced at the sky, beginning to brighten in the east.

"Some people say crabbing's best when there's a full moon," he said. "No moon at all now, but we'll do all right. Been working these waters 26 years and never saw so many crabs."

Commercial crabbers use two basic techniques: potting and trotlining. The first employs baited pots, or traps, ingenious affairs of chicken wire and lath. Weights hold them on the bottom, and buoys mark their locations. Maryland law restricts commercial potting to the deeper waters of the bay and its major estuaries. Mr. Eason prefers trotlining, the legal method in shallow waterways.

As he steered out of Haskins Cove into Irish Creek, Mr. Eason throttled down to a two-knot crawl and began laying out his first trotline. Anchored and buoyed at each end, it stretched about half a mile. Other crabbers passed us, headed toward the broad Choptank River. By unwritten law each had established rights to his own crabbing grounds.

Chunks of fragrant salted eel were tied to the trotline at four-foot intervals. The Chesapeake blue crab (*Callinectes sapidus*) will eat almost anything. But, said Mr. Eason, "Eel's the best bait. It's tough—a crab can't chew it off and swim away before you catch him."

When two trotlines were in place, Mr. Eason began the harvest. He slipped the end of the first line over a roller projecting from the starboard gunwale. The boat's slow forward movement pulled the line out of the water.

Almost every bait had a crab attached, hanging on with its two powerful claws and greedily chewing eel. With a long-handled net Mr. Eason deftly plucked them off the line and tossed them into bushel baskets. Many he rejected, letting them hit the roller and drop back into the water.

"See what I mean?" he said. "There's a powerful lot of crabs in this creek, but too many of them are under the legal five inches."

Still, after three or four hours we had four bushels of jumbos, measuring six inches or more between the points of the shell. They would fetch top prices from restaurants that steam them with spices to provide one of the bay country's finest feasts.

Old-timers like Raymond Eason marvel at the new waves of settlers, mostly former city-dwellers like myself, who are advancing upon the Eastern Shore today. They come seeking quiet havens within shopping distance of such centers as Chestertown, Easton, St. Michaels, Cambridge, and Salisbury.

One real-estate broker told me of a New Yorker who called him not long ago. "About that Eastern Shore property you're advertising in today's *Times*," he said. "I'll take it, sight unseen."

"They come here looking for rural solitude," a neighbor of mine growled. "Well, if many more of 'em keep coming, there won't be much of that solitude left."

On summer weekends the migration from Baltimore, Washington, and other places to the Eastern Shore takes on lemming-like proportions. Near Annapolis, cars back up for miles as they wait to squeeze onto the two-lane Bay Bridge, which spans four and a half miles from shore to shore.

Sunday evening the tired, sunburned throngs head homeward and swelter through massive pileups of traffic at the bridge approach. While they wait, motorists climb out of cars and throw Frisbees. Some set up charcoal grills on the median strip. Children cry, dogs bark, radiators boil over, fathers snarl "Shut up!" A parallel three-lane bridge, expected to relieve all this, is scheduled to open in 1973.

Most weekend travelers head for Ocean City, Maryland, and other seashore resorts stretching northward along a broad, excellent beach into Delaware. Ocean City, a wind-swept, boarded-up town of about 1,500 half of the year, sees its population balloon to 200,000 in summer (pages 206–207). To the south, Assateague Island National Seashore, where wild ponies roam among the dunes (pages 228–9), draws capacity crowds of campers, picnickers, and fishermen.

For all its activity, the Eastern Shore remains a highly agreeable place, fully deserving of the compliment bestowed on the bay country by advertisements of a Baltimore brewery: "The Land of Pleasant Living." I like it best in autumn, when Canada geese and whistling swans fill the air with their wild clamor, fat oysters may be had for the gathering a few yards off the shore of my isolated creek, and nothing seems to have changed much since Capt. John Smith came this way in 1608.

From this watery, table-flat land a few hours by car can take you to a vastly different world of rounded, timeworn mountains, rocky gorges, and swift, sparkling streams.

To me, western Maryland shows its most beguiling face in the green, rolling dairy-farm country around the tidy whitewashed-stone town of Thurmont, in Frederick County. Here, on a Blue Ridge spur, I found one of our smallest and most unusual national parks.

Catoctin Mountain Park spearheads a program to get children out of urban areas and introduce them to woods and fields. Buses bring groups from Washington, D.C., and nearby Maryland counties to spend a week living together in lodges. In classrooms and on nature trails they learn about the environment, how early settlers made use of it, and what its preservation means to them and to future generations.

Most of the 5,769 acres in Catoctin Park, with their dense hardwood forests, hiking trails, campgrounds, and trout streams, are open to the public the year round. But in their center lies a heavily guarded, stoutly fenced enclave seldom entered by anyone except the President of the United States, his family, and his guests.

Camp David has been the secluded mountain retreat of Presidents since Franklin Delano Roosevelt, who christened it Shangri-La. Thus, campers and hikers at Catoctin Mountain Park can congratulate themselves on enjoying the same air and scenery that refresh their leaders.

A national park may seem an unlikely place for a moonshine still, but I found one at Catoctin. What's more, it was producing whiskey. I learned about it from Park Superintendent Frank Mentzer as we set out on an automobile tour.

At the crest of a hill we paused to enjoy the view. We looked down upon a lush green valley, clean and placid beyond belief. In a grove of trees at its center stood a trim white farmhouse surrounded by red barns. Fat cattle grazed in fields divided by weathered stake-and-rider fences.

"Harbaugh Valley," said Frank. "This is the view that always lifts my spirits. You won't find it named on many maps. It's just a small valley where the Harbaugh family has lived for generations. This, to me, is a piece of what's left of the America that Thoreau and Whitman were talking about."

"How about that moonshine still?" I asked.

"The Blue Blazes? OK, let's go see it."

Near the park's visitor center we turned off on a narrow trail that ran beside a purling brook. Soon we arrived at the still, a Rube Goldberg arrangement of copper cylinders, pipes, and coils atop a circular stone fireplace. Nearby stood seven barrels of quietly bubbling mash—fermenting corn and water—which the still would convert into clear, colorless, and highly potent white lightning.

"This isn't the real Blue Blazes still," Frank explained. "The original was one of dozens that operated in these hills. Prohibition agents destroyed it in 1929. People hereabouts still talk about the raid—a deputy sheriff was killed and several moonshiners were wounded. A few years ago we located the Blue Blazes site and decided to reproduce the operation, to show visitors to the park how moonshining, even though illegal, was once an important factor in the mountain economy. The still you see was brought from Cades Cove in Tennessee.

"We make whiskey only on summer weekends," Frank said. "Sorry I can't offer you a sample. We add a bitter chemical to make sure its undrinkable."

From Catoctin I drove southward over a couple of ridges and emerged in the Monocacy River Valley. Here, as noted by John Greenleaf Whittier in "Barbara Frietchie":

The clustered spires of Frederick stand
Green-walled by the hills of Maryland.

The clustered spires were in view as I made a wrong turn onto a road that seemed to lead nowhere. But the farms were green and beautiful in the sunlight (pages 212–13). At one, judging by the number of broodmares with foals in the pastures, the breeding season had been exceptionally productive.

Then a sign at the entrance, Yankeeland, rang a bell in my mind. I remembered having read that Charlie Keller, formerly of the New York Yankees, was raising harness-racing horses in Frederick County, where he had grown up on a dairy farm.

Minutes later, parked beside a trim brick house, I waited for the owner of Yankeeland to appear. When he walked toward me from a barn, I recognized immediately the stocky figure, the powerful arms and shoulders, that won Charlie Keller the nickname "King Kong" as he guarded the Yankee outfield with Joe DiMaggio and Tommy Henrich.

Obviously, at 55, he was not pining away in nostalgia for sweaty locker rooms and cries of "Ya bum!" from the bleachers. Like other ballplayers I had met, Charlie was cordial but taciturn. He did admit, however, that Keller-bred trotters were winning purses all over the country. Then, in a rare burst of eloquence, he said, "Nice thing about horses—you don't have to milk 'em at 4 a.m."

In Frederick, you can stay at the Barbara Fritchie Motel, lunch at the Barbara Fritchie Candy Stick Restaurant, and munch on Barbara Fritchie chocolates. And in the old houses facing Court House Square, on the Hood College campus, or anywhere else in town, you can start an argument by mentioning Barbara's last name—or how to spell it.

Generations of Americans have learned from the New England poet Whittier that Mrs. Fritchie was a nonagenarian widow who defiantly flew a Union flag from her attic window as Confederate troops marched through Frederick on September 10, 1862, on their way to the carnage at Antietam Creek.

As Whittier described it in thirty couplets, Gen. Thomas Jonathan (Stonewall) Jackson halted his "famished rebel hordes" and barked "Fire!" Dame Barbara then seized the banner from its broken staff and waved it:

"Shoot, if you must, this old gray head,
But spare your country's flag," she said.

So much for Whittier. Nobody knows what really happened, but even scoffers agree that

if the melodrama did not occur, it should have.

Doubts about the story began surfacing soon after the poem was published in 1863. Most scholars believe Whittier exercised literary license after learning of a flag-waving incident in a letter from Mrs. E. D. E. N. Southworth, a novelist friend. The letter and other memorabilia are displayed in the Barbara Fritchie Home and Museum, built in 1926 to replace the long-vanished original.

Curator Margaret Clary told me of two very special visitors who came to the small museum during World War II.

"A long black car pulled up in front," she said, "and out popped Winston Churchill. President Roosevelt remained in the back seat while Mr. Churchill, holding a large cigar, saluted the flag, then recited from memory all sixty lines of 'Barbara Fritchie' President and Prime Minister then resumed their trip from Washington to Shangri-La."

Long after Barbara Fritchie and the peace of Appomattox, Frederick found itself concerned with another echo of the Civil War. Shimmering on the horizon like a golden vision was the prospect of a princely deposit in the municipal treasury. Under a bill proposed by Senators Charles McC. Mathias, Jr., and J. Glenn Beall, Jr., the Federal Government would hand the city as much as $6,000,000 for its contribution to the Union cause.

In July 1864, the South's Lt. Gen. Jubal A. Early and 20,000 gray-clad troops quietly occupied Frederick, an important Union supply center. Early, threatening to burn the city, ordered Frederick to produce $200,000 in cash or surrender the supplies.

City officials took a full day to raise the cash from local banks and present it to Early in bushel baskets. The general packed the swag in his luggage and rode off to the southeast, bent on seizing the Capital.

At the Monocacy River, a few miles from Frederick, Early encountered Gen. Lew Wallace's small Union force, which fought a delaying action. When the Confederates reached the outskirts of Washington, one day behind schedule, they met unexpectedly strong resistance and withdrew.

Not until 1951 did Frederick complete retirement of the loan through a series of bond issues. Now, say Senators Mathias and Beall, it is time to recognize that the ransom saved Union supplies and the delay in raising it may have helped save Washington.

I asked Mayor E. Paul Magaha how his city of 24,000 would use the money.

"Frederick will have no trouble putting that money to the best possible use," he said. "Schools, streets, sewers, parks, playgrounds—name it and we need it."

On the other side of historic South Mountain, Hagerstown was coping with another familiar problem. This city of skilled craftsmen had an unemployment rate of about twice the national average. Still, I found no hint of despair, and businessmen saw signs of an economic upturn.

Hagerstown's largest employer, Mack Trucks, Inc., had rehired hundreds laid off earlier and was operating at almost full capacity. Another leading Hagerstown firm, Fairchild Industries, Inc., had been dealt a heavy blow in March 1971, when Congress killed the supersonic-transport program. Fairchild, largest subcontractor for airframe parts in the SST prototype, saw $34,500,000 worth of business go down the drain.

A broad diversification program, including advanced communications satellites, helped Fairchild cushion the shock. Its Hagerstown plant, where 200 had been laid off, was rebuilding its payroll back to the normal 1,200.

Browsing at a Hagerstown newsstand, I spotted a publication I had not seen in ages: J. Gruber's *Hagers-Town Town and Country Almanack*, a respected compendium and oracle in homes throughout the land for 175 years. I sought out the Gruber Almanack Company's office, expecting to find something resembling a Norman Rockwell illustration, with rolltop desks and employees wearing sleeve garters.

Instead, the *Almanack* command post was the uncluttered glass-topped desk of John R. Hershey, Jr., brisk young regional vice president for a Washington-based brokerage firm. Mr. Hershey said he published the annual, as a sort of hobby, for heirs of J. Gruber, who launched it in 1797.

"You are looking at one-fourth of the staff," Mr. Hershey said. "My partner, Frank Leiter, and I handle the business end. Weather forecasts, astronomical tables, phases of the moon, and the like are taken care of by William E. O'Toole III, a mathematics instructor at Mount St. Mary's College in Emmitsburg. The editor, Mrs. C. W. Fisher of Wynnewood, Pennsylvania, does the rest. In August she ships everything to the printer."

A month later, about 225,000 copies of the *Almanack*, complete with woodcut illustrations, advertisements for wallpaper remover and burial insurance, recipes for rhubarb crisp and sweet-potato soufflé, go out to newsstands in 35 states.

From Hagerstown I drove to Cumberland, starting point for the first federally funded highway in the United States. Begun in 1811, this National Road across the Alleghenies later became U.S. Route 40, stretching all the way from Atlantic City to San Francisco.

In this northwestern corner I felt that I had left Maryland behind. Signs everywhere proclaimed the businesses they advertised as the "Tri-State" this or the "Tri-State" that.

Residents of Cumberland, Oakland, and points in between look upon Pittsburgh as their metropolis. Cumberland gets its water from Pennsylvania, and its municipal airport is in West Virginia.

A friend of mine, a transplanted native of Cumberland, went back there recently for a weekend visit. "The place looks pretty much as it did forty years ago," he reported.

When I went there, Mayor Thomas F. Conlon told me that the city's population had declined from about 40,000 at the end of World War II to less than 30,000. "Many people," said the mayor, "have moved across the river to new developments in West Virginia, where they get a break on real-estate taxes. Still, because Cumberland depends on basic industries, employment is stable."

Railroading remains the foundation of industrial Cumberland, as it has been since the pioneering Baltimore and Ohio sent the first train into the city in 1842. Metallic clangs sound round the clock from vast B & O shops, and long freights rumble ceaselessly through this important division point. In a huge classification yard, trains are broken up and sorted out. Then they head for midwestern or eastern terminals of the B & O and its parent company, the Chesapeake and Ohio.

In my motel I found a folder proclaiming the 75th anniversary of the Kelly-Springfield Tire Company. I wondered how that could be, since, there were few automobiles to use tires until around the turn of the century.

The answer was simple: Kelly-Springfield began making tires for carriages. The firm was born when Arthur W. Grant, a Springfield, Ohio, blacksmith, invented an improved solid-rubber tire and went into partnership with financier Edwin S. Kelly. The company has been in Cumberland since the 1920's.

When you get to Oakland, in Garrett County, you have gone about as far west in Maryland as you can go. Enroute there, I visited Wisp, a handsome ski resort overlooking Deep Creek Lake, and walked trails in Swallow Falls and Savage River State Forests.

North of Oakland, I stopped to watch workmen quarrying limestone at Roman Nose Mountain. A foreman said, "A lot of it is hollow, you know. We've been digging stone out of it for years," and invited me to look.

Despite deafening jackhammers and clouds of limestone dust, I found it a strangely enchanting place of long, shadowy corridors and huge chambers, with tall pillars left standing to support the roof. When the quarrymen ended a day's work, I felt sure, trolls, gnomes, and perhaps a giant or two emerged from hiding places for nightly revels.

The foreman said civil-defense officials had estimated that the man-made cavern could shelter 60,000 persons, nearly three times the population of Garrett County.

In Oakland people were still talking about two strangers who turned up there recently. They identified themselves only as "Mr. Ed" and "Mr. Bob" and said they were scouting locations for an industrial plant, but refused to say whom they represented.

They were attracted to Oakland, said Mr. Ed and Bob, by the availability of labor in this part of Appalachia. Their company's product was very small and was shipped in large quantities, they revealed, and the factory site must be within four hours' trucking distance of major airports. Oakland qualified, being within four hours of Pittsburgh, Washington, and Baltimore.

There matters rested while Mr. Ed and Mr. Bob investigated highway, school, and sewer facilities and the quality of Garrett County life in general. Then the scouts suddenly left town. Some shrewd detective work revealed they had gone to Rochester, N.Y.

With this clue, suspicion immediately fastened upon Eastman Kodak. Wasn't Eastman a large Rochester firm, and didn't it make small products, like cameras and rolls of film? The mystery was not solved until weeks later, with the announcement of Garrett County's new industry. It wasn't Eastman Kodak. The small product turned out to be Bausch & Lomb eyeglass lenses.

For a final abrupt change in environment, I jumped to the state's oldest and perhaps most picturesque region, southern Maryland—five counties embraced by the bay on the east and the Potomac on the southwest, with the Patuxent River curving down the middle.

Almost immediately today's realities swept away my fanciful visions of tobacco-rich cavaliers and their ladies stepping through minutes in gilded 18th-century ballrooms.

First I discovered "Pax River." That is what servicemen call the U.S. Naval Air Test Center, which sprawls over 6,800 acres at the mouth of the Patuxent. With its 5,000 Navy and 2,400 civilian personnel, Pax River provides about a third of the employment in St. Marys County.

On a section of runway marked off to simulate a carrier deck, I watched planes rocket aloft from a steam catapult whose machinery extended three stories underground.

Nearby, a big twin-engine jet, with odd protuberances under its belly, landed and taxied to a hangar. Out of it climbed tall, 27-year-old Lt. John Michael Luecke, test pilot.

"That," said Lieutenant Luecke, pointing to the jet, "is a Grumman EA–6B Intruder, an aircraft built solely for tactical electronics warfare. It can carry about 15,000 pounds of gear designed to deceive or jam hostile radar or disrupt missile-guidance systems. We're about ready to give it the Pax River seal of approval."

Luecke said he returned from Viet Nam and entered the Naval Test Pilot School here, hoping to qualify as an astronaut. But NASA said no; six feet, four inches of Mike Luecke was too much to fit into a spacecraft.

Test pilots, he said, spend more time with slide rules and computers than in the air.

"While airborne, we tape-record personal observations. Beyond that, it's black boxes all the way. Sensors monitor the aircraft's equipment, and up to 200 telemetry channels transmit readings to a ground computer center. Doesn't sound like a movie test pilot with a white silk scarf, does it?"

With that, the lieutenant drove off to his wife and three children in Lexington Park, the lively community of 9,000 that has sprung into being on former farmland since the base was established during World War II.

A few miles north of Pax River, southern Maryland comes face-to-face with both future and past at Calvert Cliffs, long known for extensive fossil deposits. In these bluffs, whose bright layers of sediment can be seen for miles up, down, and across the bay, lie the remains of whales, sharks, and other creatures dating back to the Miocene Epoch of about 20 million years ago. There I found swarms of yellow-helmeted workmen well along with construction of Maryland's first nuclear power plant.

As I sat in a trailer with the Baltimore Gas and Electric Company's Ray Brokamp, a typical Chesapeake squall hit the area, cutting off power and halting all work. After a few minutes of fierce winds and driving rain, we heard a voice booming from a battery-powered loud-hailer: "Is there an electrician in the house?

Almost from the beginning the plant, expected to cost nearly $400,000,000, has been under attack by conservationists who fear damage to the environment through accident, disposal of radioactive waste, or thermal pollution. A recent court decision resulted in new, more stringent regulations affecting not only Calvert Cliffs and a proposed plant near Aberdeen but, in fact, every nuclear power plant in the Nation.

When Calvert Cliffs' two reactors are "on line" in 1974, fueled by millions of tiny uranium dioxide pellets, the plant will feed about 1,700 megawatts into the company's system.

