Well, there's only one way to prove that this kind of political message doesn't have to be dull. To make one.

At the time that thought occurred, there were only two announced presidential candidates—Representative McCloskey and Senator McGovern. We placed calls to associates of both candidates. Only Senator McGovern's group responded, and he agreed to work with us in developing the kind of message I'm talking about under the guidelines I've set forth.

So last month, one of our producers named Burns Patterson and a damn good cameraman named Al Taffet went with the McGovern group to New Hampshire.

Out of the footage they shot, every inch of which was concerned with Senator McGovern's view of the problems and his proposed solutions, comes this model for the five-minute political message. At a cost, I might add, of about one-tenth of some of those orgies of imagery I showed earlier.

Film: McGovern.

I leave it to you to judge whether that kind of treatment is too dull or too cerebral for the American voter. It's serious, I'll admit. Not a prat-fall or gag-line in it. But somehow I continue to regard that job on Pennsylvania Avenue as a rather serious matter.

Ever mindful of the equal-time provision, we're offering to do the same kind of message, at cost, for any announced presidential candidate from either major party.

So that's my platform, fellow Americans. I'm urging the House to stop weaving loopholes into the bill to restrict candidates' TV expenditures.

I'm urging the broadcast industry to set a minimum length of five minutes on all political messages. And to insist that the content concern itself with the candidate, his view of the issues and his proposed solutions.

And I'm urging all of us in the advertising business not to be beguiled into making commercials that confuse a candidate and an office with a deodorant and an armpit.

If these minimum standards of responsibility aren't observed—if we have an encore of those abuses that characterized television campaigning in '70—those fragile strands of public confidence that we're trying so hard to maintain for advertising could be eroded entirely.

And November 1972, is only twelve months away.

SENATE—*Tuesday, April 4, 1972*

The Senate met at 12 o'clock meridian and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

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

Almighty God, who rules in splendor in realms above all earthly kingdoms, we thank Thee for Thy luminous presence with us as we seek to serve a nation under Thy providence and judgment. Save us from small and selfish living in a time requiring greatness. Keep ever before us the vision splendid of Thy divine fatherhood and human brotherhood as we dream our dreams, enact our laws, build our Nation, and plan our world, until Thy kingdom comes on earth as it is in heaven.

In the great Redeemer's name, we pray. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 4, 1972.

To the Senate:

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

ALLEN J. ELLENDER,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 30, 1972:

S. 18. An act to amend the United States Information and Educational Exchange Act of 1948 to provide assistance to Radio Free Europe and Radio Liberty;

S. 904. An act to amend the Uniform Time Act to allow an option in the adoption of advanced time in certain cases; and

S. 3353. An act to provide for the striking of medals in commemoration of the first U.S. International Transportation Exposition.

On March 31, 1972:

S. 3160. An act to provide for a modification in the par value of the dollar, and for other purposes.

REPORT ON OPERATIONS OF THE INTERNATIONAL COFFEE AGREEMENT—MESSAGE FROM THE PRESIDENT (S. DOC. NO. 92-65)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I transmit herewith my report on the operations of the International Coffee Agreement during 1971.

Last year the International Coffee Agreement proved its continuing value as an instrument of international economic cooperation. The 62 members of the International Coffee Organization worked together effectively to stabilize world coffee trade.

This stability serves the interests of the United States in two important respects.

First, it benefits the American consumer by helping to prevent the recurrence of the extremely high coffee prices recorded in the years prior to the Agreement. In 1971, for example, the International Coffee Organization successfully dealt with the supply crisis of the previous year and served to bring down the price of our imported green coffee by eight cents per pound between January and December.

Secondly, the International Coffee Organization reduces the fluctuation in the foreign exchange earnings of coffee producers. It thereby supports the development efforts of over 40 nations in Latin America, Africa, and Asia and supports our own aid objectives.

The recent passage by the Congress of enabling legislation permits us to fulfill certain of our obligations under the Agreement. Approval of this important legislation constitutes an important reaffirmation of our determination to cooperate with the developing countries.

RICHARD NIXON.

THE WHITE HOUSE, *April 4, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 2770) to amend the Federal Water Pollution Control Act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 13361) to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 13361) to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended, was read twice by its title and referred to the Committee on Agriculture and Forestry.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 30, 1972, be disposed with.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 695 and 696.

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

MISSOURI RIVER BASIN

The bill (S. 3284) to increase the authorization for appropriation for completing work in the Missouri River Basin by the Secretary of the Interior was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated the sum of $114,000,000 to provide for completion of work in the Missouri River Basin to be undertaken by the Secretary of the Interior pursuant to the comprehensive plan adopted by section 9(a) of the Act approved December 22, 1944 (Public Law No. 534, 78th Cong.), as amended and supplemented by subsequent Acts of Congress, plus or minus such amounts, if any, as may be required by reason of changes in construction costs, as indicated by engineering cost indices applicable to the type of construction involved. No part of the funds hereby authorized to be appropriated shall be available to initiate construction of any unit of the Pick-Sloan Missouri Basin program, whether included in said comprehensive plan or not.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-726), explaining the purposes of the measure.

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

PURPOSE OF THE MEASURE

The purpose of this measure, which was proposed by the Department of the Interior, is to authorize appropriations to complete the program of the Bureau of Reclamation for the completion of construction of the Pick-Sloan Missouri Basin program formerly called the Missouri River Basin project.

BACKGROUND

Initiation of a comprehensive plan of development for the Missouri River Basin project was authorized by the Flood Control Act of 1944 (58 Stat. 887). Section 9(e) of the act authorized appropriations in the sum of $200 million for the partial accomplishment of the portion of the plan undertaken by the Secretary of the Interior. The ceiling on appropriations for the comprehensive plan has been increased by a series of subsequent acts which are enumerated in an attachment to the executive communication appended to this report.

The act of August 14, 1964 (78 Stat. 446) initiated a policy of authorizing additional appropriations to continue the program for 2 fiscal years only. Furthermore, that act included language prohibiting the use of funds appropriated under that authorization to initiate construction of additional units of the project. Since that time, acts authorizing construction of additional units have included separate authorizations of construction appropriations.

PROPOSED LEGISLATION

The Department proposes in S. 3284 to provide an increase of $114 million in the authorization for the comprehensive plan. This amount would provide for the completion of construction of units which were authorized without individual appropriation ceilings, including deferred drainage work which may be undertaken after some years of experience in irrigating the lands. It will also provide for completion of the electric power transmission system associated with the development. A summary of the application of authorized funds by units is included in the executive communication appended to this report.

RECOMMENDATION

The Committee on Interior and Insular Affairs by unanimous vote of a quorum present in executive session recommends that S. 3284 be enacted.

SALINE WATER CONVERSION PROGRAM

The bill (H.R. 12749) to authorize appropriations for the saline water conversion program for fiscal year 1973 was considered, ordered to a third reading, read the third time, and passed.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 11 a.m. tomorrow.

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

CONFIDENCE IN GOVERNMENT

Mr. GRIFFIN. Mr. President, recently in remarks prepared for the 20th annual University of Michigan congressional dinner on March 22, Michigan's Gov. William G. Milliken had some very cogent observations concerning the state of politics in this election year.

I ask unanimous consent that the text of the Governor's remarks, as delivered in his absence by Lt. Gov. James Brickley, be printed in the RECORD.

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

REMARKS BY GOV. WILLIAM G. MILLIKEN

Ladies and Gentlemen: I want to thank you for giving me this chance to speak to you tonight and to see how strong and deep loyalty to the Universtiy of Michigan runs in this capital. The University of Michigan is one of the world's greatest univerities, and I'm very proud to be among so many of its alumni. The list of distinguished guests who are with us tonight is so long that I couldn't possibly run through it. But I do want to say how pleased I am that President Robben Fleming can be with us. He is a most impressive man and a most impressive and able administrator. And I want you to know that we in Michigan recognize very clearly how much his wisdom and his vision are contributing to the progress of the great institution which he was chosen to lead.

I suspect most of you keep in pretty close touch with what's going on back in Michigan, so I'm going to refrain from giving you a progress report on what's happening in the Legislature, or what kind of sour cherry crop we can expect this year, or how automobile sales are going to do this spring. I thought instead that you might be more interested in hearing something about how a governor—the governor of your own state—views the mood of the Country and the condition of politics as we move more deeply into this election year.

Who will survive after November and who will not survive will be debated fiercely in the coming months. While we may differ in our predictions, we can be certain of one thing: the Country will survive, and the System will survive.

Frankly, I don't take much comfort in that, for it seems to me that if we're going to have this system in the long run, we are going to have to take some important steps in the near future to prevent its total collapse—a collapse brought on by the crisis in confidence.

Cynicism is nothing new to Washington, but the degree of cynicism which grips the entire country today *is* new.

It seems to me that in order to understand the force and dimensions of this cynicism, you have to be a target of it—that is, you have to occupy some position in politics or public life. I am continually surprised at the difficulty I have in convincing people that I mean what I say on vital issues such as civil rights, education, taxes, crime, drugs, and so forth. I, and others I know in public life, are also constantly surprised at how willing people are to challenge our motives. It is almost as if people believe we are not trying to solve the terrible problems that affect the quality of life for everyone in this country. It is almost as if people believe we are trying to prove that the System doesn't work, instead of trying to show, as well as we can, that it does.

Two factors underlie this terrible misunderstanding and cynicism about politics, I believe. One is the accumulated effect resulting from years of oversell on the part of political figures. The other is the real misunderstanding about the nature of American politics and American institutions.

Is it any wonder that many Americans have become dulled by political promises? For two decades now, and longer politicians have been promising to cure poverty, abolish crime, create a genuinely integrated society, reform prisons, improve the medical care system, lower taxes, and ease traffic congestion. And yet these problems are still with us. Whatever the issue, most Americans have been so inundated with promises for so many years—promises that were simply too unrealistic ever to be kept, that they regard what politicians say with a skepticism unmatched in history.

Today's public cynicism is the natural child of yesterday's political irresponsibility. For public officials, nothing much can be gained by condemning this cynicism. Our clear duty is to wage a slow, painful campaign to erase this cynicism from public life—to make no promises which we cannot keep, to speak with candor, and to remind people continually what progress will cost them.

So much about oversell as a cause of today's cynicism. The other factor in this widespread public apathy and disbelief, it seems to me, is that many Americans have a very distorted idea about the nature of public institutions and politics.

In short, most people have an exaggerated idea of political power. They conceive of

state political parties as great, powerful bodies that are run by large, well-paid staffs that maintain tight discipline and close liaison with a political network which responds immediately to the leaders at the top. In this fantasy, a governor, or a mayor, or a senator or a party chairman only has to pull a switch to send thousands of party faithful into action in behalf of a good cause. In this fantasy, a twitch of the party mechanism can bring recalcitrant legislators to heel and fill the coffers of the party's empty treasury.

Well, of course, the truth is somewhat different, regardless of what party you are talking about. The truth is that the parties, on a state level at least, are fragile, skeletal organizations, operating with small staffs in unimpressive offices. The truth is that while these mighty political parties are brought to life during election years, they awake only after the most vigorous prodding. The rest of the time, they move along in something resembling a suspended life state—the kind of deep sleep you see in science fiction movies about astronauts going to the farthest planets.

Far from being disciplined, tightly knit organizations, these parties are restless amalgams of people with highly divergent backgrounds and opinions—from the way-out left of the Democratic fringe to the way-out right of the Republican fringe. Getting these people together behind a single program, not to mention a whole collection of programs, is a task that requires the combined skills of a diplomat and a wagonmaster.

Any time a politician tries to describe the true sluggishness of the American political system, or any time he tries to describe the force of bureaucratic inertia, he is accused of constructing an excuse for inaction. And yet I'm convinced there is simply no alternative to this kind of talk. We have to convince the American people that we will not move as rapidly ahead as we should until we revitalize the political parties and make them truly effective instruments for change.

To do this, we have to first bring them into the Twentieth Century. We have to streamline them, make them responsive to the needs and will of the people, and revise the antiquated procedures which have discouraged so many people who have tried to work within the party system.

Some of that is already going on in both parties, and I think that is encouraging. But we have to do a lot better job of convicing the great mass of people that they do have the power to affect the quality of their lives—by the simple and effective use of their freedom.

Now this is a very much abused and misused word—freedom. It is abused on the extreme left by the radicals who say freedom is a fraud; that fascism has already been established in this country. It is equally abused on the extreme right by the proponents of an unrestrained capitalism who believe happiness can be measured by counting the smokestacks around us and that the curve of human contentment precisely follows the Dow-Jones Index.

I reject both extremes. I believe we need a new definition of freedom in this country, a new understanding of who is free to do what to whom, and how. Because the idea that we are free to build a factory in every meadow, subdivide every forest, plow a new freeway through every city neighborhood—this idea has already seriously damaged the quality of life in this country and could lead to the final triumph of the ugly over the beautiful.

In the cities, we need change. In the countryside, we need preservation. The power to change and the power to preserve lies, in the first analysis, in the hands of government, and in the last analysis, in the voice of the people. Very little will be done to produce the necessary changes in the cities, and very little will be done to preserve the unspoiled parts of the country unless people produce governments with the will and the power to preserve and change. If governmental agencies are powerless to change and preserve, we must give them the power.

In this country, we have freedom—political freedom. We must learn how to use it more effectively than we have in the past. As we learned how to control the power of the atom, so too we must learn how to control and use the enormous force of political freedom. And in the same way that we use atomic power for peaceful purposes, so we must use political freedom in behalf of human values—to create beauty where ugliness now exists; to prevent the destruction of the environment.

Change is often difficult, but not impossible. Tradition, custom, special interest, vested interest—all of these things are formidable obstacles, but they are not insurmountable. Nobody—certainly not the left-wing radicals—nobody has convinced me that the System can't be made to work just because it squeaks along in certain places and has ground to a halt in others. Nobody has convinced me, either, that freedom doesn't exist in this country and that it can't be made to work for the betterment of life everywhere and for everyone.

In Michigan, we have been showing that the System can be changed. We lowered the age of majority to 18 to give youth the full rights of citizenship that they deserve. We changed the drug laws so that a young person will not be sent to prison for a long period just because he smokes marijuana. And as most of you know, the two parties reached a compromise that will give Michigan its first presidential primary this spring.

This progress hasn't made the ghettos of our larger cities fit for life; it hasn't stopped the destruction of our environment; it hasn't brought crime to a halt. But among many people, the progress we are making is being felt. It is, in small, often undramatic and yet important ways, improving the quality of life.

We're in a race with cynicism. We have to accelerate change—find ways to make state legislatures and Congress more immediately and directly responsive to the will of the people. And I think whether you're a Republican or a Democrat, you will agree that people must come to understand that governmen, while ubiquitous, is not omnipotent. Government can't stop somebody from throwing a beer can on the highway or force someone to paint his front porch. Government is an instrument for change; it can also be a force for stagnation. People have to get a better hold of government and use it to better purpose.

Those of us who are in politics strongly resent the idea that politics is a dirty word. Many of us are working hard to make politics a cleaner business than it is and to make it more productive in improving the quality of life.

As Governor of Michigan, I'm convinced that we do have the power and means to solve our enormous problems. What we need is the will to act and the support of the people in our efforts.

In order to restore the people's faith in government, we need to demonstrate that progress is possible. But we need to go further than that. In politics and public life, we need to revive truth, discard the exaggeration, bury the false hope, and close the awful gap between the image and substance of things.

If we can do that, and if we can get people to use the freedom they have for the benefit of society, then this country will leave the Age of Cynicism behind and move into a new age of hope and progress.

ABSENCE OF SENATORS

Mr. GRIFFIN. Mr. President, I wish to announce that the Senator from Delaware (Mr. ROTH) and the Senator from Vermont (Mr. STAFFORD) are absent on official business while attending an interparliamentary meeting in Tokyo.

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

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. STEVENSON). Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there any morning business?

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

VIEWS DIFFER OVER ECONOMIC OUTLOOK

Mr. PROXMIRE. Mr. President, Mr. H. Erich Heinemann, writing in the Sunday, April 2, 1972, New York Times noted a number of the Joint Economic Committee's recommendations and the conflicting views of some business economic forecasters. The clash of views is of great importance. I welcome Mr. Heinemann's article and the views he quotes because the clash promotes public understanding and, in the long run, will help us all in making correct judgments.

Mr. Heinemann notes in particular that the business economists agree with the $100 billion estimate in economic growth projected for 1972. The issue is how much of this will be real and how much of it inflation.

He also notes that the economists predict a Federal tax increase through the value added tax in the coming year. They

also believe unemployment will be reduced below the present 5.9 percent, but apparently arrived at no particular consensus as to how much it will fall.

These are interesting and important views and clashes of opinion. I commend them to the Senate and to the readers of the CONGRESSIONAL RECORD. I ask unanimous consent that the article be printed in full in the RECORD.

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

MOST BUSINESS ANALYSTS DISCERN UPTURN, BUT ECONOMY IS STILL KEY ELECTION ISSUE

(By H. Erich Heinemann)

As the second quarter of 1972 begins, the national economy is gathering momentum. But its performance—and President Nixon's radical policy departures last August to deal with its shortfalls—is still at the center of a swirling controversy in this election year.

The Democratic majority of the Joint Economic Committee in Congress has characterized business as "sluggish," the Phase Two wage and price control program as "ill-conceived and poorly managed," and at the same time charged that little was being done to "meet our most pressing economic problem, which is the need to reduce unemployment."

On the other hand, the preponderant view among professional business forecasters—who, whatever their personal political biases, make their livings on the quality of their advice—appears to be quite the contrary in some major respects.

Alan Greenspan, president of Townsend-Greenspan & Co., Inc., a leading economic consulting concern, says "the pace of the economy is clearly quickening."

Mr. Greenspan's outlook is consistent with the composite prediction of a large group of forecasters whose opinions are tabulated regularly by the American Statistical Association and the National Bureau of Economic Research. This foresees for a marked acceleration in business, coupled with reduced unemployment and somewhat lower inflation.

Interviews with, and a culling of reports from, a large number of business forecasters in recent days disclosed substantial, though far from unanimous, agreement on the following points:

A marked acceleration in economic growth is likely this year, in line with the Administration's forecast of a $100-billion increase in Gross National Product.

There is a high probability of a Federal tax increase in 1973—most likely in the form of a value-added tax—to moderate the huge Federal budget deficits that now appear to be in prospect at least through mid-1975.

Substantial, though probably erratic, progress is expected in reducing unemployment below last year's average of just under 5 million people, or 5.9 per cent of the civilian labor force.

There is wide concern about the possibility of a significant shortfall from the Administration's aim of getting the rate of increase in prices below 3 per cent by the end of the year, and the concomitant threat that this might be met with a "Phase Three" price control program much more stringent than its predecessors.

To Mr. Nixon's partisans, he has good reason to be pleased with the performance of the economy in the first quarter of 1972—notwithstanding his confrontation with organized labor over the Pay Board and the growing anger among consumers over the sharp surge in food prices in the last three months.

While the official figures will not be published for several weeks, there is every indication that the nation's total output of goods and services (the Gross National Product) topped $1,100-billion at an annual rate during January, February and March.

This estimate, which is widely held among private business analysts, would represent an increase of roughly $30-billion from the $1,073-billion average in the final quarter of last year.

Equally as important, private economists believe that the bulk of this gain was in "real" terms (that is, production measured in dollars of constant purchasing power), so that substantial progress was made in reducing the nation's backlog of idle men and machines.

Since the nations' labor force and its output per manhour are together growing at a long-term annual rate of about 4 per cent, this means that real output must expand at a rate more rapid than that if unemployment is to be reduced and presently surplus industrial capacity put back to work.

REAL GROWTH ESTIMATED

According to the Argus Research Corporation, a Wall Street advisory concern, the $30-billion gain in G.N.P. in the first quarter—assuming that this, in fact, was what occurred—represented an 11 per cent annual rate of gain, with real growth accounting for 6.6 percentage points of that total, and higher prices 4.4 points.

William Wolman, vice president and economist at Argus is certain that the momentum the economy developed in the first quarter will carry through at least until mid-year, and probably well beyond that, thus breaking the pattern of sluggish recovery that has been characteristic since the end of the 1970 recession.

A gain of $30-billion in total output in the first quarter, Mr. Wolman said in an interview that other day, would be "fully consistent" with meeting the Administration's target of a $100-billion increase in the average level of G.N.P. (measured in current dollars) during 1972, as compared with 1971.

It would be wrong, however, to leave the impression that private business analysts believe either that the Administration has solved all of the nation's economic problems, or that there are no major uncertainties in the current outlook.

HUGE BUDGET DEFICIT

Perhaps most important of all is the huge deficit in the Federal budget that President Nixon has programmed, which is currently estimated to total roughly $65-billion in the two fiscal years ending June 30, 1973.

In a letter to his clients two weeks ago, Mr. Greenspan said that while the deficit in the current fiscal year (ending this June) was apt to run a $1-billion or $2-billion short of the Administration's $38.8-billion forecast, "the fiscal '73 deficit is likely to be well above the $26-billion indicated in the President's budget message."

"With welfare reform and possibly some version of health insurance being fitted into the fiscal '74 budget," he went on, "the need for additional revenue is now going almost unquestioned."

Michael K. Evans, a brilliant, young mathematical economist who is president of Chase Econometric Associates, said last week that the Nixon Administration, "which still plans to be in office at this same time next year," was preparing the groundwork for the introduction of a "value-added" tax in 1973, in large part to "provide a badly needed source of additional tax revenue."

Mr. Evans cautioned that the incidence of the tax—a form of sales tax that would be imposed on the value added to a product in each stage of its manufacture—would have "potentially inflationary effects" unless the Administration were prepared to reduce other taxes by roughly the same amount.

"In my opinion," he said, "it has absolutely no intention of doing so."

VALUE-ADDED TAX

Indeed, the value-added tax, according to Mr. Greenspan, is "the only reasonable vehicle for a major increase in revenues in the area of $10-billion to $15-billion," and moreover would be the "politically easiest route to increased revenues since it is a new and complex tax which everyone vaguely thinks is paid by someone else."

At the same time, and equally as important, the Federal Reserve System is now providing a powerful stimulus to future business activity by adding rapidly to the quantity of money in the economy.

Last year, the Federal Reserve pursued an erratic course—first pumping up the money supply at a rate that the money managers themselves considered to be excessive and then in the second half of the year for all practical purposes halting the growth of money entirely.

In the view of many economists—and especially the monetarists who emphasize the rate of change in the supply of money as a key influence in inducing change in the overall economy—the Administration's success in achieving its economic goals this year will depend importantly on whether the central bank can avoid the errors it made in 1971.

According to Keith M. Carlson, a monetarist economist on the staff of the Federal Reserve Bank of St. Louis, "the prospects for reducing inflation and phasing out price-wage controls are good, if monetary expansion is maintained at a moderate rate."

But Mr. Carlson cautioned that "substantial employment gains in 1972 may be incurred at the cost of rekindling inflationary pressures in the future."

While economists are debating the need for higher taxes to reduce the Federal deficit in the years ahead and the impact of Federal Reserve policy a parallel problem is also getting increased attention. That is the definition of full employment.

Largely because the United States economy is currently operating well short of full employment, with an estimated 4.9 million people seeking work in February and unable to find it, most economists are willing to accept substantial deficit spending as providing an appropriate stimulus to business activity.

But the preponderant view among private forecasters, according to economists at the Chase Manhattan Bank, is that unemploy- will be down to 5.3 per cent by the fourth quarter—as opposed to 5.7 per cent in February and headed still lower.

The question then, is at what point along the economy's upward path will labor markets become sufficiently tight that further increases in output become difficult. At that point, whenever and wherever it occurs, continued Government stimulation will be more apt to produce higher prices than further gains in real output.

LABOR FORCE CHANGES

A widely held view in the business community—which, it should be noted, is rejected equally by organized labor and by the Democrats on the Joint Economic Committee—is that changes in the composition of the labor force in the last few years have altered basically the nature of the unemployment problem, which in turn has raised substantially the level of unemployment that should be considered the "full employment" target.

Edwin H. Yeo 3d, vice chairman of the Pittsburgh National Bank, puts it bluntly:

"A good deal of the increase in labor unemployment represents structural unemployment. It does not represent excess supplies of workers with the right skills located in the right places to satisfy the particular in-

creases in labor demand that are likely to emerge."

In fact, this may be one reason why unemployment has been little changed since midyear last year, while employment has grown by 2 million.

Chase Manhattan's economists make the same point in a different manner. In particular, they point out that the 16.9 per cent rate of teen-age unemployment last year was much higher than in 1954 or 1959, which were past periods when the over-all rate of joblessness was around 6 per cent.

RISE IN YOUNGER WORKERS

The vast increase in the number of young people in the population, the bank's analysts asserted, had not been matched by a comparable increase in the number of jobs that they were willing or qualified to perform. The analysis continued:

"Business is likely to run into situations of outright shortages of skilled, mature and experienced workers at significantly higher unemployment rates than in the past."

On the West Coast, Chase asserted, companies were already having problems in hiring experienced machinists, despite "soft" labor markets there.

The definition of full employment—the point on the unemployment curve where expansionary economic policies tend to become increasingly inflationary—in Chase's view, "many have shifted upward. It may even be as high as 5 per cent. If it is, then current United States fiscal policies could turn out to be substantially more inflationary than is generally recognized."

While the Democrats on the Joint Economic Committee, as representative of another viewpoint, will have none of this—"we are not persuaded that low rates of unemployment are harder achieved than they once were or that inflationary pressures at any given level of unemployment are necessarily greater now than they once were"—the fact remains that many business planners are concerned that the Administration may be applying too much of an upward shove to the economy.

SLUGGISH RETAIL SALES

Far more worrisome than unemployment to many business analysts has been the apparently sluggish trend in retail sales—notwithstanding steady growth in personal incomes—and a concomitantly high rate of personal saving (probably more than 8 per cent of disposable income in the first quarter this year).

Norman Robertson, the respected chief economist at the Mellon National Bank in Pittsburgh, noted recently (as have other economists) that this was a reflection of consumer uncertainty generated during the 1970 recession, and then he went on to say:

"Some analysts suggests that the currently high saving rate may be reflecting, in part, a fundamental change in attitudes among young people. Many younger members of the labor force, this argument suggests, are saving at high rates, either because of a lessened desire to acquire material goods or to enable them subsequently to drop out of the labor force for an extended period of time."

However, Mr. Robertson cautioned that "for the present this hypothesis must remain highly speculative, since no hard evidence has been uncovered to support it."

But whether or not the retail sales/personal savings pattern recently has been "a sour note marring the spring symphony"—as the Morgan Guaranty Trust Company asserted recently—is quite controversial.

Sam I. Nakagama, vice president and economist at Kidder, Peabody & Co., is convinced that "consumers are really beginning to loosen up," with sales at furniture and appliance stores, in particular, running sharply ahead of last year. Airline traffic and restaurant sales—"two good indicators of consumer confidence"—have begun to boom, he said.

Restaurant sales in particular, are considered to be a significant sign, since families will rarely incur the added cost of eating out unless they are confident about their prospects for future income.

In any event, even with an apparent slowdown at the end of last year, retail demand has been growing at a compound annual rate of better than 8 per cent since October, 1970.

On top of this, there is a long list of other sectors of strength in the economy. Among these are the following:

State and local government outlays are expected to increase by more than $15-billion this year, to a total of over $150-billion, which would substantially exceed the 1971 gain of $13.5-billion in this spending.

Housing starts soared to a new record annual rate of nearly 2.7 million units in February. Even though such respected housing economists as Michael Sumichrast, of the National Association of Home Builders, are forecasting that starts will decline gradually from this peak through the balance of the year, residential construction should make a meaningful * * * the G.N.P. this year.

Business investment, both in inventories and in new plant and equipment, should be up substantially in line with the expected rise in industrial production. Capital spending is projected to rise despite the appearance of considerable idle capacity among manufacturers. Much of the gain in capital outlays, according to Lionel D. Edie & Co., Inc., an economic consulting concern, should come from communications companies and from commercial concerns, while in the paper and non-ferrous metals industries outlays for pollution abatement are going up sharply.

Finally, net exports from the United States should improve markedly this year as a result of the devaluation of the dollar which will have the effect of reducing the relative price of American goods in international markets, while raising the price of imported goods here.

Whether this pattern of gathering economic strength will be translated into a new boom, new inflation, and perhaps harsher economic controls, only time will tell.

But provided that the nation's money managers in the Federal Reserve System keep a relatively steady hand on the monetary throttle, there is at least a chance that the elusive goal of prosperity without inflation can be achieved.

OVERHAUL OF PHASE II—JOINT ECONOMIC COMMITTEE'S RECOMMENDATIONS

Mr. PROXMIRE. Mr. President, the Joint Economic Committee recently issued its annual report which, under the Employment Act, is the congressional counterpart to the President's economic report. It is the congressional reply.

The report was significant in a number of respects. Its sections on unemployment, phase II, military spending, the failure to reorder priorities, and its international economic sections are, in my judgment, among the most salient and well written of any report the committee has published.

In last Sunday's Washington Post, the very able and perceptive economics and business writer, Hobart Rowen, commented on the report. He pointed out the significant areas of agreement between the majority and minority members of the committee. He noted the strong stand against the Hartke-Burke approach to trade, and he particularly noted the important differences between both the committee and the President, and the committee and Mr. Meany, over the workings of phase II.

A majority of the JEC believes that phase II attempts too much. It should be limited to controlling those prices and wages set by market power, or what is called administered prices.

The President, on the other hand, has covered the waterfront, but in the committee's view, this has been done superficially. The results have been continued price rises and ineffective wage controls over the big contracts. Mr. Meany's view is that since wages are controlled, and because every employer becomes an enforcement agency of the Government over wages, prices must be much more effectively controlled as a matter of equity and fairness.

These are the issues and these are the differences which exist. I believe that it is in the public interest that they be put out on the table and debated. From that clash of opinion and judgment the right policies are more apt to emerge than if they are ignored.

Mr. Rowen's article makes these issues very clear. I ask unanimous consent that it be printed in full in the RECORD.

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

MAJOR OVERHAUL IS NECESSARY FOR PHASE II PAY-PRICE CURBS

(By Hobart Rowen)

The Joint Economic Committee of Congress, one of the best on the Hill, put out its annual study of the President's Economic Report the other day and got only the barest mention in the papers. Reason: the JEC study was released at the same time that George Meany and two AFL-CIO cohorts walked off the Pay Board—and that stole the headlines.

But the JEC effort is worth going back to. For one thing, the minority and the majority members were able to agree on a joint statement calling not only for reforms in the international monetary system, but firmly opposing "any broad system of quotas for solving our international trade problems."

This bipartisan rejection of the protectionist Hartke-Burke Bill offers real hope that oppressive quota legislation will be killed this session even though the passel of Democratic senators running for president hasn't been vigorous in arguing against the inward-looking principles of Hartke-Burke.

Presidential candidate Hubert Humphrey, who happens to be a member of the Joint Committee, footnoted his "strong disagreement" with some of the "dogmatic conclusions" offered by the Democratic majority on international economic issues—although they were not so radical that the Republicans couldn't support them in large measure.

Sen. Humphrey has retrogressed from the old days when he was a fighting, free-trading liberal. One of his own staff quotes him about as follows to a group of factory workers last month in Pennsylvania: "The way imports are growing, you're going to have to learn Japanese in order to get your TV repaired."

On domestic issues, the Democratic majority, as might be expected, tended to be critical while the Republicans looked on the brighter side. But the committee as a whole was sensitive to the fact that the problems of unemployment and inflation dominate everyone's thinking.

The Phase II effort, the Democrats said, "is ill-conceived, poorly managed and apparently of little real help in controlling inflation." With considerable foresight, it spotted a key stumbling block to Phase II success, citing testimony of Agriculture Secretary Earl Butz that food prices would rise over 4 per cent in 1972.

Nor were the JEC Republicans unaware of a potential food-price bombshell, hastening to the defense of the farmer in this volatile situation. "Consumer price increases in recent years," the Republican minority asserted, "have largely been the result of increased costs after the product has left the farmer's hands and before it is sold to the consumer."

There is plenty of evidence that this is also the political posture of the White House, although Economic Council Chairman Herbert Stein told a press conference a couple of weeks ago that the margin of the middlemen—wholesaler and retailer—was in fact narrowing.

It makes little difference to the consumer pocketbook whether prices are advancing too fast because the farmer is to blame, or whether the reason is that distribution process is not sufficiently controlled.

Nor is it useful, except as an academic exercise, for the administration to break down the skyrocketing monthly increases in wholesale and consumer prices into what portion represents controlled commodities, and what part isn't controlled.

"What's controlled and what isn't controlled is less of an issue than going into a grocery store and finding out that prices have increased," Martha Robinson of the Consumer Federation of America observes.

Now that the chief labor members have left the Pay Board, and the leaky sieve at the Price Commission is making a mockery of price controls, President Nixon is faced with the need to revamp both pay and price mechanisms.

He can follow the advice of the Joint Committee majority (which drew on testimony by former Economic Council Chairman Gardner Ackley) and de-control almost all of the economy while clamping down on the big companies and big labor—"those sectors of the economy characterized by definite market power."

Or, the President can go the route suggested by George Meany on the "Today Show" last week by putting the whole economy under full controls—with an adequate bureaucracy to police it. A preliminary to this would have to be another wage-price freeze of the kind suggested by Rep. Wilbur Mills (D-Ark.) covering profits and dividends as well as wages and prices.

Mr. Nixon could take another route that would suggest neither de-control of large segments of the economy (Ackley), nor the straitjacket of a fully controlled economy (Meany): he might choose to get out of the present bind by a freeze on all food prices, processed and nonprocessed, pending formulation of a specific regulation. That would require the Cost of Living Council to bite the bullet by including a freeze of all foods at the raw agricultural level.

That's harsh medicine, particularly for an administration anxious to keep them happy down on the farm. Maybe it won't work. But labor isn't going to participate in a wage-control program while prices, notably food prices, are uncontrolled.

To be sure, there is yet another option: Mr. Nixon could junk the whole messy business. But with unemployment at 5.7 per cent and prices bursting at the seams even while controlled, that's not likely.

A decent wage-price policy is probably a permanent part of the economic landscape; the administration might just as well admit that Phase II needs a major overhaul. Above all, Phase III's objectives should be set out clearly, and a realistic appraisal offered on the chances of reaching them.

FITZGERALD, THE WHISTLE-BLOWER

Mr. PROXMIRE. Mr. President, A. Ernest Fitzgerald has paid in time and money for his efforts in uncovering the astronomical costs of the C–5A to the taxpayers of the United States. Blowing the whistle on waste is an heroic act. But the whistle-blower is not always treated as a hero.

Ernie Fitzgerald is a hero. A piece that appeared in the Washington Post's Potomac magazine last Sunday tells his story. It is a solid piece of reporting by George C. Wilson that deserves widespread readership.

For that reason, Mr. President, I ask unanimous consent that Mr. Wilson's article be printed in the RECORD.

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

A. ERNEST FITZGERALD DISCLOSED COSTS OF C–5A

(By George C. Wilson)

Chairman PROXMIRE. I will begin my questioning with Mr. (Ernest) Fitzgerald. . . . You have told us this morning you did not prepare a statement for the record. Why not?

FITZGERALD. Mr. Chairman, I was directed not to prepare a statement.

PROXMIRE. Who told you not to prepare a statement?

FITZGERALD. Directly my immediate superior, Mr. Nielsen, the Assistant Secretary of the Air Force for Financial Management, but it is my understanding that he was, in turn, acting on the direction of our legislative liaison people . . .

PROXMIRE. Is it true that the costs of the contract (C–5A transport) will be approximately $2 billion more than was originally estimated and agreed on?

FITZGERALD. . . . If the total amount of estimated cost variance were to come to pass . . . If we were to buy the follow-on production runs using the repricing formula, and if our Air Force support items, things that have not yet been contracted for, increase proportionately, your figure could be approximately right.