Near Piney Point on the Potomac, not far from St. Marys City, where English colonists established Maryland's first capital in 1634, a small forest of masts symbolized the region's seafaring tradition. The masts rose above the Harry Lundeberg School, run by the Seafarers International Union and the shipping companies with which it has contracts. Administrator Ken Conklin explained the school's mission: "To guide and encourage those seeking careers at sea, and to help those already in the profession to gain greater skills."

Each year, Mr. Conklin said, more than 1,000 young men graduate from Lundeberg. To train its students, the school has assembled an impressive fleet of vessels. Largest is the 258-foot steam yacht *Dauntless,* the former *Delphine,* commissioned by automobile maker Horace Dodge, who died without ever seeing it. At the Lundeberg piers I also saw the yaw! *Manitou,* often sailed by President John F. Kennedy, and many other craft, some fitted out as floating schoolhouses.

With all its 1970's bustle, southern Maryland remains a placid and somewhat drowsy region. Elegance survives in many a lovingly tended manor house, some occupied by descendants of the builders, others by newcomers who have bought, remodeled, restored. It matters not that a newcomer arrived decades ago; he may be accepted socially, but his lack of cavalier ancestry never will be forgotten.

To the cavalier, tobacco was gold; at one time the leaf actually served as currency. It is still a hard-cash crop today (pages 218–19). Some decrease in acreage has been recorded recently, but planters told me this had been offset by new techniques producing higher yields per acre.

In a vast, aromatic warehouse at Lothian, I watched and listened for two hours as manager Bernie Doepkens and auctioneer Bob Cage sold about 100,000 pounds of Maryland's air-cured "Type 32," known for its low nicotine content.

Dry brown "hands" of tobacco were stacked in 150-pound "burdens." Followed by two tally clerks to record sales, Bernie and Bob moved between rows of burdens. Opposite them trooped seven or eight buyers, some of them representing Swiss and West German cigarette manufacturers.

Bernie drew a hand from each stack, appraised it quickly, and announced the opening price. At one he said, "Eighty," seeking bids beginning at $80 per hundredweight.

Taking the cue, the auctioneer went into his rapid singsong: "Eighty, eighty, eighty, seventy-eight . . . seventy-nine . . . now eighty-one, a one, a one, how about two, two it is, now three, three, three, how about four, four, a four, now five, five, five . . . all done? Sold!"

Bidding was silent, signaled by a nod, a lifted finger, a raised eyebrow.

I asked Bernie why, when setting an opening price, he pulled a sample hand from the middle of the burden rather than from the top.

"That's to protect the buyers," he said. "Ever buy a box of strawberries and find choice ones only on top? Same principle."

Annapolis, too, belongs to southern Maryland, and this venerable state capital ranks high among my favorite cities (pages 222–3). I liked it even before the dedicated preservationists of Historic Annapolis, Inc., inspired the "Incredible Change," when Annapolis was a rather shabby little city, notable chiefly as the seat of Maryland government and the site of the United States Naval Academy.

True, there was much of historic and architectural interest, such as the State House, built in 1772. It houses the Old Senate Chamber, where the Continental Congress, on December 23, 1783, received George Washington's resignation as commander in chief and less than a month later ratified the Treaty of Paris, bringing the Revolutionary War to an official end.

Best of all, there was the view from Church Circle down the gentle slope of Main Street to a harbor crowded with yachts, fishing vessels, and oyster-dredging skipjacks, last of our country's working sailboats.*

Beside the harbor, on Dock Street, I liked to inspect the displays of crab pots, tonging gear, bilge pumps, anchors, cordage, and other marine equipment, and perhaps buy a peppery crab cake from an elderly black lady who sold them from a basket.

All these attractions remain today—but with a difference, as I discovered on a stroll around the waterfront with Mrs. Barham R. Gary, president of Historic Annapolis, Inc.

"What you see in Annapolis," said Mrs. Gary as we left her office in Shiplap House, "is one of the few cities where the trend toward urban blight has been reversed. A good example of the many restorations here is our own headquarters. Shiplap House was built as a tavern about 1720. When Historic Annapolis bought it in 1955, it was a condemned slum tenement, falling apart, with 27 people living in its five apartments. We have restored the exterior to its original appearance, and we're gradually doing the interior."

We left the waterfront, walked up Prince George Street, and halted before a tall brick facade covered with scaffolding.

"This is our most ambitious restoration," Mrs. Gary said, "William Paca's house. When we are finished, it will be used as a reception and conference center."

Paca was one of Maryland's four signers of the Declaration of Independence and the state's third governor. He built his 35-room mansion in 1765. Two centuries later the house was threatened with demolition. Historic Annapolis led a campaign to save the house, and the State of Maryland is now restoring Paca's magnificent garden.

"One of these days," said Mrs. Gary as I left her at her own Ireland House (built about 1800), "you will see a completely restored downtown area, a community with compatible buildings representing 300 years of architecture all in appropriate present-day use."

Although Colonial charm draws thousands to Annapolis, the city's prime tourist attraction remains the United States Naval Academy. Joining a crowd in front of Bancroft Hall to watch the noon mess formation, I noticed that almost all these tourists were middle-aged or older.

I wondered how the antimilitary, anti-Establishment attitudes of today's youth affect a service school like the Naval Academy. I put the question to Vice Adm. James Calvert, a tall, distinguished submariner who has been the academy's superintendent since 1968.

"I might answer that," said the superintendent, "by telling you that the 7,300 candidates for the Annapolis class of 1975 were not only the most we've ever had, but the most for any service academy."

Under Admiral Calvert, striking curricula changes have created broad academic opportunities for the young men who come to Annapolis to be trained as officers.

"When I came aboard," the admiral said, "it was obvious that improvements had to continue and accelerate. Of particular concern was a rise in voluntary resignations.

"So what to do? Standards could not be relaxed. Our program had to remain tough—there is no easy path. Yet the curriculum had to be up-to-date and realistic to make sense to today's youth."

Ten years ago all midshipmen took the same 40 courses. That old "lockstep" curriculum was dropped, and mishipmen were given the choice of more than 24 majors. Annapolis now offers nearly 600 courses, including several in black studies.

"Sure," he continued, "we hear about youthful antipathy toward the military. However, a lot of young men are clearheaded enough to recognize the value in the kind of quality education and professional training offered at Annapolis.

"Expenses at a civilian college these days can run very high. At the Academy, of course, there's no tuition. And a midshipman has been paid nearly $10,000 in salary by the time he has graduated. And he has a job.

"Something that worries me," he said as I was leaving, "is that there are not enough black midshipmen. We now have about 85, out of a total of roughly 4,200. These 85 are a fine group, making good records. But there should be more. The Navy is a place where young black men can really move swiftly."

I left Annapolis with the feeling that both the colonial city and its Naval Academy were in good hands. Driving across the Bay Bridge, I watched a bright-blue helicopter delivering a load of concrete for a pier of the new parallel bridge's high central span.

A few miles farther on, at Kent Island Narrows, skipjacks were drying their sails after a hard October rain. Against the sky to the east I saw great ragged V's of Canada geese, back on the Eastern Shore after summering in the Far North.

It felt good to be a Marylander.

*See "The Sailing Oystermen of Chesapeake Bay," by Luis Marden, GEOGRAPHIC, December 1967.

[From Liberty magazine, March-April, 1972]

THE OLD MARYLAND IDEA

(By C. Mervyn Maxwell)

That's what one Catholic historian has called American religious liberty. Is he right? Just what did happen in Old Maryland?

Who should get the credit for religious freedom in America? Protestants? Or Catholics?

Many persons in both camps would like to prove their own religious tradition responsible for the great American principles of religious freedom and separation of church and state. Protestants generally claim the

honor through Roger Williams, who established religious liberty in Rhode Island. They conveniently forget that he did so only after the Puritans of Massachusetts had driven him out in the dead of winter—a flagrant case of Protestant persecution. Catholics, on the other hand, claim that the Lords of Baltimore, the founders of Maryland, typified the normal Catholic attitude toward religious freedom and dismiss evidence that interferes with this happy assumption.

Now, if Catholics are indeed to get credit for America's religious freedom, it will have to be based on what they did in Maryland, the one colony founded by Catholics.

Three questions need to be answered: When Catholics controlled colonial Maryland, did they practice religious freedom?

When Protestants gained the upper hand in Maryland, did they allow for liberty of conscience?

Last, what do the answers to these questions prove?

1. *So long as they were in control of Maryland, Catholics did give freedom of worship to Protestants.*

The colony of Maryland was founded by Cecilius Calvert, the second Lord Baltimore, in 1634, fourteen years after the Pilgrim Fathers had landed at Plymouth Rock.

Cecilius Calvert's father, the first Lord Baltimore, was converted to Catholicism in the midst of a brilliant career in English politics. His change of religion cost him his government post but did not deprive him of his friendship with the crown. King Charles I, a Protestant who leaned toward Catholic points of view, granted him the right to found a colony, giving him the "powers of the Bishop of Durham." Lord Baltimore died before he could get the colony started, but his son, Cecilius, the second Lord Baltimore, lost no time in getting it under way.

By November 13, 1633, two shiploads of settlers were ready to embark for the New World. Many of these adventurers were Catholic, but, according to a report by Jesuit Father Henry Moore, who was in the group, "by far the greater part were heretics." Catholics, of course, were in all positions of leadership under Cecilius Calvert's younger brother, Leonard Calvert, first governor of Maryland. The governor carried with him Lord Baltimore's famous "Instructions":

"His Lordship requires his said governor and commissioners that in their voyage to Maryland they be very careful . . . that they suffer no scandal nor offence to be given to any of the Protestants, . . . and that . . . all acts of Roman Catholic religion be done as privately as may be."

Catholics were to be discreetly silent on all religious discussions, and these rules were not to be observed merely during the voyage but also "at land as well as at sea."

Lord Baltimore's instructions were followed. From the first fifteen years, during most of which time Catholics dominated the colony, there is no record that any Protestant was persecuted. On the contrary, individual Catholics who dared to disturb Protestants were punished severely.

In July, 1638, William Lewis, a Catholic servant of Father Copley, a priest, entered the home of two other servants of the same priest, men who were Protestants. The two, who were reading a bitterly anti-Catholic book, constrained Lewis to listen. Lewis, quite naturally, soon became angry and berated the Protestants. They thereupon got up a petition against Lewis, who was brought to trial—in a Catholic court, of course—convicted, and heavily fined.

In 1643 Baltimore issued an invitation to Puritans to move into his colony. A number of Virginia Puritans, persecuted by the Anglican government of that colony, migrated to what is now Annapolis, Maryland. Unquestionably these Puritans found greater liberty in Catholic Maryland than they had in Protestant Virginia.

In 1648 Lord Baltimore ordered his new governor (Leonard Calvert having died) to take the following oath:

"I will not . . . trouble, molest, or discountenance any person professing to believe in Jesus Christ, for or in respect to religion: I will make no difference of persons in conferring offices, favors, or rewards, for or in respect of religion . . . : my aim shall be public unity."

In the following year, 1649, the colonial legislature passed the justly famous Act of Toleration:

"No person or persons whatsoever within this province . . . professing to believe in Jesus Christ, shall from henceforth be any ways troubled, molested or discountenanced for or in respect of his or her religion nor in the free exercise thereof."

In 1650 some sixty leading Protestants signed a document attesting that "we [Protestants] do here enjoy all fitting and convenient freedom and liberty in the exercise of religion under his lordship's government; and that none of us are in any ways troubled or molested" on account of religion.

When the Protestant-dominated colonial legislature routinely submitted its annual list of grievances to the Catholic governor in 1688 it made no mention of any religious oppression.

The answer to our first question is that Maryland did enjoy religious freedom while the colony was controlled by Catholics.

2. *But what was the situation when Protestants gained the upper hand?*

Sometime between 1644 and 1646, during the early period of Catholic supremacy, Capt. Richard Ingle staged a rebellion, during which the great seal was stolen and the rebels ruled the colony for a time and plundered everywhere. Nominally Protestant, Captain Ingle sent the Jesuit leader, Father White, to England in chains.

Protestants gained control for a second time between 1652 and 1658. This was during the period that Oliver Cromwell was Lord Protector of England after the success of the Puritan revolution there and the execution of King Charles I in 1649. Lord Baltimore was deprived of his political rights in his colony, and Parliament sent out a group of commissioners who replaced the resident governor and took over.

Confusion followed and a brief "civil war" ensued. The Protestant side finally won in 1654, sent the Jesuit priests packing, and called a meeting of the legislature that denied Catholics political rights.

Ironically, the Protestants who dominated this assembly were largely those Virginia Puritans who had come to Catholic Maryland for refuge.

Another example of Protestant toleration!

Early in 1689, after the English had forced their king, James II, to abdicate because he was a Catholic, Protestants in Maryland staged a revolt of their own.

Rumors were spread that Catholics were inciting Indians to massacre Protestants. It made no difference that Councilmen Darnall (a Catholic) and Digges (the leading Protestant) galloped about the province proving every rumor false. Even though sixteen leading Protestants said that they had examined all rumors and found them without foundation, the revolutionary party would have its way. Under the leadership of John Coode, an exminister turned soldier, the Catholic governor, William Joseph, was ousted. A printing press issued the very first Maryland publication, an incendiary catalog of charges against "Papists." Petitions were collected urging William and Mary, the new Protestant royalty in England, to relieve the colonials from the onus of living under a Catholic proprietary.

After two years the English crown found a legal way to deprive Lord Baltimore of his political rights over the province though not of his rents and revenues. In 1691 Maryland was made a royal province and a Protestant governor, Sir Lionel Copley, sworn in.

There were almost forty thousand people in Maryland, of whom only three thousand were Catholics.

Almost the first act of the new assembly was to establish the Church of England and to tax everyone forty pounds of tobacco to support the Anglican clergy, who at this time were only three in number. (Because of English interference, this law did not go into effect until 1702.)

In 1699 a Test Oath put all Catholics out of civic office.

In 1704 a fine of twenty shillings was imposed for every Irish servant a person might import. (Irish servants were usually Catholics.)

In 1715 a law stated that if a Protestant died leaving a Catholic widow, the children should be taken away from their Catholic mother and raised as Protestants.

In 1718 Catholics were forbidden to vote.

In 1746 Governor Bladin ordered that if any priest made a convert, both the priest and his convert should be imprisoned.

In 1756 a double tax was imposed on Catholics for support of the militia.

There is no doubt about the answer to our second question: Maryland Catholics treated Protestants with leniency; Protestants however, severely limited Catholics whenever they controlled colonial Maryland.

3. But now for the third question, *What do these facts mean?* Do they prove that Catholics are the real source of American religious freedom?

Theodore Maynard, a Catholic historian, is sure that they do. On page 154 of his famous *Story of American Catholicism* he sums up America's religious liberty in a single simple phrase—"the old Maryland idea."

There is something to this. Let Protestants not deny it. Let them take their hats off to the Catholics for it.

We have not, however, examined all the evidence on this controversial subject.

We have noted that Protestants twice banished Jesuits from the province, but we have not said anything about Lord Baltimore's own quarrel with members of the Society of Jesus, carried on during the early years of the colony.

The Jesuits bought up land from the Indians without asking Baltimore's permission, even though all the land was legally his own. Tension mounted until the Jesuits became seditious—in Baltimore's words, an independent "body politics."[1]

When it was proposed that non-Jesuit missionaries be sent to Maryland—Catholic missionaries, but not Jesuit missionaries—further tensions arose within the Catholic camp. The Jesuits complained that "the spark of faith will be quenched" among the Indians.[2]

Protestants, then, had no monopoly on mistrust of Jesuits. In fact, the order was suppressed and exiled by Catholic Portugal in 1759, Catholic France in 1764, and Catholic Spain in 1767. The pope himself abolished the order in 1773.

Fierce controversy has raged over the religious complexion of the assembly of 1649, the colonial legislature that passed the Act of Toleration. Which side should get the credit? The state of the records is such that we cannot be sure whether Catholics or Protestants were in the majority.[3] But perhaps

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[1] Alfred Pierce Dennis, "Lord Baltimore's Struggle With the Jesuits," *American Historical Association Annual Report*, Vol. 1 (1900), pp. 105–125.

[2] Thomas Hues, S.J., *History of the Society of Jesus in North America* (London, 1907), Vol. 1, p. 333; cited in Russell, *Maryland, the Land of Sanctuary* (Baltimore: Furst Co., 1907), p. 153, footnote.

[3] H. S. Smith, R. T. Handy, L. A. Loetscher, *American Christianity* (New York: Charles Scribner's Sons, 1960), Vol. 1, p. 36; Dennis, *loc. cit.*

it is just as well. The document leaves much to be desired.

The first few lines authorize the death penalty for anyone who speaks reproachfully of the Trinity! And this provision is followed by the threat of public whipping for anyone who talks unkindly about the virgin Mary! Similar penalties apply to Sabbathbreakers and anyone who addresses someone else in a reproachful manner as "Heretic, Presbyterian, Popish priest," et cetera.

The law does, of course, state that no one should be molested or in any way troubled in the free exercise of his religion, and this is its great feature. It has been suggested that this provision is Lord Baltimore's own contribution—perhaps the only surviving portion of his original draft of the act before Catholic and Protestant representatives rewrote the rest of it—and this may be true. At present no one can prove the matter either way. Cecilius Calvert, the second Lord Baltimore and the founder of Maryland, may indeed have believed in religious freedom on principle. Just before the first settlers sailed away in 1633 he wrote:

"Conversion in matters of religion, if it be forced, should give little satisfaction to a wise State of the fidelity of such convert, for those who for worldly respect will break their faith with God doubtless will do it, upon a fit occasion much sooner with men." [4]

Set the Act of Toleration against the provisions adopted by the General Assembly of Rhode Island in 1647, however, and it hardly comes through as the pacesetter for American religious liberty. The Rhode Island code culminates in the declaration that "all men may walk as their consciences persuade them, everyone in the name of his God . . . without molestation." It is not an Act of Toleration, as in Maryland, by which liberty of conscience was granted *only* to those professing the Christian religion, accepting orthodox views of the Trinity, et cetera, nor does it limit religious freedom to those who believed in God as Creator, as in Pennsylvania. It is a charter of liberty of conscience as of natural right, to believers and nonbelievers alike.

When all due credit is given to the Lords of Baltimore for their breadth of spirit, it must be admitted—as even Theodore Maynard admits—that they had no other choice. Catholics did not migrate freely from England during the seventeenth century, and if Maryland was to flourish, Protestants had to be encouraged to settle there. Even so, the population did not reach forty thousand for the first seventy-five years of its existence, and 92 per cent of this number were Protestants. (Some 20,000 Puritans migrated to Massachusetts in the first ten years of that colony.) If the colony had been reserved for Catholics only it would have floundered. Cecilius Calvert, who invested £40,000 in the enterprise during its early years, could not have afforded this.

It is sad but necessary to point to direct evidence that where Catholics were not in the minority, as they were in Maryland from the start, they persecuted Protestants even in North America.

In 1795 Louisiana, which was still in Spanish hands, enacted a law against Protestants migrating there from the newly founded United States. It specified that "if nine persons were found worshipping together, except according to the forms of the Roman Catholic Church, they should suffer imprisonment." [5]

Further, the celebrated oath that Baltimore required of his governor in 1648 was required of a Protestant, Governor William Stone, and not of a Catholic. That Baltimore felt it necessary to require a Protestant to swear never to discriminate does not say much for Protestants, but it does help to put the oath into perspective. For a Catholic lord to require a Protestant governor to be kind to Roman Catholics probably did not require unusual magnanimity.

The Catholic commitment to freedom was suspect for other reasons. Both the Puritan Revolution and the Glorious Revolution which chalked up impressive gains for human freedoms found Catholics on the side of defeated royalty. Temporary Governor Green showed his sympathies with the wrong side by means of an official proclamation in 1649. Other Catholic demonstrations in 1688 and 1716 included the discharge of cannon.

Then, too, Pope Pius V's bull, *Regnans in excelsis*, which released all English Catholics from their loyalty to Queen Elizabeth in 1570, was not the ancient history that it is now.

And Guy Fawkes's attempt to blow up King James I and his Parliament had occurred within the century.

It is highly significant that when Protestants took over in Maryland, they required Catholics to take a loyalty oath against inviting into the colony any hostile foreign power. Catholics would have enjoyed greater freedom under Protestant rule had they refrained from political activity.

But perhaps this was asking too much in that age. The idea of separating church and state was still in its infancy. Almost all churches attempted to further their ends by political activity.

It was a remarkable thing in the seventeenth century for the Lords Baltimore to attempt to separate church and state. They were men ahead of their time.

Whatever their motives, they gave the world a fine example of religious toleration, an example that deserves our gratitude and respect.

But our conclusion must be that they did it as individuals, rather than as Catholics, just as Roger Williams acted as an individual rather than as a typical Protestant of his era. Neither Protestants nor Catholics as a whole were ready to grant religious freedom. We should honor the memory of the few who were.

[4] Quoted in T. O. Hanley, "Church and State in the Maryland Ordinance of 1639," *Church History*, Vol. XXVI (March, 1957), p. 332.

[5] Cited in W. W. Sweet, *Religion on the American Frontier: The Baptists, 1783–1830* (N.Y.: Henry Holt and Company, 1931), p. 35.

NATIONAL WEEK OF CONCERN FOR PRISONERS OF WAR AND MISSING IN ACTION

Mr. ALLEN. Mr. President, the distinguished senior Senator from Arkansas (Mr. MCCLELLAN) is unavoidably absent from the Senate today. I ask unanimous consent that remarks prepared by him in praise and support of the National Week of Concern for Prisoners of War and Missing in Action be printed in the RECORD.

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

STATEMENT BY SENATOR MCCLELLAN

One of the greatest tragedies of the Vietnam War has been the suffering of our men being held as prisoners of war in Southeast Asia and those reported as missing in action. They and their families are truly undergoing a long, dark night of the soul.

The Department of Defense reports that, as of March 11, there were 489 Americans being held captive and another 1,129 reported as missing in action. Some of these men have been prisoners since early 1964—almost eight years. Parents, wives and children have suffered long years of anguish and anxiety without knowing the fate of their loved ones.

Despite repeated requests to the Government of North Vietnam for compliance with the Geneva Convention regarding the treatment of prisoners of war made by the United States, the United Nations, the International Red Cross and many other groups, Hanoi has refused to accede to them.

The North Vietnamese remain steadfast in their refusal to permit the free flow of mail to and from the prisoners, to repatriate the sick and wounded, to permit impartial observers to inspect prison facilities and to allow the repatriation or internment in a neutral country of men who have endured an extended period of captivity.

It is the earnest and heartfelt hope of us all that the martyrdom of these unfortunate men will soon be over.

Mr. President, as Abraham Lincoln said during the midst of another tragic conflict, history will little note nor long remember what we say here. But it will not forget these men and their families.

Such observances as the National Day of Prayer for these brave Americans to be held on Sunday and the National Week of Concern that follows allow people of good will throughout the nation to assure them that they are uppermost in our thoughts—and will not be forgotten.

BYELORUSSIAN INDEPENDENCE DAY

Mr. PROXMIRE. Mr. President, the 25th of March is the 54th anniversary of Byelorussian independence, and it is my privilege to help to commemorate that day. The shortlived freedom of the Byelorussian Democratic Republic was a valiant struggle for democracy and human dignity.

For centuries these courageous people suffered under the oppression of conquering armies. Wars with the Teutonic knights, Napoleon's march on Moscow, and German occupation during World War II all left their scars. Now, despite their continuous resistance, the people of Byelorussia suffer a fate similar to their neighbors in the sister states on the Baltic. For decades these brave Slavic people have been ruled by the Soviet Union. As a part of the Soviet Republic they are granted token autonomy, while in reality they are controlled by the Kremlin.

The likelihood of a restoration of freedom for the Byelorussians seems slight, but their determination and commitment to the highest principles of liberty and justice persists undiminished by time. All citizens of the free world should recognize the efforts of Byelorussians who are living under Russian rule or in exile throughout the world. As they celebrate their day of independence, all Americans should rededicate themselves to the cause of peace and democracy throughout the world.

DAIRY SUPPORT PRICE REMAINS AT 1971 LEVEL

Mr. SYMINGTON. Mr. President, Missouri dairy producers are fighting to meet increased production costs for equipment, wages, interest, and taxes. At the same time, they are told the support price for manufactured milk will remain the same as last year.

Retail food prices have increased 43 percent in 20 years but prices received

on the farm have increased only 6 percent.

During this same period, the share of the consumers' food dollar going to the farmer declined from 49 cents to 38 cents.

As prices react to supply and demand, the competitive market for farm products creates frequent fluctuations with prices to farmers showing but a slight total increase.

As but one example, this time last year corn and other feed grain prices were high because of a shortage created by the corn blight in 1970. This year feed grain prices are low as a result of the record production in 1971 in response to Department of Agriculture policies.

Farm productivity per man-hour of labor has more than tripled in the last 20 years, yet farmers still receive an average of only three-fourths the yearly net income of their urban counterparts.

I have received many letters from Missouri dairy farmers emphasizing the need for a higher support price to assure a better opportunity for the milk producer to earn a fair return for his work and investment. Such a return would prevent a future shortage of milk which in turn would inflate consumer prices.

One dairy farmer reports that:

Every year more of my neighbors quit farming because they don't get enough for their milk.

Another writes:

We need an increase in the support level if we are to continue to produce milk.

A third says that:

With the increased cost of the necessary operating expenses there is not enough left to give the dairyman and his family a fair share for living.

In recent years low selling prices and ever higher production costs already have led to a significant reduction in the number of dairy producers. A further loss in the number of dairy farms could adversely affect the production of an adequate milk supply, can harm the consumers, and will speed out-migration from rural areas.

I recently wrote the Secretary of Agriculture urging that price supports for milk be set at 90 percent of parity beginning April 1, 1972. Because of increase in costs, the $4.93 per hundredweight set last year for manufactured milk has dropped from 85 percent to less than 80 percent of parity.

Nevertheless, the Secretary announced that price support levels would be maintained at $4.93 per hundredweight.

With the continued escalation of prices on almost everything the farmer buys, that unreasonably low price support could be down to 75 percent or less by this time next year.

I ask unanimous consent that 45 letters from Missouri dairy producers also urging this action be printed at this point in the RECORD.

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

BRAYMER, MO.,
MARCH 15, 1972.

DEAR SENATOR SYMINGTON: If farmers are going to keep on with their job they are going to have to get more for their products. We as dairy farmers feel milk should be raised to 85% of Parity as all other wages and products we have to buy has risen 5% in the last year. More farmers are being eliminated each year because they just can't keep going with farm prices the way they are.

As ever,

GLENN NULL.

MID-AMERICA DAIRYMEN, INC.,
Princeton, Mo., March 14, 1972.

Hon. STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SYMINGTON: With the action to leave dairy price supports at $4.93, it appears that Secretary of Agriculture Butz expects dairy farmers to live at the poverty level in 1972. We are now at only 79% of parity. By the end of this year, with continued inflation, dairymen will be at a price level far below their cost of production. All we asked for was 85% of parity, or far less than others in the economy are getting. Since feeding the people of this nation is so important, I feel asking for only 85% of what others are getting is a reasonable request.

To insure the stability of the dairy industry that will guarantee an adequate supply of wholesome milk to the consumers, please help us get legislation that would require the Secretary of Agriculture to support dairy prices at no less than 85% of parity.

Yours very truly,

WM. A. POWELL,
President.

PALMYRA, MO.

Hon. STUART E. SYMINGTON,
Old Senate Office Building,
Washington, D.C.,

DEAR SIR: I am writing to tell you why I think dairy farmers need a higher price for milk.

It is true that feed costs are lower but most dairymen raise about 60% of their feed. The cost of seed, fertilizer, chemicals, repairs, medical supplies for stock, feed additives to produce our product have all gone up. Taxes and cost of living are as high as the workers who get a pay raise when living costs increase. Dairymen have a large investment, most of the workers do not. I milk fewer cows that produce more milk per cow. I try to buy supplies and feed at the lowest price I can and get quality products. All dairymen have become more efficient but our increasing costs cancel out our best efforts.

I hope you will understand what I am trying to say, efficiency is great but will not erase a low price for the product we sell.

Thank you,

EARL R. ENSMINGER.

WILLARD, MO.,
March 15, 1972.

Hon. STUART SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: Real incomes of dairy farmers are way below incomes of other groups. The support level of 85 percent that was announced last year has slid to about 80 percent because of increasing costs to dairy farmers. We would appreciate your support for an increase.

Yours sincerely,

GLEN HALL.

GERALD, MO.,
March 17, 1972.

DEAR SIR: The prices we dairy farmers receive for our milk are not buying as many goods and services as they did a year ago because of increases in prices we have to pay. We ask you to raise the price support level to 90 percent of parity. If this is impossible, please raise it to the same level as a year ago—namely 85 percent of parity.

Sincerely,

LE ROY VOGT.

WASHBURN, MO.,
March 12, 1972.

Hon. STUART SYMINGTON,
United States Senate,
Washington, D.C.

DEAR SIR: I was glad to receive a copy of letter that you and Thomas F. Eagleton sent to Secretary Earl Butz in regard to 90 percent of parity for milk in 1972. I think you are 100% correct in your statement about Production Cost going up.

The consumers are going to have to get used to milk and food items going up.

Labor adds a lot to the cost of food after it leaves the farm and reaches the consumer.

An elder man told me the other day back in the 1930's a farm laborer worked 10 hours a day on farm for $1.00 and a new pair of overalls then cost $98 cents.

Labor now can buy a lot of clothing and food for a day's work.

So we farmers need a little increase in our product. We sell the same as labor and everything else.

Thanks for your support.

Sincerely,

WILMER D. WESTON,
Director of Mid-America Dairy.

DEAR SENATOR: We dairy farmers are caught in a cost-price squeeze. Our real incomes are not keeping up with those in other industries. With the cost we pay for the goods and services we need, we are unable to pay, with the price we get for our milk now. We would appreciate your help in getting an increase in the milk price support level.

Please don't force us to leave the dairy industry.

Sincerely yours,

DONALD E. HOWELL.

DEAR SIR: Every year more of my neighbors quit farming because they don't get enough for their milk. Government surpluses are at a low level and the government has been buying less and less. We need an increase in the support level if we are to continue to produce milk.

Yours very truly,

HOWARD MADDUP.

DEAR SENATOR: The purchasing power of the farmer is steadily decreasing. Most of us are finding it impossible to keep our heads above water due to our ever increasing costs. Therefore, we ask your help in aiding the dairy industry by supporting an increase in the price support level.

ORAL BIGLU,
Dairyman.

PALMYRA, MO.,
March 13, 1972.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing to you in regard to the support price of milk, which I think should be 90% of parity, which last year was set at 85% of parity. But with all of the rising costs is now down to 80% again.

I just noticed in today's paper where railroads were granted an 18 to 20% increase in freight rates on agricultural products such as feeds, soybean oil and meal, fertilizer and fertilizer ingredients, anhydrous ammonia, lime, etc. It seems industry is able to obtain big wage increases. Most everything that a farmer has to buy has went up. The dairy farmer has been and is trying to help themselves all they can. We advertise our products, so that we can help move them. It must be working as I understand Govern-

ment stocks of our product are very low. Which is the way we want it. But we can't have rising prices on one hand, and falling prices on the other and stay in business. That is why I say we need 90% of parity. Thanking you for your consideration of this matter.

Respectfully,

WILLIAM C. KADEN.

MORRISON, MO.,
March 14, 1972.

Hon. Senator SYMINGTON,
Washington, D.C.

DEAR SIR: We, as dairy farmers, would appreciate it if you would support the milk price.

Thank you for precious support.

Sincerely,

Mr. and Mrs. RAYMOND PAUCK.

PALMYRA, MO.,
March 15, 1972.

Hon. STUART SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: I would like to ask your support to help raise the parity support price to 90 percent.

The finished products such as protein feeds and machinery have raised a lot in prices so therefore we need a raise in our milk to stay in line and still produce high quality milk.

Thank you in advance.

I remain,

EDGAR L. TULEY.

HANNIBAL, MO.,
March 17, 1972.

Senator STUART E. SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR SYMINGTON: We would appreciate your sincere and definite consideration on the matter of increasing the milk support price for the dairy farmers. We are caught in the price squeeze. Our income is out of proportion to the cost of maintenance overhead, and operating expenses: there is not enough left for the long continuous hours of time and labor spent.

It is required of us to keep our barn and equipment under a rigid health and sanitation inspection program. If this is essential to the nation's health and welfare, which we all agree it certainly should provide sufficient returns for the time and expense it requires.

Many dairymen are becoming discouraged and are quitting. Our equipment has become outdated, and needs replacement and modernizing in order to produce quality milk. In order to do this, we will need to borrow from a minimum of $20,000 to a maximum of $60,000. At the present price of milk one could not pay a debt of that kind off with interest. If something isn't done the dairy industry will diminish. There are not enough young men interested in what is involved at the present price of milk. It isn't comparable to other wages. We have a son who would carry on our dairy when we quit, if the price of milk is increased. He has experienced along with us, how the milk income goes for maintenance and operating expenses.

We need good young men who are willing to continue the dairy industry when the middle-aged dairymen quit. It requires a person who is not looking for an hour to start and stop. It requires much more than an eight hour day or forty hour week, and there is no overtime pay.

It should be appreciated that the farmers have been the quiet, contented citizens of our country. They haven't involved themselves in riots, strikes or other disturbances and have tried to cope with conditions. It seems deserving that the price of milk should rise as well as other commodities. In fact, it is very essential if the industry is to continue. It has been established that farming is the backbone of the nation. The dairy farmer is part of that backbone; please raise his price so it can be stronger. We thank you for your consideration.

Respectfully,

PEARL FORNEY
EDWIN G. FORNEY

WASHINGTON, MO.,
March 17, 1972.

Hon. STUART SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: This letter is being sent your way by a dairy farmer, earnestly asking that you support our request of having a dairy price set at not less than 85% of parity.

As any person can tell you who has been in dairy business, there is a lot of hard work involved, lasting long hours a day, seven days a week. When most other people are able to take time out to enjoy leisure moments doing things they please, the dairy farmer is still tied down to all the chores that require continuous attention. Most folks don't seem to realize the long hours of hard labor required to make available for them all the wonderful fresh dairy products they enjoy every day.

We *honestly* feel we are entitled to *at least* the 85% of parity.

Again, *please* support the request we are making.

Thank you.

Your truly,

Mr. and Mrs. RAY SCHROEDER.

HANNIBAL, MO.,
March 18, 1972.

Senator STUART E. SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR MR. SYMINGTON: In view of the rising cost of *labor, machinery, equipment, supplies* and other items required to operate and maintain a Grade A dairy business, it is imperative the price of milk be given top priority. We feel the price of milk should be according to expenses and on level with other big industries accordingly.

We feel this is necessary to maintain the *family size dairy farms* which are still the backbone of the dairy industry and of this great country of ours.

Your prompt action and dedicated concern for a raise in equal prices will be greatly appreciated.

Respectfully yours,

ERNEST C. BRINKMEIER.

WEATHERBY, MO.,
March 10, 1972.

SENATOR STUART SYMINGTON: We operate a small dairy farm in North West Mo. and are writing in regard to the parity price of milk. We think it should be kept up to 85% of parity in order for small farmers to stay in business. We would not be able to operate at a profit if parity goes any lower. Other people get 5.5% more. We should also.

Respectfully yours,

W. H. PETERS.

MARYVILLE, MO.,
March 11, 1972.

Senator STEWART SYMINGTON.

DEAR SIR: I think you should introduce legislation to increase dairy supports from 75% to 85% of parity. It is hard to keep up with the increase in expenses without an increase in income.

I also think they shouldn't let Sec. Butz increase beef import quotas. The imported meat should meet or beat the standards of what we produce.

I hope this helps you in your thinking and voting.

Sincerely,

RICHARD C. NEAL.

WEATHERBY, MO.,
March 11, 1972.

SENATOR STUART SYMINGTON: I'm writing in regard to the price support of milk which was set at 85% of parity last year and is below 80% parity now. I feel it should be at least 85% of parity due to rising prices of all other commodities and labor. I feel we need 85% of parity to stay in dairy business.

Yours truly,

JOHN PARKHURST.

CAMERON, MO.,
March 10, 1972.

SENATOR STUART SYMINGTON: With the increased cost of the necessary operating expenses there is not enough left to give the dairyman and his family a fair share for living.

I believe the parity price of milk should be raised to allow us a better return for our labor.

Sincerely,

GLEN E. CASTLE.

GALLATIN, MO.,
March 11, 1972.

SENATOR STUART SYMINGTON: It is imperative that the price of milk supports be raised again to 85% of parity. Dairy farmers and other farmers cannot continue in business while getting so much less of the national financial pot than other segments of the national economy. Some of our expenses have tripled, while some of our income is at World War One prices. There is one-third less farmers now than there was ten years ago. The average age of farmers is (52) fifty-two and the average age of dairy farmers is more than that. There will be hungry people in this country before too many years unless the picture changes. The big corporation farmers cannot supply all the food needs of the country as cheaply as it is being supplied now because people will not take the same interest in the care of other peoples' animals than they do of their own. The labor bill for food produced will be much higher and that will be reflected in higher food costs.

As a member of a Grade A dairy and general farming enterprise. I urge you to use your influence to see that the support price of milk is raised to at least 90% of parity.

Yours truly,

MRS. ROBERT L. MACY, Jr.,
Member of Carpentar and Macy.

HAVENTON FARMS,
New Haven, Mo., March 18, 1972.

DEAR SIR: It is with deepest regret that Secretary of Agriculture Earl Butz has not seen fit to increase the support price of milk to at least 85% of parity.

I would like to take this opportunity to urge you to support and work for a bill to get legislation passed requiring the Secretary to set dairy price supports at not less than 85% of parity.

Thank you very much.

Yours truly,

WILLARD LUECKER,

CAMERON, MO.,
March 15, 1972.

DEAR SENATOR SYMINGTON: With sincere concern, please consider setting the milk support level at 85 percent of parity. Operating costs have increased to the point it is almost impossible to maintain a high dairy operation under present conditions.

Yours truly,

JOHN DONOVAN, Jr.,

WILLARD, MO.,
March 15, 1972.

Hon. STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SIR: I understand that the Government has virtually no stocks of nonfat dry milk & several other dairy products, and that purchases have been lower in recent months. With the erosion of the price support level announced last year. We desperately need an increase in the price support level to 90 percent of parity. Certainly it should be no less than that set last year and the year before—85 percent of parity.

Yours Sincerely,

LILA HALL.

FORDLAND, MO.

Hon. STUART SYMINGTON.

DEAR SENATOR: I am writing this letter to let you know my feelings on the support price of milk. I feel that due to the increased cost of production it is essential that the price support be raised. I know you have been a voice for the family farm and we appreciate it. Anything you can do to help will be appreciated.

Sincerely yours,

RAYMOND ATKINSON.

ROGERSVILLE, MO.,
March 16, 1972.

Hon. STUART SYMINGTON.

DEAR SIR: The prices we dairy farmers receive for our milk are not buying as many goods and services as they did one year ago because of increases in prices we have to pay. Dairy farms need a support price of at least 85 per cent of parity. I urge that you vote favorably on any legislation to achieve this support price for dairymen.

Respectfully yours,

GILBERT CRIGER.

WEATHERBY, MO.,
March 15, 1972.