And that is how an official of the Air Force—on the morning of Nov. 13, 1968—disclosed in public before a hearing of Sen. William Proxmire's (D-Wisc.) Economy in Government Subcommittee that the C–5A transport was out of control on costs.

The subsequent four years have documented the $2 billion overrun to the point that Air Force Secretary Robert C. Seamans Jr. no longer brands stories about it as irresponsible reporting—as he once did. And Lockheed Aircraft Co., the builder of the C–5A, came so close to bankruptcy by its poor financial management of the project that it had to ask the Federal Government for special loan assistance.

Seamans is still Air Force Secretary; Lockheed got the loan, but the man who first reported that cost overrun to Congress—Arthur Ernest Fitzgerald—has been fired.

Fitzgerald refuses to act like the banished bureaucrat who said too much. He is suing the government to retrieve his old Air Force job and he is writing a book about the C–5A and other atrocities of military procurement.

His suit will have far-reaching implications for the 2.5 million government employees covered by the U.S. Civil Service Commission. And his book, entitled *The High Priests of Waste* (W. W. Norton), promises to be a multiple warhead blast when it explodes over the Pentagon.

Fitzgerald does not quite seem like the zealot willing to take on the most powerful military organization in the world. He looks like a man comfortable to go fishing with—gray hair, medium build, mirthful around the eyes. He talks with that soft Alabama drawl, which coats over his stinging observations about the way the Pentagon spends the taxpayers' money for weaponry.

"You know," he said, talking recently in his McLean home, "everybody has written about me getting fired for talking about the $2 billion overrun on the C–5A. But what about that $2 billion? Nobody talks about that anymore. That's more important than me getting fired. I can always go back to the farm."

Free of the Air Force muzzle he had to wear as the $31,874-a-year Deputy for Management Systems for the Secretary of the Air Force, Fitzgerald has some pungent comments on defense matters:

On David Packard, former Deputy Secretary of Defense, who tried to straighten out the C–5A contract inherited from former Secretary Robert S. McNamara: "Packard was a disaster. The C–5A was a chance for the government to enforce a contract. But he gave it all away. We will never be able to enforce another contract."

On the Russians-are-coming theme of generals and admirals seeking more weapons: "Why doesn't someone ask these military guys how many weapons they could build with the money they waste? That's how to keep strong; stop wasting the money. What do you suppose the Soviet An–22 costs, the Russian counterpart for the C–5A? Probably about $5 million or $10 million. This compares to at least $60 million a copy for ours because the Air Force tried to build a plane to land on a cow pasture. The C–5A can't do that. And it won't carry any more than the simpler An–22."

On Maj. Gen. John L. Zoeckler (retired), project manager for the F–111 (TFX) fighter-bomber that soared way over cost estimates: "He told a bunch of us trying to cut costs while he was managing the TFX that 'inefficiency is national policy; that pressing for efficiency diverts management from more important problems; that only the national policy of inefficiency could provide equal opportunity, hiring of the handicapped and aid to small business.'"

On SRAM, the Air Force's short-range-attack-missile to be fired from aircraft at ground targets: "They knew it wouldn't work when they bought it."

To learn how a man developed such strong views and, more surprising, found a way to act on them right inside the Pentagon—for a while anyhow—one must start out in Birmingham, Ala., where Fitzgerald was born 45 years ago. His father was a "make-anything" pattern craftsman for steel mills in the city. Fitzgerald's mother, by all accounts an amazing woman, managed to infuse her son with a sense of mission about his life work. Now a 65-year-old widow, she practically single-handedly runs an organic farm on the Gulf side of Alabama between the towns of Fairhope and Magnolia Springs.

After graduating from Birmingham's Woodlawn High, Fitzgerald encountered for the first time the ways of military procedure as a seaman first class in the Navy from 1944 to 1946. For reasons that were unclear to him at the time, and remain so, the Navy decided it would be nice to tow its ancient ship, the USS Stewart, all the way from Guam across the Pacific to San Francisco, where it could repose as a kind of Naval museum. Fitzgerald was on the Stewart when she went under tow in September, 1945. After count-

less tow-cable breaks and other snarls, it reached San Francisco in March, 1946. "Birmingham Boy Helps Bring Ghost Ship," read one headline in his hometown paper.

"After we had dragged this thing all the way across the ocean," Fitzgerald recalls, "they decided to tow her out to sea again and use her for target practice. That taught me a lot about the military."

Leaving the Navy, gratefully, Fitzgerald attended the University of Alabama, graduating with a bachelor of science degree in industrial engineering in 1951.

After working as a quality control engineer in a Birmingham valve firm for two years, he began in 1953 what was to be a long and often stormy association with the aircraft business. He took a job as a cost-cutter at Hayes Aircraft Corp., also in Birmingham.

"Even in the mid-1950s," recalled Fitzgerald of his days at Hayes, "there was really no reason to have tight quality control—or controls of any kind for that matter. It was just a lot easier for the company to hire retired generals to work out any problems with the military."

Interrupting his aircraft career with a three-year stint as a cost analyst for Kaiser Aluminum, he returned to planes and their rising prices in 1957. He went to help out the Lockheed-California Co. as a consultant from Arthur Young & Co. Lockheed was finishing production of its Constellation passenger liner and starting on the Electra—the plane which had disastrous wing failures in its early days.

"They flimsied up the airplane to make weight guarantees," Fitzgerald says, explaining the Electra failures. A Lockheed employee protested shaving down the wing thickness, Fitzgerald maintains, but was ordered to go ahead and do it anyhow. Then, when the wings failed, this same employee was blamed.

Fitzgerald's mission was to reduce Lockheed's financial losses on the Electra. "That's where I got all my gray hair." He worked the Electra from 1957–62. He did not get into the company's aeronautical engineering problem, but put through cost-saving reforms, such as more systematic scheduling of the work by the factory supervisors, and other administrative changes.

After the frustrations of working for a small aircraft company in Birmingham which really did not care about cost controls; of being the S.O.B. who came to Lockheed from the outside, and of believing he could make a difference in management if he had clout of his own—Fitzgerald went into business for himself in 1962.

While living in Los Altos, Cal., he organized Performance Technology Council as an offshoot of the then existing Management Systems Corp. of Cambridge, Mass. Fitzgerald served as PTC's first president. Contracts which Management Systems Corp. had on the Air Force Minuteman ICBM were bought by PTC, Fitzgerald's outfit. Which is how he ended up working in the Pentagon for the Air Force.

Fitzgerald and his associates told the Air Force in 1963 that the vital guidance system on the Minuteman ICBM would work only one-third as long as it was supposed to, before breaking down. "With that kind of dependability," he said, "the President could find himself pushing a button, and nearly half of the Minuteman 2 missiles would remain in their holes as duds."

It was unnerving for the Air Force and the builder of the guidance system, Autonetics, to hear such predictions from an outside management firm like PTC. But the evidence seemed compelling enough for the Air Force to invite the PTC president, Fitzgerald, to leave California and set up shop right in the Pentagon to work on that and other problems. So, in 1965, he moved into an office in the Pentagon as Deputy for Management Systems for the then Air Force Secretary, Harold Brown.

"I went in there thinking they really did want to shape up the acquisition business," Fitzgerald recalls of his entry into the Pentagon bureaucracy. "Everybody seemed to be from Harvard, except me. But that didn't worry me. I had been through the airplane missile business from the inside. I got hold of the Mark II guidance system (also built by Autonetics) for the F–111 (TFX fighter bomber) pretty early. There was a big fuss when I and others said the contract penalties for less than the stated performance should be enforced. I saw it as the first chance to enforce the contract. But the Air Force caved in. They didn't want to make Autonetics lose money."

In those days of argument, Fitzgerald said the then Assistant Secretary of the Air Force, Robert Charles, told him: "We just can't cause them to lose all this money." Fitzgerald said his reply was, "Why not?"

Such an attitude, however, was not the way to win friends and influence people at the Pentagon, even though the then Secretary of Defense, Robert S. McNamara, bore an image of being tough on procurement. McNamara called the C–5A contract, for example, "a damn good contract" right after it was signed with Lockheed.

By the time Fitzgerald went to the Proxmire hearing on Nov. 13, 1968, it was widely known inside the Pentagon that the C–5A was in trouble on costs. But the Air Force hoped to keep it quiet until the matter could be resolved inside the family, not in public. But, under the law, Fitzgerald and any other witness is required to answer questions truthfully when members of Congress ask them. That was how Fitzgerald saw it, anyhow, he confirmed Proxmire's estimate of a $2 billion cost overrun on the plane.

But, right after he testified, the Pentagon freeze for non-team players moved over to him. "I just didn't get invited to any meetings that were important," he said in recalling phase one of that particular freeze.

Next, government snoopers began opening his mail and leaving their inked stamps on the letters to show what was being done. "I learned later," Fitzgerald said, "that this was done to scare me. A flap and seal man (one who surreptitiously opens letters) said they have a long needle to open letters in a way that leaves no telltale signs of tampering."

In what appeared to be another scare tactic, Fitzgerald said an unknown man in a sedan followed him from the Pentagon parking lot all the way to his home in McLean, Va.—remaining parked outside for no apparent purpose other than to worry the Fitzgerald family.

Large powers of the government bureaucracy then became involved:

The U.S. Civil Service Commission on Nov. 25, 1968, notified him that his civil service tenure had been revoked retroactively—as of Sept. 6, 1968. This back-dating of the action, Fitzgerald said, prevented him from challenging the revocation.

Defense Secretary Clark Clifford on Nov. 27, 1968, wrote Proxmire a letter which Fitzgerald said misrepresented his stand on previous Air Force testimony about procurement problems.

The Air Force drafted a memo outlining the various ways Fitzgerald could be fired.

Air Force Secretary Robert C. Seamans Jr. claimed before the House Armed Services Committee in May, 1969, that Fitzgerald had passed confidential documents to Congress—a charge Seamans later retracted.

Brig. Gen. Joseph Cappucci, director of the Air Force Office of Special Investigation, conducted an investigation of Fitzgerald. Anonymous and unproved accusations put in the Fitzgerald file included: seeming conflict of interest by trying to help his old company; suspicious conduct, such as working late at the Pentagon; pinch-penny habits, such as driving a Rambler automobile.

The Air Force relieved Fitzgerald of his duties overseeing contractors and their work—relegating him to less consequential matters, such as the financial state of some bowling alleys in Vietnam.

Fitzgerald and his family withstood all the pressure. He stuck to his desk at the Pentagon, waiting to see how the bureaucracy would try to get rid of him. The answer came on Nov. 4 in a form letter: "This constitutes the required 60 days advance notice," it said, "of proposed separation by reduction-in-force due to the abolishment of your position necessitated by a reorganization under the current Air Force retrenchment program . . . You will be retained in an active duty status through 5 January 1970 . . "

The form firing also contained this sentence: "If you believe that this proposed action violates your rights under Civil Service regulations, you may submit a written appeal to the Appeals Examining Office, Office of the Executive Director, U.S. Civil Service Commission . . ."

Fitzgerald, with the help of Washington lawyers John Bodner Jr. and William L. Sollee, assigned to him by the American Civil Liberties Union, appealed his firing on Jan. 20, 1970. The appeal asserted that Fitzgerald was fired "solely" because of his C-5A testimony and that "the importance of a resolution of this matter in favor of Mr. Fitzgerald in encouraging government employees to testify openly and freely about defense costs and policies cannot be overestimated . . ."

The letter requested his job back; removal of "untruthful material" from his record; cessation of government harassment. The Civil Service Commission did not get around to hearing Fitzgerald's case until May 4, 1971—raising the question of what a discharged employee without independent income or other job is supposed to live on during such a 15-month wait. Happily for his family, Fitzgerald's specialized background attracted enough non-defense clients—some in the area of business administration, a congressional committee, business management groups—to keep his income up to his old level after he was fired for about a year, but it has gone down since.

At the May 4 Civil Service hearing, Fitzgerald asked the examiner to hear his case in public so he could clear his name. The request was unprecedented for a case like Fitzgerald's. The examiner refused. The hearing went on in closed session May 4 and 5. Before its scheduled reopening date of June 16, Fitzgerald resorted to the court in hopes of forcing the Civil Service Commission to hear his case in public.

"It is well recognized that individuals cannot be deprived of their livelihood by the Federal government without due process," read the Fitzgerald brief to the U.S. District Court. "It is a basic tenet of our legal system that procedural due process requires a full and open hearing when a hearing is called for, as it is in this case."

Civil Service Commission Chairman Robert E. Hampton rebutted in a letter made part of the court record: " . . . until and unless this long established regulatory policy is changed, there is no basis for an open hearing even though an appellant may request it . . . Our long experience in the conduct of hearings has heretofore warranted the judgment that we operate best in the search for truth when hearings are freed as much as possible from complicated or rigid procedural rules and distractive formal trappings . . . The obstacle to an opening hearing . . . is a long-established regulatory policy and practice of the commission . . ."

In what looked like a victory for Fitzgerald, District Judge William B. Bryant on June 25, 1971, ruled that the only justification for the commission to hold a closed hearing on such an appeal was if the dis-

missed employee wanted it that way. "The important advantages of a public hearing in judicial and quasijudicial proceedings have been thoroughly recognized," said Bryant, "to the extent of being taken for granted as an ingredient of due process . . ."

Bryant's ruling failed to budge the Civil Service. It held no more hearings at all on Fitzgerald—open or closed. At this writing Fitzgerald is waiting for a ruling by the U.S. Court of Appeals on his plea to order open hearings. The Air Force witnesses his lawyers want to call may well have left government by the time the Appeals Court acts. And his lawyers cannot subpoena witnesses to a U.S. Civil Service Commission hearing.

But someday—maybe even from the Supreme Court—the word will come down on whether an employee fired by the government has the right to face his accusers in an open hearing of the Civil Service Commission. This makes the case a landmark for the 2.5 million employees covered by the Civil Service.

Fitzgerald's critics in the Pentagon charge that he is a publicity hound who just wants to make a circus out of the Civil Service proceeding; that while in the Air Force he had no ideas when asked for reforming procedures to correct the C–5A mess and other ones like it; that he helped Proxmire instead of his own boss, Air Force Secretary Seaman's on the C–5A issue and thus should have been kicked off the team for lack of loyalty.

Richard F. Kaufman, who is the economist on the joint Economic Committee, which has employed Fitzgerald as a consultant after he was fired by the Air Force, said such criticism is way off the mark.

"In the Northeast," said Kaufman, "we associate clipped tones with toughness. So in that way Ernie's warm drawl and charm are deceptive. Once you work with him, you find someone who is tenacious, knowledgeable, extremely bright.

"But that's only part of the explanation for the way Ernie works—the way he hangs in there. He is one of the very few people in a business full of tension who has sense of responsibility to society, not just to himself. He has an appreciation of moral and ethical values—old-fashioned Americanism."

Qualities which seem reflected in Fitzgerald's attitude today toward the Pentagon. If, after all his personal wars, he is awarded his old Air Force job, one wonders if he would actually take it, or if instead the symbol and meaning of his victory are his goals.

"Sure I'll go back to the Pentagon. I've got unfinished work to do there."

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. PERCY. 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 VALUE-ADDED TAX

Mr. PERCY. Mr. President, the Joint Economic Committee has just completed the first series of hearings on a very important subject, the value-added tax. I am very pleased that the distinguished chairman of the Joint Economic Committee, the Senator from Wisconsin (Mr. PROXMIRE), is on the floor this morning.

My own interest in this subject goes back many years. I realize that we are going to have to develop some tax reform ideas. We have certain taxes which are very onerous, and which are discriminatory and unfair in their application. Certainly today the discussion of tax reform is dominating the political campaign in the State of Wisconsin.

In 1970, while in Europe on NATO matters, I visited the U.S. Embassy in Paris and had a talk there with the Counselor for Economic Affairs. I told him that inasmuch as France has had a value-added tax for a number of years, I thought the French experience would be useful to us in making decisions on the value-added tax. In view of the fact that this involves an exceedingly complex subject and the French regulations themselves on the tax are contained in two loose leaf volumes containing several hundred pages, my ability to digest all of this material, particularly in French, had its limitations. I asked if the Embassy could not summarize the French experience with the value-added tax so that I might more easily understand it and so that I could pass it on to the Members of the Senate.

The Embassy has put together a summary of the tax and has compressed its basics into a few pages rather than several hundred pages.

As I offer this summary to my colleagues for their understanding, I wish them happy hunting in seeking an understanding of what is in substance a simple tax.

As we go through the summary, I think that we can see it as an exceedingly complex tax. Many problems arise in connection with the tax. Collection is not simple. When it comes to small manufacturers and farmers or different types of products, the tax cannot be applied uniformly on all types of products. There are different rates and gradations depending on the type of product.

In France, the rates on what they consider to be luxury items run as high as 33⅓ percent. On other items they range somewhat lower. However, I feel it would be very instructive for us to study the tax as it applies to France and to recognize that, stiff as the rates are, running up to 33⅓ percent, the tax still provides less than half of the gross revenue required to run the central government.

It is quite appropriate also that the Senator from Michigan (Mr. GRIFFIN) is also on the floor. The State of Michigan, as I understand it, is the only State that ever tried to apply the principle of a value-added tax within the confines of the State borders. I understand from a distinguished Governor of Michigan, Governor Milliken, the State rather quickly abandoned the experiment and no other State followed in its footsteps.

I ask unanimous consent to have printed in the RECORD, in addition to the summary of the value-added tax I received from the U.S. Embassy in France, an article entitled "The Value-Added Tax," published in the March 1970 issue of Finance and Development, written by Bjorn Matthiasson, an economist of the International Monetary Fund. This article has been provided to me by the Minister of Economic Affairs at our Embassy in Paris which covers the subject from a broader viewpoint than France allows and discusses in more detail than is undertaken in the summary, the major implications of the value-added tax.

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

THE FRENCH TAX ON VALUE ADDED

1. The French tax on value added is a general tax on sales of goods and services. It is collected, in a series of fractional payments, throughout the entire production and distribution cycle from the earliest stage of production up to and including the retail level. Each taxpayer making a taxable sale is liable for tax not on the full sales price of his product or service, but only on the portion of the price that represents the value added by him. "Value added" is the difference between a firm's receipts and its expenditures in buying goods and services from other firms, and thus is equal, generally speaking, to the total amount of wages, salaries, rent, interest and similar outlays, plus the amount of profits earned.

CREDIT MECHANISM

2. The heart of the value-added tax system is a tax credit mechanism. Each taxpayer invoices his customers for the full amount of the tax, calculated on the sales price at the applicable rate for the product or the service rendered. To ensure that he is taxed only on the value he adds, however, the law permits the taxpayer to credit, against the tax due at the applicable rate on his taxable sales, the amount of tax he paid on his purchases. Each taxpayer thus pays tax to the French Treasury only on the difference, representing the tax on the value he has added to the product or to the service rendered. Whatever the economic circuits of production and distribution, the total tax burden on a product or service does not exceed the tax at the applicable rate on the price to the final buyer (price for this purpose including the amount of the tax itself). Advocates of the value-added tax regard this feature as an important advantage compared to the "cascade" system of turnover taxes that has been utilized elsewhere in Europe, and that results in taxes being levied on taxes paid at previous stages in the production and distribution cycle of a product or service.

3. The right to credit tax on purchases applies both (a) to tax on purchases of materials and components physically incorporated into the final product, or consumed in its manufacture or in the rendering of the service (the "physical credit"), and (b) to tax on capital expenditures (purchase of industrial or commercial buildings and machinery and equipment) and many overhead expenses (the "financial credit"). There are, however, some limitations on the scope of the tax credit. Until recently, no credit was granted for the value-added tax on petroleum products. Now a credit may be taken for the tax on petroleum products used as a raw material or as fuel in such industries as steel-making or in the production of electricity however, gasoline, fuel oil for space heating, and lubricants continue to be excluded. In the case of the "financial credit," acquisitions of passenger vehicles and furniture, for example, and the purchase of items of substantial value (e.g., transistor radios) for gifts to customers or star salesmen do not give rise to a right to a tax credit.

4. The taxpayer declares his total taxable sales and his credits and pays his tax monthly. Unused credits in any given month may be carried forward for application against tax liabilities in future months. However, unused credits may not be applied retroactively to liabilities for prior months that have already been settled. Nor—except

for exports (see below) and a few minor instances involving domestic transactions—is the taxpayer entitled to a cash refund from the French Treasury for any unused credits.

RATES

5. Since the tax on value added is not cumulative, and since it strikes not the full sales price in each transaction but only a fraction of that price (the value added by the taxpayer), the rate must be high if the yield is to be substantial. This consideration has, in turn, given rise to the fixing of four different rates, in order to reduce the burden of the tax on commodities and services that are regarded as necessities of life and, on the other hand, to impose a kind of surtax on a limited list of "luxury" products. While certain products—such as bread and milk—were formerly exempt from tax, this was done away with in 1968, when the tax on value added was extended to the retail sector. The reason was that a producer of a tax-exempt product has no way to realize the tax credits available to him, with the result that his costs of production and his capital expenditures are simply inflated by the value-added tax on his purchases.

6. Effective January 1, 1970, the rates are applied to the sales price, before tax, of the product or the service rendered (previously the law specified the rates in terms of the sales price, taxes included. For example, the normal rate was set at 19 percent, which meant an effective rate of 23.456 percent on the price before tax). The current rates are as follows:

(a) Normal rate of 23 percent, which applies in all cases where there is no specific provision for another rate.

(b) Reduced rate of 7.5 percent, which applies to all food products, except those specifically listed as being subject to the intermediate rate (see subparagraph (c) below); unprocessed agricultural and fishery products, including meat; water; books; and non-luxury hotel accommodations.

(c) Intermediate rate of 17.6 percent, which applies to coal; wood; petroleum products; transport of persons; hospital care; laundry and dry cleaning; moving; restaurant and hotel accommodations not subject to the 7.5 percent rate; and specifically designated food products, such as beverages, coffee, tea, chicory, flour other than that used in making bread, pastry and other quality baked goods, candy, ice cream, sherbet, margarine and vegetable shortening. Construction of buildings is subject to the 17.6 percent rate, when the construction is for the account of the central government or political subdivisions, or when at least three-fourths of the total floor space is intended for living quarters; in all other cases the normal rate of 23 percent applies.

(d) Increased rate of 33⅓ percent on a short list of specified luxury products, including passenger automobiles.

TAXABLE AND EXEMPT PERSONS

7. In general, the value-added tax applies to the business transactions in France (affaires faites en France) of persons, natural or juridical, who buy for resale or who engage in transactions relating to an industrial or a commercial activity. Agricultural producers are taxable when they engage in activities which, by reason of their nature or their scope, are assimilated to those exercised by manufacturers or tradesmen. Persons exercising a liberal profession are taxable when their remuneration constitutes an important element in the cost of products or services subject to the tax on value added.

8. The law imposes a special tax on financial and banking activities, and banks and financial institutions are thus removed from the scope of the tax on value added. The base of the special tax is fairly narrow; for example, operations of mutual credit associations, banking operations relating to the financing of exports, and all interest and agios are exempted. In essence, the special tax applies only to purchases, sales and subscriptions of securities, safekeeping fees, foreign exchange operations, rental of safety deposit boxes, transactions in gold, and commissions on transfers and for the management of accounts—in other words, banking services in the narrow sense of the term. Taxpayers subject to the value-added tax on their own receipts are not entitled to a credit for any amounts of the special tax on financial activities charged to them by their banks.

9. Persons other than those specified in the two preceding paragraphs may opt to be subject to the value-added tax under conditions specified in the tax regulations. These persons include landlords of industrial or commercial premises, and farmers and persons exercising a liberal profession who are not mandatorily subject to the tax. The advantage to such persons in electing to put their business transactions under the tax on value added is that they can realize a credit for the value-added taxes included in their purchases of goods and services from other persons and firms subject to the tax. In particular, this enables them, in effect, to make capital outlays free of the tax on value added.

10. On the other hand, taxpayers who are fully subject to the tax are required to keep fairly detailed business records and thus to have a fairly sophisticated system of business accounting. Many small businesses—particularly, single-proprietorship retail outlets—and many small farmers are unable or unwilling to meet these requirements. To accommodate them, the tax system provides for a number of special possibilities:

(a) Business enterprises whose annual turnover does not exceed 500,000 francs for wholesalers and retailers and 125,000 francs for furnishers of services may elect to be taxed on an estimated basis (*forfait*), rather than on their actual volume of business. The amount of tax is, in effect, negotiated between the taxpayer and the Tax Administration, and the agreement is binding on both parties for a two-year period. If the annual amount of estimated tax is less than 1,200 francs, no tax is due. Above 1,200 francs and up to 4,800 francs, the taxpayer is entitled to a reduction in tax on a descending scale. Even more generous arrangements are available to handicraft enterprises for which remuneration of labor represents more than 35 percent of total turnover. Taxpayers subject to the estimated system continue to be entitled to a credit for the value-added tax on their investment expenditures, with the amount of credit being determined through estimation.

(b) The regulations contain a number of simplifications as regards the rules for taxation of small farmers. In addition, a number of special options are available to farmers:

(1) Individual proprietors are exempted from tax when their annual volume of business does not exceed 10,000 francs. Between 10,000 and 13,500 francs, they are entitled to a 60 percent reduction of their tax liability; between 13,500 and 17,000 francs, to a 30 percent reduction.

(2) Only farmers subject to the value-added tax have the right to take a credit for the tax on their purchases of equipment goods and other products. In order not to provide too great a discrimination against farmers not subject to the tax on value added, the law provides for an estimated refund to such persons, based on their sales of agricultural products either to persons subject to the tax on value added or for export. The rate of the refund is 3 percent for sales of poultry, eggs and meat; 4 percent for certain of these products marketed through producer cooperatives; and 2 percent for all other products.

(3) As an alternative to the estimated refund (subparagraph (2) above), farmers not subject to the tax on value added may obtain a rebate of 8.87 percent on purchases of agricultural equipment. This facility, which has been in effect since the introduction of the tax on value added in 1954, is a survival from the time when most farming activities were outside the scope of that tax. It is scheduled to expire at the end of 1971.

11. Newspapers, periodicals and press agencies are exempted from the tax on value added on their sales and are entitled, under appropriate safeguards, to receive from their suppliers free of tax the raw materials utilized in the production of their publications—e.g., newsprint, ink and solvents, electricity utilized to run presses, photographic prints, etc. Receipts from advertising, of course, remain subject to the tax on value added.

12. The law allows relatively few exemptions from the tax based on the status of the final purchaser—that is, a person who is not himself a taxpayer. In contrast to the situation as regards the U.S. Federal excise taxes, neither the French Government nor its political subdivisions enjoy exemption from the value-added tax with respect to their purchases of goods and services. There are a few such purchaser exemptions, however. For example, the tax is waived on transactions relating to the erection of monuments to the war dead; the American Battle Monuments enjoys this exemption with respect to the monuments which it erects in France. Likewise, expenditures made in France by the U.S. Forces in the interests of the common defense are exempted from the value-added tax by the Franco-American Tax Relief Agreement of June 13, 1952.

INTERNATIONAL ASPECTS

13. In its application of the tax on value added, France follows the "destination principle." The tax applies only to transactions carried out in France. A transaction is deemed to have been carried out in France if delivery is made in France. Thus, France, as the country of origin of an exported product, does not apply its value-added tax to a product whose destination is another country. On the other hand, it applies the tax to products imported into France (the country of destination), whatever the tax treatment of the products in the country of origin.

14. The importation into France of any product subject to the value-added tax on the domestic market is a taxable transaction. The tax is calculated on the value of the import, as defined by the French Customs Code (generally the landed cost), increased by applicable customs duties and entry fees. A taxpayer subject to the value-added tax may credit, against the tax due from him with respect to his sales, the value-added tax levied on his purchases of imported products.

15. French exports are exempt from the tax on value added. The exemption relates not just to the tax that would otherwise have been due on the value added to the product by the exporter himself, but to the full amount of tax that would have been invoiced at the applicable customer. To give effect to the exemption, the exporter excludes all export transactions from his taxable sales, the effect being to exempt from tax the value he himself added to the exported product. At the same time, he may claim a credit for value-added taxes on his purchases of materials and components incorporated into the exported product, or consumed in its manufacture, as well as capital equipment used in export production. This credit provides the basis for relieving the export from taxes on the value added to the product at previous stages. In the ordinary case, where the volume of domestic sales exceeds the volume of export sales, the exporting firm realizes its export credits by offsetting them against its liability for tax due on its domestic sales. In the case where a firm is engaged wholly, or primarily, in production for export, and where the tax on its purchases, for which it is entitled to credit, exceeds the tax due with respect to its

domestic sales, the law specifically provides that the exporter may receive a cash refund for the excess tax credits attaching to exported products. Moreover, to avoid the administrative complexities and financial burdens that this system of payments and refunds might entail, an exporter may acquire, tax free, materials for export production that would otherwise be subject to tax.

16. In the case of services, the value-added tax is due when the service is utilized or enjoyed in France. Conversely, services rendered in France, but utilized or enjoyed outside of France, are exempted from the tax. Thus, for example, a French engineering firm which makes a survey in connection with a French bid on a hydro-electric project outside of France is not liable for the value-added tax on the transaction.

SOME ECONOMIC ASPECTS

17. The tax on value added is far and away the best revenue producer among all French taxes. As shown in the attached table, it accounts for about 45 percent of the total tax revenues of the central government.[1] In this regard, it brings in more than all direct taxes taken together, which yield only about one-third of central government tax revenues. Heavy reliance on indirect taxes is deeply imbedded in French traditions of taxation, and the value-added tax is the culmination of an evolution that began with the imposition of a turnover tax in 1920.

18. In economic terms, the major innovation of the tax on value added was the decision to relieve from taxation, through the mechanism of the "financial credit" (see paragraph 3 above), expenditures on plant and equipment by business firms whose sales were themselves subject to tax. As compared with its immediate predecessor, the production tax (which utilized a credit mechanism for taxes on purchases of raw materials and components but gave no credit for tax on capital expenditures), the tax on value added thus provided a considerable tax break for business investments. While it would be difficult to establish a precise cause-and-effect relationship, there is a widespread belief in France that the introduction of the value-added tax in the mid-1950's was one of the factors responsible for raising the level of gross capital formation in that period.[2]

19. If the value-added tax tends to favor investment, conversely, it bears heavily on consumption. In this connection, the use of four different rates, as mentioned above, is an attempt to mitigate somewhat the regressive character of the tax. Nevertheless, the French rates are considerably above those in Germany and the Netherlands—the other two Common Market countries that have so far put into effect a value-added tax in accordance with the decision of the European Community to apply this tax throughout the Community. It is clear that the French rates will have to come down in the process of European tax harmonization. Indeed, the French Finance Minister has publicly expressed himself on the desirability of lower French rates. A first step in that direction was taken at the beginning of 1970, when the tax on many food products was cut from the intermediate rate of 17.60 percent to the reduced rate of 7.50 percent.

20. As already discussed, the value-added tax mechanism provides for complete relief from tax for French exports and, conversely, for the imposition of tax on imports. These features—particularly the export exemption and the precise and automatic way in which the amount of tax to be relieved is determined—are often cited as important advantages of the value-added tax over other form of turnover taxation. The effects of the value-added tax on trade have been a matter of considerable international discussion in recent years. While differences of opinion exist on numerous aspects of this complex question, it is believed in many quarters that the change-over to a value-added tax, or important modifications in an existing system, can have significant trade effects. An illustration of the latter point is the move made by France at the close of 1968 to increase the rates of the tax on value added, while abolishing a tax on wages borne by the employer but not rebated in the case of exports.[3] The announced purpose of this change, which followed the decision of the French Government in November 1968 to defend the then-existing parity of the franc, was to provide an additional stimulus for exports and a corresponding deterrent to imports.

FOOTNOTES

[1] The central government in turn collects more than 80 percent of all taxes levied in France, excluding employed and employee contributions to the Social Security System, whose accounts are separate from those of the central government.

[2] Undoubtedly another factor was the stimulus of the Algerian war effort on the French economy.

[3] This wage tax was levied for the account of the central government general fund, and should not be confused with the employer social security contributions.

TAX REVENUES OF FRENCH CENTRAL GOVERNMENT

	Billions of francs		Percent	
	1968	1969	1968	[1] 1969
Direct taxes:				
Personal income tax	24.1	20.6	21.0	19.6
Corporation taxes	11.0	10.4	9.6	9.9
Other	3.7	2.5	3.2	2.4
Total direct taxes	38.8	33.5	33.8	31.9
Indirect taxes:				
Tax on value added [2]	51.2	49.7	44.5	47.1
Other	25.0	22.1	21.7	21.0
Total indirect taxes	76.2	71.8	66.2	68.1
Total	115.0	105.3	100.0	100.0

[1] 1st 9 months only.
[2] Including the special tax on financial and banking activities.

Source: French Finance Ministry, Statistiques et Etudes Financieres.

[From Finance and Development, March 1970]

WHAT DOES IT REALLY MEAN?—THE VALUE-ADDED TAX

(By Björn Matthíasson)

A number of countries have in recent years adopted a new tax called the value-added tax. Its spread has been very rapid; only ten years ago there was but one country, France, that used it. Then, with the inception of the Common Market, it was decided to align some of the taxes levied in the member countries. This decision involved the initiation of value-added taxes in the member countries, which in turn has inspired a number of other European countries to follow suit in their efforts to associate themselves later on with the European Economic Community. At present there are nine countries in Europe (see timetable) that have either put the value-added tax into operation or passed legislation for its introduction in the near future.[1] A number of other European countries, including the United Kingdom, have also given the value-added tax serious consideration, and it may be expected that in a decade it will be a predominant instrument of taxation in Europe.

STRUCTURE AND COVERAGE

The value-added tax is a sales tax levied in the value added to a product or service each time it changes hands. To illustrate this, the chart shows how a value-added tax is imposed on a steel product as it progresses from iron ore in the mine to the final transaction when an article incorporating it is handed to the consumer over the counter. The tax rate is in this instance 10 per cent of the price as it was before the tax is levied.

TIMETABLE OF VALUE-ADDED TAX ADOPTION AND BASIC RATE (PERCENT)[1]

Country	Year	Rate
France	1955	[2] 23
Denmark	1967	12.50
Germany, Federal Republic of	1968	11
Sweden	1969	11.11
Netherlands	1969	12
Belgium	1971	20
Luxembourg	1970	8
Italy	[3] 1972	
Norway	[4] 1970	20

[1] Based on price excluding tax.
[2] As of Jan. 1, 1970.
[3] Tentative date of adoption.
[4] Legislative adoption in process

The *mining company* brings the iron ore out of the ground and sells it to the steel mill for $50. For simplicity's sake we shall assume that the mine got the iron ore for nothing and paid nothing for its capital equipment and intermediate goods. The "value added" of the ore at the time of sale to the steel mill would thus be all of the $50 and the steel mill would pay $5 to the mining company in value-added tax, which the mining company would in turn remit to the Treasury. The *steel mill* then processes the ore in its blast furnaces and rolls it into sheets, selling it for $150 to a manufacturer. The manufacturer pays the steel mill $15 in value-added tax. But the mill passes on only $10 to the Treasury. The other $5 received from the manufacturer compensates the steel mill for the tax that it paid on the iron ore. The *manufacturer* shapes the steel into an appliance and sells it for $300 to the retailer, collecting $30 in value-added tax. Of this amount $15 goes to the Treasury, the other $15 is a compensation for the tax paid by the manufacturer to the steel mill. The *retailer* sells the appliance to the consumer for $500 and the consumer pays the retailer $50 in value-added tax, $20 of which the retailer remits to the Treasury, the other $30 being a compensation for the tax he paid to the manufacturer.

From this oversimplified description we see that each link in the production distribution process acts as a tax collector for the Treasury and the tax paid at each juncture is passed on next time the product changes hands, until the final product lands in the hands of the consumer who in the end bears the whole tax. It is thus conceived not as a tax on the producer, but rather as a tax on the product, borne by the consumer. We can also see that the proceeds collected by the Treasury come to exactly $50, or 10 per cent of the final net price.