SENATER STUART SYMINGTON: The wife and I would appreciate your support of an increase in milk support prices to at least 85% of parity.

We feel this consideration would be a great boost to agricultural well being of farmers.

Yours,

RAYMOND SWEIGER and FAMILY.

MARCH 6, 1972.

Senator STUART SYMINGTON,
Old Senate Office Building, Washington, D.C.

SENATOR SYMINGTON: Mid-America Dairymen, Inc., members in southern Missouri are concerned that the dairy price supports set by the U.S.D.A. last April at 85 percent of parity now represents only 80 percent, since our costs have increased and our returns for labor are low. We solicit your help in support of a new level of supports of at least 85 percent to Secretary Butz and President Nixon.

Thanks.

WM. H. JOHNSON,
Executive Vice President, Southern Division, Mid-America Dairymen, Inc.

CHAMOIS, MO.,
March 15, 1972.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SIR: Last year dairy farmers were granted a price support level of 85% of parity. However almost a year later this represents less than 80% of parity. In order for us to maintain our production costs we have got to have an increase in our milk price support level. The consumer needs our milk and we would appreciate your help in achieving this goal. We have been in the dairy business for 38 years we realize we are small but it is a way of life for us.

Yours truly,

FRED and MAPLE HOWARD.

WASHINGTON, MO.,
March 15, 1972.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMINGTON: As a dairy farmer trying to make a fair living, I'm asking you to kindly support and do all you can to maintain the 85% of parity level set in April 1971. As you know it has dropped by 6% this past year. Please do all you can to maintain the 85% of parity level. Rise in cost of machinery and crop failures make it important for us to ask you to do this.

Thank you very kindly.

Sincerely,

Mr. and Mrs. JULIUS WATERMANN.

HANNIBAL, MO.,
March 13, 1972.

DEAR SENATOR SYMINGTON: We, the dairy farmers would like to ask your help to increase the milk price level. Our costs have been steadily increasing and our returns have never been lower. Machinery and feed costs are very expensive. The price support level that was set last April 9 was 85% of parity now represents 80% of parity. I hope you will consider our needs and ask your support to increase the milk price level.

Sincerely,

ROBERT C. FRANKENBACH.

URBANA, MO.,
March 13, 1972.

DEAR SENATOR: I would like to ask you to raise the price of support level for our milk.

The price I am getting for my milk is about the same as a year ago. But my costs have risen considerably.

We dairy farmers need an increase in the support level if we are to continue producing the same quality.

I would appreciate your support for an increase in the milk price support level.

RALPH COOMS,
Dairyman.

BEAUFORT, MO.,
March 16, 1972.

Hon. STUART SYMINGTON: We are dairy farmers producing Grade A milk in the St. Louis area.

I would like to sincerely ask you to raise the price support level for our milk. The price I am getting for my milk is about the same as a year ago, but my costs have risen considerably. We dairy farmers need an increase in the price support levels if we are to continue producing the same quality, if at all. I would appreciate your support for an increase in the milk price support level to 85% of parity.

Please excuse the extra marks on the letter. They are the places where I went to sleep trying to write this letter. We work such long hours, but we'll need sleep.

Thank you,

HENRY DIANKOLFER.

CAMERON, MO.,
March 15, 1972.

Hon. STUART SYMINGTON,
U.S. Senator from Missouri.

We would like to ask for your support of a bill to raise milk support prices to 85 percent of parity. We are fairly new in the business of dairying, but would like to continue with this way of making a living, even though the hours are long—with plenty of hard work. We find that with the cost of labor, equipment and feed rising so rapidly each year, it is difficult, to say the least, for the dairymen to continue in his chosen work. Your help with this bill will be appreciated by all of us.

Sincerely,

Mr. and Mrs. FLOYD SPIDLE.

TRENTON, MO.,
March 14, 1972.

To: Senator STUART SYMINGTON:

I am a dairy farmer and I am writing this letter to ask your support in getting the support price of milk set at 85% of parity. The 85% of parity we started last year with, has now slipped to about 79%. Why should the dairy farmer get 79% of parity for his work while almost everyone else gets 100% or more for theirs?

Dr. Campbell Moses, medical director of the American heart association last October recommended two (2) glasses of milk a day for good health, and they were the last holdouts on the milk (Diet and Heart Disease) kick. As soon as the American people start eating as they should there will be a shortage of milk—not a surplus.

It would be nice if Mr. Ralph Nader would spend his time trying to get dock strikes settled or telling people what a good buy food is in this country, the cheapest and best in the world, which would help everyone in the United States, rather than trying to save a cent or two for one group at the expense of another, in this case—the Dairy Farmer.

Sincerely,

CARL F. PARKER.

GERALD, MO.,
March 16, 1972.

Sen. STUART SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SEN. SYMINGTON: I am a dairy farmer and I am asking you to support the price of milk at 85% of parity.

Due to increased cost of operation I feel the dairy farmer is deserving of at least the 85% parity price for milk.

Sincerely,

GEORGE J. KAMPSCHROEDER.

HANNIBAL, MO.,
March 16, 1972.

Sen. STUART SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: On March 9th the Secretary of Agriculture announced the support level for milk to be continued at $4.93. I am writing to you personally to ask you to do whatever you can to help us dairy farmers. We will definitely be taking a setback if this continues. Unless this problem for us is not corrected, increased production costs incurred by dairy farmers, will reduce price to an even lower percent of parity. The increased costs have now reduced the $4.93 to 80% of parity. This is not good and I am hoping you will do whatever you can for us. We would like 90% of parity, but at least get it back up to 85% of parity.

Sincerely,

MARVIN C. FRANKENBACK.

WEATHERBY, MO.,
March 15, 1972.

STUART SYMINGTON,
Senator from Mo.:

I would like to have your help in raising milk support prices to at least 85 percent of parity.

I feel the cost of supplies and Equipment merit this increase. Your influence in favor of this would be appreciated.

Sincerely,

CHARLES SEVEIGER.

MAYSVILLE, MO.
March 14, 1972.

SENATOR SYMINGTON: Please help us get our milk prices raised to 85% of parity.

Yours truly,

WENDELL F. BERRY.

PATTONSBURG, MO.,
March 14, 1972.

SENATOR SYMINGTON: Due to increased cost of production, I think fluid milk prices should be raised to at least 85% of parity. The farmer should not be forced to take less for his product according to cost of production, than any other group in the economy.

Yours,

STANLEY E. BERRY.

BEAUFORT, MO.,
March 17, 1972.

Sen. STUART SYMINGTON,

DEAR SIR: I bought a tractor in 1951 cost 1,100.00 today the same horse Power Tractor cost 6,000.00; we still do not get to much more for our milk 79% Parity try and Pay your Bills on that Price would you be kind enough to try to help us get 85% Parity. We will be thankful for your work.

Yours,

CHARLES C. RICHARDSON.

EUREKA, MO.,
March 16, 1972.

Senator STUART SYMINGTON,
Old Senate Office Building
Washington, D.C.

HONORABLE SIR: We understand that no increase in milk price supports for the marketing year beginning April 1, 1972 is contemplated.

The support level of $4.93 per cwt as of March in 1971 when this was 85% of parity will remain the same. The $4.93 price is now less than 80% of parity. If the parity level is installed to 85% it would mean an increase of 37 cents to per cwt or approximately the same price as received for milk in the Truman Administration years.

That other segment of the economy is receiving today for their products or services what was received some 25 years ago. Certainly what we purchase as equipment and supplies hasn't remained static.

May we prevail upon your office to allow our industry the same consideration as is given other industries and organized unions in relation to prices and wages?

Yours truly,

PLEGGE BROS. DAIRY FARM.

HANNIBAL, MO.,
March 16, 1972.

Hon. STUART E. SYMINGTON,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: I am writing to you in regard to the price we are receiving for Grade A milk.

Farmers appear to be the forgotten people, we like you after all are human. Last year the support price was 85% of parity, but slid to 80%, we would like the support price to be 90%.

Each year it becomes more difficult to meet expenses, as our costs have been steadily increasing and our returns for labor are very low.

Hoping that you will give this matter serious thought, I remain,

Yours Very Truly,

JAMES E. GOTTMAN.

ALBU DAIRY FARM,
Shelbina, Mo., March 18, 1972.

Hon. THOS A. EAGLETON,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: It seems every industry is able to obtain big wage increases—except Dairy Farmers. It has been like this for Dairy Farmers for many years. And, the proof of this is, the number of farmers that have left the industry.

If, the rest of us are to survive our costs and stay in the industry, we will need your help. We ask your support in increasing the milk price support level.

Respectfully,

BUCKMAN BROS.
RAYMOND BUCKMAN.

HUNZE FARM,
Cape Girardeau, Mo.,
March 16, 1972.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SIR: My brother and I have a moderate size dairy farm at Cape Girardeau, Missouri operated on a tenant share basis. We are very much disturbed with the reduction in milk parity from 85% to 79% when our costs have advanced about 6%. To us this will mean a total reduction of about 12% in effective income and result in greater farm losses. We, therefore, want to go on record for holding parity to at least the 85% level and hope you will give this your full support. I thank you in advance for supporting higher milk parity.

Sincerely,

RAYMOND B. HUNZE.

HILLSBORO, MO.
March 15, 1972.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMINGTON: I am urging you to please raise the parity on milk to 85% of parity. With the rising cost of farm machinery, feed and other needed farm supplies needed in the farming operation; we certainly need more money for our milk.

From 1960 to 1971 prices paid by dairy farmers for production items increased 36.7 percent. While in the same years wage earners in the United States had an increase of 85.3 percent.

Keep these figures in mind, and see if you can possibly help the dairy farmers to a better parity price for their milk.

Sincerely yours,

CALVIN LINDWEDEL.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that an editorial published in the Kansas City Times of March 11, 1972, presenting the fact that farm prices, food production, and food costs are closely related, also be printed in the RECORD.

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

FARM PRICES AND FOOD COSTS ARE TWIN POLITICAL PROBLEMS

Announcements on consecutive days indicate pressure is being applied on the brake pedal of U.S. agriculture. Perhaps it was inevitable in a year of national elections—a year in which there are fewer than 10.4 million farmers and their families in a nation of 208 million, mostly urban residents and voters.

The administration, which had been wooing the farm bloc, apparently now is more worried over the election impact of consumer complaints about food prices. So it increased the tonnage of meat that can be imported into the nation this year by 7 per cent. Next, Earl L. Butz, secretary of agriculture, announced that government milk support prices will remain at the 1971 level for the new marketing year beginning April 1.

A LOT OF CORN

Earlier, one of Butz' first moves, when he was named secretary, was to order—with fanfare—government buying of part of the corn surplus resulting from last year's record harvest of 5.5 billion bushels.

That project was dropped after the government purchased 13 million bushels, or two-tenths of 1 per cent of the crop. Butz' explanation was that the psychological impact of the government's token move was enough to give the farmer a price with which he could live.

In the meat import move, processors now can import up to 1.24 billion pounds of meat this year to add to the U.S.-produced supplies of beef, pork and lamb. Most of that will be low-quality beef used in hamburger and canned products.

Many authorities, however, question whether the full new quota actually can be imported. They explain that rising living standards in the developed nations have created a demand for beef that is almost as strong as the U.S. market. Moreover, the beef appetite also has been whetted in emerging nations. But even if the foreign supply cannot be found, the Nixon administration now can go to the consumers and say, "We tried to help you."

The support setback to dairymen is a little different. A year ago, the USDA, on direct orders from the White House, boosted the basic support level to $4.93 a hundredweight on manufacturing grade milk. That was 85 per cent of parity—then. Officials of the Missouri-based Mid-America Dairymen, Inc., one of the nation's leading co-operatives, said that rising costs in the last 12 months will have caused the support figure to slip to 79 per cent of parity by April 1.

Mid-America wanted the 85 per cent figure restored, while other influential dairy groups sought a 90 per cent figure. Even so, the supply-demand factor has boosted the average price to operators to around $5 a hundredweight. So in that case, too, a realistic view that the Butz denial was a window-dressing move.

SLOWING DOWN TOO SOON?

In his first months in office, Butz has been a highly visible spokesman for agriculture. His efforts have helped, both in stimulating depressed farm prices and in the education of the consuming public.

However, Butz clearly is now slowing the modest acceleration in the cattle and dairy industries. Each fared better last year than their agricultural cousins, but neither was in a runaway race.

Because of the importance of agriculture, including the cattle and dairy industries, to the economic welfare of the farming regions, it is hoped the foot on the farm brake pedal doesn't become any heavier.

Mr. SYMINGTON. In summary, Mr. President, farmers are well aware that there is a growing protest among consumers about the cost of food in the supermarkets of America.

Farm owners also know that they have more than tripled productivity per man-hour in the last 20 years, over twice the increase in manufacturing.

Those of us interested in a fair return for the farmer, as well as reasonable prices for the consumer, congratulate Secretary Butz, therefore, on his statements that "high productivity of farmers, and low farm prices, have kept consumers from paying higher food prices over the last 20 years."

I again urge, therefore, that the Secretary exercise the authority Congress has given him and increase the support to a more realistic level.

AMERICAN SUPPORT FOR PRISONERS OF WAR IN ASIA

Mr. PROXMIRE. Mr. President, each year citizens of the United States pause to pay tribute to the courageous and loyal Americans who have fought for their country. In 1971 the President signed a congressional resolution calling for a "Week of Concern" for the brave soldiers who are now either prisoners of war or missing in action somewhere in Southeast Asia.

Each year my distinguished colleagues in both the Senate and the House of Representatives have taken the floor to denounce the inhumane treatment of our soldiers held captive in North Vietnamese camps, and to urge the exchange of all prisoners. Each year all Americans hope that this will be the last "Week of Concern." I regret deeply that this has not yet come to pass.

Therefore I mark this week once again with anger and sadness. The welfare of more than 1,500 valiant American prisoners should be of paramount concern to all who value liberty. For these men have lost their own freedom in defense of others. It is tragic that, although the Peoples' Republic of North Vietnam endorsed the Geneva Accords regarding the treatment of prisoners of war in 1957, they refuse to abide by those simple humanitarian agreements.

The North Vietnamese and Vietcong refuse to identify all prisoners of war or soldiers missing in action. They have refused to exchange seriously ill prisoners or permit proper medical treatment for those in need. Red Cross intervention has been consistently refused and prisoners have been denied the right to correspond freely with their families. No international organization has been allowed to inspect these prisoner-of-war camps, as agreed to in the Geneva Convention, and no check can be exercised on the inhumane treatment received by our captured servicemen.

But this injustice has a particularly profound effect on the lives of the wives, children, and parents of every man held in the jungles of the North. The suffering and hardship of these brave families can never be underestimated. They have persevered with courage and dignity.

Yet these families neither want nor need our eloquent words of sympathy and compassion. What they and all Americans desperately desire is an end to the fighting and the return of all servicemen to their homes and loved ones. This National Week of Concern should not become an annual event, but rather a painful moment in history. The memorials and tributes have never been more deserved than by these missing or imprisoned American servicemen, but our pressing task is to bring them home.

In this, hopefully, last National Week of Concern, let us rededicate our efforts to bring international pressure on the North Vietnamese, either through the United Nations or a neutral power, for the release of prisoners. Let us move swiftly for a cessation of the war and the initiation of an acceptable and peaceful truce throughout Southeast Asia. And finally as national attention is focused on American withdrawal from the quagmire of Vietnam, let us never forget our obligation and debt to those whose days are wasted in captivity. They have done their duty with courage. Now let us do ours.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Time for the transaction of routine morning business having expired, morning business is closed.

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. FULBRIGHT. Mr. President, the conference report on Senate bill 18 represents a legislative effort of more than 1 year and it brings to a close the clandestine funding arrangements which have served to sustain the radios since their inception in the early 1950's. Throughout this period, some $481 million of the taxpayers' money has gone to support Radio Free Europe and Radio Liberty and their various and sundry programs, the details of which, in many cases, are still locked away, hidden from congressional scrutiny or public review.

But a beginning toward effective legislative oversight has begun, thanks in large part to the initiative taken early last year by our distinguished colleague from New Jersey, Senator CASE. The legislative approach which he offered in January of last year was approved, first, by the Committee on Foreign Relations, then by the Senate as a whole and now by a joint House-Senate conference committee.

Accordingly, the conference report now before the Senate establishes a cautious, moderate approach to continuing the Radio Free Europe and Radio Liberty programs. It amends the U.S. Information and Educational Exchange Act of 1948 to authorize for this fiscal year only an appropriation of $36 million to the State Department for grants to the two Radios on terms and conditions considered appropriate by the Secretary of State. As a general safeguard, the conference report stipulates that, following enactment of this legislation, no other appropriated funds may be used in support of either Radio Free Europe or Radio Liberty.

Mr. President, in making these brief comments, I do not mean to gloss over the controversy and disagreement that came to the forefront during the House-Senate conference on this legislation. But, in this regard, I believe, the conference report speaks for itself and justly treats the serious differences of opinion on this issue.

These differences are real and they promise to be lasting ones so long as Congress is confronted with this issue. Therefore, if and when the administration submits legislation to fund the Radios beyond the current fiscal year, I hope that it will give very serious consideration to the following points. First, that any future funding arrangements for the Radios require our European allies to bear much of the financial burden for them. Second, that because of the foreign policy significance of these programs, they be considered in conjunction with the authorizing legislation for the Department of State and the U.S. Information Agency. And third, that before consideration is given to fiscal 1973 funding, the administration turn over to the Congress whatever studies it has available on the effectiveness of the Radios' operations.

Finally, Mr. President, although I believe the House-Senate conference agreement is far superior to the legislation adopted by the House, I must repeat my own opposition to the Radios, and I shall vote against the conference report.

Mr. AIKEN. Mr. President, I urge the Senate to accept the report of the conferees on S. 18 which authorizes appropriation of funds to operate Radio Free Europe and Radio Liberty for the remainder of this fiscal year.

The amount authorized is $36 million, $1 million more than was authorized in the bill which the Senate passed. In all other respects, however, the conferees have accepted the version of the legislation which the Senate passed last August on a voice vote.

There has been a great deal of misunderstanding arising out of differences between the House and the Senate conferees. I do not propose to elaborate on these differences. The report of the managers speaks for itself.

I believe, however, the record should show that the Senate conferees have, from the beginning of our conferences, taken the position that the Radios should be continued for the balance of this fiscal year.

So far as next year is concerned, however, the Senate conferees felt that the Congress should take the subject up anew.

Some of the Senate conferees felt that the programs should be terminated as of the end of this fiscal year, providing funds only for the orderly liquidation of the Radios.

Others felt that the program should be continued only if they are supported by other partners in the North Atlantic Community.

My position has been that we should proceed one step at a time. That means that we should authorize the programs for this year.

It also means that if the administration, after careful consideration, believes that the programs should be continued next year and submits proposals to that effect, I will do my utmost to see that such proposals are the subject of public hearings.

As a matter of fact, I know of no significant administration proposal which has been referred to the Committee on Foreign Relations in recent years which has not been given consideration, including public hearings if those were requested.

As noted in the statement of managers, some Senate conferees believe that any proposals relating to continuation or termination of the activities of the Radios should be considered within the framework of periodic authorizations of funding for our principal foreign operations activities; namely, the Department of State or the U.S. Information Agency.

So far as I am concerned, whether

future proposals relating to the Radios are part of State Department or USIA authorization bills, or are treated as separate legislative items, does not make a great deal of difference. If it is the will of the Congress that these Radios should be funded through the Department of State or the U.S. Information Agency, that can be accomplished as well in a separate piece of legislation as it can be done as part of the authorization bills relating to those agencies.

On the other hand, if it is the will of the Congress that these Radios should be funded through some other means, that can be accomplished as easily by a separate bill as by amendments to other legislation before the Congress.

In any event, I stress now that acceptance of this conference report will enable the Radios to continue operations for the next 4 months. They will still be in operation when the President visits Moscow next May. And during this period, the administration can explore fully and in depth the questions which have been raised during recent debates over the continuation of their activities.

EGG INDUSTRY ADJUSTMENT ACT

The PRESIDING OFFICER. The hour of 10:45 a.m. having arrived, the Chair, in accordance with the previous order, lays before the Senate S. 2895, the Egg Industry Adjustment Act, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2895) to enable producers of commercial eggs to consistently provide an adequate but not excessive supply of eggs to meet the needs of consumers for eggs and to stabilize, maintain, and develop orderly marketing conditions for eggs at prices reasonable to the consumers and producers.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER (Mr. ALLEN). The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN) would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE) is detained on official business, and if present and voting, would vote "yea."

On this vote, the Senator from Kentucky (Mr. COOK) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Oregon would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from Texas would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 23, nays 48, as follows:

[No. 127 Leg.]

YEAS—23

Aiken	Ellender	Mondale
Allen	Ervin	Smith
Bible	Gambrell	Stafford
Cooper	Gravel	Stennis
Cotton	Long	Symington
Cranston	Magnuson	Talmadge
Dominick	Mansfield	Thurmond
Eastland	McGee	

NAYS—48

Bennett	Gurney	Pearson
Boggs	Hart	Pell
Brooke	Hartke	Percy
Burdick	Hruska	Proxmire
Byrd, Va.	Hughes	Randolph
Byrd, W. Va.	Javits	Ribicoff
Cannon	Jordan, Idaho	Roth
Chiles	Kennedy	Saxbe
Church	Mathias	Schweiker
Curtis	Metcalf	Scott
Dole	Miller	Spong
Eagleton	Montoya	Stevens
Fannin	Moss	Stevenson
Fong	Nelson	Weicker
Fulbright	Packwood	Williams
Griffin	Pastore	Young

NOT VOTING—29

Allott	Cook	McClellan
Anderson	Goldwater	McGovern
Baker	Hansen	McIntyre
Bayh	Harris	Mundt
Beall	Hatfield	Muskie
Bellmon	Hollings	Sparkman
Bentsen	Humphrey	Taft
Brock	Inouye	Tower
Buckley	Jackson	Tunney
Case	Jordan, N.C.	

So the bill (S. 2895) was not passed.

Mr. MILLER. Mr. President, I move that the vote by which the bill was not passed be reconsidered.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GRANTS TO RADIO FREE EUROPE AND RADIO LIBERTY—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. ALLEN). Under the previous order, the Chair lays before the Senate 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. 18) to amend the U.S. Information and Educational Exchange Act of 1948 to to provide assistance to Radio Free Europe and Radio Liberty.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of March 14, 1972, at pp. 8196–8197.)

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order, at 11 a.m. today a yea-and-nay vote is to occur on this conference report, S. 18.

The question is on the adoption of the conference report.

On this questions, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Indiana (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mr. TUNNEY), the Senator from Washington (Mr. JACKSON), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Jersey (Mr. CASE) is detained on official business and, if present and voting, would vote "yea."

If present and voting, the Senator from

Maryland (Mr. BEALL), the Senator from Kentucky (Mr. COOK), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 65, nays 6, as follows:

[No. 128 Leg.]

YEAS—65

Aiken	Fong	Pastore
Allen	Gambrell	Pearson
Bennett	Gravel	Pell
Bible	Griffin	Percy
Boggs	Gurney	Randolph
Brooke	Hart	Ribicoff
Burdick	Hartke	Roth
Byrd, Va.	Hruska	Saxbe
Byrd, W. Va.	Javits	Schweiker
Cannon	Jordan, Idaho	Scott
Chiles	Kennedy	Smith
Church	Long	Spong
Cooper	Magnuson	Stafford
Cotton	Mathias	Stennis
Cranston	McGee	Stevens
Curtis	Metcalf	Stevenson
Dole	Miller	Talmadge
Dominick	Mondale	Thurmond
Eagleton	Montoya	Weicker
Eastland	Moss	Williams
Ervin	Nelson	Young
Fannin	Packwood	

NAYS—6

Ellender	Hughes	Proxmire
Fulbright	Mansfield	Symington

NOT VOTING—29

Allott	Cook	McClellan
Anderson	Goldwater	McGovern
Baker	Hansen	McIntyre
Bayh	Harris	Mundt
Beall	Hatfield	Muskie
Bellmon	Hollings	Sparkman
Bentsen	Humphrey	Taft
Brock	Inouye	Tower
Buckley	Jackson	Tunney
Case	Jordan, N.C.	

So the conference report was agreed to.

AUTHORIZATION FOR CERTAIN NAVAL VESSEL LOANS

The PRESIDING OFFICER (Mr. GAMBRELL). Under the previous order, the Chair lays before the Senate H.R. 9526, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 611, H.R. 9526, a bill to authorize certain naval vessel loans, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with an amendment on page 2, line 12, after the word "exceeding", strike out "four" and insert "five".

WAIVER OF RULE OF GERMANENESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Pastore rule of germaneness be waived for the rest of the day.

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

PROGRAM

Mr. SCOTT. Mr. President, I would like to ask the distinguished majority leader if he would advise us of the program for next week.

Mr. MANSFIELD. I would be delighted to. The calendar is in excellent shape.

When we get through with the pending legislation, the Senate will proceed to consider Calendar No. 490, S. 1821, which will be the pending business when we come back on Tuesday. We will not meet on Monday. S. 1821 has to do with an amendment to the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

That measure will be followed by Senate Joint Resolution 218, a joint resolution to extend the authority conferred by the Export Administration Act of 1969.

That in turn will be followed, hopefully, by the legislative appropriations bill on Tuesday. And if that is disposed of, the next order of business will be 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, the so-called War Powers Act.

That measure, in my opinion, will not be finished by the time the 2-day Easter recess arises.

We will, of course, take up from time to time any other unobjected-to items on the calendar.

All in all, may I say that the Senate is to be commended for doing an excellent job in keeping the calendar fairly clean.

Mr. SCOTT. It is my understanding that the last session before the Easter recess will be held on Thursday of next week.

Mr. MANSFIELD. The Senator is correct. We will go out at the conclusion of business and come back the following Tuesday.

Mr. SCOTT. There will be votes on Thursday under the projected schedule?

Mr. MANSFIELD. That is correct.

AUTHORIZATION FOR CERTAIN NAVAL VESSEL LOANS

The Senate continued with the consideration of the bill (H.R. 9526) to authorize certain naval vessel loans, and for other purposes.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. STENNIS. Mr. President, will the Senator from Virginia yield to me for a brief statement?

Mr. BYRD of Virginia. I yield.

Mr. STENNIS. Mr. President, first I thank the Senator from Virginia for the special attention he has given to the bill. He conducted the hearings and he supervised preparation of the report and presented it to the full Committee on Armed Services. I want to thank him publicly for his interest and for the fine job he has done. I am certainly supporting the bill. I may be called from the Chamber from time to time and not be able to hear all of the discussion and the debate, but I hope the Senate approves the bill.

I thank the Senator very much.

Mr. BYRD of Virginia. Mr. President, I appreciate the remarks of the distinguished Senator from Mississippi. For the information of the Senate I have an opening statement of about 10 minutes. I understand that the distinguished senior Senator from Idaho has an amendment which he will present following my remarks and with whatever additional discussion there will be I assume the vote will come at an early time.

Mr. President, H.R. 9526 seeks authorization for the loan of certain naval vessels to five foreign nations. The legal authorization for this legislation is title 10, section 7307, United States Code.

The bill was passed by the House in early December and seeks authority to loan five destroyers and two submarines to Spain; one destroyer and two submarines to Turkey; two destroyers to Greece; two destroyers to Korea; and two submarines to Italy.

I think it important, Mr. President, that I address certain provisions in the bill as proposed by the administration and the House amendments which followed. The House amendments would change the existing law in the following respects:

First, the term of the loan is reduced from 5 to 4 years.

Second, the option to extend the loan for an additional 5 years is deleted.

Third, it would be mandatory that the ships be returned to the U.S. Navy at the end of the loan term.

Fourth, it would be mandatory that the loan be terminated if the President determines that the loans no longer contribute to the defense needs of the United States.

The proposed bill now under consideration contains one amendment which was also acted on by our committee. The Armed Services Committee recommends reinstatement of the 5-year term of these loans should be from a period of 5 years because it does provide a more realistic objective for a friendly state to base its national security plans.

The difference between the House figure and the Senate committee figure is that one change. The House recommends that the loan be for 4 years and the Senate committee recommends that the existing 5 years be retained.

The refurbishment of these ships involve large expenditures of funds by some of these friendly states which they might be reluctant to undertake for loans of less than 5 year. I might also add that the 5-year term has become customary in the loan of U.S. vessels to foreign countries.

With respect to the proposed loans to Spain, I might add that when the extension to the U.S. Base Rights Agreement was concluded in 1970, the ships in this bill earmarked for Spain represent a part of the consideration for our continued use of air and sea bases in Spain. It was the view of the Senate Armed Services Committee that there was no violation of congressional authorization processes in that the loan to Spain contained a specific provision that the loans would be made subject to obtaining authorizing legislation.

Mr. President, I might add at that point that I think it would have been much better had this agreement with Spain, for United States use of bases there in return for certain commitments on the part of the United States, been submitted to the Senate as a treaty rather than put into effect as an executive agreement. Nevertheless it was put into effect as an executive agreement

and the testimony submitted to the Committee on Armed Services indicated that negotiators relied on the present 5-year term for loans of these naval vessels. That was one point to which the committee gave consideration in recommending that the loans be for 5 years instead of the 4 years approved by the House.

The Senate Armed Services Committee strongly recommends that the other House-passed amendments be retained in the bill with a view to insuring that congressional control is properly maintained. First, the option to extend the loan for an additional 5 years is deleted from the administration proposal and thus making it mandatory that any loan extension must have specific authorization by the Congress; second, the bill now under consideration makes it mandatory that the ships be returned to the U.S. Navy at the end of the loan term; and finally, this bill makes it mandatory that the loan be terminated if the President determines that the loan no longer contributes to the defense needs of the United States.

I think these features are desirable ones. I commend the House for putting them into the bill. I think it is an improvement over existing legislation. It is a step in the direction of Congress reasserting its responsibilities in these matters.

I might also address the fiscal aspects of the bill under consideration. In the case of the proposed loans for Spain and Italy, there will be no military assistance funds involved. The funding for any overhauling or associate training programs will come from the national resources of those countries.

In the case of Greece, there may be a small sum for training of the crews that will operate these ships, but there are no funds planned or programed for the overhauling of the ships for Greece.

In the case of Turkey and Korea, it is anticipated that overhauling costs and training will be funded under the Military Assistance program. In the case of Korea, the amount could be approximately $7.5 million for the destroyers. In the case of Turkey, it could be as high as $12.5 million for two submarines and one destroyer.

I would like to emphasize these are estimates only, because until this legislation is enacted, the specific ships to be loaned will not be identified. Following enactment, the ships will be identified and inspected by the recipient countries. Then the determination will be made by them as to the extent of the overhauling and the modernization they may desire to undertake.

I think it most important, Mr. President, that I point out one vital fact. Of the 16 ships contained in this bill, 14 will be performing sea duty in the Mediterranean. I need not remind my colleagues of the increasing Soviet naval presence from the Black Sea to Gibraltar. In effect, these 14 vessels shall prove to be an important augmentation to the U.S. 6th Fleet.

Mr. President, at this point I want to read several paragraphs of the testimony by Admiral Zumwalt, Chief of Naval Operations. I, as chairman of the committee, was querying Admiral Zumwalt and asking him for comments. I will now read one of Admiral Zumwalt's replies:

Admiral ZUMWALT. Very respectfully, Mr. Chairman, I would just come back one final time to the fact that we lack the military strength to stand up to the Soviet Union in a crisis without the assistance of our allies. Mr. Laird has outlined the concept of a total force approach to the threat, consisting of our Active Forces, our Reserve Forces and our allies.

Senator BYRD. I am in thorough agreement with you and with the Secretary. That is not the basic problem. The basic problem is whether 4 years or 5 years from now, the administration will have the right to do something on its own or whether it will have to come and submit recommendations to the Congress.

There is no disagreement on my part as to your position on defense and Secretary Laird's position. I think we have to have a strong national defense and I am going to do what little I can along that line. But this is just a question of procedure, whether you proceed through the Chief Executive or whether you proceed through the Congress for that extension.

Mr. President, there are two aspects of that colloquy that I want to emphasize. One is the strong belief of our military leaders that, in the event of difficulties, the United States needs allies. As Admiral Zumwalt expressed it, we lack the military strength to stand up to the Soviet Union in a crisis without the assistance of our allies; and these ship loans are for the purpose of helping our allies.

The other aspect of the colloquy just quoted that I want to mention, and a point of controversy between the Navy and the Armed Services Committee, is whether the administration or the executive branch of Government shall have the authority to continue these loans for an additional 5 years without coming back to the Congress for approval. That is the existing law now, but the committee recommends that the existing law be changed and that the loans be made for 5 years. But if the executive branch deems it important that the loans be extended beyond that 5-year period, then the executive branch, under this legislation, would be required to come back to the Congress for authority for such extension.

So it is a fundamental change in the existing law. I want to emphasize that because I do not want to mislead any of my colleagues in that regard. It is a fundamental change in the existing law which the committee recommends.

I want to be frank to the Senate and state that this fundamental change was opposed by the representatives of the executive branch, specifically the Chief of Naval Operations. I think it is important that those facts be made available to the Senate before it concludes what should be done in this regard.

Mr. CHURCH. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment would not be in order until the Senate had acted on the committee amendment.

Mr. CHURCH. I withhold the amendment, then, for that purpose.

The PRESIDING OFFICER. The clerk will read the committee amendment.

The legislative clerk read the committee amendment, as follows:

On page 2, line 2, after the word "exceeding", strike out "four" and insert "five".

Mr. BYRD of Virginia. Mr. President, before acting on that amendment, I might say that is the only committee change which it recommends vis-a-vis the House-passed legislation. It changes one word, the word "four" to "five" years, making loans for a 5-year period rather than a 4-year period.

I ask for the adoption of the amendment.

The PRESIDING OFFICER. The question is on the adoption of the committee amendment. Without objection, the amendment is agreed to.

Mr. CHURCH. Mr. President, I ask that my amendment now be read.

The PRESIDING OFFICER. The amendment offered by the Senate from Idaho will be read.

The legislative clerk read the amendment, as follows:

At the end of the bill, add the following new section:

SEC. 5. Any loan made to a country under this Act shall not be construed as a commitment by the United States to the defense of that country.

Mr. CHURCH. Mr. President, I support this bill and commend the committee for the change that it is proposing to make in our ship loan program.

It is entirely proper that Congress should have an opportunity to pass upon all loans once the 5-year time period has expired.

There is one aspect of the loan program, however, that is worrisome. In connection with any kind of aid extended by the United States to a foreign country, there is often implied an obligation or a commitment of a much more serious nature stemming from the aid given.

I recall, early in the debate over the Vietnam war, Secretary Rusk stated that our aid to Vietnam was to be regarded as factoring a commitment by the United States to defend the Saigon government. In connection with the Spanish case, the administration has chosen not to come to Congress to confirm our military base arrangement with Spain, or the extension of that arrangement, but has chosen, instead, to go the executive agreement route, thus contravening the normal constitutional process. And even in the testimony given by Admiral Zumwalt on behalf of the pending bill, I note language creeping in that suggests an implied commitment on the part of the United States toward Spain. The admiral testified that:

From the political standpoint, the loan ships represent our commitment to mutual objectives.

At another point, he said:

These loans are visible reminders of friendly alignments.

Mr. President, Congress should make it absolutely clear that no ship loan, as such, implies a commitment on the part

of the United States to the government to which the ship is loaned; that no such loan is to be construed as a defense commitment, or anything beyond lending it a ship.

I believe that the distinguished Senator from Virginia so construes the bill, and would have no objection to making it clear that any ship loan to a country shall not be construed as a commitment by the United States to the defense of that country. That is what is introduced by this amendment, and I hope the distinguished Senator will find it acceptable.

Mr. BYRD of Virginia. Mr. President, if the distinguished Senator from Idaho will yield, I feel that the amendment which has just been presented is a good one. Certainly that is the clear intent of the legislation. It was certainly the intent of the majority of the members of the Committee on Armed Services. I think it is a desirable amendment, and I am very glad to associate myself with the Senator from Idaho in regard to that amendment and, so far as I am concerned, I am pleased to support it.

Mr. CHURCH. I thank the Senator very much. I hope the amendment will be agreed to.

Mr. BYRD of Virginia. Mr. President, I move the adoption of the amendment offered by the distinguished Senator from Idaho.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the amendment of the Senator from Idaho.

The amendment was agreed to.

Mr. BYRD of Virginia. I might say, Mr. President, that if this legislation or any other legislation, for that matter, in any way indirectly committed this country to the defense of another country, I would not be advocating such legislation, because I think if we are going to the defense of another country, it should be clearly specified by treaty, and every Member of the Senate should know just what the ramifications are.

Mr. President, before asking for a vote on this legislation, I ask unanimous consent that the following portions of the record of the committee hearings be printed in the RECORD.

Beginning on page 20, the next to the last paragraph beginning with the words "Senator BYRD," and ending on page 22 at the end of the statement by Assistant Secretary of Defense Nutter.

Beginning on page 23, at the beginning of the first full paragraph, beginning with the words "Senator BYRD," to the words "The committee will take it under advisement" on page 36.

There being no objection, the excerpts from the record of the committee hearings were ordered to be printed in the RECORD, as follows:

NAVAL VESSEL LOANS

(Excerpts from hearing before a subcommittee of the Senate Committee on Armed Services, Feb. 17, 1972)

Senator BYRD. There is a vote on the floor, but let me ask you this question, and then with Senator Saxbe's approval, I will recess the committee so that we can answer a roll-call and come back immediately thereafter. But what is really involved, is it not, is that the House proposal differs to a considerable extent from the executive agreement with Spain?

Admiral ZUMWALT. Well, sir, that is a significant factor with regard to the Spanish; the executive agreement did say that subject to congressional authorization, the United States would undertake to get a loan for the five destroyers and the two submarines, and clearly, the Spanish assumed that that would be under the normal terms that had been approved in previous ship loans, such terms would have closely paralleled those in the executive agreement for use of the Spanish bases. These called for a 5-year agreement and then a 5-year extension subject to agreement on both sides.

So it is clear that the Spanish feel that as part of the deal, they could have counted on a 5-and-5 arrangement and it's also clear that the executive agreement specified that this was subject to congressional approval. My personal hope is that we will get the congressional approval.

Senator BYRD. The agreement must specify the terms. Does not the agreement specify that?

Admiral ZUMWALT. No, sir; the agreement does not. The agreement merely says that the United States will, subject to congressional approval, undertake to arrange for a loan of five destroyers and two submarines. However, it is clear that at the time, both our side and the Spanish Government assumed that there was a strong probability of getting the same kind of authorization that has been achievable in the past 5 years with an automatic renewal of 5 more years.

Again, from a military standpoint, it is a cheaper thing for us to do than to decommission these ships and mothball them. They would not deteriorate as fast.

Senator BYRD. Speaking just as one member of the committee, I am inclined to favor the ship loans. But the real point at issue, as I see it, is whether what the House of Representatives did should prevail or whether the administration's proposal should prevail.

Admiral ZUMWALT. Yes, sir. It would be my strong recommendation on military grounds that the original proposal of the executive department be endorsed by the Senate.

Senator BYRD. Outline if you will just where they differ.

Admiral ZUMWALT. Yes, sir. The bill before you requires that the loans be only for a period of 4 years.

Senator BYRD. Where you want 5 years?