This illustration presents a simple hypothetical outline of the tax. In practice the matter is of course more complicated. In our illustration the mining company got its ore for nothing and hence its sales price for the ore was all value added. In reality we would have to drop this assumption. The company's value-added tax liability is in fact the difference between the value-added tax collected and the value-added tax paid out to others by the company. Thus, if it collected $100,000 in value-added tax on its sales in one tax period and paid $40,000 in tax on its mining equipment and mining rights to others, its tax liability for that period would be $60,000.

The value-added tax is levied on almost all goods and services in domestic trade. Exemptions from the tax are usually few, but vary between countries. Banking and insurance, postal services, medical services, newspapers,

Footnotes at end of article.

and services and goods used exclusively by the government are most frequently exempted. Sometimes a good or service is subjected to a special excise tax and at the same time exempted from the value-added tax. In France, for instance, entertainment in theaters, cinemas, etc., is subject to an entertainment tax, but is exempted from the value-added tax.

Exports are always exempted from the value-added tax. In theory the export firm pays the value-added tax on its taxable intermediate goods and services, but gets a refund from the tax authorities. France, the country with the longest experience in value-added taxation, has eliminated this procedure for the most part and allows exporters in practice to accept goods and services for export production or delivery tax free, with the supplier in turn not remitting value-added tax on such delivery to the Treasury. This avoids the system of collection of value-added tax on supplies to export producers with a later refund of the same tax proceeds to the exporter.

SOME MERITS OF THE TAX

All countries that have so far adopted the value-added tax have done so in place of a sales tax of some other kind. These have either been a multiple stage gross turnover tax (as in the Federal Republic of Germany) or single stage sales taxes at the manufacturer and/or wholesale level (Denmark) or at the retail level (Sweden).

The advantages of the value-added tax lie primarily in the fact that it eliminates some of the knotty problems of misallocation, double taxation, and unfair tax exemption that have undermined the success of other sales taxes. There are many sources of such troubles.

A manufacturer who buys machinery subject to sales tax and in turn has to pay for the machinery out of taxable sales revenue can do one of two things. If he has any measure of control over his own sales price (i.e., if he is not unduly restricted by competition from increasing his prices), he can shift a part of or the full price of the machinery, including the sales tax, onto his sales. The sales price of the final product thus has more than the share of sales tax included in its price than the tax percentage by itself would indicate. If he has no control over the final sales price the manufacturer must bear the sales tax, in addition to any income tax, out of his profits. He is thus placed in an inequitable position vis-a-vis any other manufacturer who can at least partly control his sales price. The same is true if a raw material or semi-finished product is make subject to sales tax.

Most systems of single-stage sales taxation have sought to eliminate this double taxation effect by exempting capital goods and goods into production. The difficulty in doing so is twofold: first, it is difficult to eliminate all taxation of capital and intermediate goods, especially for small manufacturers and craftsmen who may need such goods only in small quantities. Secondly, the broader the exempted range of capital and producer goods, the easier it is to have such goods bypass the production process altogether and let them land tax free directly in the hands of the final consumer. Many such goods can alternatively be used as production inputs or as final consumer goods.

For multi-stage gross turnover taxes this problem of cumulation (often referred to as the cascade effect) simply has to be tolerated and few amends are made to correct its uneven impact on the final consumer. Such a turnover tax (at one time levied in Germany and still levied in Austria) is levied at a low rate and its impact on the final product price is often not even known.

The value-added tax gets away from these problems. It simply allows the value-added tax paid on all capital and intermediate products and services bought by the firm to be credited against the value-added tax collected on its sales. For example, if a company collected a value-added tax of $50,000 on its sales in a tax period, but bought at the same time equipment on which it paid a value-added tax of $10,000 in addition to its tax on normal inputs of $25,000, the company's tax liability would be $15,000. Thus, double taxation is eliminated.

The second advantage of the value-added tax is its neutrality toward transactions in goods and services and allocation of resources. Under the gross turnover tax system, as it existed in Germany before the value-added tax, there was a strong tendency to minimize the tax by integrating firms vertically—for example, a steel mill might amalgamate with a steel-using manufacturer. This reduced the number of times the product changed hands and thereby the number of opportunities the authorities had to levy the turnover tax. In Germany, one study estimated that for steel bars the cumulative tax burden in the nonintegrated production-distribution process was about twice as high as in a highly integrated system. To counteract these integrative tendencies, Germany resorted to devices creating an artificial transaction within a firm for tax purposes (to cancel the integration advantage) and it also let some transactions between affiliated companies forming a "community of interest" to go tax free so as not to give them incentive to merge.

The single-stage sales taxes have somewhat fewer drawbacks in this respect, but are nevertheless not neutral either. With a manufacturer/wholesale tax, as in the United Kingdom, difficulties arise in determining what the actual price to the retailer is, should the transaction between manufacturer or wholesaler on the one hand and retailer on the other be eliminated. Then a national wholesale price has to be arbitrarily determined, a matter of great complexity. The United Kingdom has had its sales tax system (called the Purchase Tax) under continous review over the years for this and other reasons, but the difficulties and inequities of the tax have not by any means disappeared. The tax has not, however, been so disadvantaged that the authorities would have wished to replace it with a retail sales tax.

FEWER COMPLICATIONS

The value-added tax gets away from most of these complications. As was seen in the example above of the travel of a product from the mine to the final consumer, the value-added tax stays always in proportion to the final sales price. The tax would not be any less if the number of stages that the product went through had been any fewer, unless such integration had led to greater efficiency, the benefits of which had been passed to the consumer in the form of lower prices. Nor do valuation problems for tax base purposes arise, as with a tax at the wholesale/manufacture level. The tax base of each company becomes simply the value added of that company in the tax period. The definition problems of value added are, of course, also somewhat complex when one gets right down to detail, but they are not nearly as vexing as definition problems with other sales taxs.

The third main advantage has to do with tax enforcement. For single-stage sales taxation the incentive to evade taxes is considerable, particularly if the rate is high. This is especially true of a high retail sales tax. There the problem of tax administration is compounded by the number of taxpayers being much larger than if the tax had been levied at the wholesale level or manufacturing level and by the fact that retail bookkeeping is often poor. The value-added tax has a built-in advantage in this respect. It automatically provides opportunities for cross-checking because each taxpayer is legally liable for the full amount of the tax and can reduce that tax liability only by providing that tax has been paid on his purchases.

The burden of proof is here placed on the taxpayer, which automatically makes it his interest to maintain records of his purchases and thereby of someone else's sales. It is thus much harder for the seller to let some sales go unreported, knowing that some purchaser will as a matter of course submit records of these to the tax authorities. Only at the retail stage does some danger of evasion exist. It is in any event less than the single-stage retail taxation (given equal tax rates) since only a fraction of the total tax proceeds on a product pass through the hands of a retailer under the value-added tax, whereas in the case of a retail sales tax he handles all of the tax proceeds alone and none is levied at other stages. It is also viewed as an advantage against evasion that the tax is collected in fractions at the different stages of production and distribution (often referred to as the fractional payments system) and thus there is less of a temptation to evade it. French business reported to the British Richardson Committee that somehow the value-added tax seemed less onerous than a one-stage tax. "A tax of 10 units on one's product is felt to be less burdensome, if one pays 8 units with one's left hand to one's supplier as an addition to his price, leaving only 2 units of tax to be paid with one's right hand to the government."[2]

SOME DISADVANTAGES

While these advantages are appealing and persuasive, the value-added tax is not without disadvantages. For the individual firm, particularly for small firms with limited bookkeeping, it is often complex. In a country that switches from a single-stage sales tax to the value-added tax, the number of taxpayers proliferates, often tripling or quadrupling. This makes the administration of the tax both expensive and cumbersome. In fact, the British Government commission investigating the value-added tax cited administrative expense as one of the main reasons why it thought it inadvisable to adopt a value-added tax in place of the purchase tax at the wholesale or manufacturing level.[3] German and French concern over administrative expense was less, since both countries already had an extensive tax administration machinery in existence at the time of the adoption of the value-added tax. Denmark and Sweden, however, had both only single-stage sales taxes prior to the value-added tax and neither viewed the increase in administrative expense as a particular problem.

Another special characteristic of the value-added tax is that it does not lend itself easily to exemptions of individual products or services. It functions best when all goods and services in domestic trade are subject to it. Under the single-stage sales tax, the division of a taxable firm's sales into tax-free and taxable sales was simplified because it could be done at one stage in the production-distribution process. Under the value-added system it would have to be done in perhaps twice as many places. Also, since the calculation of the value-added tax involves the deduction of previously paid tax against total tax liability the calculation of the tax is further complicated by the necessity of disallowing some of the previously paid tax as a counterpart of the tax-free sale. Therefore, the value-added tax is generally broader and has fewer exemptions than previous sales or turnover taxes.

While this inflexibility of the value-added tax is viewed as a drawback, it should not be forgotten that it is a blessing (perhaps in disguise) for lawmakers. It gives them a convenient excuse to resist pressure from special interest groups seeking exemptions of

Footnotes at end of article.

particular products and services for reasons that are less than sound. On the other hand, the impact of the value-added tax on such things as previously exempt food products (e.g., in Denmark) has led to a sharp price increase in basic necessities that cut into the living standard of lower income groups. This cut has in some cases been compensated for by increasing social security allowances and similar benefits. Finally, the value-added tax, like other sales taxes, is regressive but has at least the advantage over other sales taxes that its burden is proportional to taxable consumption.

OTHER ISSUES

There are a number of important side effects stemming from the imposition of the value-added tax that also carry both advantages. The issue that gets mentioned most in the newspapers nowadays is the so-called border tax controversy between countries in the European Economic Community already levying a value-added tax and countries outside, principally the United States. This issue arises because the United States has a relatively low load of indirect taxes and uses direct taxes as the main source of government revenue. Indirect taxes are generally refunded on exports in all countries,[4] but direct taxes are not. This relief from indirect taxes in the United States on exports is therefore a relatively smaller proportion of total taxes than in Europe with its heavy indirect taxes. Before the value-added tax, e.g., in Germany, the refund of indirect taxes was complicated by the fact that the actual tax load on the final export product was difficult to calculate due to the complexity of the gross turnover tax system. The refund was therefore probably lower than the actual tax load.

This changed when the value-added came along. With it the tax burden on an export product because quite explicit at the stage before the export was refunded in full. The amount of total export refunds rose thereby and the countries with no value-added tax claimed that this was a devaluation in disguise. For example, at the time that Germany imposed a value-added tax it was estimated that the devaluation implicit for merchandise trade was between 1 per cent and 3 per cent.

A second major impact of the value-added tax is associated with investment. As was said above, the payer of the value-added tax figures his tax liability by calculating the gross tax on his sales and subtracting the tax already paid on his intermediate products and capital goods. The significance of this method of taxation is that the value-added tax is primarily a tax on consumer purchases including housing, but production capital is in effect exempted from the tax through the right to deduct the value-added tax paid on it.

The consequences of changing to a value-added tax will largely depend on what tax the value-added tax is replacing. If it is replacing a retail sales tax with identical coverage and full exemption of production capital and intermediate goods, then theoretically there will be no change. In practice, however, this is not so. In all instances, so far, the value-added tax has replaced tax systems that in one measure or another taxed investments.[5] The profoundness of this change rests therefore to a considerable degree upon the way in which investments were handled under sales taxes prior to the imposition of the value-added tax.

But the structural investment problem is not the only one. A substantial transitional problems can also arise as a country goes over to a value-added tax, because investors are apt to postpone their investments if they anticipate that under the value-added tax they will escape the sales taxes previously levied on their investments. Germany, Belgium, the Netherlands, and Sweden all made arrangements to ease the transitional effects. Germany levied a special nonrefundable tax on investments that decreases gradually from 8 per cent in 1968 to 2 per cent in 1972, disappearing altogether at the end of that year. This tax is separate from the value-added tax under which the tax on investments is immediately creditable toward tax received on sales. In Belgium and the Netherlands, the credit of value-added tax paid on investments is limited to a certain percentage of actual tax paid, the percentage increasing as time goes on.

DOES IT HELP GROWTH AND THE EXTERNAL BALANCE?

In the last analysis it is of profound importance what effect the value-added tax has on economic growth. It is a far-reaching tax and is meant to be one of the mainstays of government revenue in all the countries that have adopted it. Thus, it is important that it should not hamper economic growth in any way through its effects on the price mechanism and the allocation of real resources. The simplicity of the tax may lead superficial observers to the conclusion that it must be conducive to growth and that there are no adverse economic effects to be feared from it. In the literature on value-added taxation this is quite widely disputed and arguments pro and con are presented in complex detail.

The argument that the substitution of a valued-added tax for a general sales tax of the types discussed above will stimulate growth are centered upon two main points: (1) that the exemption of exports, while imports are taxed, will benefit the balance of payments; (2) that the tax will stimulate growth through its exemption of productive investment and taxation of consumption.

The skeptics have raised a number of points about the value-added tax in criticism of these simple premises. An adverse impact of the value-added tax, they claim, can result from its effect on the price level. If its imposition raises wages by a substantial amount,[6] then it can unleash a wage/price spiral, particularly in countries with a weak income policy. The beneficial effect from the tax exemption on exports can thus quickly be canceled through higher wage costs placing export industries in a more difficult position than they were in before. Higher money incomes could at the same time accelerate the pace of imports, further weakening the balance of payments. The weakened balance of payments would thus necessitate a restriction in domestic demand for goods and services, thus dampening the growth rate.

In evaluating the second point, skeptics have tended to question whether investment is dependent on the level of taxation to such an extent that an exemption of productive investment from the value-added tax will materially stimulate it. Empirical studies have long found that investment was notoriously fickle in reacting to a change in interest rates and similar variables. Thus, it is by no means certain that investment would rise under the value-added tax, but if it should rise (and this is at least likely), one great limitation placed on the expansion of investment stems from the possible curtailment of consumption which can also be expected to result from the value-added tax. Such a curtailment could limit the need for new investment and thus place the economy in an overinvestment-underconsumption situation.

It seems from the foregoing that the benefit for growth and the external balance derived from adopting the value-added tax is subject to certain conditions falling in two broad categories: (1) that adoption of a value-added tax will not set off a wage/price spiral leading to adverse effects on the balance of payments, and (2) that a likely increase in investment at the expense of consumption will find outlet for its productive capacity.

CONCLUSION

The value-added tax is a unique taxation instrument in the sense that it leads to fewer misallocations of resources than most other taxes. Therefore, it deserves wide consideration among countries that are dependent on an efficient economic mechanism to achieve a satisfactory rate of growth. It has not been shown to be without qualifications or disadvantages, so that its benefit is subject to conditions, as shown above. In the opinion of this writer the adoption of the tax could materially benefit the tax structure in most industrialized countries. The administrative complexity of the tax may make it less wise to apply it in less developed countries where long experience in tax administration is not available.

Finally, it is to be hoped that the value-added tax could lead to further restructuring of taxes in a direction more conducive to growth, equity, and the allocation of resources.

FOOTNOTES

[1] Three other European countries—Finland, Greece, and Turkey—have a form of value-added tax that extends over only some of the stages of the production-distribution process. The production taxes in many French-speaking countries are similar.

[2] Chancellor of the Exchequer, *Report of the Committee on Turnover Taxation* (London, March 1964), p. 37.

[3] *Ibid.*, p. 8.

[4] Their imposition on exports is even prohibited in the United States by its Constitution.

[5] The only country that came close to exempting its production investment under the system prevailing prior to the value-added tax was Denmark.

[6] A value-added tax with an identical rate to a previous retail sales tax should not raise prices for goods previously covered, but the value-added tax is in effect always broader than prior sales taxes, especially in respect of services, and hence has tended to accentuate price increases.

Mr. PERCY. Mr. President, primarily I wish to commend the distinguished chairman of the Joint Economic Committee on the hearings that have been held.

Mr. President, I commend to my colleagues a careful study of the way in which testimony was taken. Here again it proves the value of having a joint committee of the House and the Senate. As we now undertake a study in depth of the principles of a new form of taxation it is well, with the time ahead of us, to take into account all of its implications before we are simply responding to a piece of legislation sent to us.

I commend the chairman of the committee for having undertaken this study in depth of a very important measure that is being proposed and discussed. In my judgment, it is not a simple tax and it does not have the advantages of progressive taxation as does the Federal income tax. If it were imposed on the American people it may provide many penalties for low-income people, which this Congress should be very concerned about after years of tax reform where we have tried to lighten the tax on low-income persons.

Mr. PROXMIRE. I thank the distinguished Senator from Illinois. The hearings we had in the Joint Economic Committee were held because there had been reports in the press that the administration intended to propose a value-added tax, and those reports were very con-

sistent and persistent. However, when the representatives of the administration came before the Joint Economic Committee they disavowed this and said they would not propose it this year. For this reason we thought it was a good idea to have hearings this year and our committee held hearings, not on the revenue aspect, but on the overall impact on the economy and society, what the value-added tax would do, and whether or not it would be appropriate.

We had some of the outstanding economists in the country testify. Although two of the economists who testified favored the value-added tax, the preponderant view was opposed to it.

To me one of the astounding revelations about the value-added tax was the conclusion that the value-added tax would not only increase prices, which all of us recognize—it is, after all, a sales tax—but also it would reduce employment, reduce economic growth, and probably not have a favorable effect on our exports, which is the principal reason, presumably, for putting it into effect.

It was pointed out that when the value added tax is considered in this country, we consider the European experience. What is overlooked is that it was put into effect there to replace a different tax, a cascaded sales tax, which was a very bad form of taxation. In this country it was proposed as a substitute for the property tax or as a substitute in part for the Federal income tax.

The arguments were most convincing that the property tax is not as bad as the value added tax would be.

I thank the Senator from Illinois. I did place in the RECORD at the time of the hearings several of the best papers on the value added tax, and I do hope that Senators who have a chance to do so will read those papers and consider them because I think they are of extraordinarily high order.

If next year Congress should adopt a value added tax—if whatever administration is in office should propose it— we should do so with our eyes open. It could have a profound effect on our society and I hope we recognize all the consequences.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

(The remarks Mr. JAVITS made at this point on the introduction of S. 3446 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

S. 3382—ORDER FOR STAR PRINT

Mr. JAVITS. Mr. President, in view of the fact that the sponsorship by the Senator from Rhode Island (Mr. PELL) of S. 3382, the gifted and talented children's bill was not shown in the print for some reason we cannot understand, although he was one of the original sponsors and so stated in the RECORD, I ask unanimous consent that a star print of the bill may be prepared to include his name.

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

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes.

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

EDITORIALS ON WAR POWERS ACT

Mr. COOPER. Mr. President, as the Senate debates the historic War Powers Act, I think it important to call the attention of all Senators to the large number of editorials that have been written in support of war powers legislation in general and S. 2956 in particular. In view of the significance of this legislation and of the intelligent comment given to it by major newspapers and magazines throughout the Nation, I ask unanimous consent to have these editorials printed in the RECORD.

Wall Street Journal, "No Short-Cut to Power," April 3, 1972;

The New York Times, "President's War Powers," March 31, 1972;

Commonweal, "War Power," March 31, 1972;

The New York Times, "The Balance in the War Powers Bill," February 14, 1972;

The Albany Times Union, "Javits Bill on War Powers Is Sound," February 10, 1972;

Newsday, "In Favor of Javits-Eagleton," December 29, 1971;

The New York Times, "Toward Bipartisanship Abroad," December 14, 1971;

Newsday, "Congress Awakes," December 10, 1971;

The New York Times, "Executive Omnipotence," July 29, 1971;

The New York Times, "The Conversion of HUGH SCOTT," July 29, 1971;

Life magazine, "The President's War Powers," June 11, 1971;

The Plain Dealer, "Restore Congress' War Power," May 16, 1971;

The Buffalo Evening News, "Clarifying the War Power," May 13, 1971;

The Dallas Morning News, "The War Decision," May 11, 1971;

The New York Daily News, "Capitol Stuff," March 28, 1971;

The Los Angeles Times, "Javits Bill Would Seek To Balance War Powers of President, Congress," February 21, 1971;

The Denver Post, "A 'Brake' on War Involvement," February 17, 1971;

The Dallas Morning News, "Best of Both," July 12, 1970; and

The Wichita Eagle, "Javits Bill Would Return Warmaking Power to Congress," June 18, 1970.

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

[From the Wall Street Journal, Apr. 3, 1972]

NO SHORTCUT TO POWER

The war powers legislation now before the U.S. Senate is described by its author, New York's Jacob Javits, as "one of the most important pieces of legislation in the national security field that has come before the Senate in this century." It may be, since it purports to do that which the Founding Fathers were reluctant to attempt: the fairly precise delineation of the President's war-making powers.

The bill, fashioned with backward glances at the origins of the Vietnam experience, permits the President to deploy the armed forces in specified kinds of emergencies for up to 30 days. To continue thereafter, he must have sought and received a congressional mandate to proceed or he would be forced to desist, his authority having expired.

The measure has generated surprisingly little controversy. While the administration opposes it as being "unconstitutional and unwise," it has not been noticeably vigorous in lobbying against it. And with only scattered opposition, it's expected to pass easily in the Senate. Perhaps because detente, not war is on the mind, and the Javits exercise now seems more philosophical than real.

More specifically, the bill does seem to redress a grievance that has become widely acknowledged, that in recent decades Congress has allowed the Executive Branch to arrogate unto itself a disproportionate share of decision-making power in foreign policy. Thus, the Javits bill has the blessing of Sen. John Stennis of the Senate Armed Services Committee, who argues that in years ahead "it will be easier and easier to go to war, to get pushed into war by a series of decisions." He adds, "As I see it, one man—wise as he may be—after he gets so far cannot back up. And he is further along the line than he realizes, maybe."

We thoroughly agree, but must confess to nagging doubts about the Javits approach. His bill assumes that it will force the Executive to consult more closely with Congress, out of anxiousness to win its concurrence in military enterprises. Yet it can just as easily be suspected that some future President may be forced to play his free hand for 30 days without consulting Congress at all, believing Congress would not yank troops out of action once they have been committed.

In opposing the war powers legislation, former Under Secretary of State George Ball had this worry. He observed: "History never repeats itself with any precision, and it shows a capacity for infinite imagination, and I would think there is a danger that if we tried to spell the limits or the situations out too precisely there is going to be enormous pressure on the executive, who feels it necessary to act in the interests of the country, to make some very ingenious but rather fantastic constitutional interpretations of his own. . . ." This isn't a concern to be dismissed lightly. Indeed, it has the ring of probability.

But where is the alternative? How does the nation return to the partnership approach to decision-making in foreign policy, the approach that has eroded, at times collapsing altogether, since the bipartisan understandings that marked the Truman and Eisenhower administrations? In those years, remember, the counsel of congressional leaders such as Lyndon Johnson strongly influenced President Eisenhower's decision to refuse to send U.S. airpower to rescue the French at Dienbienpnu.

An attempt to legislate a return to this halcyon era cannot succeed, and might even yield a perverse effect. It is not as easy for Congress to grant itself more power as it is for it to raise its salaries. The partnership approach can only survive where the political will exists, not only on Capitol Hill and in the White House, but in the nation at large. No statute can substitute for the hard work that must go into building a cooperative working

arrangement between Congress and the Executive.

Sen. Stennis himself suggests that the legislation "is of secondary importance." Rather, "The most important balance to be restored is the balance in the minds of the nation's citizens, both those who are inclined to surrender their own responsibilities of decision to the Executive, as many in the Congress have too often done, and those who believe that no cause is worth fighting for." For this, the people themselves have to commit themselves to deciding in the future whether or not to go to war.

Sen. Stennis thinks legislation won't hurt, and perhaps he is right. But we suspect it could also lead to the lazy notion that the war powers problem has been solved. While we can agree with Sen. Javits' objective, and applaud his good faith and earnestness, we doubt that his short cut to power will get him where he thinks it will. At the very least the Senate should be careful not to obscure the real point: the next time a decision is required on whether or not to commit the armed forces, once again the judgment will depend not on this law or that, but on the political will of the nation.

[From the New York Times, Mar. 31, 1972]

PRESIDENT'S WAR POWERS

Senator Javits is indulging in Nixonian hyperbole when he asserts that his War Powers Act, currently before the Senate, is "one of the most important pieces of legislation in the national security field that has come before the Senate in this century." The act merely attempts to spell out powers which Congress has always enjoyed under the Constitution but which successive Congresses, especially in recent years, have allowed dangerously to erode. Unless Congress acts more responsibly than it did, for example, in 1964 when the Tonkin Gulf Resolution was hastily adopted without serious challenge, the War Powers Act is not likely to prove effective in checking the arbitrary extension of Presidential authority in the war-making field.

The Javits bill is, however, a useful appendage to the Constitutional powers because it compels Congress to face up to its responsibilities. While granting the President ample latitude to act immediately in emergency situations, the bill requires a prompt report to Congress and Congressional authorization for the continuation of hostilities beyond 30 days. Congress could no longer allow a Presidential initiative to stand and grow by default as it has done time and again during the steady escalation of the Indochina conflict.

Administration spokesmen have assailed the War Powers Act as an unconstitutional abridgement of the President's powers as commander-in-chief. But it is the President and his predecessors who have defied the Constitution by ascribing to the commander-in-chief exclusive powers to commit the nation to war that were certainly not intended by the Founding Fathers. Senator Javits has pointed out that the Second Continental Congress, wary of the arbitrary authority of kings, strictly instructed George Washington as commander-in-chief ". . . punctually to observe and follow such orders and directions . . . from this or a future Congress . . ."

In a nuclear age when the President of the United States commands forces of unprecedented power scattered around a volatile globe it is especially important to reassert the Congressional checks on Presidential war-making authority that were explicitly written into the Constitution. Senate passage of the War Powers Act could be a significant step toward redressing a perilous imbalance in the American federal system.

[From the Commonweal, Mar. 31, 1972]

WAR POWER

Who will ever be able to measure the cost of the Vietnam war, both in human suffering and material waste? Thanks to our national technological know-how, vast areas of Indochina have been laid waste, and if the casualty figures are even remotely accurate, over one million men, women and children have been killed. Scores of thousands of others have been uprooted from their ancestral homes, and there are no accurate figures on the number of Vietnamese families that have been hopelessly shattered by the war.

Such devastation has been the price of a war carried on by succeeding Presidents but never really debated in House or Senate. Congress has voted funds for Vietnam year after year, true, but this is no substitute for a full-scale debate. When American troops are committed by the President, whether in Vietnam or the Dominican Republic, it is very hard for legislators to cut off the funds necessary to support them. And when the lives of "American boys" are already being lost in combat, the public tends simply to rally behind the President rather than weigh the issues seriously; in such circumstances the hard question as to exactly why our troops are involved in the first place tends not to get asked.

All of this makes very important a recent, little-noticed action of the Senate Foreign Relations Committee, in which that body issued a favorable report on a bill designed to curb the President's war-making powers. By this action the stage has been set for a momentous constitutional debate in the Senate during the weeks ahead. In that debate the battle lines are already reasonably clear. On one side are those who would define and in the process curb the Presidential war-making powers of the kind that plunged us into the morass in Vietnam. What the proposed legislation would provide is that in the absence of a Congressional declaration of war, the President could not use the armed forces except in certain specified emergencies, such as an attack upon the United States or its forces or an imminent threat of such attack, or to protect American citizens endangered in a foreign country. Even in such emergencies the President could not continue hostilities for more than 30 days without Congressional approval. Lined up in support of the measure are Republican and Democratic Senators representing a wide range of opinion, from Senators Jacob Javits of New York and Thomas Eagleton of Missouri to Senators Robert Taft Jr. of Ohio and John Stennis of Mississippi. Arrayed against the bill are the Administration, those in the Senate who still support the war in Vietnam, and those in general who fear any tampering with the Presidential powers. Speaking for this group was Senator Barry Goldwater of Arizona, who called the legislation unconstitutional; some idea of how much unchecked power Senator Goldwater would grant to the President may be seen in his statement that "183 years of experience under the Constitution has firmly established the principle that the President, as Commander-in-Chief and the primary author of foreign policy, has both a duty and a right to take military action at any time he feels danger for the country or its freedoms." To give a President such unchallenged power, of course, is to risk the danger of constant war.

In point of fact, it should be noted, those who support the curb on the President's power to make war do not question his right to take quick and decisive action in the event of a sudden attack or any other genuine emergency. What they do object to is the notion that the President may use the armed forces at will in situations that do not constitute national emergencies and for as long a period as he sees fit, as has been done in Vietnam. With these views we are heartily in sympathy—indeed, there is much to be said for Senator Fulbright's claim that even this restrictive law allows the President more power than he should have; if he had his way, for example, Senator Fulbright would ban the use of nuclear weapons entirely without prior Congressional authority. Points like these deserve the most sober consideration by Congress and public alike, and we hope the eventual debate in the Senate will prove worthy of the gravity of the topic.

[From the New York Times, Feb. 14, 1972]

THE BALANCE IN THE WAR POWERS BILL

(By JACOB K. JAVITS)

WASHINGTON.—A national debate has begun on "the War Powers Act."

The bill was the subject of intensive year-long nearings before the Senate Foreign Relations Committee.

There has been criticism of the bill from Secretary Rogers, as well as from such former Kennedy and Johnson advisers as George Ball, Eugene Rostow and Arthur Schlesinger, Jr., and from Senator Goldwater. These critics have largely presented their objections to the bill from the perspective of "President's men." But I do not believe that they have grasped the real reason for the bill, nor do they give sufficient weight to the constitutional and legislative imperatives arising from our national experience of the past several decades.

The United States emerged from World War II as the dominant world power—a role quite alien to all our previous national experience. The unique challenges arising from this new role were such that we slipped into a practice which ran counter to the genius of our Constitution and the underlying structure of our political institutions. This practice tended to concentrate the essential power of war and foreign policy in the institution of the Presidency and to leave to the Congress only an appropriations or confirmatory role. This practice has proved to be a most costly failure which has dangerously strained the fabric of our whole society.

The War Powers Act corrects the basic flaw of the postwar practice by restoring to the Congress and to the people a meaningful role on the question of war or peace.

Critics of the War Powers Act have alleged most frequently that the provisions of the bill are too rigid; that the bill does not and cannot foresee all the "unforseeable" contingencies which might face the nation at some future time. Such criticism is wide of the mark. The bill provides four categories of situations in which the President may take emergency military action in the absence of a declaration of war: first, to repel or forestall an attack—or imminent threat of an attack—upon the United States; second, to repel or forestall an attack upon the armed forces of the United States located outside of the country; third, to rescue endangered U.S. citizens abroad in defined circumstances, and fourth, "pursuant to specific statutory authorization."

This last category is designed specifically to enable the President and the Congress *together* to meet any contingency the nation might face.

Over the last twenty-five years the Congress on a number of occasions has passed so-called "area resolutions" at the President's request—most famous the ill-begotten Tonkin Gulf Resolution. The "fourth category" of the War Powers Act envisages replacement of the old, loosely-worded "area resolution" with precisely worded, new resolutions—as needed—which establish a national policy, jointly constructed by the President and

Congress, respecting developing crises or threats which could involve use of the armed forces. A Congress and a nation so badly burned by Vietnam and the Tonkin Gulf Resolution can be expected to exercise more appropriate caution, prudence and precision.

The War Powers Act makes ample provision for emergency action by the President. Its unique feature is that, in doing so, it builds in a "trip-wire" necessitating affirmative Congressional action within thirty days. If the President takes emergency action putting the armed forces into hostilities, he must immediately make a full report of the circumstances, authority for, and expected scope and duration of, the military measures he has initiated. If the President is unable to obtain the concurrence of Congress to extend his authority, he must terminate his actions at the end of thirty days. The bill has strict provisions to prevent filibuster or other delays.

The War Powers Act cannot create national wisdom where there is none. But it can insure that the collective wisdom of the President and the Congress will be brought to bear on the life and death questions of war and peace. The Pentagon papers and the Anderson papers have shown us how dissenting and questioning viewpoints are screened out or excluded altogether from the present Presidential decision-making process. The real danger to our security today is not that the Congress might hamstring the President. The real danger is that Presidents can—and do—shoot from the hip. If the collective judgment of the President and Congress is required to go to war, it will call for responsible action by the Congress for which each member must answer individually and for restraint by both the Congress and the President.

[From the Albany (N.Y.) Times Union, Feb. 10, 1972]

(By John P. Roche)

JAVITS BILL ON WAR POWER IS SOUND

About once every 20 years, it seems, the United States Senate goes in search of a chastity belt to protect us from unwarranted intrusions of presidential power. In the early 1950s, Senator John Bricker of Ohio, in cooperation with the American right wing, put a great deal of energy into the so-called Bricker Amendment. In terms of the real world, the amendment was rather foolish—it was designed to prevent the President from betraying the nation to the Communists by executive agreements—but on a symbolic level it was clearly retroactive vilification of Franklin D. Roosevelt.

The debate on the amendment, of course, followed the latter direction. When I presented testimony against it on the basis that it was just damned foolishness, everybody got angry: the Democrats because I should have joined the ghost dance defending F.D.R.; the Republicans because I questioned their I.Q.

Well, now we are off again on the same sort of symbolic safari. Only this time the liberal Democrats are at point and their objective is to prevent Lyndon B. Johnson from ever taking us to war in Vietnam again. The chosen instrument for this operation is a bill, introduced by Senator Javits of New York, "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."

Despite the fact that Secretary of State William Rogers has argued that it will undermine the President in time of crisis (and the joy on the other side of the hill that his opposition engendered) I wish to report that the Javits bill is essentially sound. It contains provisions that would regularize in quite sensible fashion the relationship between the commander-in-chief and the Congress in moments of crisis.

The central provision is that, in the absence of a declaration of war, the President may act to repel attack upon the U.S., or on the armed forces of the nation outside the country, or to protect the lives of American citizens caught, say, in the middle of a revolution. Strong proponents of presidential power are annoyed by this set of stipulations because they claim the President has inherent power as commander-in-chief to take such actions. Without getting into the historical dispute on the intention of the framers of the Constitution, I simply do not find this argument persuasive: the American system is based on the President and Congress sharing the power to govern (with an occasional assist from the courts).

The Javits proposal does, however, require the President to report to Congress within 30 days of any intervention and stipulates that hostilities can not be continued beyond 30 days without affirmative action by Congress. Again, unless one believes that Congress has constitutional leprosy, what is wrong with this? Any president who went off prowling around the world with the war power without firming up his congressional base should be impeached for incompetence.

There is one sticky bit: the Javits bill sounds at one point as though it were revoking all treaty commitments. The relevant provision states that no treaty can be considered a specific statutory authorization for the exercise of the war power by the President. For example, the North Atlantic Treaty alone would not sustain the President for more than 30 days. This, however, merely echoes the provisions of existing treaties: Art. 11. North Atlantic Treaty states "its provisions (shall be) carried out by the parties in accordance with their respective constitutional processes." The Southeast Asia treaty similarly noted that "the parties will act to meet the common danger in accordance with (their) constitutional processes." In other words, these treaties already include the essence of the Javits proposal.

There is probably no way to head off the high theorists. In no time the debate will be 30,000 feet above ground as senators prepare major addresses on "me and Vietnam." That will be unfortunate: Senator Javits' bill deserves consideration on its common sense merits. And it is not an "anti-Vietnam" bill: current hostilities are explicitly exempted from its coverage.

[From Newsday, Dec. 29, 1971]

IN FAVOR OF JAVITS-EAGLETON

(By Clayton Fritchey)

WASHINGTON.—These are the holiday headlines:

"Plain of Jars in Laos Falls."

"War Setback Deepens Cambodian Crisis."

"U.S. Confirms Loss of Jets Over Laos."

"U.S. Jets Hit Hanoi."

These are the questions raised by the headlines:

Is the U.S. winding down the war in Indochina, or is it becoming still more involved?