Admiral ZUMWALT. Yes, sir; and that there must be a mandatory return of the ships at the end of the 4 years. Whereas past loans and the original administration proposal have provided for an automatic 5-year extension if both sides agree to it.

Senator BYRD. That would be done by the President, by executive action?

Senator ZUMWALT. Yes, sir; the executive heads of both governments.

Senator BYRD. In other words, the Congress does not come into it, the extension?

Admiral ZUMWALT. That is correct, sir. And it gives the recipient navy and government, then, the rather strong possibility of being able to count on it for a 10-year period, if relations remain amicable, rather than the 4 years.

Senator BYRD. What is to prevent the exective branch coming back to the Congress at the end of 3½ or 3 years and saying, we would like to extend these loans for 4 more years?

Admiral ZUMWALT. This certainly is a feasible proposition. From the standpoint of both our Navy and the recipient navy, I believe that it is much less favorable an arrangement than would be the 5-and-5, sir.

With regard to the policy issue, Dr. Nutter can answer that.

Senator BYRD. I would certainly agree it is a lot more convenient if the Defense Department and the President can make the decision on their own. That is what it provides for when you say that the President can extend for another 5 years. But you are getting a good bit away from the legislative process. I cannot quite see what the objection is. You are coming to the Congress in the original instance. What is the objection to coming back to the Congress for the extension?

Mr. NUTTER. If I might speak to this, Mr. Chairman, in the context of our international security assistance program as a whole, I feel it is very important that these countries we are trying to help defend themselves be able to plan sufficiently far ahead so that they can build a meaningful military force that will fit in with our own force plans. Our force plans have to be designed for as far as 10 or 15 years ahead. To offer them something for such a short period of time, would therefore not be advantageous to the international security assistance program as a whole.

Senator BYRD. If the Congress approves this legislation, does it not add 16 ships to the 73 already on loan over which the Congress no longer has any control?

Admiral ZUMWALT. Sir, I believe that under the provisions of the bill as the administration would recommend it, Congress would have control at the end of the 5-year period and the optional 5-year extension. It would again take legislation in order for the ships legitimately to remain under the control of the recipient nations beyond that period of time.

Senator BYRD. Beyond the 5-year period?

Admiral ZUMWALT. Beyond the 5-year plus the 5-year extension if both sides agree to that, sir.

Senator BYRD. In other words, beyond the 10-year period?

Admiral ZUMWALT. Yes, sir.

Senator BYRD. Let's go back to what seems to me is the key point. The question at issue is between your proposal and the House proposal. Did the Defense Department and the State Department present these same views to the House Committee?

Admiral ZUMWALT. I was not called up before the House committee.

Admiral Dick, can you answer that question?

Admiral DICK. We did not discuss this in detail, no, sir. The amendment came at the conclusion of our statements and the follow-on testimony. An amendment was offered by one of the members of the committee and there was no discussion, as I recall, even among the committee before it was voted on.

Mr. PICKERING. That is right. Admiral Dick and I were both there and this occurred in the other body after the testimony of witnesses on our side. Obviously, our views were all expressed in terms of the administration's bill, in full support of the administration's bill.

Senator BYRD. To get back to the Spanish bases—and I want to say first I have been to each of those bases in Spain and I think they are of importance to the United States. But it seems to me that what you are really concerned about, in wanting to use the administration's version of the bill rather than the House version, is the conflict with the agreement with Spain.

Admiral ZUMWALT. Sir, if I may speak from a military point of view—I am concerned about a broader question that is relevant not only to this agreement, but also to the problems that the other prospective recipients face. From a military standpoint, I have been told by the President and the Secretary of Defense that as a planning precept, we must seek to maintain military superiority over the Soviet Union through increased allied contribution. Therefore, to me, it is absolutely vital that the allies have significant strength in their navies.

Senator BYRD. Let me interrupt you there.

Spain is not a member of NATO. Do you advocate Spain becoming a member of NATO?

Admiral ZUMWALT. From a military point of view, I would favor it, yes, sir. From a political point of view, I would defer to Mr. Nutter and Mr. Pickering.

Senator BYRD. Let me ask the political adviser. Do you favor it?

Mr. PICKERING. Yes, we favor the admission of Spain to NATO. Obviously, this involves questions of the other NATO partners and their views. I do not think it would be helpful for me to go into all of that here. I can simply say our position has been made clear on this.

Senator BYRD. But the State Department favors Spain becoming a member of NATO?

Mr. PICKERING. That is right.

Senator BYRD. And the Defense Department favors Spain becoming a member of NATO?

Mr. NUTTER. Yes, sir, we have made that position clear to our partners in NATO.

Senator BYRD. Have any steps been taken to implement that?

Mr. NUTTER. We have said to our allies in NATO, Mr. Chairman, that, for the good of the defense of the Atlantic community, we should work toward Spain's becoming a member of that alliance.

We have also had informal discussions with the Spanish on some of the concerns of NATO, but they have been purely informal discussions. They have not involved anything other than informing on the activities of NATO. We have hoped to bring Spain and NATO closer together in various ways over time. We have recognized that this is a problem of time and that there is a history involved, but our position has firmly been that, because of the strategic importance of Spain and because of its commitment to the West and to the Atlantic area, it should be a member of NATO.

Senator BYRD. And it could probably permit a reduction of U.S. troops if Spain were a member of NATO?

Mr. NUTTER. Yes, sir. There are serious problems connected with the entrance of Spain into NATO, as you must be aware, in terms of the attitudes of our allies. We think, though, that with time Spain and NATO will come closer and closer together.

Senator BYRD. One of the key questions, it seems to me, is this: When did the executive branch inform Congress that the Spanish agreement calls for loans for 5 years with a 5-year renewal option?

Admiral ZUMWALT. Sir, the agreement does not call for the 5-and-5.

Senator BYRD. The written agreement technically does not, but the 5 years must have been involved in the discussions.

Admiral ZUMWALT. I do not believe that has been the case.

Mr. PICKERING. No, I think to try to clarify this, it is my understanding of the negotiations that the negotiations were carried on against the backdrop of the fact that, first, all loans in the past had been made on the basis of 5 years with a 5-year renewal clause; secondly, as Admiral Zumwalt pointed out earlier, the agreement itself, I think, involved, on the basis of coincidence rather than anything else, a similar period of effect. I do not think from my knowledge of the negotiations that there was any explicit discussion of the 5——

Senator BYRD. You mean General Burchinal did not explicitly state a 5-year——

Mr. PICKERING. General Burchinal did not conduct the negotiations.

Senator BYRD. Who did conduct them?

Mr. PICKERING. They were conducted in the State Department here in Washington.

Senator BYRD. And there was no explicit offer of 5 years with a 5-year extension option?

Mr. PICKERING. That was my understanding, that the discussion of the ships subject to congressional legislation was in the context of the existing bills for ship loans, which provided for the initial 5-year period together with 5-year renewal option.

Senator BYRD. But the U.S. Government, then, did not explicitly offer in regard to this agreement to make loans for 5 years with a 5-year renewal.

Mr. PICKERING. The U.S. Government could not do that, Senator Byrd, because that was subject really to congressional action which had not taken place. So the whole tenor of the agreement, in fact, the explicit statement in the agreement, is that the Government of the United States intends to loan to the Government of Spain the following vessels subject, where necessary, to obtaining authorizing legislation. That is the statement that the agreement contains, the explicit statement on this subject.

Senator BYRD. I understood Admiral Zumwalt to say earlier—and I am not sure of the exact phraseology but the Admiral can correct me—but it was along the line that the Spanish negotiators had a right or had reason to feel that we would follow the same procedures as we followed in the past.

Admiral ZUMWALT. Mr. Chairman, my belief is that they assumed during the negotiations that a commitment to seek ship loan legislation would give them an arrangement similar to that which had been passed by the Congress in the past. But I do not believe that there was ever any specific discussion of the time length, because the Spanish always assumed it would be for 5-and-5.

Senator BYRD. Was anyone in the Congress informed that that is what the Spanish assumed, that it be 5-and-5? Was the chairman of either of the Armed Services Committees informed, or the chairman of the Foreign Relations Committee or the Foreign Affairs Committee?

Mr. PICKERING. The question never became one of any issue. The Congress was consulted on the agreements on at least six separate occasions before the agreements were reached.

Senator BYRD. Let's pursue that a moment. You say the Congress was consulted. How was the Congress consulted?

Mr. PICKERING. In the main, these consultations involved on the one hand discussions with members of and the Senate Foreign Relations Committee, and on the other hand, it involved letters which respond to congressional inquiries on the agreement. To my knowledge, neither the inquiries nor the discussions ever addressed this specific point. It had not become a point of issue since the House had not yet taken the action which it now has taken on the bill. I think the point at which this became a question at issue, if I may call it that, is the point at which the House took the action and amended the bill that the administration had submitted.

Senator BYRD. Then, is not the basic difference between the House action and your requested action that the House action gives Congress control at the end of 4 years to determine whether or not to renew, while what you want is an automatic renewal at the end of 5 years?

Admiral ZUMWALT. I believe your formulation of the issue is accurate, sir. From a military point of view, I strongly urge the 5-and-5, because I just do not think that we are making a reasonable offer to good friends and allies on a 4-year basis for ships which they then will only be really able to use for less than three.

Senator BYRD. Does the extension require congressional approval?

Admiral ZUMWALT. No, sir, the normal form of the extension has been subject to the agreement on an executive basis between two Governments.

Senator BYRD. Except for a 1-year differential, 4 years compared to 5, how does it give any greater degree of certainty to a particular government that they will get a 5-year renewal?

Admiral ZUMWALT. Well, sir, they know that it is subject only to a single veto instead of a double veto, and they have the precedent in the past of the fact that relations continuing friendly, the Executive has, on the part of the United States, gone along with a 5-year extension.

Senator BYRD. Some of us in the Congress, though, are concerned, and I am not speaking of any particular administration, that the Congress has given to the administration or the executive branch too much authority in the past and that the Congress should reassert its own responsibility in some of these fields. That is what I visualize what the House was trying to do; it was along that line, to reassert congressional authority in a field which it seems to me is clearly a field for congressional authority.

Mr. NUTTER. Yes, sir. May I speak to that a moment, Mr. Chairman?

I fully appreciate your concern and I think it is a legitimate one. No department of the Government would be quicker to affirm that the legislative and executive branches are coequal than the Department of Defense, since our Secretary served so long in Congress. He has emphasized the coequal status on many occasions.

Senator BYRD. An excellent Congressman and an excellent Secretary, both.

Mr. NUTTER. We appreciate this point and understand your concern. What we would ask you to consider is whether you would want to exercise control over the length of time for which we grant the use of a vessel in support of our own defense plans.

In other words, we are saying that this situation is the same as our international security assistance program, in which the Congress in its wisdom makes many decisions on the granting of equipment, and the extending of loans for the purchase of equipment, that resides in the hands of other countries for prolonged periods of time. We say that this is the same kind of case recognizing that Congress should very carefully scrutinize the transfer of any military resources from this country to any other country. We would plead as a necessity for sound military planning that the time period would have to be longer than 4 years.

Senator BYRD. Mr. Secretary, does not the Congress fund the military assistance annually?

Mr. NUTTER. Yes, sir.

Senator BYRD. It does not say we will appropriate x dollars for 5 years.

Mr. NUTTER. No, sir; and we fully agree with the principle that the appropriation should be annual. But the appropriation is then used in large part to transfer equipment that has a long life, that goes to another country in the form of tanks or ships or whatever it might be and remains in the possession of that country for as long as it is not misused. In the case of ship loans, we conceive of the same kind of decision on the part of Congress, a decision that is made at a point in time but that affects some period in the future.

We fully agree that such decisions reside here in Congress, but we would ask that the Congress think in terms of a longer timespan, just as it does in the annual appropriations for our own defense budget and for the international security assistance program.

Senator BYRD. As a matter of curiosity, how was the 5-year figure arrived at originally? Does anyone know?

Admiral ZUMWALT. I do not think we have anything in the files to prove this, Mr. Chairman; but my very strong belief would be that it was because the 5-year period is almost the bare minimum in which one can make any real intelligent plan with regard to a naval ship which has to be complete-

ly refurbished, into which personnel have to be phased, trained, and worked up, and then out of which they would have to be moved in time to return the ship at the end of the period.

Senator BYRD. I might say that I am basically sympathetic with the loan program. I can see that it has a great deal of merit to it. But the problem that has arisen now, as I see it, is how much authority the Congress wants to give away or give to the executive branch. The House feels that at the end of 4 years, the appropriate thing to do would be to come back to Congress and let the Congress extend the loan if that is the desire of the Defense Department and Congress concurs, or the other proposal would be just to give the President the right automatically to renew.

Admiral ZUMWALT. My plea, sir, would be that the subcommittee would give consideration to the fact that we have reduced our own naval strength by a third. We need strength in our allies and our friends if we are to handle the threat. And we need loan terms which permit our allies and friends to make plans and commit resources in an orderly manner. The 5-year interval is about the minimum for programing. It is the interval which has been adopted by our own Defense Department.

Senator BYRD. You have used the word "allies" several times. That applies to Spain?

Admiral ZUMWALT. Of course, sir; we have differing degrees of association with each of these nations. As you know we are linked by the very tight NATO alliance to all but two. We have a bilateral relationship with the Republic of Korea. With regard to Spain, our association is not that of an alliance but we have clearly mutual interests with regard to our position in the free world.

Senator BYRD. So in essence, leaving out maybe the very technical aspect, Spain would be an ally?

Admiral ZUMWALT. Well, sir, I suppose I really should ask the State representative or Mr. Nutter to answer this.

Mr. PICKERING. No, sir, I do not think we can distinguish between degrees here. We have traditionally used the word "ally" to describe those countries with which we have a particular type of treaty arrangement. We do not have that type of treaty arrangement with Spain. We have used the phrase "friends and allies" to describe the countries that are recipients, prospective recipients of this ship loan legislation. I think we would prefer to use that sort of relationship to make the distinction here. Spain, as we have said, is not a member of NATO, therefore does not qualify under the NATO agreement, which is that kind of treaty.

Senator BYRD. We have no treaty arrangements with Spain?

Mr. PICKERING. That is right, sir.

Senator BYRD. But you in effect have made a treaty with Spain but you have done it by executive agreement?

Mr. PICKERING. We have made an agreement which extended certain relationships in force which we call an Agreement of Friendship and Cooperation, which covers a broad range of fields in which we have mutual interests with Spain.

Senator BYRD. You are extending it—we have to begin it. You began it in 1954. And that was done by executive agreement.

Mr. PICKERING. That was after consultation with Congress at that particular time. It was decided between the two branches after consultation that the proper form to follow was an executive agreement at that particular time and that proper form was continued on. But there was extensive consultation with Congress in the period leading up to this latest agreement with Spain.

Senator BYRD. I am still not clear on what you mean by consultation with Congress. That is the point that I do not understand.

Mr. PICKERING. Maybe I could just outline what has gone on in general terms.

Senator BYRD. Let me ask you this question first: Why did you not submit it as a treaty instead of an executive agreement?

Mr. PICKERING. This is a question which I would like to take an initial effort at making an answer. I have brought one of the Assistant Legal Advisers from the State Department. If we get into that realm, I would want to disqualify myself as a witness.

But we have continued in effect executive arrangements because they did not involve a commitment on the part of the United States to Spain of the kind that normally is incorporated in advice and consent treaties. This in my understanding is the essential reason why we chose the executive agreement form to cover the agreement of friendship and cooperation with Spain.

If I might answer the first part of your question on consultation, if you would like me to go on to that—

Senator BYRD. Yes, please.

Mr. PICKERING. There were, as I said earlier, a number of consultations, particularly with the Foreign Relations Committee, before the agreement was signed. In accordance with the record that I have, there were at least six separate occasions when the negotiations with Spain were discussed or on which the administration addressed letters to Senators, including the chairman of the Senate Foreign Relations Committee, before the actual signature of the executive agreement took place.

There were, I think to my knowledge, at least five or six major points made by the Congress to us which were incorporated in the negotiating process or in the agreements themselves. One of these was the insistence of the Congress that there be congressional approval for the military assistance arrangements as part of the Agreement on Friendship and Cooperation.

Then following the signature, as you know, there were lengthy discussions as well concerning the agreement with the Department of State and the Congress, and the Department sent again a number of letters explaining the agreement and responding to questions of Members of the Congress.

Senator BYRD. Let me ask you this: Section E of article 40 of the United States-Spain agreement indicates that the Government of the United States is prepared to relinquish to Spain the Rota-Zaragoza pipeline. Can that be done without congressional approval?

Mr. PICKERING. Section E of article 40?

Senator BYRD. Yes. My point basically is can the executive branch relinquish to Spain the Rota-Zaragosa pipeline without congressional approval? That is part of the agreement, I would assume. So I assume that you could do that.

Mr. PICKERING. I think that is part of the letters of intent which follow the agreement. I would, prior to answering that question, like to ask the Assistant Legal Adviser of the State Department for Treaty Affairs whether this is within the competence of the executive branch. I think this goes beyond my competence to answer it. Perhaps Dr. Nutter has an answer.

Senator BYRD. You may just supply that for the record, if you will?

Mr. PICKERING. We will if that is agreeable to you.

(The information requested follows:)

FEBRUARY 23, 1972.

MEMORANDUM OF LAW

Subject: Authority for Relinquishment to the Government of Spain of the Rota-Zaragoza Pipeline.

The Senate Foreign Relations Committee has requested a memorandum setting forth the legal basis for the transfer to the Government of Spain of the operational control of the Rota-Zaragoza pipeline in connection with the Agreement of Friendship and Cooperation of August 6, 1970.

The Rota-Zaragoza POL Pipeline was constructed pursuant to the Defense Agreement between the United States and Spain of September 26, 1953 (TIAS 2850). That agreement provided (Article IV):

"*The Government of Spain* will acquire, free of all charge and servitude, the land which may be necessary for all military purposes and *shall retain the ownership of the ground and of the permanent structures which may be constructed thereon.* The United States Government reserves the right to remove all other constructions and facilities established at its own expense when it is deemed convenient by the Government of the United States or upon the termination of this Agreement; in both cases the Spanish Government may acquire them, after previous assessment, whenever they are not installations of a classified nature.

"The Spanish state will be responsible for all claims made against the United States Government by a third party, in all cases referring to the ownership and utilization of the above-mentioned land." (Emphasis added).

The Technical Agreement concluded the same day, implementing various provisions of the Defense Agreement, further provided that, upon termination of the Agreement, the two Governments would determine by agreement the residual value of the facilities installed by the United States, and that Spain would pay such residual value to the United States.

With respect to "permanent structures" (including the pipeline), the Technical Agreement was arguably inconsistent with Article IV of the Defense Agreement since the Defense Agreement clearly provided that such permanent structures become the property of the Government of Spain. The government of Spain consistently argued that the residual value provisions of the Technical Agreement applied only to non-permanent construction; the United States never acquiesced in this interpretation.

Accordingly, in the course of negotiation of the 1970 Agreement of Friendship and Cooperation, it was agreed to resolve this controversy by specifically providing in the Exchange of Notes relating to military assistance (TIAS 6924, page 38, item f) that the United States relinquished its claims for the residual value of permanent structures. While the Government of Spain did not thereby recognize the validity of the United States claim under the Technical Agreement, the United States, by waiving the claim, succeeded in resolving the issue and considered such waiver an important quid pro quo for the bases under the Agreement. Since the claim for residual value of permanent structures, to the extent it was a valid one under the Technical Agreement, was created by an executive agreement, it was legally proper for the executive to waive it by a similar agreement.