Have the invasions of Cambodia and Laos helped or hurt the battered peoples of those nations?

Should the Senate pass the Javits-Eagleton resolution to restore some of the constitutional war-making powers of Congress, or should it let the President continue to exercise these powers as he will?

The last question will be one of the first the Senate deals with when it returns to Washington after the holidays. In the light of the administration's gunboat diplomacy in the Indian-Pakistani war, a number of senators consider passage of the Javits-Eagleton legislation more urgent than ever.

The Indians are still furious over the pro-Pakistani Nixon administration sending a U.S. naval task force headed by the Enterprise—the world's only nuclear aircraft carrier—into the Bay of Bengal at the height of the war. They regarded this as a reckless and threatening action. The administration denies having had any hostile intention, but it was surely an intimidating show of force, if nothing else.

In any case, it has put some new thoughts in the minds of some of the senators who voted for the Cooper-Church resolution, which forbids the President from sending further ground troops into Cambodia without Senate approval. The talk now is of a similar ban against the chief executive deploying our armed forces into war zones via ship without congressional consultation. As one senator says, intervention by the Navy or the Air Force can involve the U.S. in war just as much as intervention by the Army.

Now that the fighting has subsided on the Indian subcontinent, attention has returned to Southeast Asia where our protege armies in Cambodia and Laos are in disarray despite strong U.S. efforts to sustain them. We have spent billions to train, equip and supply these forces, and our Air Force is fighting around the clock to back them up. But they are no match for the North Vietnamese.

Having staked its prestige on the success of the Cambodian and Laotian campaigns, the administration is beginning to step up its bombing attacks on North Vietnam. Mr. Nixon has repeatedly warned Hanoi that he would retaliate if it interfered with his strategy. If the North Vietnamese military successes continue, what will the President do? How and where will he strike? That is the troubling question.

Sen. Mike Mansfield, the majority leader, has time and again called the turn in this war. Sometime ago he said, "We may be getting out of South Vietnam, but it looks like we are getting into Cambodia. It appears to me that the old pattern is perhaps being repeated; that the handwriting is on the wall for another Vietnam, despite all disclaimers to the contrary."

Since it is obvious that the local armies in Indochina would collapse without continued massive U.S. air support, there is no danger of Mr. Nixon withdrawing all of our forces this year. The danger is some new form of escalation (which won't be called escalation) and this, of course, is what the Senate wants to head off.

First, there is the Mansfield resolution which calls for the withdrawal of all U.S. forces from Vietnam next year. Then there is the resolution introduced jointly by Sens. Jacob Javits and Thomas Eagleton, which would give the President power to deal promptly with emergencies like Pearl Harbor and the attack on Korea, but would require him to obtain congressional approval to continue hostilities after 30 days. It's not ideal, but it's better than no restraint, and it's soon going to be adopted.

[From the New York Times, Dec. 14, 1971]

TOWARD BIPARTISANSHIP ABROAD

Under the Constitution, only the Congress can declare war and pay American troops. But the President, as Commander in Chief, can commit the armed forces to combat on his own. In an era of undeclared wars, this ambiguity has led inevitably to executive encroachment on Congressional prerogatives.

Efforts by the Congress to resist the trend now encounter the argument that Congressional debate is a luxury that cannot always be enjoyed in the nuclear age, when split-second reactions may be vital to avoid the nation's destruction. But it is not the nuclear contingency that is in fact at issue. It is the relatively limited military engagement—such as the Dominican intervention or the Indochina conflict—that has most eroded Congressional control over the war-making powers. And it is essentially the no-more-Vietnams syndrome that is spurring current efforts in the Senate to increase the Congressional role in future military decisions.

The legislative formula recently approved by the Senate Foreign Relations Committee to restrict the war-making powers of the Presidency is not and cannot be watertight. It is recognized that the Congress cannot and probably should not attempt to prevent the Commander in Chief from engaging the nation in hostilities in certain emergency situations. The intention is to prevent military action from continuing more than thirty days without Congressional approval.

The thirty-day clause is the heart of the proposed legislation, rather than the attempt to define the circumstances under which the President would be authorized to use the nation's military power. The bill would indeed authorize armed force to repel or to forestall an attack on the United States or on American forces stationed abroad. While the President's constitutional powers could not be limited to such contingencies by legislation the Congress can insist on its participation in decisions to extend or enlarge a conflict beyond the measures taken in the initial emergency period.

This approach undoubtedly involves some disadvantages. The need to sway the Congress could conceivably impel a future Administration to escalate low-key military moves and to attempt to arouse popular emotion. The Congress itself is not impervious to an exigent President and can be misled, as the Tonkin Gulf resolution demonstrated in 1964.

But such risks are smaller than those revealed by unrestricted exercise of the Presidential war-making powers. What would chiefly be restricted would be the President's power to take the nation into a large-scale war without its consent, explicitly expressed by its elected representatives.

Instead of resisting the proposed legislation, the Nixon Administration would be well advised to embrace it and to go beyond it to create a new atmosphere of cooperation with the Congress in foreign policy generally. With a necessarily divisive Presidential campaign approaching, it is imperative to restore some semblance of the old tradition that politics stops at the water's edge.

As a first move to restore a bipartisan foreign policy, Mr. Nixon could well invite the Senate majority and minority leaders to accompany him to Peking and Moscow—and to the summit meetings with allied leaders that will precede these historic voyages. Although it is too late for the talk under way with President Pompidou of France in the Azores, Senators Mansfield and Scott would be valuable additions to the American delegation for the projected meetings with the leaders of Britain, West Germany and Japan. Now that he has wisely if belatedly moved to take the allies into his confidence, Mr. Nixon can afford to make the same gesture toward the Congress.

[From Newsday, Dec. 10, 1971]

CONGRESS AWAKES

After decades in which the President's war-making powers waxed large, there are rumblings in the Congress signaling that the constitutional machinery of checks and balances is moving into action. A most encouraging and significant sign of movement came this week when the Senate Foreign Relations Committee unanimously approved bills that would put limits on a President's ability to ease the nation into another Vietnam war. One bill would require the executive branch to submit all international agreements to Congress for its information. The other would define the presidential power to use armed force, and forbid a President to continue hostilities for more than 30 days without obtaining the approval of Congress. It would also require a President to receive congressional authority before sending military advisers to a country engaged in hostilities. The bills will not reach the floor until next year. They will face strong opposition from the President. Sen. Jacob Javits (R-N.Y.) is the chief author of the legislation, and we agree entirely with his assessment of the importance of the committee's unanimous vote. He called it "a very historic day in which we are coming to grips with an open question in the Constitution." And it's about time.

[From the New York Times, July 29, 1971]

EXECUTIVE OMNIPOTENCE

(Tom Wicker)

WASHINGTON, July 28.—President Nixon's approach to Peking, no matter how welcome it may be, was planned in secrecy, decided by Presidential fiat, carried out clandestinely and finally announced only as accomplished fact. Thus, whatever else it was, this grand diplomatic undertaking was another exercise in executive omnipotence. Though aimed at peace, the operation so far has not been much different from the hidden processes that carried the nation into the war in Vietnam, and its consequences could be even more far-reaching.

Faced with this kind of unchecked power, the Senate is pondering a resolution by Senator Cooper that would require the C.I.A. to keep germane Congressional committees as fully informed as the executive; and Senator Ervin's subcommittee is considering how the rules of "executive privilege" can be tightened. Trying for some leverage on the Paris talks, Senator Hartke has offered a resolution for Senate confirmation of Ambassador Bruce's successor as chief negotiator.

Senator Fulbright's Foreign Relations Committee, meanwhile, has been trying to find effective means to limit the most dangerous form of executive omnipotence—the waging of undeclared war. Congress has ample constitutional authority to do so, but a major problem is to avoid inhibiting or frustrating the President's ability to act in a crisis. Another question is whether Congress itself is prepared to accept greater responsibility in question of war and peace.

William D. Rogers, a former State Department official, told the committee rather bluntly that if Congress intended to exercise an effective role in such matters, it would have to improve itself. "Your staffing is woefully inadequate. Your organization is wrong. Your ways of doing business are outmoded. And your conventional habits and practices are in need of fundamental reform."

He was, however, fundamentally in favor of Congressional action to redeem the situation created by what Prof. Alexander Bickel of Yale called the "unprecedented extension of Presidential power" that launched the Vietnam war in 1965. The decisions of that year, he said, "amounted to an all but explicit transfer of the power to declare war from Congress, where the Constitution lodged it, to the President, on whom the framers refused to confer it."

Constitutional scholars generally concede that the Constitution gives the President the power to repel or prevent sudden attack and to protect the lives of American citizens at home or abroad. But most agree with John Bassett Moore, the authority on international law, who said:

"There can hardly be any room for doubt that the framers of the Constitution, when they vested in Congress the power to declare war, never imagined they were leaving it to the executive to use the military and naval forces of the United States all over the world for the purpose of actually coercing other nations, occupying their territory, and killing their soldiers and citizens, all according to his own notions of the fitness of things, so long as he refrained from calling his action war or persisted in calling it peace."

The Foreign Relations Committee, therefore, is really considering what Mr. Rogers called "rules of practice" in exercising the war powers and not a "redistribution of power." The most practical proposals before it are a requirement for advance Congressional authorization before troop deployments that raise a "reasonable possibility" of combat (for instance, the stationing of troops in Europe in 1950, or President Kennedy's dispatch of thousands of "advisers" to Vietnam in 1961); and another requirement that a President who took emergency action to repel attack or protect American lives would have to obtain Congressional sanction within thirty days.

The latter provision probably would not have hindered President Truman from intervening in the Korean war in 1950, since Congress no doubt would have supported the repelling of invasion. It might have given Mr. Nixon trouble after the Cambodian invasion of 1970 and would certainly have forced him to greater consideration of Congressional and public opinion. And while President Johnson might have been able on his own to launch air raids in reply to the supposed Tonkin Gulf attack in 1964, he could hardly have launched the round-the-clock bombing of North Vietnam or sent a half-million troops to Asia without such authorization.

But there's the rub. Even if effective "rules of practice" are devised, the greatest responsibility to make them work will lie on Congress itself. It will need to know more and act more efficiently, and it will have to be resolute. When a President has sent troops into combat under the flags of peace, freedom and patriotism—no matter how fraudulently—it will take a bold and confident Congress to refuse him sanction.

[From the New York Times, July 29, 1971]

THE CONVERSION OF HUGH SCOTT

Efforts of the Administration to perpetuate what George W. Ball has called "the myth of executive privilege" in the conduct of foreign affairs have received a setback with the conversion of Senate Minority Leader Hugh Scott. The Pennsylvania Republican has now joined the growing ranks of legislators of both parties who seek to reassert the constitutional role of Congress in the war-making process.

"The time has come," Senator Scott told the Foreign Relations Committee the other day, "when Congress will not be denied the right to participate, in accordance with the Constitution, in the whole enormous business of how wars are begun." Until now, the Minority Leader has generally been the Administration's principal spokesman in efforts to head off mounting Congressional pressure to reverse the trend toward arbitrary Executive actions in the foreign policy field.

For some time now, other leading members of his own party plus a few Southern Democratic conservatives who have for long supported the Vietnam policies of President Nixon and his predecessors have been challenging Presidential assumptions of exclusive authority. For instance, Republican Senators Jacob K. Javits and Robert Taft Jr. and Democratic Senator John C. Stennis, chairman of the Armed Services Committee, are among the sponsors of limiting legislation of the kind that Senator Scott now says he is ready to support.

The Minority Leader is too astute a politician to continue to buck this powerful tide of Senatorial sentiment. It is not unreasonable to hope that President Nixon, too, in time may respond more positively to Congressional initiatives which are quite consistent with his own constitutional philosophy as a strict constructionist. The President has everything to gain by thus engaging the Congress as a partner in the difficult foreign policy decisions that still lie before him.

[From Life, June 11, 1971]

THE PRESIDENT'S WAR POWERS

In their frustration over the interminable and costly Vietnam war, a number of Senators and Congressmen have been moving over the past year or so to limit the President's war-making powers. Some of the recent proposals to limit the extension of the military draft or abolish it, as well as Senator MANSFIELD'S bill to halve the U.S. military garrison in Europe, are ill-considered. But there is a good deal of merit in another movement, currently under way in the Senate, to restrict the President's power to take the Nation into future wars.

In the isolated infant United States of 1787, the sparse language of the Constitution seemed sufficient to limit those powers. The President, the Founding Fathers agreed, should have the power as Commander-in-Chief to make war, but only after it had been declared by Congress. The last war explicitly declared by Congress, however, was in 1941, just after the Japanese attack on Pearl Harbor. After World War II, with the United States emerging as world policeman and member of no fewer than eight foreign alliances, the President's powers became virtually unlimited, or at least unchecked. From the standpoint of Congress, our participation in the Korean war was a presidential fait accompli, justified in part by our obligations as a United Nations member. As for Vietnam, it will be argued for years whether the 1964 Gulf of Tonkin resolution was tantamount to a congressional declaration of war, as Under Secretary of State Nicholas Katzenbach later argued. But it was not presented to the American people, or to the Congress, as an explicit declaration of war. Senator FULBRIGHT, who urged passage of that resolution, thinks he was deceived over what happened in the Tonkin Gulf (were those two American destroyers really attacked by North Vietnamese gunboats? He has been suspicious of administration pronouncements ever since.

Senators JAVITS of New York, EAGLETON of Missouri and STENNIS of Mississippi—whose politics range from Eastern liberal to Southern conservative—have separately introduced resolutions which, while differing in certain details, would reassert Congress's power to declare war. The most recent of the three, introduced by Senator STENNIS, would in some ways place the most restraints on the President. With certain exceptions, it would prohibit the President from using the armed services in any future conflict without congressional authorization. The exceptions would apply only in emergency situations: the President could, on his own, order the Armed Forces to repel an attack on the United States by a foreign power, to prevent an imminent nuclear attack, or to evacuate American citizens from a foreign country if their lives were endangered. The emergency powers would be for a maximum of 30 days, and any extension would require congressional action.

Secretary of State William P. Rogers has opposed all three bills. In particular, he warns that any law circumscribing the President's powers raises the "grave risk of miscalculation by a potential enemy regarding the ability of the United States to act in a crisis." Even the Stennis resolution, however, allows considerable latitude. It probably would not have prohibited Eisenhower's landing of troops in Lebanon in 1958 or Johnson's in the Dominican Republic in 1965, nor would it have hamstrung President Kennedy in deploying naval vessels to deal with the Cuban missile crisis in 1962. On the other hand, the resolution would have made the U.S. involvement in Korea impossible without a specific declaration of war. And Congress would have had to face up to the issue of military involvement in Vietnam in the early 1960s, before the big buildup ordered by President Johnson, when American personnel were already in a period of transition from military advisers to combat soldiers.

The whole matter needs considerable study in a dispassionate atmosphere. The constitutional issues are exceedingly complex, and it is essential that any redressing of the President's virtually unlimited war-making powers not be at the expense of his ability to deter potential aggressors in a convincing fashion. But after two medium-sized wars that have taken 90,000 American lives, one undeclared and the other semideclared, the people are surely entitled to some congressional restraints on the executive branch. Vietnam in particular has been hard on presidential reputations, and this might be less true if Congress shared more in the deliberations, the knowledge and the responsibility. One of the lessons of the painful Vietnam experience is that the country should never again commit American lives to a long struggle on foreign shores unless the people's elected representatives explicitly authorize it.

[From the Cleveland (Ohio) Plain-Dealer, May 16, 1971]

RESTORE CONGRESS WAR POWER

Congress has let slip out of its hands, and into the hands of presidents, its constitutional powers to declare wars, to limit or to sustain this country's military actions.

Many members of Congress feel that they were pressured into voting to support undeclared wars. A growing number of men in Congress have been struggling, throughout the Vietnam involvement, to re-instate Congress once again as a partner in decisions committing the nation's lives and property to the chances of overseas hostilities.

Now the peace voices have been joined by John C. Stennis, D-Miss., a conservative and relatively pro-Vietnam chairman of the Senate Armed Services Committee. Sen. Stennis has fallen in step with such liberal northern peace advocates as Sen. Jacob Javits, R-N.Y., on the issue of reclaiming for Congress power to check a president if he uses armed forces.

The men who wrote the Constitution, back in the 18th century, couldn't foresee a push-button war, or a war that starts with sneak thievery, snipers, street disorders and subversions—and then bursts into a "people's war of liberation." Some wars today are undeclared.

A president must have instant power to cope with possible nuclear attack. A president must protect Americans, military and civilian, now stationed by treaty or otherwise lawfully deployed in foreign territories. Congress must not tie the President's hands in that kind of crisis.

Treaties of mutual security multiplied profusely after World War II. United States commitments bind this country to go to the assistance of other countries all around the globe and all along the political spectrum. Those treaties were ratified by the Senate. There is no honorable way to junk those commitments, and to do it would discredit faith in America.

But it still is possible to find reasonable ways in which Congress can be brought into the decisions of war. And such ways should be found. As Sen. Stennis points out, the decision to make war is too big for one man, and it is doubtful that an American nation would effectively wage a war unless its own representatives—Congress as a body—supported it. That is a lesson Vietnam has taught.

Bills now pending would give the President necessary powers to use armed force in emergency situations spelled out by Congress. Sen. Javits' bill would then give Congress 30 days in which to declare war, to authorize limited hostilities or to tell the President to halt the military operations he has begun.

In some such formula—the Stennis bill narrows the presidential power a bit more—the American public would find some assurance. There must be a way for Congress to play the role of people's spokesmen in the days and hours, if not the first moments, of decisions as fateful as peace or war.

[From the Buffalo (N.Y.) Evening News, May 13, 1971]

CLARIFYING THE WAR POWER

Ever since President Johnson began the great escalation in Vietnam, with the Tonkin Gulf resolution providing the main cover of legality, a growing cross-section of congressional leaders has been seething in frustration over the Chief Executive's assumption of a war-making power which the Founding Fathers intended to repose in Congress.

While the effort to retrieve some semblance of this lost, strayed or stolen power has found its greatest support among Senate doves—with New York's Sen. Jacob Javits coming to the fore in recent months as the most articulate exponent—this movement is now immeasurably enhanced by the support of a leading southern hawk, Sen. John Stennis (D., Miss.).

Actually, the aggrandizement of the President at the expense of Congress in this vital war-making area is part of a generations-long pattern which, in the thermonuclear age, could not possibly be reversed in any ultimate sense. Obviously, we cannot have 531 thumbs on the nuclear button; the President must be free to confront any instant challenge to our survival with whatever emergency actions he deems necessary.

But this is not the kind of challenge we faced in Korea or now face in Vietnam, Cambodia and Laos, where this nation has waged prolonged war under presidential direction without either a congressional war declaration or specific congressional regulation of its conduct. Not only that, but the President takes it for granted that he alone has the power to wind the war up or down, widen it or narrow it, continue it or end it—just so long as Congress keeps supplying the money and refrains from imposing any absolute restrictions.

The Javits resolution, which Sen. Stennis' proposal seems to echo in most major respects, would authorize the President to commit our armed forces under four specific conditions: (1) to repel a sudden attack on the U.S.; (2) to repel an attack against U.S. armed forces on the high seas or abroad; (3) to protect U.S. lives abroad, and (4) to comply with a specific treaty or other formal national commitment.

But whenever such hostilities have been initiated, the President would be required to give Congress a full and prompt account of the circumstances, and, in the absence of a declaration of war, he would be prohibited from sustaining the hostilities beyond 30 days except as Congress may provide by law. To make sure that the whole Congress could act on such war-sustaining legislation within the 30 days, the desolution gives it a special priority guaranteeing it prompt committee clearance and a vote in each house within three days thereafter.

The only point on which Sen. Stennis seems to differ with this approach is that he would explicitly exclude any application to the Indo-China war. On this point, Sen. Javits said in his interview with The News this week that his proposal, while not retroactive and therefore not intended to apply in Vietnam, nevertheless could apply there, too, if hostilities involving American troops should be renewed after they had ceased. But that is a relative quibble compared with the broad constitutional purpose of redefining the war power in a context relevant to this dangerous age.

We think the Javits resolution does accomplish this in a most effective way, and we are impressed by the caliber of the many

constitutional authorities who agree that it will help restore the balance intended by the Founding Fathers. The fact that the President must have untrammeled authority to act in bona fide emergencies does not, in our judgment, justify the waging of prolonged hostilities in the absence of either a formal declaration of war or a specific act of Congress. It is time that the basic constitutional responsibility for keeping this nation at war be put, as Sen. Stennis says, "where it belongs, on the people's representatives."

[From the Dallas (Tex.) Morning News, May 11, 1971]

THE WAR DECISION

When a legislative proposal bears the seal of both a conservative Southern Democrat like Sen. John Stennis and a liberal Northern Republican like Sen. Jacob Javits, it would seem to be an idea whose time has come.

Sen. Stennis told television newsmen Sunday that he will sponsor a resolution to clarify and limit the war powers of the presidency. Stennis, chairman of the Armed Services Committee, has been a strong supporter of the military and the Nixon administration's handling of the Vietnam War—he made it clear that nothing in his plan applies to that conflict.

But as he detailed his plan, he also made it clear that his ideas on war powers of the executive and legislative branches are similar to those of his colleague Javits. Javits had earlier introduced a resolution much like that now favored by the Mississippian.

Both the Javits plan and the Stennis version acknowledge the fact that in today's world, particularly when a nuclear confrontation is threatened, decisions to commit military forces must often be made quickly. This need for dispatch and the overall growth in the power of the presidency have resulted in a steady erosion of Congress' constitutional power to decide whether the nation will go to war.

Even in the beginning the architects of the Constitution realized that the president would have to have emergency power to repeal sudden attacks, defend the nation until Congress could speak. But in recent years this power has grown until Congress has been edged out of the decision-making picture.

Both Javits and Stennis would reaffirm the original principle laid down in the Constitution. The president would still be empowered to act quickly in case of emergencies such as a surprise attack or danger to the lives of Americans. But a new limit would be set on this power. The president would be required to get Congress to back his action wtih a declaration of war within 30 days or the troops will have to be withdrawn.

The purpose of these resolutions is to restore to Congress the final decision on whether or not this country is to fight a war—though leaving the President the task of fending off an enemy until Congress can decide.

The purpose is a valid one. As Stennis says, the plan "puts the responsibility where it belongs, on the people's representatives."

We have learned that it is important not only to get quick decisions but in the case of a national decision to carry on a war, to mobilize a broad base of support for the national effort in and out of government. The Vietnam War has shown the necessity for firm national unity even during a limited conflict.

Some members of Congress now say that they did not know what they were doing when they approved the Tonkin Gulf Resolution. Under the new plan, they would have no such escape hatch—they would be required to face the question squarely and bear the responsibility for their chosen answer. The trend in recent years has been for Congress to pass the hard decisions to the presidency—this plan would help to reverse that trend and return to Congress the duty and responsibility to make this crucial decision for the nation.

In facing up to its responsibility Congress can acknowledge both constitutional principle of the past and the practical lessons of the present. This idea's time has not only come, but it is plainly overdue.

[From the New York (N.Y.) Daily News, Mar. 28, 1971]

BILLS AIM FOR LIMITS ON PRESIDENT

(By Jerry Greene)

WASHINGTON, March 27.—President Nixon sounded the campaign cry of "no more Vietnams" back in 1968, and now it appears that this is being converted—slowly but surely—from slogan to hard legislation designed to impose strict limits on presidential powers.

Whether the President will buy the pending legislation, or even the idea of such a restriction, is yet uncertain. But Secretary of State Rogers, slated for early testimony on the issue before the Senate Foreign Relations Committee, is understood to be receptive to the idea.

It is doubtful that legislation to preclude any extended U.S. intervention in somebody else's war would be necessary for another generation at least. As Sen. John C. Stennis (D.-Miss.) told a national security seminar in January, the first lesson that has been learned from Vietnam is "that in the future, there must be a declaration of war by the Congress with respect to these engagements unless, of course, there is some major Pearl Harbor-type attack on the country."

Certainly, after Vietnam no President any time soon is going to make a heavy commitment of American troops to any so-called small war without solid approval of Congress. Not if he likes his job and wants to keep it.

Nixon himself accepted this fact of life when in his so-called state of the world message Feb. 25 he said: "Our experience in the 1960s has underlined the fact that we should not do more abroad than domestic opinion can sustain."

The Nixon doctrine of a "lower profile" for America around the world, and for assistance to beleaguered friends and allies in terms of arms aid and advice only, was a step toward implementing the policy of no more Vietnams.

But a policy wasn't enough for concerned members of Congress, including some of the backers of Nixon's Vietnam operations, such as Stennis. A crop of proposed restrictive legislation came early in this session of Congress. Primary attention has focused in the bill introduced by Sen. Jacob K. Javits (R.-N.Y.), with Sens. Charles Mathias (R-Md.), Claiborne Pell (D-R.I.) and William Spong (D-Va.) as cosponsors.

The Senate Foreign Relations Committee has been conducting hearings seriously, without fanfare, calling on constitutional experts as well as supporters of the measure. Publicly and privately, Javits has sought to lean on the President for support, contending that a Nixon endorsement of the war powers limitations would go far toward blocking the spread of the "new isolationism" that has caused the President concern.

In Javits' view, presidential approval of his bill would demonstrate Nixon's desire to "establish a role for Congress and the people in controlling undeclared wars."

The Javits bill would allow the President to repel attacks, to protect U.S. lives and property abroad and to comply with national commitments that had been approved by Congress. But if he moved into a limited war otherwise, he would have to end the intervention in 30 days without specific congressional authorization.

JEALOUS OF EXECUTIVE POWERS

Presidents traditionally have been exceedingly jealous of their executive powers and their authority as commander-in-chief of the armed forces, as laid down in the constitution.

Before World War II, FDR had his innings with Congress over the Neutrality Act and its repeal. Only last year Nixon battled successfully to stave off what he considered an intrusion into presidential powers by backers of the McGovern-Hatfield amendment to set a terminal date for Vietnam.

Nixon wanted no action by Congress, binding or not, that would in his view, interfere with his plans for withdrawal from Vietnam, and negotiations with the North Vietnamese in Paris for return of the war prisoners and a peace settlement.

But future commitments are something else again. It is quite likely that the President will raise no serious objection if forthcoming war power limitation legislation is carefully drawn and does not throw roadblocks in the way of swift movement in an emergency, and does not contravene authority clearly granted by the constitution.

STENNIS' OWN VERSION OF BILL

The constitutional issue is complex and debatable; the Senate committee must be mindful of equally complex treaties and "arrangements" the U.S. has with 43 foreign countries.

Stennis is at work on his own version of a limitation of powers bill. It will reach the Foreign Relations Committee during the hearings and will strive "to help perfect a more-realistic method that Congress shall use in providing explicit authority for the President to repel an attack, but requiring congressional authorization before hostilities can be extended for an appreciable time."

Many hereabouts are convinced that most of former President Johnson's latter-day political troubles stemmed from his reliance on the old Tonkin Gulf resolution as authority for commitment of combat troops to Vietnam in 1965. That was a time for review, and for acquisition of specific, clear-cut congressional authority.

Javits, in testimony before the Senate committee, said: "We live in an age of undeclared war, which has meant presidential war."

This observation may have been true enough until now, but not any longer. The national stress resulting from Vietnam will surely preclude any early repetition.

[From the Los Angeles (Calif.) Times, April 4, 1972]

JAVITS BILL WOULD SEEK TO BALANCE WAR POWERS OF PRESIDENT, CONGRESS

(By Ernest Conine)

It is possible to believe that the U.S. role in Vietnam has been essentially right and honorable, and still regret that President Lyndon B. Johnson did not seek a clear expression of congressional approval before committing this country to one of the bloodiest wars in our history.

Had he done so, this would have been an American war—right or wrong—and not "Johnson's War" or "Nixon's War." We might, as a consequence, have escaped a great deal of the pain and turmoil which has wracked this nation for the past five years.

All this being true, one does not have to be a Dove, a neurotic President-hater or a 1971-model isolationist to conclude that Sen. Jacob K. Javits (R–N.Y.) has come up with a proposal which merits serious consideration.

The Javits "Bill to Regulate Undeclared War," introduced earlier this month, would

establish certain rules concerning the conduct of undeclared wars.

Specifically, the bill would recognize four kinds of circumstances in which the President, in his constitutional role as Commander-in-Chief, could initiate combat hostilities without asking for a declaration of war by Congress.

Emergency action could be taken, for example, (1) to repel a sudden attack on the territorial United States or its possessions; (2) to repel an attack on U.S. armed forces legally stationed abroad; (3) to protect the lives and property of American nationals abroad, and (4) to comply with a "national commitment lawfully taken by the affirmative action of the Congress and the President."

The President, however, would be required to report fully and promptly to Congress as to the circumstances of and authority for the action which he had initiated. And he would be required either to terminate the hostilities within 30 days, or to seek congressional approval for continuing hostilities beyond that time.

Javits makes no bones of the fact that his intention is to prevent the fighting of another "presidential" war such as Vietnam. As he put it, "Our tragic experience in Indochina shows that the pendulum has swung too far in the direction of presidential war-making."

Unlike some of his dovish colleagues, however, Javits is trying to deal with the world as it is. He is not trying to cripple the ability of the President to conduct a rational —and, if need be, strong—foreign policy in pursuance of American interests.

It is worth remembering how the Vietnam conflict became "Johnson's War." When Mr. Johnson made the fateful decision in mid-1965 to dispatch large numbers of U.S. ground troops to combat in Vietnam, practically everybody agreed that it would be a mistake for him to seek an actual declaration of war. Such a declaration would have put China and the Soviet Union on the spot and increased the chances of their direct involvement in the war. Or so it was thought.

There is no reason, however, that Mr. Johnson could not have outlined his Vietnam intentions to Congress and asked for a clear resolution of support.

If he had done so, there is no cause to doubt that he would have gotten it. Members of Congress, once having gone clearly on the record, would not have found it so easy to trade their hawk feathers in for dove feathers when the political going got rough. They would have had to share the blame or the credit for the war with the President.

It is highly unlikely, too, that we would now be suffering so heavily from inflation and unemployment if things had happened that way. Why? Because Mr. Johnson would never have been allowed to get away with the massively unbalanced budget in 1966 that triggered the economic woes with which President Nixon is still struggling five years later.

In mid-1965, however, LBJ was in the middle of trying to sell his "Great Society" program to Congress and the country. It was controversial and very, very expensive. The last thing he wanted to do was alarm everybody by talking forthrightly about the escalating U.S. involvement in the war.

It is not unfair, in retrospect, to say that Mr. Johnson got us into the war by stealth.

Later, as the full scope of the involvement became more clear and criticism mounted on Capitol Hill, the Johnson Administration fell back on the Tonkin Gulf resolution—a thin reed, to say the least—and upon the inherent powers of the President as Commander-in-Chief.

Obviously, there is something wrong when the President needs congressional authorization to deepen the harbor at San Pedro, or to build a flood control project in Kansas, but not to involve the United States in a conflict which has cost us thousands of lives and many billions of dollars.

Yet it would be most unwise to so hamstring the President that he could not legally respond to a genuine emergency—something like the Cuban missile crisis of 1962 or a Korea-style Communist invasion of some country which we are pledged to help defend.

Javits' approach gets around such objections by giving the President 30 days in which he can act without congressional approval. Beyond that time, he would have to make a case to Congress and to the country for the continuation of hostilities.

There may be constitutional complications. There always are in the murky field of presidential vs. congressional power. However, it is hard to see how anybody—even a President—could object to the substance of the idea that Congress should be consulted on the most fundamental decision which a nation can make; the decision to go to war.

[From the Denver (Colo.) Post, Feb. 17, 1971]

A "BRAKE" ON WAR INVOLVEMENT

Sen. Jacob Javits, R-N.Y., has introduced a bill, with bipartisan co-sponsorship, which would impose a 30-day time limit on a president's power to commit U.S. troops to hostilities abroad, unless within that time Congress approved his course of action.

This measure would close a significant gap in federal law and, in our view, deserves most serious consideration by the public, the President and Congress.

The measure has been inspired, of course, by the legal ambiguities of the undeclared war in Vietnam. The fact that even a "hawk" on the war, such as Mississippi's Sen. John Stennis, has declared himself in favor of the general idea, suggests that this is a measure whose time has come.

As the law stands, all the Constitution says is that Congress alone has the power "to declare war." However the President, as commander-in-chief of the armed forces, has been conceded the power, in case of sudden attack on U.S. forces or civilians abroad, or of a threat to them or our interests, to respond with force if he deems it necessary.

But no laws specifically authorize the President to do anything of that kind, nor are any limits—of time or any other kind—put upon how he uses this vague power.

In the kind of world we have now— where peace is kept only by a delicate, ever-shifting nuclear "balance of terror"—this loose, unregulated way of possibly slipping into a major war is too dangerous a way to live.

So the Javits proposal has, at first look, at least three major virtues:

First, it would put other nations on notice that Congress has authorized the President to take hostile action in case of threats or hostile action against us or our interests.

Second, it would put any president on notice that, if he responds to foreign provocation with hostile action, his reasons must be good and solid enough to win congressional approval within 30 days. This should make a president look even more carefully before he leaps into any such action.

Third, hopefully this measure would force Congress to make up its mind, within 30 days, whether it approved or disapproved of what the president was doing. Congress just couldn't let the matter slide for years as it did in Vietnam, until it finally passed the Tonkin resolution.

All these effects, in our judgment, would be healthy. And they would relieve a lot of fears among the public.

We believe Congress, the President and the public should give this proposal most serious study.

[From the Dallas (Tex.) Morning News, July 12, 1970]

BEST OF BOTH

The question of war powers has been a tough one since the days of the Constitutional Convention. It is, if anything, more controversial today than it was then.

The Founding Fathers clearly wanted the power to declare war—along with most of the other important powers—in the hands of Congress. But they also saw the danger in tying a president's hands, refusing him power to defend the country against a sudden attack until he could round up Congress for a formal declaration. It was clear that there would be times when he might have to act on his own initiative to meet a sudden emergency.

Presidents and Congresses have interpreted these powers first one way and then the other, but the question is still unresolved. The need for speedy action—in a sudden emergency—is still balanced off against the need for a broad base of considered, committed support in lengthy wars.

The question may never be fully resolved to the satisfaction of all, but a recent bill authored by Sen. Jacob Javits is a reasonable plan for a compromise solution.

Javits' bill would affirm the president's power as commander in chief:

To repulse a sudden attack on the U.S. or its territories.

To repulse an attack on U.S. troops legally stationed abroad.

To protect the lives and property of Americans.

To comply with the requirements of a recognized commitment through treaty or pact with other nations.

However, the Javits bill would also require that the president seek and get legislation from Congress to affirm this action within 30 days, if action beyond that span is required. The president would have a free hand for immediate action in defense of the Nation's interests. But for a sustained war, the formal approval of Congress would be required.

Javits' bill immediately gained strong support from Sen. Robert Dole, who has been the Nixon administration's champion in skirmishing around this issue. But it would seem to have appeal for many of Sen. Javits' liberal colleagues as well. It might even have something for Sen. Fulbright, who has taken strong, unequivocal stands on both sides of the war powers issue.

With Sen. Fulbright, the stand is quicker than the eye. But there is, in fact, something to be said for both the strong-president school and the traditional school that reserves to Congress the power to commit the nation to war.

Aside from the split-second requirements of nuclear crisis, there are times when a battalion deployed quickly in the right spot for a week can succeed, where much greater force would fail if it arrived too late.

An illustration of the quick, decisive action is President Johnson's success in cooling off the Communist attempt to take over the Dominican Republic, a success accomplished with little loss of life and fine support from other American nations.

On the other hand, the Founding Fathers were foresighted in seeing that a long war, requiring arduous effort and great sacrifice, should not be undertaken without the broad base of support that Congress can represent.

The Javits' plan to combine the strengths of both schools of thought is not foolproof. In its language, there are unavoidable loopholes that might allow either a president or a Congress to dodge responsibility. But it is nevertheless a creditable step toward updating and clarifying the proper roles for both branches of our government in a world where wars and threats of wars seem to be permanent fixtures.

[From the Wichita (Kans.) Eagle, June 18, 1970]

JAVITS BILL WOULD RETURN WARMAKING POWER TO CONGRESS

Sen. Jacob K. Javits, R-N.Y., may have the answer to the dilemma of the increasing power of the executive branch to involve the nation in undeclared wars.

Senator Javits has introduced a bill which would limit participation in such conflicts to no more than 30 days, unless Congress gave its specific approval in the meantime.

This would allow the President to take action in an emergency, a necessity which seems obvious in this nuclear age. Yet it also would preserve the constitutional right of Congress to be the sole authority capable of involving the nation in a full-scale war.

Perhaps the need for the President to take emergency action has been exaggerated in our minds, but as long as there are intercontinental missiles, as long as there are American troops and military installations all over the world, it does seem that the commander-in-chief must be allowed some liberty to respond in an emergency.

Yet it is increasingly clear that there must be definite boundaries to that power. While a President can move quickly, he is dependent upon a handful of advisers, and particularly vulnerable to manipulation by the Pentagon. Congress moves slowly, but as a diverse body, it is more likely to represent the many views of the country, and to come up with decisions that do not follow the thinking of only one group.

Many contend that the congressional powers to institute military action were observed in the present disputed conflict, when President Johnson went to Congress in 1964 and was granted, in the Gulf of Tonkin Resolution, the power to "take all necessary measures to repel any armed attack against the U.S. and to prevent further aggression."

But that resolution was pushed through in record time. The U.S. destroyers Maddox and C. Turner Joy were attacked on August 2 and 4, 1964, and President Johnson won the Tonkin Resolution by August 7. It is now alleged that Congress was given wrong information about the Tonkin action. But in that short a time, pressed by the President, how could it sort out truth from misrepresentation?

Thirty days isn't much time for deliberation either, but it might be long enough for Congress to do a better job of assessing facts and situations.

The Javits bill shows a recognition of realities, but it would go a long way toward returning to the people—through their representatives most accessible to public opinion—the power of making war.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON DEPARTMENT OF THE ARMY CONTRACTS FOR MILITARY CONSTRUCTION AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Acting Secretary of the Army, transmitting, pursuant to law, a report on Department of the Army contracts for military construction awarded without formal advertisement, for the 6-month period ended December 31, 1971 (with an accompanying report); to the Committee on Armed Services.

PROPOSED LEGISLATION RELATING TO AUTHORIZED NUMBERS OF CERTAIN OFFICERS OF THE ARMED FORCES

A letter from the Assistant Secretary of the Air Force, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend the Act of September 26, 1966, Public Law 89-606, to extend for four years the period during which the authorized numbers for the grades of major, lieutenant colonel, and colonel in the Air Force may be increased, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT ON U.S. EXPORTS TO YUGOSLAVIA

A letter from the Secretary, Export-Import Bank of the United States, reporting, pursuant to law, on U.S. exports to Yugoslavia, for the period November 1971 through January 31, 1972; to the Committee on Banking, Housing, and Urban Affairs.

PROPOSED GRANT AGREEMENT WITH THE UNIVERSITY OF WISCONSIN

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed grant agreement with the University of Wisconsin (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORTS ON DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, reporting, pursuant to law, on certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered for temporary admission into the United States of certain aliens (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF AN ALIEN

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, an order suspending deportation in the case of Giovanni Borstelj (with accompanying papers); to the Committee on the Judiciary.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and naturalization Service, Department of Justice, copies of orders suspending deportation of certain aliens (with accompanying paper); to the Committee on the Judiciary.

THIRD-PREFERENCE AND SIXTH-PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports concerning visa petitions according the beneficiaries of such petitions third preference and sixth preference classification (with accompanying papers); to the Committee on the Judiciary.

REPORT OF U.S. COMMISSIONER OF EDUCATION

A letter from the United States Commissioner of Education, transmitting, pursuant to law, his report, for the fiscal year 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF PRESIDENT'S NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

A letter from the Chairman, President's National Advisory Council on Supplementary Centers and Services, transmitting, pursuant to law, a report of that Council, for the fiscal year 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

A letter from the Chairman, National Advisory Council on Education Professions Development, transmitting, pursuant to law, a report of that Council entitled "People for the People's College" (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution of the Senate of the State of Hawaii; to the Committee on Banking, Housing and Urban Affairs:

"SENATE RESOLUTION NO. 214 OF THE STATE OF HAWAII

"Relating to the agreement between the International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association

"Whereas, the International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association have reached agreement after a lengthy strike which lasted one hundred and thirty-four days; and

"Whereas, the gravity and urgency of reaching accord on this situation have taken much hard work and concerted effort on the part of many concerned individuals representing labor, management, the arbitrator, and the Federal Mediation and Conciliation Service; and

"Whereas, the agreement reached after much discussion was regarded with favor by the International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association; and

"Whereas, the Pay Board has just slashed this agreement, the product of so much exertion by all concerned, by a substantial amount, a move that risks unnecessary confrontation between the International Longshoremen's and Warehousemen's Union, the Pacific Maritime Association, and the Federal Government; and

"Whereas, the International Longshoremen's and Warehousemen's Union, under the leadership of Harry Bridges, has cooperated with management to improve the companies and especially productivity; and

"Whereas, this increased productivity has led to higher profits for the corporations involved; and

"Whereas, the workers, who have not struck for many years, have not received their rightful share of the increased profits that resulted from increased productivity and were forced to strike to obtain benefits that should have been theirs; and

"Whereas, the agreement which was submitted to the Pay Board was recommended for approval by the staff of the Pay Board; and

"Whereas, the Pay Board itself, contrary to their staff's recommendation, has not approved the agreement in its entirety; and

"Whereas, the International Longshoremen's and Warehousemen's Union and the

Pacific Maritime Association have both urged that the Pay Board approve the agreement to avoid further disruption of commerce; and

"Whereas, such action by the Pay Board against a small but important Union may create difficulty and hardship for our people; and

"Whereas, these members of the International Longshoremen's and Warehousemen's Union number only thirteen thousand one hundred workers; and

"Whereas, such action may be detrimental to a small and responsible Union such as the International Longshoremen's and Warehousemen's Union; and

"Whereas, such action may actually hurt efforts to build the American economy into a viable one that may provide a good life for all; now, therefore,

"Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that the Pay Board be, and hereby is, respectfully requested to reconsider its action and approve the agreement between the International Longshoremen's and Warehousemen's Union and the Pacific Maritime Association; and

"Be it further resolved that certified copies of this resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President and President Pro Tempore of the United States Senate, the members of the Pay Board, and the members of the Cost of Living Council."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION NO. 39 OF THE STATE OF HAWAII

"Ratifying a proposed amendment to the Constitution of the United States providing for equal rights under the law without discrimination on account of sex

"Whereas, the Congress of the United States has proposed an amendment to the Constitution of the United States to prohibit the denial or abridgement of equal rights under the law on account of sex; and

"Whereas, the transformation of our legal system to one which establishes equal rights for men and women under the law is long overdue; and

"Whereas, what was begun in the Nineteenth Amendment to the United States Constitution, extending to women the right of franchise, should now be completed by guaranteeing equal treatment to women in all areas of legal rights and responsibilities; and

"Whereas, the proposed Equal Rights Amendment provides for the establishment of complete legal equality so that before the law women and men will be treated without discrimination and individuals will be accorded the dignity and respect to which they are entitled politically and morally; and

"Whereas, House Joint Resolution 208, approved by the Ninety-Second Congress, Second Session, reads as follows:

"HOUSE JOINT RESOLUTION 208—JOINT RESOLUTION

"Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress;

" 'ARTICLE

" 'SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

" 'SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

" 'SECTION 3. This amendment shall take effect two years after the date of ratification.';

"now, therefore

"Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, the House of Representatives concurring, that the Article proposed as an amendment to the Constitution of the United States as set forth in United States House Joint Resolution 208, dated March 22, 1972, be hereby ratified by the Legislature of the State of Hawaii; and

"Be it further resolved that a certified copy of this Concurrent Resolution be transmitted to the Administrator, United States General Services Administration, and that certified copies of this Concurrent Resolution also be transmitted to the President of the United States Senate and to the Speaker of the United States House of Representatives and to the members of Hawaii's delegation to the Congress of the United States."

A joint resolution of the Legislature of the State of New Mexico; to the Committee on Commerce:

"STATE OF NEW MEXICO SENATE JOINT MEMORIAL 1

"A Joint Memorial requesting the Congress of the United States to enact legislation controlling television advertising of certain drugs and medicines

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

"Whereas, the attitudes conducive to drug abuse are widespread, as President Richard Milhous Nixon noted when he stated that ". . . we have produced an environment in which people come naturally to expect that they can take a pill for every problem—that they can find satisfaction and health and happiness in a handful of tablets or a few grains of powder . . ."; and

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

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

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

A concurrent resolution of the Legislature of the State of Michigan; to the Committee on Commerce:

"STATE OF MICHIGAN SENATE CONCURRENT RESOLUTION NO. 235

"A concurrent resolution memorializing the Congress of the United States relative to the Surface Transportation Act of 1971

"Whereas, The present and future needs of the United States for a stable and an expanding economy require the smooth functioning of a balanced surface transportation system making the best possible use of all modes—rail, highway, and waterway; and

"Whereas, The demand for freight transportation is growing three times as fast as the population and will double by 1985; and

"Whereas, Much of the surface transportation system is today in a precarious financial position which impedes its ability to modernize and to meet increasing needs of both shippers and consumers alike; and

"Whereas, Existing federal policies relating to regulation and financing have lagged far behind and have impeded the progress and health of the transportation industry; now therefore be it

"Resolved by the Senate (the House of Representatives concurring), That the Michigan Legislature urge the Congress of the United States to enact the Surface Transportation Act of 1971, with its provisions for updating regulations and extending limited financial assistance to the nation's surface transportation modes; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the Senate, the Speaker of the House of Representatives and to each member of the Michigan delegation to the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"STATE OF CALIFORNIA ASSEMBLY JOINT RESOLUTION NO. 1

"Assembly Joint Resolution No. 1—Relative to the creation of a Commission on Indian Treaties.

"Resolved by the Assemoly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to create a commission to review and evaluate the various treaties made between the United States government and the various Indian tribes and nations; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

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

"STATE OF FLORIDA SENATE MEMORIAL NO. 1145

"A memorial to the Congress of the United States to provide for the establishment in the State of Florida of a four year bachelor degree granting institution to be known as the United States Academy of Criminal Justice

"Be It Resolved by the Legislature of the State of Florida:

"Whereas, one of the most significant social problems in the country today is the issue of criminal justice, and

"Whereas, there is a growing need for the development of a uniform body of knowledge in the criminal justice field, and

"Whereas, the citizens of the United States are demanding that the United States government take the lead in establishing reforms in the field of criminal justice, and

"Whereas, an institution patterned after the U.S. Military Academy, U.S. Naval Academy and the U.S. Air Force Academy would provide a cadre of well educated, highly trained officers to serve as sheriffs, chiefs of police, prison wardens and in other similar offices. and

"Whereas, there are many able and highly qualified young people who are sensitive to social problems and willing to pursue law enforcement as a profession, and

"Whereas, such academy should have the best available resources, including a model prison, established in conjunction with the academy, for the purpose of allowing students practical experience in the most modern techniques of correction and rehabilitation of prisoners, and

"Whereas, Florida because of its moderate climate and its ease of access by all modes of transportation would be an ideal location, and

"Whereas, Mr. Frederick H. Owen, Jr., a citizen of the state has devoted much time and energy to preliminary plans of the proposed academy and model prison, has located possible construction sites and has coordinated efforts with officials of this state, and

"Whereas, the United States government has created and fully funded various military academies and it is proposed that this academy be established in similar fashion, now, therefore,

"Be It Resolved that the Congress of the United States is hereby requested to provide funds and other necessary support for the establishment of the National Academy of Criminal Justice, in the State of Florida, and

"Be It Further Resolved that copies of this memorial be dispatched to the president of the United States, to the president of the United States senate, to the speaker of the United States house of representatives and to each member of the Florida delegation to the United States Congress."

A resolution of the Legislature of the State of Arizona; to the Committee on Labor and Public Welfare:

"STATE OF ARIZONA SENATE MEMORIAL 1005

"A memorial relating to a federal program for research and cure of sickle cell anemia, and recommending passage of pending legislation

"To the Congress of the United States:

"Your memorialist respectfully represents:

"Whereas, sickle cell anemia is a disease now afflicting fifty thousand black persons in this nation, with an additional two million black persons as possible carriers of this disease.

"Whereas, one child of every three hundred to five hundred black children will be stricken with sickle cell anemia and of those that the disease strikes, nine out of ten will die before reaching the age of forty.

"Whereas, millions of dollars have been raised in volunteer campaigns to fight approximately twelve hundred new cases of cystic fibrosis and eight hundred cases of muscular dystrophy, but less than one hundred thousand dollars has been raised to combat approximately eleven hundred new cases of sickle cell anemia.

"Wherefore, your memorialist, the Senate of the State of Arizona, prays:

"1. That the Congress give favorable consideration to passage of bills now pending before it to implement a program of research, diagnosis, treatment and public education of sickle cell anemia.

"2. That the Secretary of State of the State of Arizona be directed to transmit a copy of this memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States and each member of the Arizona Congressional Delegation."

A resolution of the Legislature of the State of Arizona; to the Committee on Post Office and Civil Service:

"STATE OF ARIZONA HOUSE MEMORIAL 2001

"A memorial urging Congress to investigate problems created by Federal Civil Service tenure provisions and to make constructive modifications thereto

"To the Congress of the United States:

"Your memorialist respectfully represents:

"Under the tenure provisions of the federal civil service system there has built up over the years a situation which demands the attention of and corrective action by the Congress of the United States.

"On the one hand the job security provisions of civil service laws afford much needed protection to the thousands of loyal, hard-working, conscientious employees whose salary levels are generally lower than those offered by private industry.

"On the other hand the same job security provisions provide the disloyal, disruptive, power hungry few a shield with which to ward off attempts to remove them.

"The Congress must initiate and put into effect needed reforms in the tenure provisions of the civil service laws so that administrative responsibility within the agencies of the federal government may be returned to the control of the people.

"Wherefore your memorialist, the House of Representatives of the State of Arizona, prays:

"1. That the Congress appoint a special committee of its members to study, investigate and make recommendations to the Congress for changes in the tenure provisions of the civil service laws toward the goal of returning agency employee responsibility to the elected representatives of the people in the legislative and executive branches of the government.

"2. That the Honorable Wesley Bolin, Secretary of State of Arizona, transmit copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each member of the Arizona Congressional Delegation."

A resolution of the Senate of the State of Florida; to the Committee on the Judiciary:

"STATE OF FLORIDA SENATE MEMORIAL NO. 227

"A Memorial to the Congress of the United States making application to Congress to call a convention for the sole exclusive purpose of proposing to the several states a constitutional amendment relating to the choosing of a presiding officer of the Senate

"Whereas, the government of the United States has traditionally been structured upon a system of checks and balances in order to maintain equality between the three branches of government; and

"Whereas, it is of primary importance that the legislative branch of government be free of any restraint or pressure in order to be more fully representative of the people; and

"Whereas, the vice president of the United States is the president of the senate pursuant to Article I, Section 3 of the Constitution of the United States, and may vote therein when the membership is equally divided; and

"Whereas, Article I, Section 3 of the United States Constitution further provides that the senate shall choose their other officers and also a president pro tempore; and

"Whereas, the continued existence of the representative of the executive branch as the presiding officer of an independent house of Congress is inimical to the preservation of an independent legislature free from leadership supplied by the executive branch of government; Now, therefore,

"Be It Resolved by the Legislature of the State of Florida:

"That, pursuant to Article V of the Constitution of the United States, the legislature of the state of Florida does hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide:

"That the senate shall choose its officers, including a presiding officer selected from its membership, who shall be designated as the president of the senate, and also a president pro tempore who shall preside during the absence of the president of the senate.

"Be it further resolved that this application shall constitute a continuing application for such convention pursuant to Article V until the legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this legislature, and

"Be it further resolved that certified copies of this resolution be presented forthwith to the president of the United States senate and the speaker of the United States house of representatives and to the legislature of each of the several states a testing the adoption of this resolution by the legislature of the state of Florida."

Resolutions of the Legislature of the State of Nebraska; to the Committee on the Judiciary:

"LEGISLATIVE RESOLUTION 86

"Whereas, the 92nd Congress of the United States of America at its second Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"'JOINT RESOLUTION

"'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress;

"'ARTICLE

"'SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"'SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"'SEC. 3. This amendment shall take effect two years after the date of ratification.'

"Now, therefore, be it resolved by the members of the Eighty-Second Legislature of Nebraska, Second Session:

"1. That such proposed amendment to the Constitution of the United States be and the same hereby is ratified.

"2. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States."

"LEGISLATIVE RESOLUTION 83

"Whereas, the 92nd Congress of the United States of America at its second Session, in both Houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"'JOINT RESOLUTION

"'Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress;

"'ARTICLE

"'Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.'

"Now, therefore, be it resolved by the members of the Eighty-Second Legislature of Nebraska, Second Session:

"1. That such proposed amendment to the Constitution of the United States be and the same hereby is ratified.

"2. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto be forwarded by the Secretary of State to the Administrator of General Services, Washington, D.C., and to the President of the Senate and the Speaker of the House of Representatives of Congress of the United States."

A concurrent resolution of the Legislature of the State of Arizona; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION 2009

"A concurrent resolution urging Congress to call a Constitutional Convention to propose an amendment to the Constitution of the United States to permit offering voluntary prayer in public schools

"Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

"1. In accordance with the provisions of Article V of the Constitution of the United States of America, the Legislature of the State of Arizona hereby applies to the Congress of the United States to call a Constitutional convention for the purpose of proposing an amendment to the Constitution of the United States, which amendment shall permit the offering of voluntary prayer in public schools.

"2. If Congress shall have proposed an amendment to the Constitution to the same effect as the foregoing prior to January 1, 1973, this application for a convention shall no longer be of any force or effect.

"3. The Secretary of State of Arizona is directed to transmit authenticated copies of this Resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation."

A concurrent resolution of the Legislature of the State of Arizona; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION 1002

"A concurrent resolution urging an amendment to the Constitution of the United States permitting each State to establish residency requirements for public welfare assistance

"Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

"Whereas, the Legislature of the State of Arizona many years ago enacted into law a residency requirement for receipt of public welfare benefits; and

"Whereas, the Supreme Court of the United States has declared similar laws unconstitutional on the grounds in part that they violate the constitutional right of free travel; and

"Whereas, there are presently many laws which condition entitlement upon residency, that is, the right to use the courts of this state, for example, divorce proceedings require residency; driver's licenses and other licenses, such as the practice of law, medicine, and other professions; voting rights are conditioned on residency, and yet the judiciary has not declared such residency requirements unconstitutional; and

"Whereas, it would appear that in order to constitutionally establish a residency law for public welfare assistance, it is necessary that an amendment to the United States Constitution be enacted; and

"Whereas, the Legislature of the State of Arizona believes it to be for the best interest of the people of the United States that there be an amendment to the Constitution of the United States permitting each of the states to enact a residency law for public welfare assistance; and

"Whereas, the state of the economy in Arizona and elsewhere is one of severe stringency and the challenges facing state and local governments in these times of inflation and high unemployment are such as to sap the ability of governments at all levels to deal effectively with the myriad social problems which face our urban areas; and

"Whereas, our great metropolitan areas are faced in particular with problems of housing shortages, rising numbers of those addicted to narcotics, rapid rises in crime rates, air and water pollution, costs of fire and police protection, overburdened schools and many others and the provision of essential public services has become increasingly more financially difficult; and

"Whereas, the continual spiral upwards of welfare costs increases these problems both by increasing the demand for other essential services and by necessitating a diversion of limited funds from them; and

"Whereas, the greatest public good and least public harm will come from the maintenance of the levels of public assistance rather than from the stretching of limited state and local funds of any state to cover persons who have not yet established dependence upon them, those who are the most recent arrivals in the state.

"Therefore be it resolved by the Legislature of the State of Arizona:

"1. That the Congress of the United States of America is requested to propose an amendment to the Constitution of the United States permitting each state to enact a residency law relating to public welfare assistance.

"2. That the Secretary of State of the State of Arizona is requested to transmit a copy of this resolution to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Congress from the State of Arizona."

A joint resolution of the Legislature of the State of Idaho; to the Committee on Post Office and Civil Service:

"HOUSE JOINT MEMORIAL NO. 10

"A Joint Memorial to the honorable Senate and House of Representatives of the United States in Congress assembled, and the honorable delegation representing the State of Idaho in the Congress of the United States

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the Second Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

"Whereas, regulations of the United States Postal Service prohibit the forwarding of state income tax forms mailed under certain conditions; and

"Whereas, regulations of the United States Postal Service provide for the destruction of nonforwardable tax forms under certain conditions.

"Now, therefore, be it resolved by the Second Regular Session of the Forty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we most respectfully urge the Congress of the United States to take such action as is necessary to provide the same treatment of state tax forms as that afforded the federal government in the forwarding and return of federal tax forms.

"Be it further resolved that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the Senators and Representatives representing this state in the Congress of the United States."

A joint resolution of the Legislature of the State of Colorado; to the Committee on Labor and Public Welfare:

"HOUSE JOINT MEMORIAL NO. 1005

"Memorializing the Congress of the United States to reconsider the effectiveness of existing legislation relating to farm labor housing in the light of certain regulations promulgated by Federal agencies

"Whereas, The federal farm labor housing regulations, previously promulgated by the Secretary of the United States Department of Labor under the authority of Title 29, United States Code, section 49k, have already forced many agricultural producers of this state to close otherwise safe and sanitary housing; and

"Whereas, The reason many agricultural producers were forced to close otherwise safe and sanitary housing was that compliance with the federal farm labor housing regulations would have imposed an undue economic burden; and

"Whereas, As a result of this closing of agricultural labor housing, many farm workers have been unable to find housing and in some cases have been forced to sleep in automobiles or fields, thereby defeating the purpose of the federal labor housing regulations; and

"Whereas, The provisions of the occupational and safety standard covering temporary labor camps, as promulgated by the Secretary of the United States Department of Labor pursuant to the Williams-Steiger Occupational Health and Safety Act of 1970, would force the agricultural producers of this state to close even more otherwise safe and sanitary farm labor housing and could cause further undue economic burdens; and

"Whereas, While each and every separate provision of the federal farm labor regulations in and of itself may not be burdensome, when such regulations are taken as a whole and applied to farm labor housing, they can and do pose a burden for the agricultural producers; and

"Whereas, The federal farm labor housing regulations should be written with some degree of flexibility in order that farm labor housing which does not meet each and every provision of the farm labor regulations yet is otherwise safe and sanitary may be used; and

"Whereas, The state division of employment by federal regulation cannot recruit for or refer potential employees to an agricultural employer unless such employer's labor housing meets the requirements of the federal farm labor housing regulations even if such housing may otherwise be safe and sanitary; and

"Whereas, As a result, many agricultural employers no longer use the division of employment as a source of labor, thereby defeating one of the primary functions of the division of employment which is to place employee with employer; now, therefore,

"Be It Resolved by the House of Representatives of the Forty-eighth General Assembly of the State of Colorado, the Senate concurring herein:

"(1) That the Congress of the United States is hereby memorialized to reconsider regulations concerning farm labor housing which may have the effect of restricting rather than encouraging the availability of safe and sanitary farm labor housing.

"Be It Further Resolved, That copies of this Memorial be sent to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of Congress from the State of Colorado."

Two joint resolutions of the Legislature of the State of Idaho; to the Committee on Interior and Insular Affairs:

"IN THE IDAHO HOUSE OF REPRESENTATIVES, HOUSE JOINT MEMORIAL NO. 12, BY STATE AFFAIRS COMMITTEE

"A joint memorial to the Senate of the United States to the members of the Senate Interior Committee, and to the Senators representing the State of Idaho in the United States Senate

"We, your Memorialists, the Senate and House of Representatives of the state of Idaho assembled in the Second Regular Session of the Forty-first Idaho Legislature, do hereby respectfully represent that:

"Whereas, the state of Idaho has, since statehood, exercised authority over the fish and wildlife management within the state boundaries; and

"Whereas, state management not only has merit based upon long standing precedent, but is the condition greatly preferred by the sportsmen who value the preservation of the state's natural resources; and

"Whereas, this tradition of state management is threatened in the adoption of H.R. 6957 establishing the Sawtooth National Recreation Area and vesting with the Department of Agriculture a usurpation of the fish and wildlife management within the area; and

"Whereas, such usurpation is an unnecessary invasion into a well managed state jurisdiction; and

"Whereas, H.R. 6957 has passed the House of Representatives and is now pending before the Senate of the United States.

"Now, therefore, be it resolved by the Second Regular Session of the Forty-first Idaho Legislature, the House of Representatives and Senate concurring, that we urge the Senate of the United States to give careful consideration of the language in section 8 of H.R. 6957, and to strike therefrom the reference to authority over fish and wildlife management in the interests of avoiding intrusion into state management.

"Be it further resolved that the Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate, the members of the Senate Interior Committee, and the Senators representing this state in the Senate of the United States."

"IN THE IDAHO HOUSE OF REPRESENTATIVES, HOUSE JOINT MEMORIAL NO. 14, BY WAYS AND MEANS COMMITTEE

"A joint memorial to the honorable members of the Idaho congressional delegation, the chairmen of the Interior Committees in both the Senate and the House of Representatives of the United States Congress, the leadership of the Senate and the House of Representatives, the Secretary of Interior, and the Director of the Bureau of Reclamation

"We, your Memorialists, the Senate and House of Representatives of the State of Idaho, assembled in the Second Regular Session of the Forty-first Idaho Legislature, hereby request that:

"Whereas, the area of Twin Falls County, Idaho, known as the Salmon Tract and relying for irrigation upon the waters of the Salmon Falls Creek has been an area of extreme water shortage during all of its sixty year history as an irrigated tract; and

"Whereas, adequate water supply for the Salmon Tract would be a great stimulus to the economic development of south central Idaho generally and to Twin Falls County, Idaho, particularly; and

"Whereas, the Commission intimated that Twin Falls and Cassia Counties, Idaho, in the area generally known as the Milner-Cottonwood Area, are facing severe cutbacks due to lowering water tables and are in extreme need for supplementary surface water supplies; and

"Whereas, water supplies are available in the Snake River for the supplemental water supplies needed on the Salmon Tract and the Milner-Cottonwood areas at a relatively low cost and at high benefit-cost ratios under the terms of the proposed Salmon Falls Division Project of the Bureau of Reclamation, Department of Interior of the United States of America.

"Now, therefore, be it resolved by the Second Regular Session of the Forty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully urge the Congress of the United States to take appropriate action to implement and fund the Salmon Falls Division Project as approved by the United States Bureau of Reclamation and the Secretary of Interior with appropriate safeguards for all persons now holding rights in the water supply of the Snake River.

"Be it further resolved that the Clerk of the House of Representatives be, and he is hereby authorized and directed to forward copies of this Memorial to Representatives and Senators representing the State of Idaho in the Congress of the United States, the chairmen of the Interior Committees in both the House and Senate, the leadership of the Senate and the House of Representatives, and the Secretary of Interior and Director of the Bureau of Reclamation."

A joint resolution of the Legislature of the State of Idaho; to the Committee on Labor and Public Welfare:

"IN THE IDAHO HOUSE OF REPRESENTATIVES, HOUSE JOINT MEMORIAL NO. 11, AGRICULTURAL AFFAIRS COMMITTEE

"A joint memorial—The Honorable President of the United States, the Honorable Senate and House of Representatives of the United States in Congress assembled, the Honorable congressional delegation of the State of Idaho, the Honorable Secretary of the United States Department of Labor, and the Honorable Secretary of the United States Department of Agriculture

"We, your Memorialists, the House of Representatives and Senate of the state of Idaho assembled in the Second Regular Session of the Forty-first Idaho Legislature, do respectfully represent that:

"Whereas, agriculture is a vital segment of the economy of the state of Idaho; and

"Whereas, agriculture has a decided effect on all other segments of the economy of this state; and

"Whereas, it is vital that agriculture have available during the growing season an adequate water supply; and

"Whereas, much of the water supply in this state is through the sprinkler pipe system; and

"Whereas, during this crucial period of time, there is not always available in the local labor supply an adequate number of sprinkler pipe movers; and

"Whereas, it is recognized that all reasonable efforts should be exhausted to supply the necessary labor from local labor supply sources.

"Now, therefore, be it resolved by the Second Regular Session of the Forty-first Legislature of the state of Idaho now in session, the Senate and House of Representatives concurring, that we most respectfully urge the President of the United States, the Congress, and the Secretaries of Labor and Agriculture to recognize the problem facing agriculture, and undertake to provide solutions for the great disparity between the supply of local pipe movers and the demand for their services, and including the recognition that after reasonable efforts have been exhausted to secure said labor from local labor supplies, that it may be necessary to legally import foreign labor to accomplish this vital task.

"Be it further resolved that the Chief Clerk of the House of Representatives of the state of Idaho be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, to the Senators and Representatives representing this state in the Congress of the United States, to the Honorable Secretary of the Department of Labor, and the Honorable Secretary to the Department of Agriculture."

A resolution of the Senate of the State of Hawaii; ordered to lie on the table:

S. RES. NO. 210

"Resolution congratulating President Richard M. Nixon, the Congress of the United States, and the Commission on Population Growth and the American Future for their concern and work towards a better America.

"Whereas, the subject of population growth is presently a most vital and volatile issue to the people of the United States; and

"Whereas, the Commission on Population Growth and the American Future was proposed by President Nixon and established by Congress in March 1970; and

"Whereas, the first of three final reports was recently released after a detailed, two-year assessment of the impact of population growth on the economy, the environment, government, and the quality of life; and

"Whereas, the twenty-four member Commission chaired by John D. Rockefeller, III, and composed of members of Congress, businessmen, union leaders, foundation and university officials, youth and minority groups concluded: 'No substantial benefits would result from continued growth of the Nation's population.'; and

"Whereas, the report expressly rejected views at the extremes of current public debate over population, challenging both 'bigger-the-better' boosterism on the one hand and 'the emergency-crisis response' on the other; and

"Whereas, the operative word is 'prudence', not 'crisis' nor 'complacency'; and

"Whereas, the Commission's report thereby called on the United States to become the first nation to adopt a deliberate population policy and enable parents now to avoid unwanted childbearing; and

"Whereas, the Commission's main concern in preparing this first report was not the quantity of people in the future but the quality of life; and

"Whereas, it concluded that unless population growth is checked, social freedom will be choked by fees, forms, licenses, lines, regulations, and red tape; and

"Whereas, the resulting society would be so oppressive that "the population of the year 2020 may look back with envy on what, from their vantage point, appears to be our relatively unfettered way of life"; and

"Whereas, the size of the population as well as the distribution of the population is important in promoting the future welfare of Americans; and

"Whereas, the stabilization of the national population would greatly allay the burdens of metropolitanization; and

"Whereas, the report also expresses that 'the time has come to challenge the tradition that population growth is desirable: what was unintended may turn out to be unwanted, in the society as in the family'; and

"Whereas, the Commission intimated that in the next two reports it would offer recommendations concerning regional and metropolitan government and the idea of purposely establishing alternate growth

centers to ease pressures on existing metropolitan areas; now, therefore

"Be it resolved by the Senate of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that this body extend its congratulations and appreciation to Richard M. Nixon, President of the United States, members of the Congress of the United States, John D. Rockefeller, III, Chairman of the Commission on Population Growth and the American Future, and members of the Commission on Population Growth and the American Future for their unselfish concern and work towards the betterment of America for the people; and

"Be it further resolved that certified copies of this Resolution be transmitted to the President of the United States, the Speaker of the United States House of Representatives, the President and President Pro Tempore of the United States Senate, and John D. Rockefeller, III, Chairman of the Commission on Population Growth and the American Future."

A resolution adopted by the Pasadena Classroom Teachers Association, Pasadena, Tex., praying for the enactment of legislation to oppose forced consolidation of independent school districts in the State of Texas; to the Committee on the Judiciary.

The petition of Harold Vroom, and sundry other citizens of the State of New Jersey, expressing opposition to the massive busing of pupils; to the Committee on the Judiciary.

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. JAVITS:

S. 3446. A bill to amend section 7 of the Small Business Act. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CASE:

S. 3447. A bill terminating certain assistance to Portugal and Bahrain until the agreements relating to the use of military bases by the United States in the Azores and Bahrain are submitted to the Senate for its advice and consent. Referred to the Committee on Foreign Relations.

By Mr. STENNIS (for himself and Mrs. SMITH) (by request):

S. 3448. A bill to authorize certain construction at military installations and for other purposes. Referred to the Committee on Armed Services.

By Mr. ROBERT C. BYRD (for Mr. JACKSON):

S. 3449. A bill to authorize and direct the Water Resources Council to coordinate a national program to insure the safety of dams and other water storage and control structures, to provide technical support to State programs for the licensing and inspection of such structures, to encourage adequate State safety laws and methods of implementation thereof; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CRANSTON:

S. 3450. A bill to authorize continuation of programs of ACTION, create a National Advisory Council for that Agency, and for other purposes. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS:

S. 3446. A bill to amend section 7 of the Small Business Act. Referred to the Committee on Banking, Housing and Urban Affairs.

ELIGIBILITY OF SHELTERED WORKSHOPS FOR SMALL BUSINESS LOANS

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to amend the Small Business Act to make eligible for SBA loans nonprofit sheltered workshops for the blind and the severely handicapped.

These nonprofit sheltered workshops, which can serve up to an estimated 100,000 persons in every State of the Nation, seek out the most restricted of workers because such individuals require the most assistance. The workshops endeavor to maximize the earnings of these handicapped persons, giving them dignity and making them self-supporting rather than community supported. The workshops consequently must subsidize such items as the wages of low producers, health and rehabilitation services as well as management and overhead. These supportive services are funded by fees from State rehabilitation agencies, community chests, private donors, community fundraising drives, Government grants and bequests.

Since the workshops spend almost all their funds on their clients, they cannot accumulate capital funds; they also have limited access to other sources of capital in the community. Thus, the small business loan program offers a major hope that they can obtain the funds needed to tool up adequately to meet the demands for the goods and services which they can sell.

Access to SBA loans for capital expansion will increase the Nation's resources for handicapped persons. It will also help special workshop groups that ordinarily find difficulty in securing employment in most of the sheltered workshops, such as the homebound, the multihandicapped and minority group members.

Sheltered workshops have proven excellent risks—they can repay the money loaned them in addition to providing remunerative work and training opportunities where private enterprise has not done so.

The recently enacted Public Law 92-28—the so-called Javits-Wagner-O'Day Act—has opened up for these workshops new opportunities in securing Federal contracts for goods and services; the legislation I am introducing will afford nonprofit sheltered workshops the chance to grasp this new opportunity. And that is all that the handicapped ask of us—a chance.

Mr. President, I ask unanimous consent that the text of the bill may be printed in the RECORD.

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

S. 3446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end thereof a new subsection, as follows:

"(g) The Administration also is empowered to make loans (either directly or in cooperation with banks or other lenders through agreements to participate on an immediate or deferred basis) to assist any agency—

"(1) organized under the laws of the United States or of any State, operated in the interest of blind or other severely handicapped individuals, the net income of which does not inure in whole on in part to the benefit of any shareholder or other individual;

"(2) which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor; and

"(3) which in the production of commodities and in the provision of services during any fiscal year in which it receives financial assistance under this subsection employs blind or other severely handicapped individuals for not less than 75 per centum of the man-hours of direct labor required for the production or provision of these commodities or services."