It should be noted in this connection that the United States never acquired title to the pipeline facility, since under Article IV of the 1953 Defense Agreement the facility was clearly the property of the Government of Spain. The special provision of the Exchange of Notes relating to military assistance (item 3) relinquishing the pipeline to Spain subject to the terms of a procedural annex relates solely to the operation and management of the pipeline (including the right to receive revenue from commercial use of the pipeline), which prior to 1970 had been operated by the United States Air Force. Under the terms of Procedural Annex XI to the Agreement in Implementation of Chapter VIII of the Agreement of Friendship and Cooperation (TIAS 6977, page 98) management of the pipeline was transferred in three

phases to CAMPSA, the Spanish state petroleum monopoly. Agreements relating to the operation of defense-related facilities in foreign countries are made by the President pursuant to his power as Commander-in-Chief.

Senator BYRD. Now, let me ask you this: Do you think that matters of this type—I am speaking of the agreement with Spain—do you think that should be submitted to the Senate as a treaty, or do you think you should continue the executive agreement line?

Mr. PICKERING. I think that on the particular matter that is covered by the agreement of friendship and cooperation with Spain, the administration view is very clear, that it should continue to have the right to carry out negotiations and conclude executive agreements on that basis.

Senator BYRD. Carry out negotiations. You are the only one who can carry out negotiations. Congress can't do anything about negotiations.

Mr. PICKERING. And conclude executive agreements of that sort.

Senator BYRD. I was speaking of when the final product should be submitted to the Congress.

Mr. PICKERING. I would be glad to submit for the record a legal memorandum of the Department of State which points up the process through which we go in order to establish whether a particular set of negotiations should lead to an executive agreement or to a treaty. It points out the criteria we use to judge whether a particular agreement ought to be an executive agreement or a treaty. I think the memorandum would set forth in more detail certainly than I could, with more competence than I can, the whole process and the nature of the material that is used in making the decision, what the criteria actually are, whether we continue a commitment or establish a new commitment, that sort of thing.

(Information requested follows:)

MEMORANDUM OF LAW REGARDING CONCLUSION OF TREATIES AND OTHER INTERNATIONAL AGREEMENTS

This memorandum describes the general practice of the Department of State in determining whether an agreement should be a treaty or an executive agreement and the standards which we apply in making such determinations.

Both treaties and executive agreements have long been recognized as necessary and proper in the conduct of the foreign relations of the United States. The Department of State has a procedure, known as the Circular 175 procedure, which requires that the authorization of the Secretary of State be obtained before an international agreement may be negotiated or concluded. One of the purposes of the Circular 175 procedure is to make a determination as to the proper form of the agreement-treaty or executive agreement.

The regulations of the Department of State provide that an executive agreement may be entered into only if it falls within one or more of the following categories:

1. Agreements which are made pursuant to or in accordance with existing legislation or a treaty in force with respect to the United States;

2. Agreements which are made subject to Congressional approval or implementation;

3. Agreements which are made under and in accordance with the President's Constitutional powers.

The Legal Adviser's office is required to review all requests to the Secretary of State for authorization to negotiate or to sign any international agreement. The Legal Adviser's office examines the proposed agreement and the legal and constitutional authority for entering into it and specifically is required to show:

I—IN THE CASE OF A TREATY

(a) Whether or not the subject matter is within traditional limits;

(b) Whether or not the treaty will be self-executing, in whole or in part;

(c) If not self-executing, the part or parts which may require legislation and the plans contemplated with respect to formulation and presentation of proposed legislation;

(d) The extent, if any, to which the treaty is intended to prevail over existing Federal or State law and information as to groups in opposition to or in support of the contemplated change.

II—IN THE CASE OF AN EXECUTIVE AGREEMENT

(a) An extract copy of the pertinent legislative or treaty provisions, if any, constituting authority for the making of an Executive Agreement on the subject.

(b) If no antecedent legislative or treaty authority exists whether or not the agreement is to be made subject to legislation by the Congress.

(c) The Constitutional powers of the President relied upon.

The Department has other detailed standards which are followed in determining whether an international agreement should be concluded as a treaty. Under these standards, the treaty form is used:

a. When the subject matter and treatment thereof is traditionally handled by a treaty. This is not necessarily controlling in all instances but requires careful consideration before any departure therefrom.

b. When the subject matter and treatment thereof is not wholly within the delegated powers of the Congress and is not solely within the Constitutional authority of the President.

c. When the agreement itself is to have the force of law without legislative action by the Congress, and the action contemplated is not solely within the President's constitutional authority.

d. When the agreement involves important commitments affecting the nation as a whole.

e. When it is desired to give the utmost formality to the commitment with a view to requiring similar formality on the part of the other government concerned, in the interest of long continued respect for its terms.

Of course, it is not always possible to determine ahead of time the exact extent of the commitments that may be reached and it is sometimes necessary to await the outcome of the negotiations before making the final determination whether the new arrangement shall be a treaty to be submitted for the advice and consent of the Senate or an executive agreement for which there exists an adequate legal basis or for which legislative approval should be sought.

Senator BYRD. Let's get down to this. How much harm would be done if the Senate were to take the House bill?

Admiral ZUMWALT. From a military standpoint, sir, I believe it would be quite a setback both to our own and the recipient nations military preparedness. I believe that they would feel constrained to spend very modest amounts of money, if indeed they decided they could take the ships.

Senator BYRD. Well, let's put it this way. Suppose the House bill were changed to make it 5 years instead of 4 years?

Admiral ZUMWALT. Well, sir, any lengthening of the process would certainly be most helpful.

Senator BYRD. In other words, if we make it 5 years instead of the 4 years that the House added, then that gives them the certainty for 5 years, the same certainty that they have under your proposal.

Now, is it just a question of degree as to the certainty or lack of certainty between the two proposals for the second 5 years? Congress is just as likely to extend for 5 years, probably, as the executive branch would be to extend for 5 years. Maybe if certain candidates were elected President, Congress would be more likely to extend for 5 years.

Admiral ZUMWALT. Yes, sir. The fundamental difference, Mr. Chairman, would be the fact that the mandatory return provision means that they would have to start planning for that. It would be a constraint on their operations, they would have to start moving people off and that sort of thing, whereas under the administration's proposal, they can continue to hold on to the ship while the renewal negotiations proceed. It is the mandatory return as well as the 4-year limit that I think causes appreciably greater problems for the recipient nations.

Mr. NUTTER. If I might suggest, Mr. Chairman, it would be very difficult for us to provide substitute language at the table that on careful reflection would be satisfactory from the point of view of the bill. Perhaps we could supply this to you, a statement as to what we might consider to be a satisfactory alternative.

I would underline the fact that one of the concerns about a specific 4-year period—the 4 years in and of itself, as Admiral Zumwalt has suggested—is that it might simply bring an end to the ship loan program. We might find that no countries would wish to participate, so that we would be confronted with putting these ships into mothballs rather than into use elsewhere.

Senator BYRD. When they are getting something for virtually nothing, I doubt if they are going to refuse it.

Mr. NUTTER. Well, it is a very big expense on their part, Mr. Chairman, to refurbish these ships.

Senator BYRD. But some of these are not paying for it. The United States is paying for two of them.

Mr. NUTTER. Some of them are not. There are two cases in the present bill.

Senator BYRD. One is $7.5 million and the other is $12.5 million.

Mr. NUTTER. In the case of those that receive military assistance in the form of grant aid, ship loans would remain part of the military assistance program. I doubt that other countries would request ship loans.

Mr. PICKERING. I would like, if I may, just to second what Dr. Nutter said. I think it would be very helpful if we could provide you with administration language on what we thought would be acceptable on our side in terms of the military effectiveness for ship loans, maximizing if we can to the degree that we can, your specific concern, the one we share, about maintaining the congressional interest and control in legislation I am not sure but hope that there are things we could come back to you with that might provide that.

Senator BYRD. I think that is fine.

Mr. PICKERING. Maybe we are trying to square the circle. I do not know.

(The information requested follows:)

It is considered that an amendment providing that no extension of these loans could be made until after Congress has been notified and a period of time has elapsed without passage of an adverse resolution, would provide a proper degree of congressional control. Set forth below is a recommended amendment which would provide for such notification and restore the five year period for the original loan.

PROPOSED AMENDMENT TO H.R. 9526

On page 2, beginning on line 11, strike out the first sentence of Section 2 and insert in place thereof the following:

"Loans executed under this Act shall be for periods not exceeding five years, but the President may in his discretion extend such loans for an additional period of not more than five years; Provided, That, no extension may be made unless—

"(1) notice of the proposed extension is sent to Congress;

"(2) a period of thirty days has elapsed while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of an adjournment of more than three days); and

"(3) during that 30-day period Congress does not pass a concurrent resolution stating in substance that it does not favor the proposed extension."

[H.R. 9526, 92d Cong., 1st sess.]

(An Act To authorize certain naval vessel loans, and for other purposes)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 7307 of title 10, United States Code, or any other provision of law, the President may lend five destroyers and two submarines to the Government of Spain; one destroyer and two submarines to the Government of Turkey; two destroyers to the Government of Greece; two destroyers to the Republic of Korea; and two submarines to the Government of Italy in addition to any ships previously authorized to be loaned to these nations, with or without reimbursement and on such terms and under such conditions as the President may deem appropriate. All expenses involved in the activation, rehabilitation, and outfitting (including repairs, alterations, and logistic support) of ships transferred under this Act shall be charged to funds programed for the recipient government as grant military assistance under the provisions of the Foreign Assistance Act of 1961, as amended, or successor legislation, or to funds provided by the recipient government. The authority of the President to lend naval vessels under this section shall terminate on December 31, 1974.

SEC. 2. Loans executed under this Act shall be for periods not exceeding four years, at the end of which, each ship shall be returned to the United States Navy at a location to be designated by the Secretary of Defense. Loans executed under this Act shall be made subject to the condition that the loan may be terminated by the President if he finds that the armed forces of the borrowing country have engaged at any time after the date of such loan, in acts of warfare against any country which is a party to a mutual defense treaty ratified by the United States. Loans shall be made on the condition that they shall be terminated at an earlier date if the President determines they no longer contribute to the defense requirements of the United States.

SEC. 3. No loan may be made under this Act unless the Secretary of Defense, after consultation with the Joint Chiefs of Staff, determines that such loan is in the best interest of the United States. The Secretary of Defense shall keep the Congress currently advised of all loans made or extended under this Act.

SEC. 4. The President may promulgate such rules and regulations as he deems necessary to carry out the provisions of this Act.

Passed the House of Representatives December 6, 1971.

W. PAT JENNINGS,
Clerk.

Senator BYRD. When you say you share the desire for congressional control, I would say that you are probably in a minority among yor colleagues in that view. I do not know.

Admiral ZUMWALT. Well, from a military point of view, Mr. Chairman, as an example, if the 5-year period and the right for a 5-year extension could be subject to consultation with the chairmen of the cognizant committees, that would, I think, be a perfectly reasonable planning basis for the two navies to proceed on.

Senator BYRD. Why not just let the chairmen make all the decisions, and make this basic decision right here as to whether or not we can loan them in the first place. I do not think much of that. Maybe if I were chairman, I would think differently, but I do not think much of that.

Admiral ZUMWALT. I apologize for getting into the committee's business, Mr. Chairman.

Senator BYRD. I do not think I would be very much inclined toward that proposal. I think either the Congress should approve it or not approve it. If we want to give away our authority to the President, we have a right to do it, but I am not much inclined to give it away. I think we have given away too much, and I am not speaking of President Nixon, as all of you know; I am not speaking of any individual. I am speaking of the principle.

I am thoroughly sympathetic with the ship loan program, I think it has a lot of logic to it. But I am somewhat inclined toward the House position in having the Department come back to the Congress for renewal—I am not wedded to 4 years or 5 years, whatever it might be. But just to say that we are going to give you this program for 5 years and then, if you want to, you can just go ahead and continue it for another 5 years without getting congressional approval, I must say I am not too keen on that approach. But I am in favor of the program. We will try to work something out that will be helpful to everybody. But the Congress is a little bit more inclined now—I do not know how much more, not enough, to my way of thinking—but a little bit more inclined to assert what I regard as its own responsibilities. I gather that is what the House was doing in this particular case.

Are there any additional comments?

Admiral ZUMWALT. Very respectfully, Mr. Chairman, I would just come back one final time to the fact that we lack the military strength to stand up to the Soviet Union in a crisis without the assistance of our allies. Mr. Laird has outlined the concept of a total force approach to the threat, consisting of our Active Forces, our Reserve Forces and our allies.

Senator BYRD. I am in thorough agreement with you and with the Secretary. That is not the basic problem. The basic problem is whether 4 years or 5 years from now, the administration will have the right to do something on its own or whether it will have to come and submit recommendations to the Congress.

There is no disagreement on my part as to your position on defense and Secretary Laird's position. I think we have to have a strong national defense and I am going to do what little I can along that line. But this is just a question of procedure, whether you proceed through the Chief Executive or whether you proceed through the Congress for that extension.

Well, is there anything additional?

Mr. NUTTER. I hesitate to get into the realm of treaties and agreements and all that, Mr. Chairman, but I would like to comment on one concern shared by the Defense Department, the State Department, and the entire executive branch in connection with the Spanish agreement. We are all concerned that there be no indication that anything more is there than is really there. In particular, it must be clear that there is no defense commitment involved. Putting that particular agreement in the form of a treaty would carry the implication that it did involve such a commitment. While avoiding this implication, the executive agreement still reserves the authority of Congress. Throughout the agreement there is reserved the right—the necessity, in fact—for Congress to implement the agreement through the process that we are now addressing.

Senator BYRD. Yes; that makes that clear through the authorization process. Our discussion today does clear up one point which concerned me as to whether I could vote against the bill submitted by the administration. As I understand it, no commitments have been made through that agreement for 5 years, for a 5-year period.

Mr. NUTTER. That is entirely correct.

Senator BYRD. So if there are no commitments in that agreement, then we have no obligation to take a 5-year period, have we?

Admiral ZUMWALT. It is my belief, Mr. Chairman, that retroactively, we have learned that the Spanish assumed that the ship loan bill would be in the form that it had always been in the previous enactments.

Senator BYRD. Well, Admiral, it is just utterly inconceivable to me that whoever negotiated this, the negotiators, never mentioned the term 5 years. That just seems to me inconceivable.

Admiral ZUMWALT. Well, sir, I was not there.

Senator BYRD. I realize none of you negotiated it.

Mr. PICKERING. That is my understanding of the negotiation. But I would say here there is no obligation of a legal character. The only thing was that the negotiations went forward in a certain context. If there is anything, I suppose there is a moral commitment in terms of the context in which they went forward, but to my knowledge, there was no explicit understanding.

Senator BYRD. Was the Congress ever informed of the moral context?

Mr. PICKERING. I do not believe that it was, there was just an assumption, perhaps a mistaken assumption if you like, on the part of the executive branch that we would go forward with that kind of legislation. We have come forward with that legislation.

Admiral ZUMWALT. We had 20 years of precedent for the 5-and-5. I think the honest circumstance is that no one thought of the possibility that it would change. Also the terms of the base rights portion if the agreement provided for a 5-year lease with an option to renew.

Senator BYRD. Just assumed it; yes. I can see that.

But you do state that there is no legal obligation.

Admiral ZUMWALT. That is right.

Mr. PICKERING. That is right, sir.

Senator BYRD. And there is nothing in the agreement which commits the United States to 5 years?

Mr. NUTTER. No, sir.

I think we do run the risk, Mr. Chairman, that, whereas the basic agreement is in effect, our relations with the Spanish would be very difficult and continuation of any agreement in the future would be jeopardized if the customary term for ship loans were changed. But from the legal point of view, there is no requirement to maintain that term.

Senator BYRD. The agreement with Spain, as I see it, is beneficial to both parties. I think it is beneficial to the United States. I have been to each of those bases and I think they are important bases, but it is also beneficial to Spain. Spain is getting a great deal out of this.

As a matter of fact, I think the Spanish economy has been helped tremendously by this, as well as their military. So I think it is a two-way street and I think each of us is getting our money's worth, so to speak.

Mr. BYRD of Virginia. Mr. President, in that connection, I think the RECORD should show that the individuals mentioned who took part in the colloquies, who were identified only by their last names in the testimony, are G. Warren Nutter, Assistant Secretary of Defense for International Security Affairs, Thomas R. Pickering, Deputy Director, Bureau of Politico-Military Affairs, Department of State, and Admiral Elmo R. Zumwalt, Jr., U.S. Navy, Chief of Naval Operations.

Mr. President, I move the adoption of the pending legislation.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill (H.R. 9526) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

Mr. BYRD of 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 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.

The question is, Shall the bill pass? (Putting the question.)

The bill (H.R. 9526) was passed.

Mr. HUGHES. Mr. President, let the RECORD show that the Senator from Iowa voted "no."

TRANSPORTATION OF GOVERNMENT TRAFFIC BY CIVIL AIR CARRIERS

Mr. BYRD of West Virginia. Mr. President, for the purpose of making it the pending business, with the understanding that there will be no action thereon today, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 490, S. 1821.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be stated by title.

The legislative clerk read as follows:

The bill (S. 1821) to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Commerce with amendments on page 1, line 7, at the beginning of line 7, change the section number from "1112" to "1113"; on page 2, after line 13, insert:

"(2) Whenever any executive department, agency, or instrumentality of the United States shall procure, contract for, or otherwise obtain for its own account or in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or utilized by the United States, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any transportation of persons (and their baggage) by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States, the appropriate agency or agencies shall take such steps as may be necessary to assure that such transportation is provided, to the fullest extent practicable, by air carriers holding certificates under section 401 of the Act to the extent allowed by such certificates or by regulations or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act."

On page 3, line 24, after the word "least", strike out "50" and insert "40"; on page 4, line 2, after the word "places", insert "(except property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or because of limiting physical characteristics such as size or dangerous properties)"; and after line 15, strike out:

"(d) Every department or agency having responsibility under this section shall administer its program with respect to this section under regulations issued by the Comptroller General of the United States. The Comptroller General of the United States shall review such administration and shall annually report to the Congress with respect thereto."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act of 1958 as amended, is amended by adding at the end of title XI thereof the following new section:

"TRANSPORTATION OF GOVERNMENT TRAFFIC

"SEC. 1113. (a) (1) Whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any property, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such property, the appropriate agency or agencies shall take such steps as may be necessary to assure that such property, whenever tranported by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States, shall to the fullest extent practicable be transported by air carriers holding certificates under section 401 of this Act to the extent allowed by such certificates or by regulation or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act.

"(2) Whenever any executive department, agency, or instrumentality of the United States shall procure, contract for, or otherwise obtain for its own account or in furtherance of the purposes or pursuant to the terms of any contract, agreement, or other arrangement made or entered into under which payment is made by the United States or payment is made from funds appropriated, owned, controlled, granted, or utilized by the United States, or shall furnish to or for the account of any foreign nation without provisions for reimbursement, any transportation of persons (and their baggage) by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States, the appropriate agency or agencies shall take such steps as may be necessary to assure that such transportation is provided, to the fullest extent practicable, by air carriers holding certificates under section 401 of the Act to the extent allowed by such certificates or by regulations or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act."

"(b) Whenever the Department of Defense moves persons or property by air between a place in the United States and a place outside thereof or between two places both of which are outside the United States:

"(1) To the fullest extent practicable such persons and property (except persons and property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or in the case of property because of limiting physical characteristics such as size or dangerous properties) shall be transported by air carriers participating in the civil reserve air fleet program and holding certificates under section 401 of this Act to the extent allowed by such certificates or by regulation or exemption of the Civil Aeronautics Board and to the extent such carriers are available at rates established under this Act.

"(2) As a minimum, at least 40 per centum of the annual gross tonnage (measured in ton-miles) of all property moved by the Department of Defense by air between such places (except property that must move in military aircraft because of special military considerations which by their nature preclude the use of civil aircraft, or because of security, or because of limiting physical characteristics such as size or dangerous properties) shall be transported by air carriers participating in such program and holding such certificates to the extent such carriers are available at such rates.