By Mr. CASE:

S. 3447. A bill terminating certain assistance to Portugal and Bahrain until the agreements relating to the use of military bases by the United States in the Azores and Bahrain are submitted to the Senate for its advice and consent. Referred to the Committee on Foreign Relations.

Mr. CASE. Mr. President, I am today introducing a bill which would block all assistance to Portugal and Bahrain promised in recent executive agreements. This ban would remain in effect until the executive submits to the Senate as treaties these two executive agreements. I expect to offer the substance of this legislation as an amendment to the Foreign Aid Act.

I would have preferred that this matter be handled in a less drastic fashion. For several months now, I have been taking actions which urge the executive to submit to the Senate the agreements for U.S. military bases in the Portuguese Azores and in Bahrain—but to no avail.

I started out by writing to Secretary of State Rogers on December 9, 1971, urging that the agreement with Portugal for a 25-month extension of U.S. bases rights in the Azores in return for about $435 million in U.S. assistance and credits be submitted as a treaty.

I wrote:

There is no question in my mind that in and of itself, the stationing of American troops overseas is an issue of sufficient importance to necessitate the use of the treaty process.

And I added that—

The furnishing of economic aid to Portugal is complicated by the fact that Portugal is involved in colonial wars in Africa.

When it became clear that the administration would not react favorably to my letter, on December 16, 1971, with the cosponsorship of four other senior members of the Foreign Relations Committee, I introduced a resolution which called on the executive to submit the Portuguese agreement as a treaty.

Then on January 6, I read in the newspaper that the United States had entered into an "unpublicized" agreement with Bahrain for the establishment of a naval base on that island in the Persian Gulf. Again, the administration intended not to submit the agreement to the Senate but to settle the whole matter with a stroke of a diplomat's pen. Again, I pointed out on the Senate floor that the stationing of American troops over-

seas could lead to a commitment toward the host country and ultimately to war, and that the United States was becoming involved in a volatile part of the world where previously we had never had our own base.

On that day, I announced my intention to expand my resolution on the Azores to include also the submission to the Senate of the Bahrain agreement. The Foreign Relations Committee then held 3 days of public hearings during which the State Department testified it still would not submit the Azores and Bahrain agreements.

Nevertheless, on March 3, the Senate passed my resolution 50–6. The vote was significant not only because of the overwhelming majority by which it was adopted but also because Senators of all ideological persuasions joined in the effort to reassert the Senate's explicit constitutional role in the treatymaking process.

On March 6, I wrote again to the Secretary of State asking, in view of the Senate's passage of my resolution, if and when the executive would submit the two agreements to the Senate for advice and consent.

I have now received the State Department's reply—dated March 21—which says that after "serious consideration," it still will not submit the Bahrain and Azores agreements to the Senate. Claiming that the agreements "were appropriately concluded as executive agreements," the State Department's only reaction to the overwhelming vote of the Senate on my resolution is to "have noted the sense of the Senate."

I understand full well that a Senate resolution is not legally binding, so the State Department technically has the right only to "note" it. Yet, I must say that the attitude of the Department is most unwise and is shortsighted in the extreme.

The framers of the Constitution were explicit in their inclusion of the requirement for advice and consent of the Senate in the making of a treaty. And nowhere in the Constitution did they mention that the executive could skirt senatorial approval by simply calling a pact with a foreign government an executive agreement.

But the Department still refuses to take heed of the Senate's will on this question. So, I am faced with two choices: Either I can let the matter drop—content to have a resolution with my name on it passed by the Senate—or I can at least try to take further action. I have chosen the latter course because I believe a fundamental constitutional question is at stake.

The Senate cannot compel the executive to submit the agreements, but at the same time the Senate does not have to appropriate any money to pay for the agreements' costs.

I am today calling on my colleagues to uphold the Senate's vote of March 3 and cut off the funds needed to implement the agreements with Portugal and Bahrain until they are submitted as treaties.

Mr. President, I ask unanimous consent that there be printed in the RECORD the text of my bill, various background documents, and earlier editorial comment on the Portuguese and Bahrain deals.

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

S. 3447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress declares that, until the agreements signed by the United States with Portugal and Bahrain, relating to the use by the United States of military bases in the Azores and Bahrain have been submitted to the Senate as treaties for its advice and consent, assistance to be furnished Portugal and Bahrain as the result of such agreements should be terminated, and that Senate Resolution 214, 92d Congress, agreed to March 3, 1972, expressed the sense of the Senate that such agreements should be so submitted to the Senate as treaties.

(b) Therefore, notwithstanding any other provision of law, on and after the date of enactment of this Act—

(1) no vessel shall be loaned or otherwise made available to Portugal;

(2) no agricultural commodities may be sold to Portugal for dollars on credit terms or for foreign currencies under the Agricultural Trade Development and Assistance Act of 1954;

(3) no funds may be provided to Portugal for educational projects out of amounts made available to the Department of Defense;

(4) no excess articles may be provided by any means to Portugal;

(5) no defense articles may be ordered for Portugal from the stocks of the Department of Defense under section 506 of the Foreign Assistance Act of 1961; and

(6) the Export-Import Bank of the United States may not guarantee, insure, extend credit, or participate in any extension of credit, with respect to the purchase or lease of any product by Portugal, or any agency or national thereof, or with respect to the purchase or lease of any product by another foreign country or agency or national thereof if the Bank has knowledge that the product is to be purchased or leased principally for the use in, or sale or lease to, Portugal; until such agreement with Portugal is submitted to the Senate as a treaty for its advice and consent.

(c) Notwithstanding any other provision of law, on and after the date of enactment of this Act, no funds may be furnished by the United States to Bahrain for the use of any such base in Bahrain until such agreement with Bahrain is submitted to the Senate as a treaty for its advice and consent.

DEPARTMENT OF STATE,
Washington, D.C., March 21, 1972.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: The Secretary has asked me to reply to your letter of March 6, 1972 asking to be informed if and when the Administration plans to send the recent agreements with Bahrain and Portugal to the Senate for its advice and consent.

The Department has given serious consideration to S. 214, as is deserving of any resolution expressing the sense of the Senate on a matter of this nature. However, as Under Secretary U. Alexis Johnson stated in his testimony before the Senate Foreign Relations Committee on February 1, the Department of State believes that the agreement with Portugal to continue United States rights to station forces in the Azores and the agreement with Bahrain to permit the Middle East Force to continue to use support facilities in Bahrain were appropriately concluded as executive agreements. The agreements involve no new policy on the part of the United States nor any new defense commitment. Indeed, to seek Senate advice and consent would, in our view, carry a strong implication of new commitments that were not in fact intended by the parties. Of course the agreement with Portugal is in implementation of our already existing commitments under the North Atlantic Treaty, which was approved by an overwhelming majority of the Senate.

We realize, of course, that there may be a difference of view on the form an international agreement should take, and we have noted the sense of the Senate with respect to the Bahrain and Azores agreements as expressed in the vote on S. 214. We will continue to make every effort to keep the appropriate Congressional Committees informed of important agreements under negotiation and to consult with those Committees whenever there is a serious question whether an international agreement is to be made in the form of a treaty or otherwise.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

TREATY WITH PORTUGAL AND
U.S. ECONOMIC AID,
December 9, 1971.

The Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: In this morning's *New York Times,* it was reported that the United States and Portugal had negotiated an agreement regarding the future use by the United States of air and naval bases in the Portuguese Azores. It was further reported that the United States would furnish Portugal with economic aid in return for the use of the bases.

While not questioning the right of the Executive to negotiate agreements of this sort, I would like to receive your assurances that any final agreement will be submitted as a treaty for the Senate's advice and consent, and that no economic assistance will be furnished to Portugal without affirmative action of both Houses of Congress.

There is no question in my mind that in and of itself, the stationing of American troops overseas is an issue of sufficient importance to necessitate the use of the treaty process. It is unfortunate that American forces have been in the Azores since World War II only on the basis of executive agreements, but this past oversight in no way justifies the enactment of a new agreement without conforming to our Constitutional processes.

Similarly, the Executive has the right to discuss with any foreign government the furnishing of foreign assistance, but the Constitution clearly establishes that the Congress must appropriate (and hence authorize) the funds to institute such a program. Congress has provided the President with certain discretionary authority to make changes in the allocation of foreign aid funds, but the clear intent of Congress has been for this discretionary authority to be used in emergency situations. The new agreement with Portugal is not a matter on which the Executive must act immediately and thus would not and have time to come to Congress for authorization.

Finally, I would point out that the furnishing of economic aid to Portugal is complicated by the fact that Portugal is involved in colonial wars in Africa. You stated on March 26, 1970: "As for the Portuguese territories, we shall continue to believe that their peoples have the right of self-determination. . . . Believing that resort to violence is in no one's interest, we imposed an embargo in 1961 against the shipment of arms for use in the Portuguese territories."

Yet there would seem to be a clear tie between the furnishing of economic aid to

Portugal and the wars in the Portuguese colonies. *The New York Times* said this morning: "The loans could reduce pressure on Portugal's foreign currency reserves, which are under considerable strain because of the need to import foodstuffs in part because of the war against the guerrillas in Angola, Mozambique and Portuguese Guinea."

This additional complication is an added reason for the Executive Branch to seek the advice and consent of the Senate before final action is taken on the reported agreement with Portugal. I am confident you will agree and I await your affirmative response.

Sincerely,

CLIFFORD P. CASE,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., December 17, 1972.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: The Secretary has asked me to reply to your letter of December 9 regarding the recent exchange of notes with Portugal formalizing continuance of the rights of the United States to use certain military facilities in the Azores.

The basis of our defense cooperation with Portugal is the North Atlantic Treaty, which was, of course, overwhelmingly approved by the Senate on July 21, 1949. The bilateral Defense Agreement of 1951 with Portugal, which was executed in implementation of the North Atlantic Treaty, provided for wartime use of the Azores facilities by United States forces "during the life of the North Atlantic Treaty" and for the peacetime presence of American personnel during a specified time for the purpose of preparing the facilities for possible wartime use, storing materiel, and otherwise achieving a state of readiness. These rights to peacetime presence of United States forces in the Azores, in pursuance of the goals of the North Atlantic alliance, were extended by agreement on November 15, 1957 to December 31, 1962.

Upon the expiration of our agreed rights of peacetime use under this bilateral agreement in 1962, those rights were extended unilaterally by the Portuguese Foreign Minister in a letter of December 29, 1962 to the American Ambassador. The exchange of notes which took place last week restored those rights to a bilaterally agreed basis, as was the case from 1951 to 1962. This exchange of notes did not, of course, expand in any way our presence in the Azores, which has remained substantially the same for many years. Likewise, it does not expand our commitments beyond those accepted by the Senate in giving advice and consent to ratification of the North Atlantic Treaty.

The various forms of assistance we intend to make available to Portugal will come under existing programs of the Departments of Defense, Agriculture and the Export-Import Bank of the United States. All assistance is expressly conditioned on the availability of authorizing legislation and appropriated funds. The Department does not agree that there is "a clear tie between the furnishing of economic aid to Portugal and the wars in the Portuguese colonies." Contrary to the press article you cite, there is no strain on Portugal's foreign currency reserves, which, in fact, have been rising continually and now stand at an all-time high of $1.6 billion. The main effect of the Eximbank and PL-480 credits we are offering Portugal should be to increase the United States share of Portugal's import market, which is lower than our share of the market in any other Western European country.

I am enclosing for your information, a complete set of the documents exchanged last week between the Secretary and the Portuguese Foreign Minister. If you have any further questions about them, please do not hesitate to let me know.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DECEMBER 9, 1971.

His Excellency RUI PATRICIO,
Minister of Foreign Affairs of Portugal

EXCELLENCY: I have the honor to acknowledge receipt of Your Excellency's Note dated December 9, 1971, which reads as follows:

" I have the honor to refer to the letter of the Foreign Minister of Portugal to the Ambassador of the United States of America, dated December 29, 1962, and to the notes of this Ministry and of your Embassy, dated January 6, 1969, and February 3, 1969, respectively, relating to the conversations regarding the continued stationing of American forces and personnel at Lajes Base in the Azores and its use by the same.

"I have the honor to propose that the continued use by American forces of the facilities at Lajes Base be authorized by the Government of Portugal for a period of five years dating from February 3, 1969.

"The continued use of such facilities will be regulated by the mutual arrangements affirmed and described in the letter of the Foreign Minister of Portugal dated December 29, 1962. Either party may propose the commencement of conversations regarding use of such facilities beyond the period described in this note six months before the expiration of such period, but no determination that a negative result has arisen in such conversations shall be made for at least six months following the expiration of such period. In the event neither party proposes the commencement of further conversations, a negative result shall de deemed to have arisen upon the expiration of the period described in this note.

"I should like to propose that, if agreeable to your Government, this note together with your reply, shall constitute an agreement between our two Governments."

I confirm to you that the above quoted proposal is acceptable to the Government of the United States, and that Your Excellency's note and this reply shall be regarded as constituting a formal agreement between the two Governments.

Accept, Excellency, the assurances of my highest consideration.

WILLIAM P. ROGERS,
Secretary of State of the United States of America.

THE SECRETARY OF STATE,
Washington, D.C., December 9, 1971.

His Excellency RUI PATRICIO,
Minister of Foreign Affairs of Portugal.

DEAR MR. MINISTER: I refer to the series of discussions that have taken between our two Governments designed to enhance our political, economic, and cultural relations and in particular to the discussions that have centered on Portugal's development programs in the fields of education, health, agriculture, transportation, and science.

As a result of these discussions, the United States agrees, within the limitations of applicable United States legislation and appropriations, to help Portugal in its development efforts by providing the following economic assistance:

1. A PL-480 program that will make available agricultural commodities valued at up to $15 million during FY-1972 and the same amount during FY-1973. The terms of the agreements under PL-480 will be 15 years at 4½ percent interest, with an initial payment of 5 percent and currency use payment of 10 percent.

2. Financing for certain projects of the Government of Portugal, as follows: The two Governments have reviewed development projects in Portugal valued at $400 million and the United States Government declares its willingness to provide, in accordance with the usual loan criteria and practices of the Eximbank, financing for these projects.

3. The hydrographic vessel USNS Kellar on a no cost basis, subject to the terms of a lease to be negotiated.

4. A grant of 1 million to fund educational development projects selected by the Government of Portugal.

5. $5 million in "drawing rights" at new acquisition value of any non-military excess equipment which may be found to meet Portuguese requirements over a period of two years. The figure of five million dollars is to be considered illustrative and not a maximum ceiling so that we may be free to exceed this figure if desired.

As soon as the Government of Portugal replies to this letter, discussions shall be initiated to implement the details of each of the individual items listed herein.

Sincerely yours,

WILLIAM P. ROGERS.

THE SECRETARY OF STATE,
Washington, D.C., December 9, 1971.

His Excellency RUI PATRICIO,
Minister of Foreign Affairs of Portugal.

DEAR MR. MINISTER: During the recent discussions between our two Governments regarding possible participation by my Government in the plans which your Government has drawn up for the economic and social development of your country, Portuguese and American technicians have reviewed various Portuguese proposals with a total value of some $400 million. These included, inter alia, projects for airport construction, railway modernization, bridge-building, electric power generation, mechanization of agriculture, harbor construction and town planning, and the supplying of equipment for schools and hospitals.

I am pleased to inform you that the United States Government is willing to provide, through the Export-Import Bank of the United States, financing for U.S. goods and services to be used in these projects, in accordance with the usual loan criteria and practices of the Bank. Applications for loans or preliminary commitments covering specific projects may be submitted to the Bank through the Portuguese Embassy in Washington or directly at any time and will receive expeditious handling.

Sincerely yours,

WILLIAM P. ROGERS.

JANUARY 14, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: As you may know, I have already informally told the Department that I plan to include the Bahrain base agreement in my resolution on Azore bases (S. Res. 214). I am enclosing for your information a copy of the amended resolution.

Since we are now in the process of preparing for hearings on S. Res. 214, I would be grateful if you could send me the details of the Bahrain agreement as the Department did earlier on the Azores pact.

Sincerely,

CLIFFORD P. CASE, *U.S. Senator.*

DEPARTMENT OF STATE,
Washington, D.C., January 26, 1972.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: The Secretary has asked me to reply to your letter of January 14 requesting details on the agreement between the U.S. and Bahrain providing for the continued stationing of the U.S. Navy's Middle East Force in Bahrain.

I enclose a copy of the text of the agree-

ment, which was concluded December 23, 1971, and will soon be published in the Treaties and Other International Acts Series. The Chairman of the Foreign Relations Committee has also been provided with a copy.

I would like to stress that this agreement is essentially a logistics arrangement to permit Middle East Force to continue to carry out its mission of visiting friendly ports in the Persian Gulf and Indian Ocean area as a manifestation of the United States interest in the states of the region. The agreement with the Government of Bahrain was necessary because the British have relinquished the naval facilities in Bahrain, a small portion of which our Navy has utilized on an informal basis for over two decades. In addition, the British retrocession of legal jurisdiction over all foreigners in Bahrain as that state became fully independent last year necessitated a direct U.S.-Bahraini arrangement on the legal status of the personnel of Middle East Force.

The agreement with Bahrain involves no change in U.S. naval presence or mission in the area and the agreement in no way involves a political or military commitment to Bahrain or any other state.

Department officers would, of course, be pleased to have the opportunity to discuss with you the Bahrain agreement and its relationship to U.S. policy toward the Persian Gulf.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Enclosure: Text of Bahrain Agreement.

I, the undersigned consular officer of the United States of America, duly commissioned and qualified, do hereby certify that the attached is a true and faithful copy of the original this day exhibited to me, the same having been carefully examined by me and compared with the said original and found to agree therewith word for word and figure for figure.

In witness whereof I have hereunto set my hand and affixed the seal of the American Embassy at Manama, Bahrain this day of December 23, 1971.

RICHARD W. RAUH,
Vice Consul of the United States of America.

EMBASSY OF THE
UNITED STATES OF AMERICA,
Manama, Bahrain, December 23, 1971.

His Excellency SHAIKH MOHAMMAD BIN MUBARAK AL-KHALIFA,
Minister of Foreign Affairs, Government of the State of Bahrain.

EXCELLENCY: I have the honor to refer to the present deployment in Bahrain of the United States Middle East Force, including its flagship and other vessels and aircraft. The United States Government proposes to maintain this presence and its related support facilities subject to the following arrangements:

1. Vessels and aircraft assigned to or supporting the United States Force may freely enter and depart the territorial waters, ports, and airfields of Bahrain;

2. Members of the United States Force will be allowed freedom of movement within Bahrain and freedom of entry to and egress from Bahrain;

3. If there is any substantial change contemplated by the United States Government in the deployment of vessels or aircraft or numbers of personnel to be supported on Bahrain in connection with the United States Middle East Force, the United States Government will consult with the Government of Bahrain before effecting that change;

4. Passport and visa requirements shall not be applicable to military members of the United States Force except as shall be agreed upon between the two governments. All members of the United States Force, however, shall be furnished with appropriate identification which shall be produced, upon demand, to the appropriate authorities of the Government of Bahrain. Members of the United States Force will be exempt from immigration and emigration inspection on entering or leaving Bahrain, and from registration and control as aliens, but will not by reasons of their entry into Bahrain be regarded as acquiring any rights to permanent residence in Bahrain;

5. Members of the United States Force will respect the laws, customs and traditions of Bahrain, and abstain from activity inconsistent with the spirit of these arrangements. The authorities of the United States will take necessary measures to that end;

6. Members of the United States Force shall not be subject to taxation on their salary and emoluments received from United States sources or on any other tangible movable property which is present in Bahrain due to their temporary presence there;

7. The authorities of Bahrain will accept as valid, and without a driving test or fee, driving licenses or military driving permits issued by the authorities of the United States to members of the United States Force;

8. The authorities of the United States will pay just and reasonable compensation in settlement of civil claims (other than contractual claims; arising out of acts or omission of members of the United States Force done in the performance of official duty or out of any other act, omission or occurrence for which the Force is legally responsible. All such claims will be expeditiously processed and settled by the authorities of the United States in accordance with United States law;

9. The United States Force and its members may import into Bahrain (without license or other restriction or registration and free of customs, duties and taxes, equipment, supplies, household effects, motor vehicles and other items required by the Force or for the personal use of the members of the Force. Any items imported under this paragraph may be exported freely without customs, duties, and taxes. However, any property of any kind imported entry free under this paragraph which is sold in Bahrain to persons other than to those entitled to duty free import privileges shall be subject to customs and other duties on its value at the time of sale.

10. Personal purchases by members of the United States Force from Bahraini sources shall not be exempt from Bahraini customs, duties and taxes except for certain articles to be agreed upon between the two governments;

11. The Government of Bahrain shall exercise civil jurisdiction over members of the United States Force, except for those matters arising from the performance of their official duties. The Government of the United States shall exercise criminal jurisdiction over members of the United States Force. In particular cases, however, the authorities of the two governments may agree otherwise;

12. The term "members of the United States Force" means members of the Armed Forces of the United States and persons serving with, or employed by said Armed Forces, including dependents, but excluding indigenous Bahraini nationals and other persons ordinarily resident in Bahrain territory, provided that such nationals or other persons are not dependents of members of the United States Force;

13. The occupancy and use of the support facilities required by the United States Force will be governed by administrative arrangements between the United States authorities and the authorities of Bahrain or, as appropriate, private property owners;

14. Should either government determine at some future time that it is no longer desirable to continue the presence on Bahrain of the United States Middle East Force, the United States shall have one year thereafter to terminate its presence.

If the foregoing is acceptable to the Government of Bahrain, I have the honor to propose that this note and your note in reply confirming acceptance will constitute an agreement between our respective governments regarding this matter.

Accept, Excellency, the assurance of my highest consideration.

JOHN N. GATCH, Jr.,
Charge d'Affaires ad interim.

STATE OF BAHRAIN,
MINISTRY OF FOREIGN AFFAIRS,
December 23, 1971.

JOHN N. GATCH, Jr.
Charge d'Affaires ad interim, Embassy of the United States of America, Manama, Bahrain

SIR: I have the honour to acknowledge the receipt of your note dated December 23, 1971, reading as follows:

"His Excellency,

SHAIKH MOHAMMAD BIN MUBARAK AL-KHALIFA, *Minister of Foreign Affairs, Government of the State of Bahrain.*

EXCELLENCY: I have the honour to refer to the present deployment in Bahrain of the United States Middle East Force, including its flagship and other vessels and aircraft. The United States Government proposes to maintain this presence and its related support facilities subject to the following arrangements.

1. Vessels and aircraft assigned to or supporting the United States Force may freely enter and depart the territorial waters, ports, and airfields of Bahrain;

2. Members of the United States Force will be allowed freedom of movement within Bahrain and freedom of entry to and egress from Bahrain;

3. If there is any substantial change contemplated by the United States Government in the deployment of vessels or aircraft or numbers of personnel to be supported on Bahrain in connection with the United States Middle East Force, the United States Government will consult with the Government of Bahrain before effecting that change;

4. Passport and visa requirements shall not be applicable to military members of the United States Force, except as shall be agreed between the two Governments. All members of the United States Force, however, shall be furnished with appropriate identification which shall be produced, upon demand, to the appropriate authorities of the Government of Bahrain. Members of the United States Force will be exempt from immigration and emigration inspection on entering or leaving Bahrain, and from registration and control as aliens, but will not by reason of their entry into Bahrain be regarded as acquiring any rights to permanent residence in Bahrain;

5. Members of the United States Force will respect the laws, customs and traditions of Bahrain, and abstain from activity inconsistent with the spirit of these arrangements. The authorities of the United States will take necessary measures to that end;

6. Members of the United States Force shall not be subject to taxation on their salary and emoluments received from United States sources or on any other tangible movable property which is present in Bahrain due to their temporary presence there;

7. The authorities of Bahrain will accept as valid, and without a driving test or fee, driving licenses or military driving permits issued by the authorities of the United States to members of the United States Force;

8. The authorities of the United States will pay just and reasonable compensation in settlement of civil claims (other than contractual claims) arising out of acts or omission of members of the United States Force done in the performance of official duty or out of any other act, omission or occurrence for which the Force is legally responsible.

All such claims will be expeditiously processed and settled by the authorities of the

United States in accordance with United States law;

9. The United States Force and its members may import into Bahrain, without license or other restriction or registration and free of customs, duties and taxes, equipment, supplies, household effects, motor vehicles and other items required by the Force or for the personal use of the members of the Force. Any items imported under this paragraph may be exported freely without customs, duties, and taxes. However, any property of any kind imported entry free under this paragraph which is sold in Bahrain to persons other than those entitled to duty free import privileges shall be subject to customs and other duties on its value at the time of sale.

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12. The term "members of the United States Force" means members of the Armed Forces of the United States and persons serving with, or employed by said Armed Forces, including dependents, but excluding indigenous Bahraini nationals and other persons ordinarily resident in Bahrain territory, provided that such nationals or other persons are not dependents of members of the United States Force;

13. The occupancy and use of the support facilities required by the United States Force will be governed by administrative arrangements between the United States authorities and the authorities of Bahrain or, as appropriate, private property owners;

14. Should either government determine at some future time that it is no longer desirable to continue the presence on Bahrain of the United States Middle East Force, the United States shall have one year thereafter to terminate its presence.

If the foregoing is acceptable to the Government of Bahrain, I have the honour to propose that this note and your note in reply confirming acceptance will constitute an agreement between our respective governments regarding this matter.

Accept, Excellency, the assurance of my highest consideration.

JOHN N. GATCH, Jr.,
Chargé d'Affairs ad interim".

It is my pleasure to inform you that the Government of Bahrain agrees to all that was said in this note.

Accept, Sir, the assurance of my highest consideration.

MOHAMMAD BIN
MUBARAK AL-KHALIFA,
Minister of Foreign Affairs, Government of Bahrain.

[From the Washington Post, Dec. 18, 1971]

TRADE LEADS THE FLAG

Eager to sell more American goods overseas, the United States discovered that Portugal had (1) a long list of civilian needs and (2) a tradition of buying from West Europe. So the State Department went to work to open the Portuguese market. It succeeded handsomely. The other day it announced for the Export-Import Bank that the bank would finance American exports for Portuguese development projects (Lisbon happens to have an excellent credit rating) valued at about $400 million. Exim currently is financing only $17 million worth of exports to Portugal; the total since 1934 is only $175 million. Portugal, whose economic and political lag continues to keep it out of the European Common Market, had obvious economic reasons of its own to make the deal.

In return, Portugal got several things. First, it got a base-extension agreement from Washington. We have used Lajes field in the Azores since 1962 without a formal accord and, assured of use anyway, we didn't want or seek a renewal. But Lisbon sought the political imprimatur which, it felt, a formal renewal would bestow on its general policy. Second, Portugal got a visit from Mr. Nixon, who met Prime Minister Caetano (and French President Pompidou) there this week. Mr. Caetano may not do much for Mr. Nixon's political image but Mr. Nixon does plenty for Mr. Caetano's. And third, Lisbon got a few other conspicuous goodies, such as $30 million worth of PL 480 food, $5 million worth of civilian gear (roadscrapers) from Pentagon "excess" stocks, and a $1 million grant for education projects "selected by the government of Portugal."

Well, these days export promotion is all the rage. And if the United States in fact needs an Atlantic base to track Soviet subs and to keep an eye on the mouth of the Mediterranean, then it's not outlandish that it should sign for it. Often, after all, as with Spain last year, base agreements are paid for in military supplies or in credits for such supplies, not in credits for development goods, as is the case now with Portugal.

There is, however, a high price to pay; many Americans, and black Africans, wish we weren't willing to pay it. It is to give Europe's last colonial power extra status and encouragement in its dominion over Portuguese Guinea, Angola and Mozambique. By allowing trade priorities to lead it into closer association with Lisbon, Washington unavoidably identifies itself further with a colonial regime. It did so without a word to indicate it may have some residual sympathies for Africans fighting for independence. It did so with a gratuitous visit to the Azores by Mr. Nixon. And it did so without any visible effort to separate the negotiation or at least the announcement of the base and credits deals so as to avoid the damaging impression that the credits were some kind of aid given in return for the base.

There is also the question raised by Senator Case's resolution calling on the President to submit the new pact to the Senate as a treaty demanding ratification: "I cannot believe that the founding fathers would not consider to be a treaty an agreement, such as the reported one with Portugal, which calls for the stationing of American troops overseas and which furnishes a foreign government with a reported $435 million in assistance." We don't think the $400 million in export credits can fairly be counted as aid, but Mr. Case has a good point anyway. "Nowhere in the Constitution," he said, "did the [the founding fathers] mention that the Executive could skirt senatorial approval simply by calling a pact with a foreign government an Executive agreement."

[From the Trenton Evening Times, Dec. 20, 1971]

ADVICE AND CONSENT

The five senators who are seeking to have the administration submit the recent agreement with Portugal to the Senate for its advice and consent may be batting their heads against a stone wall. But they deserve an A for effort and their proposal merits the thoughtful consideration of their colleagues and the American public.

Under the accord, which the administration describes as an executive agreement not legally subject to congressional ratification, the United States promises Portugal up to $435 million in economic and social development credits in return for continued use of air and naval bases in the Azores.

Senator Case of New Jersey, a member of the Foreign Relations Committee, immediately wrote Secretary of State Rogers demanding that the pact be submitted to the Senate as if it were a treaty because it involves the stationing of American troops overseas. The Case move was not unprecedented. Senator Fulbright, the chairman of the committee, had sought unsuccessfully last year to have the administration submit a bases agreement with Spain to Senate consideration. Now Sens. Case and Fulbright have been joined by Sens. Javits of New York, Symington of Missouri and Church of Idaho in the introduction of a resolution that would declare it to be the "sense of the Senate" that any new agreement with Portugal for military bases or foreign assistance be submitted as a treaty for the Senate's advice and consent, and that no economic assistance be furnished Portugal without affirmative action by both houses of Congress.

The justification of an arrangement with a highly authoritarian regime that has been engaged for a decade in wars against nationalist guerrillas in Africa might be a distasteful and difficult problem for the administration. But that does not justify the bypassing of the constitutional role of the Senate in the treaty-making area. And, as Senator Case said, the framers of the Constitution "did not mention that the executive could skirt senatorial approval by simply calling a pact with a foreign government an executive agreement."

[From the Long Island Newsday, Dec. 22, 1971]

THE AZORES AGREEMENT

The recent decision of the Nixon administration to negotiate a five-year agreement with Portugal allowing this nation to use air and naval bases in the Azores has distressed one member of our United Nations delegation to the point of resignation.

And—as a black man and an American—Rep. Charles Diggs (D-Mich.) had good reason to be upset. The Azores agreement, said Diggs upon leaving the UN mission, was just another example of the "stifling hypocrisy" that characterizes this nation's policy toward black Africa.

For, the agreement comes complete with a $436,000,000 American donation to Portugal—money, said Diggs, that will be used to the disadvantage of suppressed blacks in Portugal's African territories.

Diggs is not the only person in Washington perturbed by the agreement. Sen. Clifford Case (R-N.J.) and four other senators, all members of the Foreign Relations Committee, last week introduced a "sense of the Senate" resolution that would put the upper house on record as opposing any new agreement with Portugal involving aid and military installations not first cleared by the Senate as a treaty.

The State Department says the White House was able to act unilaterally in this instance because the pact was an "executive agreement" and *not* a treaty. But Case and his co-sponsors—including Sens. Jacob Javits (R-N.Y.) and J. William Fulbright (D-Ark.)—are not satisfied with that answer.

On humanitarian and economic terms, the agreement with Portugal is questionable, at best. And, as an instrument of practical necessity, it is of doubtful purpose. An outpost in the Azores hardly seems vital to our national defense.

We urge the Senate to pass the Case resolution quickly when Congress reconvenes next month. Perhaps then the White House will get the message and re-think its position, at the very least when it considers future arrangements with foreign governments. Major U.S. support for the Portuguese—and the concomitant loss of respect for U.S. intentions among emerging African nations—is too vital a matter to be settled by Presidential decree.

[From the New York Times, Dec. 26, 1971]

IN CONTEMPT OF THE CONSTITUTION

Since World War II, the United States has had the privilege of refueling its military planes at an air base in the Portuguese Azores. This arrangement included port facilities for the U.S. Navy. A so-called "executive agreement" was entered into between this Government and Portugal and regularly renewed until 1962, when the Portuguese allowed it to lapse because of their resentment against the Kennedy Administration's anti-colonial policy in Africa. Use of the facilities continued, however, without a formal agreement. About 1,500 American servicemen have been stationed in the Azores for many years.

Earlier this month, President Nixon revived the agreement and not only renewed it for five years but also granted $435 million in economic aid to Portugal without consulting Congress.

Air and Naval bases, the stationing of troops overseas, the granting of money—these are the very substance of foreign policy. If the Senate is to exercise its constitutional authority to advise and consent in the making of foreign policy, it has an obligation to pass judgment on these issues.

Under the North Atlantic Treaty, of which Portugal is a signer, and under various laws enacted in the past the Nixon Administration can find a color of legality for the latest Azores deal. But the truth is that the President did not submit this agreement to the Senate as a treaty because he knew that he could not get two-thirds approval. It is doubtful if he could get the support of a simple majority. Rather than put the question to a test, he has put himself in contempt of the plain intent of the Constitution. It is an odd posture for a President who claims to be a "strict constructionist."

It is worth recalling that in 1947 when President Truman wanted to extend a smaller amount of aid—$400 million—to Greece and Turkey, he addressed a joint session of Congress and committees of Congress held lengthy hearings before approval was granted.

The amount of assistance granted to Portugal is enormous in terms of that small country's limited budget. It is also politically significant because it eases Portugal's budgetary difficulties when her finances are strained by the cost of combating the guerrilla warfare of the black rebels in the African colonies. Do the American people with their anti-colonial traditions wish to provide a subsidy to this last ramshackle little empire?

Senator Case, Republican of New Jersey, and four other members of the Senate Foreign Relations Committee from both parties have challenged Mr. Nixon's righthanded behavior by introducing a resolution calling upon him to submit the Azores agreement to the Senate for ratification as a treaty. If the Senate wishes to restore its constitutional credibility as a partner in the making of foreign policy, it will adopt this resolution.

[From the Washington Post, Jan. 9, 1972]

WHAT'S OUR GAME IN THE INDIAN OCEAN?

The stated grounds for the new American naval role planned in the Indian Ocean are so flimsy that one can only wonder if it has not been undertaken merely to provoke "the lady," as Indian Prime Minister Gandhi is apparently known in the White House these days. On the one hand, the larger and more frequent patrols will supposedly fill the "vacuum" being left by the British; on the other, they will offset the expanding but still modest presence (10 ships) of the Russians. Take your pick—or take both; they're small.

The Pentagon makes no effort to identify any newly threatened American interest. Rather, it says the Navy is eager for Indian Ocean "operating experience," vessels are available from the Vietnam war, and "we do have the capability." In a similar pose of innocence, the Pentagon calls attention to its new mid-Ocean "communications center" on Diego Garcia, as though to say, we've got it so let's use it.

Just last July, addressing a House Foreign Affairs subcommittee, administration witnesses could discern no pressing reasons for enlarging the then-modest American naval presence in and about the Indian Ocean. Since then, of course, the Indo-Pakistani war has taken place. In a gesture intended, according to the "Anderson papers," to distract Indian forces from Pakistan, the United States sent a task force including aircraft and helicopter carriers into the Indian Ocean. The administration's explanation that the ships were meant to evacuate Americans, if a threat to them materialized, must be set against the fact that three weeks after the war, the ships are still there. Is this not the spirit in which the new patrols have been ordered?

For the United States substantially to upgrade its politico-military role in an ocean heretofore spared the excesses of great-power competition is, however, a major move deserving of thorough public discussion. It goes well beyond the administration's disturbing step, just revealed, to take over from the British a naval base on Bahrain in the adjoining Persian Gulf; Senator Case has correctly demanded that this new executive agreement be submitted to the Senate as a treaty. Just what American interests are being served, and how? Will the American move solidify or loosen the Soviet purchase in India? Should we move unilaterally into a new theater, international sea though it be, when no litoral state has invited us and when all litoral states have just demanded in a General Assembly resolution that the big powers stay out? Should we consider responding in kind to the public Soviet offer of last July to negotiate naval limits in the Indian Ocean and elsewhere? Will our increased presence there give the Russians a stronger claim to increase their presence in the Caribbean?

We would have thought that the vaunted "Nixon Doctrine" militated against such an initiative as the President has now taken in the Indian Ocean. Or is this Doctrine already extinct?

[From the New York Times, Jan. 10, 1972]

NEEDED: CANDOR AND CONSENT

From the strategic viewpoint it makes good sense for the United States to maintain a modest naval task force in the Persian Gulf, as it has done for twenty years. What concerns us about the new arrangement for a permanent American naval station on Bahrain is the same problem that bothers Senator Case of New Jersey and four of his Foreign Relations Committee colleagues.

The agreement, signed with the newly-independent Government of Bahrain Dec. 23, was not announced; it was confirmed by Washington only after a New York Times dispatch had disclosed its existence, it was not in the form of a treaty, which would require Senate advice and consent, but an executive agreement, which does not have to be submitted to Congress at all.

It thus fits the pattern of Administration behavior illustrated only last month by revival of a pact with Portugal for continuing use of bases in the Azores in return for $535 million in credits, and by the signing last year of a new agreement with General Franco for bases in Spain at a comparable price. Mr. Case and his colleagues, who have already asked the Administration to submit the pact with Portugal as a treaty, say they will broaden their resolution to include the Bahrain agreement.

The presence in the Persian Gulf of even a converted seaplane tender and two destroyers—the current size of the task force—could bolster stability in a volatile area. Along with the decision to deploy Seventh Fleet patrols more frequently in the Indian Ocean, the force at Bahrain could offset an expanding Soviet naval presence and fill a vacuum left by Britain's withdrawal last year.

But if anything is clear about American military deployment and American bases in Asia after the bitter disillusionment in Indochina, it is that the Administration must make its case openly for every major move—with Congress and the country. Senator Case deserves plaudits, as usual, for reminding the Administration that establishment of an American base abroad is "a very serious matter" on which the Congress should be consulted.

[From the Philadelphia Evening Bulletin, Jan. 10, 1972]

SHOWING THE FLAG OFF INDIA

The U.S. Senate is restive over the emerging American presence in the Indian Ocean. And properly so, despite the Navy's argument that the "showing of the flag," in the shape of the giant nuclear carrier Enterprise, is necessary to counter Soviet penetration in this area of fast fading British influence.

Several senators have posed two critical questions: Could the deployment and the simultaneous leasing of an old British base from the Sheikdom of Bahrain precipitate the same disastrous sequence of events which culminated in the Vietnam War? And shouldn't the Bahrain agreement be submitted to the Senate for ratification?

There is, of course, a distinction to be made between the deployment of a carrier off the Indian subcontinent to assert "freedom of the (Indian) seas" and the leasing of a base.

The former suggests a transient presence, to be augmented, reduced, or, as the Navy asserts in this instance, to be withdrawn altogether, periodically.

But a base, in anybody's definition—the Senate's or the Nixon Administration's—is just the dangerous stuff unwanted commitments are made out of. There's always the danger the Bahrain agreement might escalate to a commitment far exceeding Mr. Nixon's "low (Asian) profile . . ." And this possibility is all the more real for the fact that Bahrain views the agreement as an effective counter to territorial demands by Iran and Iraq.

Thus, the understandable anxiety of U.S. Senator Case (R-NJ) and Senator Fulbright (D-Ark). It may well be that the senators overreach in demanding that not only the Bahrain accord but the recent agreement with Portugal for expanded U.S. use of the Azores be submitted to the Senate for ratification. But one thing is certain. Only such demands, registered in firm and uncompromising language, can set the stage for the comprehensive debate such agreements dictate.

The debate may not bring the vote on ratification Mr. Case wants, or even prove that the accords are "treaties," properly subject to Senate action. But surely debate on such a critical constitutional question would serve to set and illuminate the limits of the U.S. commitment, on Bahrain and the Azores.

It is knowing precisely where the limits are that prevents or, at least substantially reduces, the threat of another Vietnam.

BACK TO THE CONSTITUTION

With no fanfare at all President Nixon has now entered into an agreement to establish a naval base on Bahrain, an island in the Persian Gulf that recently proclaimed its independence. Sen. Case of New Jersey rightly protests that the agreement is actually a treaty, and he insists it should be submitted to the Senate as the Constitution directs.

President Nixon is probably quite right in supposing that the base on Bahrain makes sense. He might even have been right in suppositions leading up to another so-called executive agreement with Portugal concerning bases in the Azores. But his rightness should not be permitted to obscure the central point, that major agreements with foreign nations should be submitted to the Senate for its review and advice.

The President's power in foreign affairs is enormous, which has been demonstrated for years in Vietnam and lately again in the war between India and Pakistan. But the Constitution and common sense insist that it be not unlimited. Congress does have its role.

There is need for debate of an issue like a naval base in the Persian Gulf. That is a dangerous part of the world. As Sen. Case points out, Iran has lately occupied certain islands in the Persian Gulf, and there is a territorial dispute among several Arab countries about islands there. The United States could become involved, and the Senate should have full knowledge of the possibilities.

Sen. Case has been joined by Sens. Javits, Fulbright, Church, and Symington in sponsoring a resolution calling for submission of the Azores agreement to the Senate for confirmation as a treaty. He now intends to submit a new resolution on Bahrain or to extend the Azores resolution to cover Bahrain.

Mr. Case stated the case well when he said:

The Senate's treaty-making role is so clearly defined in the Constitution that it should be redundant to be introducing resolutions calling for the Senate to give its advice and consent to treaties. Yet the Senate's role in the treaty-making process has become so eroded that we have no choice.

By Mr. STENNIS (for himself and Mrs. SMITH) (by request):

S. 3448. A bill to authorize certain construction at military installations and for other purposes. Referred to the Committee on Armed Services.

Mr. STENNIS. Mr. President, for myself and the senior Senator from Maine (Mrs. SMITH) I introduce, by request, a bill to authorize construction at military installations and for other purposes.

I ask unanimous consent that the letter of transmittal requesting introduction of the bill and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

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

THE SECRETARY OF DEFENSE,
Washington, D.C., March 23, 1972.

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

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To authorize certain construction at military installations and for other purposes."

This proposal is a part of the Department of Defense legislative program for FY 1973. The Office of Management and Budget on March 6, 1972, advised that its enactment would be in accordance with the program of the President.

This legislation would authorize military construction needed by the Department of Defense at this time, and would provide additional authority to cover deficiencies in essential construction previously authorized. Appropriations in support of this legislation are provided for in the Budget of the United States Government for the FY 1973.

Titles I, II, III, and IV of this proposal would authorize $1,869,250,000 in new construction for requirements of the Active Forces, of which $980,396,000 are for the Department of the Army; $540,869,000 for the Department of the Navy; $301,585,000 for the Department of the Air Force; and $46,400,000 for the Defense Agencies.

Title V contains legislative recommendations considered necessary to implement the Department of Defense family housing program and authorizes $1,073,684,000 for costs of that program for FY 1973.

Title VI contains authorization to expand the Homeowners Assistance Program (authorized by section 1013 of Public Law 89-754) to cover two limited situations in which Department of Defense homeowners outside the United States have not been eligible for assistance.

Title VII contains General Provisions applicable to the Military Constitution Program.

Title VIII totaling $97,185,000 would authorize construction for the Reserve Command Components, of which $33,570,000 is for the Army National Guard; $33,500,000 for the Army Reserve; $14,715,000 for the Naval and Marine Corps Reserves; $9,000,000 for the Air National Guard; and $6,400,000 for the Air Force Reserve. These authorizations are in lump sum amounts and will be utilized in accordance with the requirements of chapter 133, title 10, United States Code.

The projects which would be authorized by this proposal have been reviewed to determine if environmental impact statements are required in accordance with Public Law 91-190. Eighteen projects have been identified which may require environmental impact statements. Environmental statements will be submitted to the Congress by the military departments when required procedures have been completed.

Sincerely,

MELVIN R. LAIRD.

By Mr. ROBERT C. BYRD (for Mr. JACKSON):

S. 3449. A bill to authorize and direct the Water Resources Council to coordinate a national program to insure the safety of dams and other water storage and control structures, to provide technical support to State programs for the licensing and inspection of such structures, to encourage adequate State safety laws and methods of implementation thereof; and for other purposes. Referred to the Committee on Interior and Insular Affairs.

NATIONAL SAFETY OF DAMS ACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Washington (Mr. JACKSON), I introduce a bill and I ask unanimous consent that a statement prepared by Senator JACKSON together with the text of the bill be printed in the RECORD at this point.

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

STATEMENT BY SENATOR JACKSON—NATIONAL SAFETY OF DAMS ACT

Mr. President, I introduce for appropriate reference the "National Safety of Dams Act."

This measure would provide for an expedited national program, coordinated by the Water Resources Council, to insure the safety of dams and other water storage and control structures. At the request of the Governor of any State, the Council, together with State officials, would prepare a technical assistance plan to insure the safety of water storage and control structures in that State. Under the Council's direction, technical assistance would be provided to the State by the Bureau of Reclamation and Geological Survey, the Army Corps of Engineers, and the Soil Conservation Service for its program of licensing and inspection of such structures and for other activities necessary for implementation of the plan. As a precondition for Federal assistance, the State would have to demonstrate that it has adequate safety laws and methods for implementation of those laws. An annual sum of $5,000,000 would be authorized for the administration of the program.

Mr. President, the tragic Buffalo Creek disaster which occurred in West Virginia has focused public attention on one aspect of a widespread danger to life and property. The dam which failed on February 26th was constructed out of mine refuse and was intended to impound water from a washing process at the mine. The failure apparently resulted because the structure was not properly designed for the release of excess water and because it was capable of impounding more water than the dam could safely retain.

In the aftermath of this tragedy, it has become evident that there are other similar structures, possibly equally as dangerous, existing throughout the country.

The terrible loss of life, human misery, and destruction of property which resulted from the Buffalo Creek disaster cannot be lessened by legislation, but the lesson of that disaster can provide the incentive to remedy the potential disasters which exist elsewhere.

Mine impoundments are only one of the many kinds of water control structures which pose threats to life and property. There are dams throughout the nation which have been constructed by public and private entities for all manner of purposes, many of which are of far greater size than the Buffalo Creek structures and which may pose threats of far greater disasters than did the failure at Buffalo Creek.

There are nearly 30,000 dams and reservoirs in the United States which are under state supervision. Some of these dams and reservoirs may be subject to Federal regulations under such statutes as the Coal Mine Health and Safety Act. Others are exclusively under State supervision. Unfortunately, neither situation provides for adequate regulation and inspection throughout the nation.

The safety of these impoundments should be a matter of great concern to public officials. The security of life and property below the reservoirs depends upon professionally competent design and construction supervision, and programs for regular inspection and maintenance of completed structures. Unfortunately, there is no uniformity among State laws regulating these structures.

In July of 1966, the United States Committee on Large Dams surveyed existing State law and reported that the majority of the states either had not enacted laws adequate to safeguard the public or did not fully support the laws already enacted. In 1969, the same body prepared and circulated a model State law for State supervision of safety of dams and reservoirs.

As is often the case, however, most states have small water resources staffs which are already overburdened with a variety of duties regarding water supply, water quality control, and other water resource responsibilities. If an expedited program of inspection of all non-Federal impoundments nationwide is to be carried out by the States, as it should be, the expertise and manpower of the Federal agencies which have engineering competence and which are leaders in the field of hydraulic structures must be mobilized to assist in the effort.

It is not logical to confine this effort to the type of mine spoil impoundments which failed in West Virginia. The problem is much broader than that. The problem is the lack of law and staff and monetary resources at the State level to insure the safety of water control structures of every type.

We as a Nation cannot countenance the continued threats to life and property which unsafe dams and water impoundment pose. Congress must act to provide for an expedited national program to insure dam safety.

The bill I propose today would lend needed support to the States to encourage them to attack the problem of dam safety. The vastly greater resources in technical knowledge and manpower of the Federal government would be placed at the States' disposal. The States, in turn, would be required to strengthen their safety laws and programs so as to make effective use of these Federal resources.

S. 3449

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 "National Safety of Dams Act."

SECTION 1. The Congress, recognizing the responsibility of the Federal Government and the governments of the several States to provide for the public welfare, finds—

(a) That provisions for the licensing and inspection by the States of the construction and operation of structures for the storage and regulation of water vary widely among the several States and in a number of States are inadequate to insure the safety and welfare of the public;

(b) That even in States which do provide for State licensing and inspection of such structures, there frequently are not adequate funds, personnel, and technical ability to maintain an adequate schedule of inspection of dams and other water control structures with the frequency and detail necessary to insure their safety;

(c) That the Federal Government has accepted responsibilities for broad public protection from floods in programs for the direct Federal construction of flood control and waterway improvement works, Federal financial assistance for the construction of flood control works by others, regulation of the construction of impoundments on navigable streams, and programs of disaster relief for areas affected by floods;

(d) That the Federal water resource development agencies possess technical competence in every aspect of design, construction, operation, and safety of water storage and control structures which need not and probably cannot be duplicated at the level of State government; and

(e) That the necessity for an expedited national program to insure the safety of water storage and control structures has been recently and tragically demonstrated in the cost of lives lost and property damaged and in reports which document the lack of safety in many such structures throughout the Nation.

SEC. 2. To implement an expedited national program to insure the safety of water storage and control structures, the Secretaries of the Interior, Army, and Agriculture, acting through the Water Resources Council, are authorized and directed to develop a program of technical assistance for the support of State programs for the licensing and inspection of non-Federal dams and other water storage and control structures. The existing technical personnel and facilities of the Bureau of Reclamation and Geological Survey, the Army Corps of Engineers, and the Soil Conservation Service shall be made available as otherwise provided in this Act to implement this program.

SEC. 3. Upon the establishment of the program authorized by Sec. 2, and upon written application by the Governor of a State to the Water Resources Council (hereinafter referred to as the "Council"), the Council shall, in consultation with State officials designated by the Governor, prepare a technical assistance plan to insure the safety of water storage and control structures in the State. Federal assistance provided under the plan may include any or all of the following functions—

(a) Technical review and recommendations to the appropriate State official concerning the adequacy of the designs of water storage and control structures which are proposed for State licensing or are currently under construction;

(b) Field inspection of existing water storage and control structures and recommendations to appropriate State officials concerning the safety of such structures and remedial measures required to protect life and property from any inadequacies found therein;

(c) Technical assistance to State officials on specific problems arising from State licensing and inspection of water storage and control structures; and

(d) Technical assistance to State officials on the development of general criteria for the design, construction, operation, and maintenance of water storage and control structures.

SEC. 4. No State shall be eligible for assistance under this Act until it has shown to the satisfaction of the Council that:

(a) The State requires by law that the construction of new water storage and control structures, as defined in this Act, and the modification, enlargement, and removal of existing such structures must be approved in writing by an appropriate State agency having engineering competence;

(b) The State provides by law for the inspection by a State official having engineering competence of water storage and control structures during construction and of existing structures periodically during operation;

(c) The State by law provides authority to an appropriate State official having engineering competence to suspend construction work, to restrict operation, and to require repairs or modifications of water storage and control structures for the protection of life and property;

(d) The State provides by law or regulation a procedure acceptable to the Water Resources Council for prompt and adequate consideration of complaints to the State by citizens who are or claim to be endangered or damaged by water storage and control structures; and

(e) The Governor of the State has designated a State official with engineering competence to administer the State laws and to represent the State in cooperation with the Council pursuant to this Act.

SEC. 5. Nothing in the Act shall add to or detract from the legal responsibility of the United States for damages caused by the partial or total failure of any water storage or control structure.

SEC. 6. For the purposes of this Act—

(a) A "water storage or control structure" means any artificial barrier including appurtenant works which does or will impound or divert water and which (1) is or will be 25 feet or more in height above the natural streambed or from the lowest elevation of the base of the barrier to the maximum elevation of impounded water, or (2) has or will have a maximum impounding capacity of 50 acre-feet or more, or (3) is a conveyance work designed to pass flood flows for the purpose of protecting life or property. *Provided,* That barriers which either are less than six feet in height or have a maximum impounding capacity of less than 15 acre-feet shall be excluded: *Provided further,* That "water storage or control structure" shall not include any structure constructed, operated, or owned by the United States.

(b) A "State" includes the District of Columbia, Puerto Rico, and the Territories of Guam, American Samoa, and the Virgin Islands.

SEC. 7. The Water Resources Council is authorized to make such rules and regulations as it may deem necessary or appropriate for carrying out the provisions of this Act.

SEC. 8. There are authorized to be appropriated to the Water Resources Council not more than $5,000,000 annually for the five fiscal years beginning with the fiscal year of the date of enactment of this Act for the administration and for transfer to the agencies enumerated in section 2 of this Act to carry out the purposes of this Act.

By Mr. CRANSTON:

S. 3450. A bill to authorize continuation of programs of ACTION, create a National Advisory Council for that Agency, and for other purposes. Referred to the Committee on Labor and Public Welfare.

ACTION ACT OF 1972

Mr. CRANSTON. Mr. President, I introduce today, for appropriate reference, on the request of the administration, S. 3450, the proposed ACTION Act of 1972, a bill to authorize continuation of programs of ACTION, to create a National Advisory Council for that Agency, and for other purposes.

This draft legislation was transmitted to the President of the Senate by the Director of ACTION on March 16, 1972. Mr. President, I ask unanimous consent that this transmittal letter, together with the proposed draft bill and section-by-section analysis, be printed in the RECORD at this point.

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

ACTION,
Washington, D.C., March 16, 1972.

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

DEAR MR. PRESIDENT: I am transmitting herewith a proposed bill authorizing the continuation of programs of ACTION, creating a National Advisory Council for ACTION, and for other related purposes.

Reorganization Plan No. I of 1971 brought together in a new agency, ACTION, a number of programs which together provide a broad mix of volunteer services—Volunters in Service to America (VISTA), Retired Senior Volunteer Program (RSVP), Foster Grandparents Program, Service Corps of Retired Executive (SCORE) and Active Corps of Executives (ACE). The Peace Corps and the Office of Voluntary Action were also transferred to ACTION by Executive Order No. 11603 on July 1, 1971.

When the President submitted Reorganization Plan No. I to the Congress on March 24, 1971, he outlined in his message of transmittal additional steps which would be necessary in support of his goal of an expanded government contribution to volunteer service.

This bill would provide the Director of ACTION with sufficient authority to achieve that goal. It would modify existing legislation to take into account the effects of the creation of ACTION, to broaden the areas of endeavor in which volunteers may be employed, and to eliminate some of the differences between the treatment afforded domestic volunters and that afforded volunteers in international programs. The provisions of the bill are described in the attached section by section analysis.

Among the major provisions are—

A continuing authorization for the international and domestic activities of ACTION;

Grant-making authority for new programs to stimulate and initiate improved methods of providing volunteer services and to encourage wider volunteer participation; and

A broadening of the scope of the VISTA and Foster Grandparent Programs.

The amendments contained in this bill are a substantial step towards providing ACTION with the necessary authority to utilize to the fullest extent the abilities of volunteers in programs of service supported by the Federal Government, and to permit the effective management of them. We recommend their prompt enactment.

We are advised by the Office of Management and Budget that enactment of this legislation would be in accord with the program of the President.

Sincerely yours,

JOSEPH H. BLATCHFORD,
Director of ACTION.

A BILL AUTHORIZING CONTINUATION OF PROGRAMS OF ACTION, CREATING A NATIONAL ADVISORY COUNCIL FOR THAT AGENCY, AND FOR OTHER PURPOSES

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 "Action Act of 1972."

TITLE I—PEACE CORPS

SEC. 101. There are authorized to be appropriated such sums as may be necessary to carry out the functions, powers, and duties authorized by the Peace Corps Act.

SEC. 102. Paragraph (2) of subsection (b) of Section 301 of the Peace Corps Act (22 U.S.C. § 2501a), which relates to encouragement of voluntary service programs, is amended by deleting "$300,000" and substituting therefore "$350,000" and deleting "1971" and inserting before the word "fiscal" the word "any".

TITLE II—VOLUNTEERS IN SERVICE TO AMERICA

SEC. 201. Section 801 of the Economic Opportunity Act of 1964 is amended to read as follows:

"SEC. 801. This Title provides for a program of full and part-time voluntary service, and for the operation and funding of special and demonstration volunteer programs, together with other powers and responsibilities designed to assist in the development, encouragement and coordination of volunteer programs. Its purpose is primarily to strengthen and supplement efforts to eliminate poverty and, additionally, to deal with a broad range of human, social, and environmental needs through the use of volunteers."

SEC. 202. Section 810 of such Act is amended to read as follows:

"SEC. 810. (a) The Director of Action (hereinafter in this Title referred to as the 'Director') may recruit, select, and train persons to serve in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, or Indian reservations, in full-time volunteer programs, and, upon request of Federal, State, or local agencies, or private nonprofit organizations, may assign such volunteers to programs and activities designed to carry out the purposes of this Title.

"(b) The assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine, including work assignments in their own or nearby communities. No program designed to carry out the purpose of this Title shall be established within a State unless such program has been submitted to the Governor and has not been disapproved by him with 45 days of such submission. The assignment of a volunteer in any State shall be terminated by the Director when so requested by the Governor of such State not later than 30 days or at a time thereafter agreed upon by the Governor and the Director after such request has been made by the Governor to the Director."

SEC. 203. Section 810 of such Act is amended by adding at the end thereof the following new subsection:

"(c) The term 'Governor' as used in this section means the Governor of the State, in the case of any of the 50 States, and in the case of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, the chief executive officer thereof."

SEC. 204. The first sentence of subsection (a) of Section 811 of such Act is amended to read as follows:

"SEC. 811. (a) Volunteers under this Part shall be required to make a full-time personal commitment to achieving the purposes of this Title and the goals of the projects or programs to which they are assigned."

SEC. 205. Subsection (b) of Section 811 of such Act is amended to read as follows:

"(b) Volunteers under this Part shall be enrolled for such periods of service as the Director may determine."

SEC. 206. Subsection (c) of Section 811 of such Act is amended to read as follows:

"(c) Volunteers under this Part shall, upon enrollment, take the same oath of office as prescribed for persons enrolled in the Peace Corps (22 U.S.C. § 2504(j)): *Provided,* That persons legally residing within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, either permanently or temporarily, but who are not citizens of the United States, may serve in programs carried on under this Title without taking or subscribing to such oath, if the Director determines that the service of those persons will further the interests of the Unted States. Those persons shall take such alternative oath or affirmation as the Director shall deem to be appropriate. No funds may be expended to transport such persons either to or from any place outside the areas specified in this subsection."

SEC. 207. (a) Section 812 of such Act is amended by adding at the end thereof the following new subsection:

"(d) For the purposes of the Internal Revenue Code of 1954, a volunteer shall be deemed to be paid and to receive each amount of any such stipend to which he is entitled under this section when such amount is transferred from funds made available for the payment of such stipend to the fund from which such stipend is payable."

(b) Section 1304 of the Internal Revenue Code of 1954 (26 U.S.C. § 1304) is amended by adding at the end thereof the following new subsection:

"(g) For treatment of the stipend paid to VISTA volunteers and volunteer leaders, see Section 812(d) of the Economic Opportunity Act of 1964 (42 U.S.C. § 2992b(d))."

SEC. 208. (a) Title VIII of the Economic Opportunity Act of 1964 is amended by adding the following new section:

"VISTA ALLOWANCES

"SEC. 813. (a) In the case of an individual who is a volunteer or volunteer leader within the meaning of title VIII of the Economic Opportunity Act of 1964, amounts received as allowances other than amounts received as—

"(1) leave allowance, or

"(2) such portion of living allowances as the Director may determine as constituting basic compensation

shall not be included in gross income for purposes of income taxation under the Internal Revenue Code of 1954."

(b) Section 3401(a) of the Internal Revenue Code of 1954 (26 U.S.C. § 3401(a)) is amended by adding at the end thereof the following new paragraph:

"(17) to a volunteer or volunteer leader within the meaning of title VIII of the Economic Opportunity Act of 1964, except stipends, leave allowances or living allowances determined by the Director of Action to be basic compensation."

and by eliminating the word "or" from the end of paragraph 15 and adding it to the end of paragraph 16.

(c) Section 124(a) of the Internal Revenue Code of 1954 (26 U.S.C. § 124(a)) is amended by adding at the end thereof the following new paragraph:

"(19) Certain allowances paid to VISTA volunteers and volunteer leaders, see section 813 of the Economic Opportunity Act of 1964 (42 U.S.C. § 2992(c))."

SEC. 209. The first sentence of subsection (a) of section 820 of such Act is amended to read as follows:

"SEC. 820. (a) The Director shall develop programs designed to expand opportunities for persons to participate in a direct and personal way, on a part-time basis or for short periods of service either in their home or nearby communities or elsewhere, in volunteer activities contributing to the elimination of poverty or otherwise in furtherance of the purposes of this title."

SEC. 210. Section 822 of such Act is hereby repealed.

SEC. 211. Subsection (c) of section 833 of such Act is amended to insert after the word "service" the first time it appears the following: ", including training,".

SEC. 212. Section 815 of such Act is hereby repealed.

TITLE III—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 301. (a) Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) No compensation provided to individual volunteers under this Part shall be considered income for any purposes whatsoever."

SEC. 302. (a) The heading of Part B of Title VI of such Act is amended to read as follows: "FOSTER GRANDPARENT PROGRAM AND OTHER SENIOR VOLUNTEER PROGRAMS".

(b) Section 611 of such Act is amended to read as follows:

"SEC. 611. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of the development and operation of community projects designed to provide volunteer opportunities for low-income persons aged 60 or over to render supportive services to people having exceptional needs.

"(b) For the purposes of subsection (a), grants or contracts shall be made principally for projects providing services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Director may determine."

(c) The first sentence of Section 613 of such Act is amended to read as follows:

"SEC. 613. In administering this part, the Director shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

SEC. 303. (a) Title VI of such Act is amended by striking out the word "Secretary" wherever it appears, and inserting in lieu thereof "Director".

(b) Such Title is further amended by adding at the end thereof the following new section:

"MEANING OF DIRECTOR"

"SEC. 615. For purposes of this Title, the term 'Director' means the 'Director of Action.'"

(c) Section 202(3) of the Older Americans Act of 1965 is amended by inserting before the semicolon at the end thereof ", except for Title VI thereof".

TITLE IV—GENERAL PROVISIONS

SEC. 401. (a) There is hereby established a National Advisory Council for Action (hereinafter referred to as the "Council"). The Council shall consist of not more than 35 members appointed by the President. They shall be broadly representative of educational institutions, voluntary agencies, farm organizations, business and labor organizations, volunteers, and other public and private organizations and groups as well as individuals interested in the programs and objectives of Action. The Council shall advise and consult with the President and the Director of Action (hereinafter in this Title referred to as the "Director") with regard to policies and programs designed to further the purposes of that Agency.

(b) Members of the Council shall serve at the pleasure of the President and meet at his call or at the call of the Director. Members of the Council, other than those regularly employed by the Federal Government, while attending meetings of the Council or while otherwise serving at the request of the President or the Director, shall receive no compensation but may each receive out of funds available for the purposes of Action, while serving away from their homes or regular places of business, actual travel expenses and a per diem allowance or actual and necessary expenses as authorized by Section 5703 of Title 5 of the United States Code for persons in the Government service employed intermittently.

SEC. 402. Section 12 of the Peace Corps Act (75 Stat. 619, 22 U.S.C. § 2511) is repealed, and the Peace Corps National Advisory Council is abolished, effective 90 days after the enactment of this Act.

SEC. 403. (a) The Director is authorized to make grants to any public or nonprofit private agencies, organizations, or institutions in the United States and to enter into contracts with any such agencies, organizations, or institutions, or with any individuals in the United States—

(1) to develop and demonstrate new approaches, techniques, and methods with respect to the recruitment, training, and use of full-time and part-time volunteers for service to communities in the United States;

(2) to evaluate those new approaches, techniques, and methods; and

(3) to foster the establishment by public and private nonprofit agencies, organizations, and institutions of new programs for the use of full-time and part-time volunteers to perform work in the United States of the type described in Section 801 of the Economic Opportunity Act of 1964, as amended by section 201 of this Act.

(b) To the extent he deems it appropriate, the Director may require the recipient of a grant or contract under this section to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(c) Payments under this section pursuant to a grant or contract may be made (after necessary adjustment, on account of previously made overpayments or underpayments) in advance or by way of reimbursement and in such installments and on such conditions as the Director may determine.

SEC. 404. The Director is authorized, at the request of any Executive Department or agency, to recruit, train, accept, utilize, and refer to such Department or agency, volunteers who will provide voluntary services which are not normally performed by the employees of such Department or agency.

SEC. 405. The Director is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of Action. Gifts and bequests of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Director. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest. For the purpose of the Internal Revenue Code of 1954 (including sections 170(j), 2055(f), 2106(a)(2)(f), and 2522(d)), property accepted under this section shall be considered as a gift or bequest to the United States.

SEC. 406. Notwithstanding any other provision of law, not to exceed 10 percentum of the sums appropriated or otherwise fixed by law to Action for a fiscal year to carry out any activity or function vested in that agency may be transferred and used by the Director for the purpose of carrying out any other such activity or function.

SEC. 407. There are authorized to be appropriated such sums as may be necessary to enable the Director to carry out his functions, powers, and duties, except those authorized under the Peace Corps Act.

SECTION-BY-SECTION ANALYSIS OF THE ACTION ACT OF 1972

The first section of this bill provides that it may be cited as the "Action Act of 1972."

TITLE I

Section 101 provides for a permanent authorization of appropriations for the Peace Corps.

Section 102 amends Section 301(b) of the Peace Corps Act to increase the limitation on expenditures authorized to encourage the development of international voluntary service programs from $300,000 to $350,000 and to make the limitation applicable to any fiscal year.

TITLE II

Section 201 amends Section 801 of Title VIII of the Economic Opportunity Act of 1964 (EOA), which contains the "Statement of Purpose" of Domestic Volunteer Service Programs, including Volunteers in Service to America. The amendment provides authority for an expanded area of service for domestic volunteers in programs dealing with "a broad range of human, social and environmental needs," in addition to the elimination of poverty, which remains the primary purpose of programs authorized by this Title.

Section 202 amends Section 810 of the EOA to authorize the recruitment, selection, training and assignment of volunteers to perform the expanded mission described in Section 801. It also provides that programs to be established within a State must first be submitted to the Governor of the State, and may not be commenced if they are disapproved by him within 45 days after submission. This provision replaces a requirement for prior affirmative approval of programs by the Governor, and is in line with the practice in other parts of the EOA, except that the Governor has 45 rather than 30 days in which to disapprove a program, and the Director has no authority to override a veto.

Section 203 amends Section 810 of Part A of the EOA by defining the term "Governor" to clarify that the chief executives of the District of Columbia and the Trust Territory of the Pacific Islands, which technically do not have Governors, have the same responsibility with respect to volunteers as the Governors of States and other jurisdictions.

Section 204 amends Section 811(a) of the EOA to harmonize the provisions of the Act relating to terms of service for volunteers with the broader mission for volunteers contained in Section 801. Volunteers will be required to make a full time personal commitment to the project to which they are assigned. No change is made in the current requirement that volunteers working in poverty-related programs live in the communities which they serve.

Section 205 amends Section 811(b) of the EOA to eliminate the mandatory one year term of service (plus training time) for volunteers, and to permit the Director to fix the term of service. It is intended that the term of service will be commensurate with the cost to the Government of training and transporting volunteers to and from their homes.

Section 206 amends Section 811(c) of the EOA to make the oath required of VISTA volunteers the same as that required of Peace Corps volunteers, permitting easier transfers between the programs. The amendment also authorizes the Director to prescribe an alternative oath or affirmation to be taken by aliens residing in the United States who serve as volunteers in programs under Title VIII, and prohibits funds from being used to transport such persons from or to areas outside the United States.

Section 207 adds a new subsection (d) to Section 812 of the EOA which adopts the language of the Peace Corps Act with respect to the treatment of readjustment allowances for income tax purposes. This language assures that the readajustment allowance will be taxed ratably over the period in which it accrued, but that the tax will not be payable until the volunteer actually receives the allowance.

Section 208 adds a new Section 813 to the EOA. The new section exempts from income tax amounts received by volunteers and volunteer leaders within the meaning of Title VIII of the EOA as allowances, except leave allowances or such portion of living allowances as the Director may determine are basic compensation. This treatment of allowances is identical with the treatment of Peace Corps allowances (see 26 U.S.C. § 912(c)), and will permit consistent treatment of both domestic and international volunteers. It is intended that the allowance now referred to by VISTA as the "living allowance," amounting to $75 per month for volunteers on projects, and $1.00 per day for trainees, which is for personal expenses, would be taxable, but that food and lodging allowances and adjustment allowances would not be subject to income tax. Stipends (readjustment allowances) remain subject to tax.

The section also amends 26 U.S.C. § 3401(a) by adding a new subsection (17), which removes the allowances described above from the definition of "wages" for the purpose of the withholding provisions of the Internal Revenue Code. Peace Corps allowances receive similar treatment under subsection (13) of 26 U.S.C. § 3401(a).

Section 209. The first sentence of Section 820(a) of the EOA is amended to include the broadened areas of service described in amended Section 801 of the EOA in the scope of opportunities for service available to short-term or part-time volunteers supported under Part B of Title VIII of the EOA.

Section 210 repeals Section 822 of the EOA, which authorized the operation of demonstration projects to help young criminal offenders during a three-year period which ended June 30, 1970.

Section 211 amends subsection (c) of Section 833 of Title VIII of the EOA in order to provide that training time shall be included in any period of satisfactory service of a volunteer which is credited in connection with subsequent employment by the United States Government, as is now the case with Peace Corps volunteers.

Section 212 provides for the repeal of Section 835 of Title VIII of the EOA, which pro-

vided for the termination of the programs provided for in that Title.

TITLE III

Section 301 provides that no compensation paid to individual volunteers in the Retired Senior Volunteer Program (RSVP) program for out-of-pocket expenses shall be considered income for any purposes whatsoever. This confirms the informal indication of the Internal Revenue Service that they do not consider such compensation as taxable income. It also resolves such questions as those which have been raised by welfare offices with regard to deducting from benefits paid to welfare recipients involved in the Retarded Senior Volunteer Program, the monies they receive as reimbursement for out-of-pocket expenses incident to their volunteer service.

Section 302. Part B has been amended to provide additional opportunities for low-income persons aged 60 or over to render supportive services to people having exceptional needs. This includes the person-to-person services presently provided under Part B, Foster Grandparent Program, to children in institutions, i.e. hospitals, homes for dependent and neglected children or other establishments providing care for children with special needs. It is intended that appropriations under this Part will be used principally for the Foster Grandparent Program.

In addition, it includes services described by the President at the White House Conference on Aging on December 2, 1971, where he stated that the kinds of persons who participate in the Foster Grandparent Program should also work with older people. This expansion of Part B would also permit low-income older people to work with children with exceptional needs in their own homes or with children and adults with exceptional needs in community settings. These expanded programs would operate under regulations which are substantially similar to those which presently exist for the Foster Grandparent Program.

Section 303. This substitutes the Director of Action for the Secretary of Health, Education, and Welfare wherever it appears in this Title. This is in keeping with the transfer of Title VI programs to the Director of Action pursuant to Reorganization Plan No. 1 of 1971.

TITLE IV

Section 401 establishes a National Advisory Council for Action similar to the Peace Corps National Advisory Council. The Council is to be made up of not more than 35 members to be appointed by the President, and those members shall be entitled to receive actual travel expenses and a per diem allowance while attending meetings or otherwise serving at the request of the President.