"(c) The provisions of this section may be waived whenever the Congress by concurrent resolution or otherwise, or the President of the United States or the Secretary of Defense, declares that an emergency exists justifying a temporary waiver of the provisions of this section and so notifies the appropriate agencies and certificated air carriers.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on this bill, under the agreement, not begin running until such time as the Senate proceeds to its considration on Tuesday next.

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

Mr. BYRD of West Virginia. I thank the Chair.

The unanimous-consent agreement reads as follows:

Ordered, That, effective on Tuesday, March 28, 1972 at the conclusion of routine morning business, during the further consideration of the bill S. 1821, a bill to amend the Federal Aviation Act, as amended, with respect to the transportation of Government traffic by civil air carriers of the United States, debate on any amendment (except an amendment by the Senator from Louisiana (Mr. Ellender) which shall be limited to one hour) motion, or appeal, except a motion to lay on the table, shall be limited to ½ hour, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him:

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. STENNIS. Mr. President, S. 1821 has in it a proposed provision of permanent law which would require that a minimum of 40 percent of all property moved by the Department of Defense by air must be transported by commercial air carriers. I address myself to

the bill today as I am expecting to be away from the session on Tuesday next.

Mr. President, I oppose this provision because I am determined to protect the military dollar and the taxpayers' dollar too. I have always supported the set-aside process which has worked satisfactorily over the years. This bill, however, would impose a mandatory freeze at a high percentage as a matter of law on a matter which should be left to the discretion of the committee and departmental officials on an annual basis.

I plan to place in the RECORD at a later point in my remarks a letter sent to me last month by Secretary of the Air Force Seamans that has the full endorsement of the administration in expressing their opposition to this bill.

In fiscal year 1973, $42 million would have to be added to the Department of Defense budget because of this bill. This is an unnecessary additional cost to the taxpayer. At the same time, it would contribute to the already uneconomic underuse of our expensive military airlift aircraft.

In short, it proposes a gross misuse of defense dollars. Mr. President, in this time of large deficits and high defense outlays, I do not believe that it is a proper exercise of the responsiilities of this Congress to load such unnecessary costs on the American taxpayer.

OPPOSITION OF PENTAGON

Former Deputy Secretary of Defense David Packard, before he left office, advised me of his strong opposition to this proposal. In a letter to Senator MAGNUSON, contained in the committee report on similar legislation last year, Mr. Packard pointed out the proposal's serious implications on cost and on effective utilization of our airlift aircraft. Mr. Packard also pointed out that the net profit to the airlines would be far less than the added cost because substantial additional operating cost would have to be incurred by the airlines to take care of this additional business.

In effect, Mr. President, this bill would further subsidize the air carriers. I might point out that the March 6, 1972 issue of U.S. News and World Report reports that total profits for U.S. airlines could reach as high as $230 million for the year just ended. This is a significant improvement over the immediate preceding period, when the airline business was at a low ebb, and surely no cause for more Federal subsidy.

Mr. President, I note in the report that Assistant Secretary of the Air Force Whittaker has voiced strong opposition to this bill. Secretary Whittaker's position is based on the increased cost to the taxpayer as well as on the need to continue the training program of the Military Airlift Command. The Secretary concludes that the Department of Defense believes enactment of S. 1821 "would not be consistent" with national defense airlift objectives.

The Comptroller General of the United States, in commenting on the merits of this bill, stated that:

> An arbitrary, ongoing, allocation by statute to the commercial airlines of a fixed percentage of military cargo may not represent the best solution to the problem because it might generate too much revenue in some years and not enough in others.

This opposition to S. 1821 is solidly based on facts and on dollar and cents consideration for the American taxpayer. Let me review some of the facts about the past defense programs for allocating commercial airlift requirements and outline what is planned for the fiscal year 1973 budget without enactment of this bill.

Mr. President, let me make clear that in years past I have favored and shall continue to favor some cargo business be given the civilian airlines by the Department of Defense. The amount so allotted should be fixed by the Appropriations Committees of the House and Senate each as far as the circumstances and facts may warrant. The amount or percentage would not be fixed by firm laws.

SEVEN BILLION DOLLARS PAID IN PAST

Since 1960 the Government has paid over $7 billion to commercial aircraft carriers to finance the supplemental transportation requirements of the Defense Department. The annual enactment of a set-aside provision requiring the Department of Defense to earmark $100 million each year for procurement of commercial carriers transportation capabilities has met with no problems. The actual amount paid against this provision has been as high as $737 million per year depending on actual requirements. In recent years commercial allocations have been declining due primarily to the reduction in Vietnam requirements.

The 1973 Department of Defense budget that we have before us, however, still includes an estimated $560.8 million that is expected to be paid to commercial carriers for supplemental Defense Department transportation requirement. This is a formidable sum of money far in excess of the $100 million set-aside requirement which has been annually enacted. More important, I have been advised that it represents some 63 percent of the Pentagon's total air transportation budget which includes all transportation requirements for passenger, mail, and cargo.

Of this large sum, for commercial carriers, to pay for mail, passengers, and cargo, $92.9 million is to finance supplemental commercial procurement of cargo airfreight. This represents 26 percent of the total military channel cargo requirements. If this percentage allocation to commercial carriers is increased, as this bill proposes, to 40 percent of military channel cargo, the Defense Department estimates that an additional $41.9 million will be required. This amount is not included in the fiscal year 1973 defense budget.

As Mr. Packard pointed out, the net economic benefit to the airlines would be considerably less, however. This $42 million would be spread over many competing carriers, and simple arithmetic shows that only a small profit can be obtained by many carriers from a $42 million operating expenditure. It is estimated in the committee report that if the proposed legislation had been effective this fiscal year, the additional cost would have been approximately $100 million. Spreading this amount over 200 available civil air reserve fleet aircraft would have represented only about one-half million dollars in gross revenue per aircraft—with a net profit of about 12½ percent beyond operating costs. This does not appear to me to be an effective incentive to the airlines to continue with the procurement of additional cargo capable aircraft which I understand is one of the ostensible objectives of this bill.

USE OF AIRLIFT

Another objectionable feature of this bill, Mr. President—beyond the cost aspect—is its effect on the economic utilization of our very expensive military cargo aircraft. In recent years, the Defense Department has invested some $6.8 billion in C–5A and C–141 aircraft for military airlift capability. This represents a sizable investment in taxpayer's funds and in my judgment the lift must be used in an economical and practical manner. I do not think that we can afford to have this equipment sit on the ground or be underutilized while we are paying out additional funds to buy other cargo capabilities.

The C–5A alone represents a significant investment and will provide a greatly increased capability when all aircraft are delivered and properly used. The current rate of utilization of these aircraft is far below normal peacetime levels, mainly due in part to technical problems.

It is readily apparent, therefore, that, when the technical problems with the C–5A are finally resolved, there will be a further underutilization.

At the present time, the Defense Department has estimated that the military airlift is only utilizing about 60 percent of its available cargo capability. If this bill is enacted and further reduces the cargo available for transportation on military airlift aircraft, the utilization rate would be reduced to only 48 percent. If these military aircraft were to be used about 8 hours per day, similar to the commercial airlines, the practical economic utilization to the aircraft would be reduced to about 42 percent with the currently forecasted cargo requirement.

It is plain to see, Mr. President, that we are already faced with a marginal utilization of our expensive military airlift capability. To further reduce this utilization is folly and in my opinion not in the best interest of the Government or the taxpayer.

Further, the Defense Department must continue to train and orient its airlift crews and pilots to provide a readiness for mobilization. If S. 1821 is enacted, limiting the flexibility of the military to carry cargo, then it is obvious that the aircraft will be less active and that training will suffer. I do not believe that we can approve these programs on the one hand and take away the military prerogative to properly conduct them on the other.

NEW AIR FORCE VIEWS

Mr. President, I have here a February 22 letter to me from the Secretary of the Air Force, Dr. Seamans, expressing his "strong objections" to this bill. I have also a follow-on letter expressing the full endorsement of the administra-

tion in opposition to this bill. I request unanimous consent to place these letters in the RECORD.

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

(See exhibit 1.)

Mr. STENNIS. Secretary Seamans states four main objections to the bill. He says the 40-percent provision would:

Increase annual cost to the taxpayer. In FY 1973 this could be as much as $42 million.

Force Military Airlift Command (MAC) to fly empty or with inefficient loads in order to give commercial carriers more cargo.

Force DOD to buy commercial airlift which would not otherwise be needed. This would increase the ton mile cost of airlift to the DOD user.

Inhibit adequate training of the MAC for its wartime mission.

It has been pointed out before, Mr. President, that the estimated cost of transport with the C–5A is about 2.3 cents per ton-mile as compared to an estimated 8.5 cents per ton-mile for commercial cargo service.

Mr. President, in my judgment, we must protect the defense dollar and the taxpayers' dollars, too. I strongly urge the Senate to reject S. 1821 as a waste of taxpayers' money.

EXHIBIT 1

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., February 22, 1972.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Yesterday I wrote you expressing the opposition of the Department of Defense and the Air Force to the enactment of S. 1821. The Office of Management and Budget has reviewed my letter and advises that the opposition views expressed therein are consistent with the views of the Administration on this bill.

Sincerely,

ROBERT C. SEAMANS, Jr.

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., February 22, 1972.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: You will recall that I wrote to you on November 3, 1971, expressing my strong objections to the enactment of S. 1821, which had been favorably reported by the Senate Committee on Commerce, with certain amendments. As the Executive Agent of the Department of Defense for airlift I must reiterate the opposition of the Department of Defense and the Air Force to the enactment of this legislation.

As reported, the bill would establish a fixed rule that at least 40% of DOD's international air cargo which is physically suitable for civil aircraft be transported in civil aircraft without regard to other considerations. This would have the following effects:

Increase annual cost to the taxpayer. In FY 1973 this could be as much as $42 million.

Force Military Airlift Command (MAC) to fly empty or with inefficient loads in order to give commercial carriers more cargo.

Force DOD to buy commercial airlift which would not otherwise be needed. This would increase the ton mile cost of airlift to the DOD user.

Inhibit adequate training of the MAC for its wartime mission.

The Air Force has consistently recognized the importance of the commercial airline industry to national defense. This is attested by the fact that in the past ten years the DOD support of the industry has exceeded $7 billion.

In FY 1973 the total estimated DOD expenditure for military and commercial airlift will amount to approximately $900 million. Of this amount, $560 million, more than 62% of the total expenditure, will go to the civil air carrier industry.

In addition to the airlift of passengers, mail, and domestic cargo which is virtually all carried solely by the commercial air carriers, we are presently transporting between 25 and 30% of DOD's international air cargo on commercial aircraft. On the basis of present estimates, this will amount to about $120 million in FY 1972 and over $92 million in FY 1973. We feel that these amounts are reasonable and equitable when viewed in the context of the total airlift dollars.

If the bill is enacted in its present form, it will not only distort what we feel is a proper balance between the military and civil workload but would in effect force MAC to fly empty or with inefficient loads. It would seem inexcusable if MAC were required to fly empty or partially loaded aircraft to maintain a constant state of readiness while at the same time funds are expended to procure commercial airlift.

A collateral ramification of forcing DOD to buy unneeded commercial airlift is that it will raise the ton mile cost to the DOD user significantly. Commercial airlift procured by MAC is purchased at set rates. Since MAC airlift capability is a by-product of readiness training, the cost is considerably less than that procured from the commercial carriers. DOD is trying to encourage the military departments to make more use of airlift in order to reduce total logistics costs. However, an increase in airlift costs may work in opposition to both this goal and the intent of the bill if the departments make less cargo available for airlift.

In summary, there appears to be no basis for a judgment that substantial benefits would accrue to the taxpayer upon the enactment of S. 1821. Nor would national security interests be furthered because the airlines would not necessarily buy any new modern cargo airlift but could handle the additional cargo afforded by this bill with their present fleet. To the contrary, significant added costs to the taxpayer, clearly unnecessary, appear inevitable should the proposed legislation be adopted. Accordingly, I solicit your assistance to prevent enactment of S. 1821.

Sincerely,

RICHARD C. SEAMANS, JR.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 10 a.m. on Tuesday next, the Secretary of the Senate be authorized to receive messages from the House of Representatives.

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

AUTHORIZATION FOR THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, AND THE ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS AND JOINT RESOLUTIONS DURING ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until Tuesday next, at 10 a.m., the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of 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.

WHY TOTS FALL OFF TRICYCLES

Mr. BYRD of Virigina. Mr. President, the Gazette Virginian, a fine weekly newspaper published in South Boston, Va., contained an interesting story the other day and an interesting comment thereto.

The Gazette Virginian called attention to an Associated Press news story saying that the U.S. Department of Health, Education, and Welfare is carrying on a $23,000 study to find out why tots fall off tricycles.

The Gazette Virginian editor adds:

No kidding. That's what it said.

The editor is a very able newspaperman, Lynn Shelton, a close friend of mine. Then he adds, "That should develop a lot of ire right here at income tax paying time"; $23,000 of the taxpayers' funds to find out why tots fall off tricycles.

Mr. President, income tax time is just around the corner. Two more weeks and the income tax deadline will be here. Such wasteful expenditure of tax funds as spending $23,000 on a survey to find out why tots fall off tricycles seems to me should raise the ire of the taxpayers of this country.

I want to say that I agree with Editor Shelton in his view of this matter, and I am glad that he called attention to this item in the budget.

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, MARCH 28, 1972, AND LAYING BEFORE THE SENATE THE UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, after the two leaders have been recognized under the standing or-

der, there 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 lay before the Senate the unfinished business.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will reconvene on Tuesday, March 28, 1972, at 10 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 S. 1821, the bill dealing with civil air carriers. There is a time agreement on that bill. As I recall, the agreement calls for 4 hours of general debate on the bill and ½ hour on any amendment, debatable motion, or appeal, with the exception of an amendment to be offered by the distinguished Senator from Louisiana (Mr. ELLENDER), on which there is a 1-hour limitation.

Mr. President, also on Tuesday next, the Senate will consider the legislative appropriations bill. In accordance with past experience, one may quite appropriately, I think, expect a rollcall vote on passage of that appropriation bill.

The distinguished majority leader indicated earlier today that the Senate may also take up on Tuesday next Senate Joint Resolution 218, to extend the authority conferred by the Export Administration Act of 1969.

There will be, I should think, at least one rollcall vote on Tuesday next, and that would come on the appropriations bill. If there are to be rollcall votes on the pending legislation, S. 1821, on civil air carriers, I understand that those votes would quite likely, if unanimous consent is granted, be put over until the following day, Wednesday.

ADJOURNMENT UNTIL TUESDAY, MARCH 28, 1972, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Tuesday, March 28, 1972.

The motion was agreed to and, at 12:05 p.m., the Senate adjourned until Tuesday, March 28, 1972, at 10 a.m.

EXTENSIONS OF REMARKS

DEDICATION OF DR. MORRIS L. PARKER PARK IN CHICAGO

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. YATES. Mr. Speaker, the Dr. Morris L. Parker Park was dedicated on September 26, 1971. The park, which is located on the southwest corner of 29th Street and Ellis Avenue, was donated by Dr. Morris L. Parker, a Michael Reese Hospital surgeon. Shortly after the dedication, an article about Dr. Parker appeared in the Alumni Newsletter of the Michael Reese Hospital and Medical Center. The article highlights the career of this remarkable human being who has selflessly devoted himself to the care of others.

Dr. Parker is well known, loved, and respected in Chicago, and I wish to share with you a little of his story:

DR. MORRIS LOUIS PARKER

Outstanding physicians acquire reputations in various ways—some as diligent, intrepid researchers; others as committed, lucid, eloquent teachers and speakers. This issue wishes to salute a senior physician whose special hallmark has always been an intense commitment to the well being of his patients and whose main focus has always been on that elusive quality called patient care.

Morris Louis Parker has always been a person to reckon with at Michael Reese since January 1924 when, after his internship at Cook County Hospital, he joined the staff as an associate of Dr. Alfred Strauss—a major plum for a bright young aspiring surgeon. His credentials were impressive—a scholarship student at Northwestern, number one in his class in medical school and number one in the prestigious competition for a County Hospital internship. It was a time when appointment to the Reese staff carried a certain social cachet—such appointments were generally the prerogative of affluent German-Jewish physicians (who took Sunday walks with their wives down Hyde Park Boulevard, dressed in frock coats) and not of poor boys who came to Reese by way of Kiev and Seattle. Dr. Parker and the late Dr. Leon Block—a most eminent internist—were the first to breach what seemed at that time an imposing social barrier.

Dr. Parker spent 10 years in association with Dr. Strauss—actually nine, because in 1931 Dr. Strauss and Professor Dr. Enderlin, the Hochsurgeon of the University of Heidelberg, exchanged associates for a year. Dr. Parker speaks often and fondly of that year in Germany. It is not unusual to hear him say, "I had to go to Heidelberg to learn that," as he incises peritoneum over the base of a diseased gall bladder preparing for its removal. Several other legends of the Parker mystique date back to that year.

The Strauss-Parker association ended in 1933 with Dr. Parker opening his own office on the 17th floor at 30 N. Michigan—the only office he's ever had. The "Chief" is fond of recollecting that a substantial blizzard had hit the city at the end of January 1933 and there wasn't much traffic downtown on February 1 as he crossed Monroe and Michigan. Just he and a lone traffic patrolman—and no patients at all. But the weather improved and the practice grew and flourished and flourished—tended by a physician who cared. The stories are legend—about doing every night ward emergency for many years—about prowling the halls at midnight one last time to see the sick ones—about no time for vacations—about a real commitment to his patients' well being.

For a long time Dr. Parker was Mr. Michael Reese to a large segment of the Chicago Jewish community—especially to the Hyde Park sector. "There was a time when every child on Ingleside Avenue between 53rd and 55th—on both sides of the street had had his appendix out by me."

The man not only had a major concern for his practice, but also for his hospital. To this day he still knows the names and identities of more maids, orderlies and elevator operators than any one else around. The hospital as a whole has been a major recipient of his benefactions—most recently the little park on 29th and Ellis was created as his gift to the community. Other philanthropies, some public, many private have centered on several local universities and medical schools (in the form of prizes for research and teaching excellence as well as scholarships for poor students) and on various Jewish projects both domestic and Israeli. His several years of service on the board of the Jewish Federation of Chicago have been a special source of pride.

A vast experience especially in surgery of the GI and biliary tracts, in thyroid, breast, hernia surgery—results in strong convictions about the management of various problems—convictions often at variance with current sugical establishment views. A major regret over the years has been the lack of time and facility to collate and publish much of the experience and to detail the convictions. A major pleasure occurs when the pendulum of surgical opinion swings toward agreement with views, which when espoused initially seemed to be heretical—a phenomenon mostly recently noted as the world surgical community ruminates about the management of breast cancer.

As he looks ahead to finishing his first 50 years as an active practitioner of the "Queen of the Arts," the "Chief" would probably agree that his main gift to this community has been the nurturing of a tradition of conservative concerned surgical care as exemplified not only in his own work but in that of the many physicians who have been associated with and trained by him and who remember fondly the fabled Parker maxims such as "Resolve the problem into its component parts—and solve them one by one" and "Cut well, sew well—get well."

BYELORUSSIAN INDEPENDENCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 1972

Mr. PEYSER. Mr. Speaker, March 25 is a significant date for all men who prize freedom. On this day 54 years ago, in 1918, the people of Byelorussia culminated a six century struggle by declaring their independence as a free nation. This struggle was originally against Czarist Russia, but once this foe had been repulsed the enemy became imperial Germany. When finally free, these people demonstrated their natural feelings of freedom by structuring their state on the basic precepts of liberty: Freedom of speech, freedom of assembly, and free elections. Unfortunately, these hard-won aspects of liberty were again snatched from them by the tyranny of Bolshevik Russia.

Even under the oppression of Russia,