Section 402 provides for the repeal of Section 12 of the Peace Corps Act, which established the Peace Corps National Advisory Council.

Section 403 authorizes the Director to make grants to public or nonprofit private agencies, organizations, or institutions in the United States, and to contract with such agencies, organizations or institutions and individuals in the United States,

(1) to develop, demonstrate and evaluate new approaches, techniques, and methods with respect to the recruitment, training, and use of volunteers serving in the United States; and

(2) to foster the establishment by public and private nonprofit agencies, organizations, and institutions of new volunteer programs of the type described in Section 801 of the EOA.

This section complements Section 821 of the EOA which authorizes the Director of the Office of Economic Opportunity to design and conduct special programs to improve methods of providing volunteer services and to encourage wide volunteer participation.

Section 403 would also permit the Director to require grant or contract recipients to contribute money, facilities or services with regard to particular projects.

Section 404 provides the Director with the authority to recruit, train, accept, utilize and refer volunteers upon request, to any Executive Department or agency to perform services which are not normally performed by the employees of such Department or agency.

Section 405 provides the Director of Action with sufficient authority to accept and utilize gifts to Action, similar to the authority he has to accept gifts to the Peace Corps and VISTA.

Section 406 permits the Director to transfer not more than 10 percent of the funds available within Action to carry out a particular activity or function, to any other activity or function within Action.

Section 407 provides for a permanent authorization of appropriations to carry out all functions, powers and duties vested in the Director of Action, except those authorized under the Peace Corps Act for which a separate appropriation authority is provided. In addition to appropriations for VISTA and other activities under Title VIII of the Economic Opportunity Act of 1964; Foster Grandparents; RSVP; and other activities under Title VI of the Older Americans Act of 1965; and SCORE/ACE activities under section 8(b) of the Small Business Act, this section authorizes appropriations for programs and activities authorized by this Act.

Mr. CRANSTON. Mr. President, the bill I am introducing today, by request, contains provisions identical to titles II—VISTA; III—national older volunteers program; and IV—general provisions—of the administration's draft legislation except that these titles are redesignated I, II, and III, respectively.

The bill does not include title I—Peace Corps—from the draft legislation, because jurisdiction of the Peace Corps program is in the Foreign Relations Committee. Consideration of the two proposed sections in the original title I of the administration-proposed legislation should be carried out entirely by the Foreign Relations Committee in such form and manner as it deems appropriate. There are, however, three provisions in the bill as introduced—sections 301 and 302 to establish a National Advisory Council for Action and abolish the present Peace Corps National Advisory Council, and section 306 to authorize up to 10 percent transferability of funds between programs carried out under Action—which have a direct relationship to the Peace Corps program, and therefore, to the jurisdiction of the Foreign Relations Committee. Therefore, I plan to consult and coordinate fully with that committee as to those provisions during consideration of the bill in the Committee on Labor and Public Welfare. Alternatively, we would be fully receptive to referral of the bill to the Foreign Relations Committee as to those provisions for an appropriate period of time.

Mr. President, I wish to make plain at this point, that in introducing the domestic provisions of this bill, by request, I am not necessarily endorsing any or all of these provisions. Indeed, I already have the most serious reservations about several of the provisions, particularly the form in which they were proposed by the administration. My intention is merely to provide a service to the administration and a starting point for detailed consideration by the Committee on Labor and Public Welfare of the Action program and such additional enabling legislation for it as may be determined desirable and appropriate.

Based upon discussions with the chairman of the Committee on Labor and Public Welfare (Mr. WILLIAMS); the chairman of the Subcommittee on Employment, Manpower, and Poverty (Mr. NELSON); and the chairman of the Subcommittee on Aging (Mr. EAGLETON); this bill upon reference to the Committee on Labor and Public Welfare will be referred to the Special Subcommittee on Human Resources, which I am privileged to chair. Based on these same discussions, consideration of the provisions of the bill relating to the poverty program will be carried out with the closest coordination with the Employment, Manpower, and Poverty Subcommittee and consideration of those provisions relating to the Older Americans Act of 1965 and other senior volunteer programs will be carried out with the closest coordination with the Subcommittee on Aging.

Mr. President, I ask unanimous consent that the full text of the bill I am introducing followed by the section-by-section analysis prepared by the administration—altered to reflect the new section numbers—be printed in the RECORD at this point.

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

S. 3450

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 "Action Act of 1972."

TITLE I—VOLUNTEERS IN SERVICE TO AMERICA

SEC. 101. Section 801 of the Economic Opportunity Act of 1964 is amended to read as follows:

"SEC. 801. This title provides for a program of full and part-time voluntary service, and for the operation and funding of special and demonstration volunteer programs, together with other powers and responsibilities designed to assist in the development, encouragement and coordination of volunteer programs. Its purpose is primarily to strengthen and supplement efforts to eliminate poverty and, additionally, to deal with a broad range of human, social, and environmental needs through the use of volunteers."

SEC. 102. Section 810 of such Act is amended to read as follows:

"SEC. 810. (a) The Director of Action (hereinafter in this title referred to as the "Director') may recruit, select, and train persons to serve in the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, or Indian reservations, in full-time volunteer programs, and, upon request of Federal, State, or local agencies, or private nonprofit organizations, may assign such volunteers to programs and activities designed to carry out the purposes of this title.

"(b) The assignment of volunteers under this section shall be on such terms and conditions (including restrictions on political activities that appropriately recognize the special status of volunteers living among the persons or groups served by programs to which they have been assigned) as the Director may determine, including work assign-

ments in their own or nearby communities. No program designed to carry out the purpose of this title shall be established within a State unless such program has been submitted to the Governor and has not been disapproved by him within 45 days of such submission. The assignment of a volunteer in any State shall be terminated by the Director when so requested by the Governor of such State not later than 30 days or at a time thereafter agreed upon by the Governor and the Director after such request has been made by the Governor to the Director."

SEC. 103. Section 810 of such Act is amended by adding at the end thereof the following new subsection:

"(c) The term 'Governor' as used in this section means the Governor of the State, in the case of any of the 50 States, and in the case of the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, the chief executive officer thereof."

SEC. 104. The first sentence of subsection (a) of section 811 of such Act is amended to read as follows:

"SEC. 811. (a) Volunteers under this part shall be required to make a full-time personal commitment to achieving the purposes of this title and the goals of the projects or programs to which they are assigned."

SEC. 105. Subsection (b) of section 811 of such Act is amended to read as follows:

"(b) Volunteers under this part shall be enrolled for such periods of service as the Director may determine."

SEC. 106. Subsection (c) of section 811 of such Act is amended to read as follows:

"(c) Volunteers under this Part shall, upon enrollment, take the same oath of office as prescribed for persons enrolled in the Peace Corps (22 U.S.C. § 2504(j)): *Provided*, That persons legally residing within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, either permanently or temporarily, but who are not citizens of the United States, may serve in programs carried on under this Title without taking or subscribing to such oath, if the Director determines that the service of those persons will further the interests of the United States. Those persons shall take such alternative oath or affirmation as the Director shall deem to be appropriate. No funds may be expended to transport such persons either to or from any place outside the areas specified in this subsection."

SEC. 107. (a) Section 812 of such Act is amended by adding at the end thereof the following new subsection:

"(d) For the purposes of the Internal Revenue Code of 1954, a volunteer shall be deemed to be paid and to receive each amount of any such stipend to which he is entitled under this section when such amount is transferred from funds made available for the payment of such stipend to the fund from which such stipend is payable."

(b) Section 1304 of the Internal Revenue Code of 1954 (26 U.S.C. § 1304) is amended by adding at the end thereof the following new subsection:

"(g) For treatment of the stipend paid to VISTA volunteers and volunteer leaders, see Section 812(d) of the Economic Opportunity Act of 1964 (42 U.S.C. § 2992b(d))."

SEC. 108. (a) Title VIII of the Economic Opportunity Act of 1964 is amended by adding the following new section:

"SEC. 813. (a) VISTA ALLOWANCES.—In the case of an individual who is a volunteer or volunteer leader within the meaning of Title VIII of the Economic Opportunity Act of 1964, amounts received as allowances other than amounts received as—

(1) leave allowance, or

(2) such portion of living allowances as the Director may determine as constituting basic compensation

shall not be included in gross income for purposes of income taxation under the Internal Revenue Code of 1954."

(b) Section 3401(a) of the Internal Revenue Code of 1954 (26 U.S.C. § 3401(a)) is amended by adding at the end thereof the following new paragraph:

"(17) to a volunteer or volunteer leader within the meaning of Title VIII of the Economic Opportunity Act of 1964, except stipends, leave allowances or living allowances determined by the Director of Action to be basic compensation."

and by eliminating the word "or" from the end of paragraph 15 and adding it to the end of paragraph 16.

(c) Section 124(a) of the Internal Revenue Code of 1954 (26 U.S.C. § 124(a)) is amended by adding at the end thereof the following new paragraph:

"(19 Certain allowances paid to VISTA volunteers and volunteer leaders, see Section 813 of the Economic Opportunity Act of 1964 (42 U.S.C. § 2992(c))."

SEC. 109. The first sentence (a) of Section 820 of such Act is amended to read as follows:

"SEC. 820. (a) The Director shall develop programs designed to expand opportunities for persons to participate in a direct and personal way, on a part-time basis or for short periods of service either in their home or nearby communities or elsewhere, in volunteer activities contributing to the elimination of poverty or otherwise in furtherance of the purposes of this Title."

SEC. 110. Section 822 of such Act is hereby repealed.

SEC. 111. Subsection (c) of Section 833 of such Act is amended to insert after the word "service ' the first time it appears the following: ", including training,".

SEC. 112. Section 835 of such Act is hereby repealed.

TITLE II—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 201. (a) Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) No compensation provided to individual volunteers under this Part shall be considered income for any purposes whatsoever."

SEC. 202. (a) The heading of Part B of Title VI of such Act is amended to read as follows: "FOSTER GRANDPARENT PROGRAM AND OTHER SENIOR VOLUNTEER PROGRAM".

(b) Section 611 of such Act is amended to read as follows:

"SEC. 611. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of the development and operation of community projects designed to provide volunteer opportunities for low-income persons aged 60 or over to render supportive services to people having exceptional needs.

"(b) For the purposes of subsection (a), grants or contracts shall be made principally for projects providing services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions, as the Director may determine."

(c) The first sentence of Section 613 of such Act is amended to read as follows:

"SEC. 613. In administering this part, the Director shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

SEC. 203. (a) Title VI of such Act is amended by striking out the word "Secretary" wherever it appears, and inserting in lieu thereof "Director".

(b) Such Title is further amended by adding at the end thereof the following new section:

"MEANING OF DIRECTOR

"SEC. 615. For purposes of this Title, the term 'Director' means the 'Director of Action:

(c) Section 202(3) of the Older Americans Act of 1965 is amended by inserting before the semicolon at the end thereof ", except for Title VI thereof".

TITLE III—GENERAL PROVISIONS

SEC. 301. (a) There is hereby established a National Advisory Council for Action (hereinafter referred to as the "Council"). The Council shall consist of not more than 35 members appointed by the President. They shall be broadly representative of educational institutions, voluntary agencies, farm organizations, business and labor organizations, volunteers, and other public and private organizations and groups as well as individuals interested in the programs and objectives of Action. The Council shall advise and consult with the President and the Director of Action (hereinafter in this Title referred to as the "Director") with regard to policies and programs designed to further the purposes of that Agency.

(b) Members of the Council shall serve at the pleasure of the President and meet at his call or at the call of the Director. Members of the Council, other than those regularly employed by the Federal Government, while attending meetings of the Council or while otherwise serving at the request of the President or the Director, shall receive no compensation but may each receive out of funds available for the purposes of Action, while serving away from their homes or regular places of business, actual travel expenses and a per diem allowance or actual and necessary expenses as authorized by Section 5703 of Title 5 of the United States Code for persons in the Government service employed intermittently.

SEC. 302. Section 12 of the Peace Corps Act (75 Stat. 619, 22 U.S.C. § 2511) is repealed, and the Peace Corps National Advisory Council is abolished, effective 90 days after the enactment of this Act.

SEC. 303. (a) The Director is authorized to make grants to any public or nonprofit private agencies, organizations, or institutions in the United States and to enter into contracts with any such agencies, organizations, or institutions, or with any individuals in the United States—

(1) to develop and demonstrate new approaches, techniques, and methods with respect to the recruitment, training, and use of full-time and part-time volunteers for service to communities in the United States;

(2) to evaluate those new approaches, techniques, and methods; and

(3) to foster the establishment by public and private nonprofit agencies, organizations, and institutions of new programs for the use of full-time and part-time volunteers to perform work in the United States of the type described in Section 801 of the Economic Opportunity Act of 1964, as amended by Section 201 of this Act.

(b) To the extent he deems it appropriate, the Director may require the recipient of a grant or contract under this section to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

(c) Payments under this section pursuant

to a grant or contract may be made (after necessary adjustment, on account of previously made overpayments or underpayments) in advance or by way of reimbursement and in such installments and on such conditions as the Director may determine.

SEC. 304. The Director is authorized, at the request of any Executive Department or agency, to recruit, train, accept, utilize, and refer to such Department or agency, volunteers who will provide voluntary services which are not normally performed by the employees of such Department or agency.

SEC. 305. The Director is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of Action. Gifts and bequests of money and proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Director. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gift or bequest. For the purpose of the Internal Revenue Code of 1954 (including sections 170(j), 2055(f), 2106(a)(2)(f), and 2522(d)), property accepted under this section shall be considered as a gift or bequest to the United States.

SEC. 306. Notwithstanding any other provision of law, not to exceed 10 percentum of the sums appropriated or otherwise fixed by law to Action for a fiscal year to carry out any activity or function vested in that agency may be transferred and used by the Director for the purpose of carrying out any other such activity or function.

SEC. 307. There are authorized to be appropriated such sums as may be necessary to enable the Director to carry out his functions, powers, and duties, except those authorized under the Peace Corps Act.

SECTION-BY-SECTION ANALYSIS OF THE ACTION ACT OF 1972

The first section of this bill provides that it may be cited as the "Action Act of 1972."

TITLE I

Section 101 amends Section 801 of Title VIII of the Economic Opportunity Act of 1964 (EOA), which contains the "Statement of Purpose" of Domestic Volunteer Service Programs, including Volunteers in Service to America. The amendment provides authority for an expanded area of service for domestic volunteers in programs dealing with "a broad range of human, social and environmental needs," in addition to the elimination of poverty, which remains the primary purpose of programs authorized by this Title.

Section 102 amends Section 810 of the EOA to authorize the recruitment, selection, training and assignment of volunteers to perform the expanded mission described in Section 801. It also provides that programs to be established within a State must first be submitted to the Governor of the State, and may not be commenced if they are disapproved by him within 45 days after submission. This provision replaces a requirement for prior affirmative approval of programs by the Governor, and is in line with the practice in other parts of the EOA, except that the Governor has 45 rather than 30 days in which to disapprove a program, and the Director has no authority to override a veto.

Section 103 amends Section 810 of Part A of the EOA by defining the term "Governor" to clarify that the chief executives of the District of Columbia and the Trust Territory of the Pacific Islands, which technically do not have Governors, have the same responsibility with respect to volunteers as the Governors of States and other jurisdictions.

Section 104 amends Section 811(a) of the EOA to harmonize the provisions of the Act relating to terms of service for volunteers with the broader mission for volunteers contained in Section 801. Volunteers will be required to make a full time personal commitment to the project to which they are assigned. No change is made in the current requirement that volunteers working in poverty-related programs live in the communities which they serve.

Section 105 amends Section 811(b) of the EOA to eliminate the mandatory one year term of service (plus training time) for volunteers, and to permit the Director to fix the term of service. It is intended that the term of service will be commensurate with the cost to the Government of training and transporting volunteers to and from their homes.

Section 106 amends Section 811(c) of the EOA to make the oath required of VISTA volunteers the same as that required of Peace Corps volunteers, permitting easier transfers between the programs. The amendment also authorizes the Director to prescribe an alternative oath or affirmation to be taken by aliens residing in the United States who serve as volunteers in programs under Title VIII, and prohibits funds from being used to transport such persons from or to areas outside the United States.

Section 107 adds a new subsection (d) to Section 812 of the EOA which adopts the language of the Peace Corps Act with respect to the treatment of readjustment allowances for income tax purposes. This language assures that the readjustment allowance will be taxed ratably over the period in which it accrued, but that the tax will not be payable until the volunteer actually receives the allowance.

Section 108 adds a new Section 813 to the EOA. The new section exempts from income tax amounts received by volunteers and volunteer leaders within the meaning of Title VIII of the EOA as allowances, except leave allowances or such portion of living allowances as the Director may determine are basic compensation. This treatment of allowances is identical with the treatment of Peace Corps allowances (see 26 U.S.C. § 912(c)), and will permit consistent treatment of both domestic and international volunteers. It is intended that the allowance now referred to by VISTA as the "living allowance," amounting to $75 per month for volunteers on projects, and $1.00 per day for trainees, which is for personal expenses, would be taxable, but that food and lodging allowances and adjustment allowances would not be subject to income tax. Stipends (readjustment allowances) remain subject to tax.

The section also amends 26 U.S.C. § 3401(a) by adding a new subsection (17), which removes the allowances described above from the definition of "wages" for the purpose of the withholding provisions of the Internal Revenue Code. Peace Corps allowances receive similar treatment under subsection (13) of 26 U.S.C. § 3401(a).

Section 109. The first sentence of Section 820(a) of the EOA is amended to include the broadened areas of service described in amended Section 801 of the EOA in the scope of opportunities for service available to short-term or part-time volunteers supported under Part B of Title VIII of the EOA.

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Section 111 amends subsection (c) of Section 833 of Title VIII of the EOA in order to provide that training time shall be included in any period of satisfactory service of a volunteer which is credited in connection with subsequent employment by the United States Government, as is now the case with Peace Corps volunteers.

Section 112 provides for the repeal of Section 835 of Title VIII of the EOA, which provided for the termination of the programs provided for in that Title.

TITLE II

Section 201 provides that no compensation paid to individual volunteers in the Retired Senior Volunteer Program (RSVP) program for out-of-pocket expenses shall be considered income for any purposes whatsoever. This confirms the informal indication of the Internal Revenue Service that they do not consider such compensation as taxable income. It also resolves such questions as those which have been raised by welfare offices with regard to deducting from benefits paid to welfare recipients involved in the Retired Senior Volunteer Program, the monies they receive as reimbursement for out-of-pocket expenses incident to their volunteer service.

Section 202. Part B has been amended to provide additional opportunities for low-income persons aged 60 or over to render supportive services to people having exceptional needs. This includes the person-to-person services presently provided under Part B, Foster Grandparent Program, to children in institutions, i.e. hospitals, homes for dependent and neglected children or other establishments providing care for children with special needs. It is intended that appropriations under this Part will be used principally for the Foster Grandparent Program.

In addition, it includes services described by the President at the White House Conference on Aging on December 2, 1971, where he stated that the kinds of persons who participate in the Foster Grandparent Program should also work with older people. This expansion of Part B would also permit low-income older people to work with children with exceptional needs in their own homes or with children and adults with exceptional needs in community settings. These expanded programs would operate under regulations which are substantially similar to those which presently exist for the Foster Grandparent Program.

Section 203. This substitutes the Director of Action for the Secretary of Health, Education, and Welfare wherever it appears in this Title. This is in keeping with the transfer of Title VI programs to the Director of Action pursuant to Reorganization Plan No. 1 of 1971.

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Section 301 establishes a National Advisory Council for Action similar to the Peace Corps National Advisory Council. The Council is to be made up of not more than 35 members to be appointed by the President, and those members shall be entitled to receive actual travel expenses and a per diem allowance while attending meetings or otherwise serving at the request of the President.

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(1) to develop, demonstrate and evaluate new approaches, techniques, and methods with respect to the recruitment, training, and use of volunteers serving in the United States; and

(2) to foster the establishment by public and private nonprofit agencies, organizations, and institutions of new volunteer programs of the type described in Section 801 of the EOA.

This section complements Section 821 of the EOA which authorizes the Director of the Office of Economic Opportunity to design and conduct special programs to improve methods of providing volunteer services and to encourage wide volunteer participation. Section 403 would also permit the Director to require grant or contract recipients to contribute money, facilities or services with regard to particular projects.

Section 304 provides the Director with the authority to recruit, train, accept, utilize and refer volunteers upon request, to any Executive Department or agency to perform services which are not normally performed by the employees of such Department or agency.

Section 305 provides the Director of Action with sufficient authority to accept and utilize gifts to Action, similar to the authority he has to accept gifts to the Peace Corps and VISTA.

Section 306 permits the Director to transfer not more than 10 percent of the funds available within Action to carry out a particular activity or function, to any other activity or function within Action.

Section 307 provides for a permanent authorization of appropriations to carry out all functions, powers and duties vested in the Director of Action, except those authorized under the Peace Corps Act for which a separate appropriation authority is provided. In addition to appropriations for VISTA and other activities under Title VIII of the Economic Opportunity Act of 1964; Foster Grandparents; RSVP; and other activities under Title VI of the Older Americans Act of 1965; and SCORE/ACE activities under section 8(b) of the Small Business Act, this section authorizes appropriations for programs and activities authorized by this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 704

At the request of Mr. INOUYE, the Senator from Nebraska (Mr. HRUSKA) was added as a cosponsor of S. 704, a bill to amend title 37, United States Code, to provide for the procurement and retention of judge advocates and law specialist officers for the Armed Forces.

S. 2754

At his own request, Mr. GRIFFIN was added as a cosponsor of S. 2754, a bill to authorize the Secretary of Commerce to engage in certain export expansion activities, and for related purposes.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 214

At the request of Mr. CASE, the Senator from Utah (Mr. Moss) was added as a cosponsor of Senate Resolution 214 relative to the submission of any Portuguese base agreement as a treaty.

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENTS NOS. 1030 THROUGH 1040

At the request of Mr. TUNNEY, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of amendments Nos. 1030 through 1040, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

RESCHEDULING OF HEARING ON THE WHEAT AND WHEAT FOODS RESEARCH, EDUCATION, AND PROMOTION ACT

Mr. ALLEN. Mr. President, I wish to announce a rescheduling of a hearing. The Subcommittee on Agricultural Research and General Legislation of the Committee on Agriculture and Forestry had planned to hold a hearing Tuesday, May 9, on S. 3276, the Wheat and Wheat Foods Research, Education and Promotion Act; the hearing is now scheduled for Thursday, May 4, in Room 324, Old Senate Office Building beginning at 10 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

ANNOUNCEMENT OF HEARINGS ON S. 1407

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an announcement by the distinguished Senator from Nevada (Mr. BIBLE) on open hearings to be held by the Subcommittee on Parks and Recreation.

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

ANNOUNCEMENT BY SENATOR BIBLE

I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation for 2 p.m. on April 12, and at 10 a.m. on April 13, in Room 3110, New Senate Office Building, on the following bill:

S. 1407, to establish the Sawtooth National Recreational Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. Mining laws, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 30, 1972, he presented to the President of the United States the enrolled bill (S. 2601) to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

ADDITIONAL STATEMENTS

RADIO FREE EUROPE—ADDRESS BY STEWART CORT

Mr. MATHIAS. Mr. President, on March 22, Mr. Stewart Cort, national chairman of Radio Free Europe and chairman of Bethlehem Steel Corp., addressed the first business leader fundraising luncheon of 1972 in Maryland at the Baltimore Hilton. Mr. Cort's address, entitled "Radio Free Europe in an Era of Negotiation," vividly outlines the critical importance of Radio Free Europe and Radio Liberty in maintaining a free flow of uncensored information so eagerly awaited by countless thousands in the countries of Eastern Europe.

I highly recommend Mr. Cort's remarks to the Senate and ask unanimous consent that they be printed in the RECORD.

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

RADIO FREE EUROPE IN AN ERA OF NEGOTIATION

A year ago last January, the senior Senator from New Jersey, Mr. Case, made an important public revelation about Radio Free Europe and Radio Liberty. He said they were getting financial support from the Government of the United States.

What happened to RFE and RL thereafter has been the subject of front-page reports and editorial comment in newspapers throughout the United States and Europe, both West and East. I propose to review the highlights of what happened and try to give you an assessment of where matters stand today.

The Senator's revelation in itself was really not all that revealing. It could hardly have come as a great surprise to anyone who had had occasion to give the matter much thought. RFE is a substantial enterprise and, as Senator Fulbright has said more than once in recent weeks, it has a substantial budget. It could never be covered fully from non-government sources alone.

THE COSTS OF BROADCASTING

RFE is not a station but a network. It broadcasts an average of 15 hours a day, in each of six foreign languages. It employs more than 1600 people. It has a verified audience of some 30 million regular listeners. (That, incidentally, is more than half the population of East Europe over the age of fourteen.) It operates 32 transmitters and deploys some 80 frequencies from two widely separated locations in Europe. It maintains its own news-gathering and research operations so that it can meet the particular needs and interests of its listeners.

All that costs money. About $23 million this year. That's less than 77 cents per listener per year. But it is a substantial budget. And unfortunately, RFE is in no position to sell commercial advertising-time to non-existent advertisers in the non-existent competitive economy of its market area.

Under the circumstances, RFE has had to function—and I hope will continue to function—as the beneficiary of government as well as private support.

THE ROLE OF PRIVATE SUPPORT

Incidentally, a good deal of misinformation has been circulating lately about the extent of the private contributions over the years. Let me set the record straight. During the past twenty years (fiscal 1951 through 1971), according to independent auditors, RFE raised more than $47 million from private sources. That represents approximately 18.7 percent of the total operating costs of the Radio during that period.

Private support has been and will continue to be an indispensable part of RFE's total budget. For the future, we are hoping that the government's participation will begin to fully cover operational costs, so that the private funds can be applied to RFE's long-deferred equipment-renovation and capital-maintenance program.

Senator Case's further statement—that the government's financial support had been channeled through the CIA—shocked some people.

I suggest, that what matters is not the past, but the present—and the future. The relevant questions are: How well is RFE doing its job?—and—Does the job really need doing? There are also two related questions that have been widely discussed in recent weeks: Could the job be done as well or better by the Voice of America? And shouldn't our friends in Western Europe be helping us foot the bill?

I propose to give you very briefly my personal reflections on those questions. I might

say that before joining the Board of RFE a year ago, I had at best a "smattering of ignorance" about how RFE really works. That had one advantage: I was able to approach the organization with an open mind. Not everyone can make that claim. I've had an opportunity to learn a lot. I have been to Munich. There and in New York, I met the men and women of RFE and had a close look at what they do and how they do it.

Like almost everyone else who has observed the RFE operation first hand, I came away enormously impressed with the professional skill of the staff and with their devotion to their work.

THE PROBLEM OF SURVIVAL

Perhaps most of all, I had to admire their steadfastness.

The men and women of RFE and RL have lived through more than a year of profound uncertainty about the very survival of the organization. This uncertainty was caused by the efforts of just one man. Surprisingly, he is a man with a worldwide reputation for devotion to the ideals of freer international communication, better understanding among peoples, and more normal relations between East and West—the very same ideals that RFE is trying to serve.

I would like to take a little time today to consider some of the things Senator Fulbright, as Chairman of the Senate Foreign Relations Committee has been saying about Radio Free Europe.

One must in fairness give Senator Fulbright credit for the courage of his convictions. It is regrettable—and it came close to being tragic—that in this matter the Senator's convictions are simply mistaken. I believe they are at odds with the facts. And they are clearly at odds with the views of almost everybody else who has expressed an opinion on the subject—and, by now, practically everybody else has expressed an opinion.

You may find it interesting to compare the things the Senator has been saying with what has been said—in response—by his colleagues, by the President, by the American and West European press, by scholars, labor unions, diplomats, contributors, and listeners.

The clash of opinion on this is a small part of what may be shaping up as a new "Great Debate" on American foreign policy. A reasonably complete documentation of the debate thus far, as it relates to Radio Free Europe and Radio Liberty, is yours for the asking. Just write or call RFE at 2 Park Avenue, New York City.

Much of that documentation has been published in recent issues of the Congressional Record. We have time here to consider only a few of the highlights.

COMMUNICATION AND DETENTE: THE FUNDAMENTAL QUESTION

Senator Fulbright posed the fundamental question in a Senate speech on February 17, 1972 in which he suggested that the activities of RFE and RL are an "irritant to our relations" with the Russians, that they constitute "meddling in the internal political affairs of other countries," and that they are "fundamentally inconsistent with the purposes of the President."

The President does not agree. In a letter to me last December 23, President Nixon wrote:

"I would like you and your associates to know that in my view the free flow of information and ideas among nations is indispensable to more normal relations between East and West and to better prospects for an enduring peace.

"The comprehensive news and comment which East Europeans get from RFE help immensely to neutralize the censorship of speech and press that is still imposed under Communist rule. RFE's broadcasts thus serve what should be everyone's right, as stated in the Universal Declaration of Human Rights, 'to seek, receive and impart information and ideas through any media and regardless of frontiers.' "

As the Washington Post put it in a lead editorial last June 28:

"Detente, if it means anything, means widening the West's contacts with the East, not helping the East seal off its people from the West. It means the exchange of people, goods, words and ideas. This is the essential business of RFE and RL."

Does the exchange of ideas really help? Let me quote the answer given by Professor Zbigniew Brzezinski of Columbia University, in testimony last fall before the House Foreign Affairs Committee:

"East-West reapproachement will become a reality only if the East European and Soviet populations are able to exercise subtle but continuing pressure on their own regimes on behalf of greater liberalization and closer contacts with the West. They will not be able to do so if they are deprived of access to independent sources of information. It is only by learning more about themselves as well as about such things as liberal reforms in other communist states, that the different groups in communist societies—the intellectual, the technocrats, the youth, the peasantry—can generate sustained pressure and articulate relevant demands . . . Arms are becoming less important as instruments of policy . . . More than ever before, it is what people think that shapes actions and that defines relations between states."

It is hardly surprising that the Communist governments do not welcome "independent sources of information." Of *course* they are "irritated" by the Radios. As a former Polish official admits (H. Birecki, letter to Washington Star, September 28, 1971), they are feeling "deep concern over the growing influence of Radio Free Europe, not merely on the population but above all on the Communist Party itself . . ."

The well-orchestrated campaign of the Communist governments in their own mass media and their complaints through diplomatic channels have had one purpose: to get RFE off the air.

To the censors, RFE's broadcasting is "provocation." To almost anyone else, it would be nothing more than the practice of professional journalism. Real provocation—name-calling, falsification and extravagant polemics, which the Communist press itself employs against Western media—is no part of the programming of RFE and RL.

But does the irritation really interfere with negotiations toward "detente"? The Soviet Union obviously does not consider its *own* international broadcasting to be inconsistent with *its* vision of detente. It devotes more than 330 hours a day in 78 languages to the conduct of what it continues to call its "ideological struggle against imperialism." And nobody is objecting to *their* broadcasts.

The fact is that East-West negotiations are proceeding on a variety of issues. Agreements have been reached on matters of perceived mutual interest. International broadcasting does not interfere with that process.

Indeed—and this is the heart of our case—full normalization of East-West relations will become negotiable only with the further evolution of Communist purposes. We must hope, as the President has stated (Report to Congress, February 18, 1970), that this will come about through "the passage of time and the emergence of a new generation in the Communist countries."

As the President put it in a letter last week to Senator Hugh Scott (Congressional Record, March 16, 1972), these Radios "can play an essential role in the reorienting of East-West relations that is *now taking place*." (My emphasis.)

I'm going to leave this aspect of the subject by quoting from a letter received by RFE in Munich on March 13, 1972. It was written by a Hungarian listener who signed himself "Tizedes". (As translated):

"I would like to react to [Sen. Fulbright's statement] in my own simple way: to ask the good Senator to come here and spend a few months among us, but not in the Hotel Gellert or the Hotel Duna, but with us! . . . Do come and watch television with me for one week . . . Do come to our country, Mr. Senator and become thoroughly involved in our lives. You should be aware of the fact that I am and we are simple workers but have the right to know the news, films, books and achievements from the other side, to learn from them and if necessary to draw strength and even enthusiasm from these."

PROFESSIONAL INDEPENDENCE AND RESPONSIBILITY

One of several myths that RFE has had to live with is the notion that because it is government-supported it could not possibly be privately-managed or enjoy professional independence. As Senator Fulbright put it in his Senate speech of February 17, 1972: "The covert funding has . . . been accompanied by policy controls and monitoring arrangements so as to insure compliance with official policy guidelines. All of this indicates, beyond question, that the Radios still constitute an integral part of our foreign policy toward Eastern Europe and the Soviet Union."

There are really two questions here, and I would like to get the record straight on both of them.

The first is, Does the government exercise "policy controls" on the work of RFE?

The answer is emphatically No. Unlike the Voice of America, RFE is not a spokesman for governmental policy. RFE (and RL) are simply professional media of news and comment, a kind of substitute free press for East Europe and the Soviet Union. They have their own boards of directors, their own management teams, their own staffs, their own corporate structures, their own procedures. Each of the Radios is really nothing more than a large "newspaper of the air." As such each puts heavy emphasis on straight, objective news reporting, while also providing editorials, features, and comprehensive roundups of Western opinion and analysis.

Of course they are, as Senator Fulbright said, "an integral part of our foreign policy." But this is true in one sense and one sense only: our foreign policy calls for freedom of communication among nations not just at the government level but at all levels.

I have personally observed how RFE gets the news, evaluates it, and processes it for broadcasting. I can assure you there is no attempt and no need to intervene from Washington (or even from New York) in the editorial judgments that are made in Munich every day about the meaning of the day's events and how they should be covered.

This point has been corroborated by many outside observers, including a commentator for the Dutch National Radio Service, which did a 50-minute documentary on RFE last April 21. He concluded that RFE applies "normal journalistic standards", and that governmental influence on RFE's programming "is just as negligible as that of the Dutch government on its subsidized artists."

The other question is this: Does the government "monitor" the work of RFE and RL? Of course it does. No responsible government would put up hard cash without knowing a lot about how the cash is being used.

Detailed information about the Radios—their programming and research operations, administration, budgets and expenditures—is available to the Department of State, and indeed to anyone else with a legitimate interest in such information. And of course the entire final product of RFE is broadcasting, and is therefore fully in the public

domain. Their financial records are regularly audited by reputable commercial auditing firms and are routinely available to the General Accounting Office.

President Nixon summed up this whole aspect of the Radios' operation in two sentences in the letter he wrote to me last December:

"RFE's task is particular its coverage of internal developments in East Europe, is of course one that only an independent broadcaster could undertake. This Administration is pleased to contribute to the financial support of Radio Free Europe, because we have followed closely the work of RFE and are satisfied that it continues to serve a fundamental national interest."

THE DIFFERENT ROLES OF VOA AND RFE–RL

The President's statement also helps answer the perennial question: Isn't the Voice of America all we need, or if not, could the VOA take over the work of RFE and RL?

There is in fact no essential overlapping of purpose or function. VOA is the radio voice of U.S. policy. RFE and RL, on the other hand, provide the kind of all-round home service for its audience countries that domestic stations might offer if censorship did not exist. They are, as Anatoli Kuznetsov has written (letter to the House Foreign Affairs Committee, September 8, 1971), "a substitute for a free press non-existent in our countries." Kuznetsov added:

"It is precisely the fact of being able to speak the language of a free press and not of the government propaganda that makes the broadcasts of Radio Free Europe and Radio Liberty so attractive to their audiences."

Even if VOA were to assume the special functions of RFE and RL, it would have to take over not only all of RFE's and RL's transmitters and frequencies but their personnel and their budgets.

Today VOA broadcasts an average of about 3 hours a day per country to RFE's audience area, as compared to RFE's average of nearly 16 hours a day. VOA could not physically transmit RFE and RL programming over its existing facilities without drastically curtailing its own worldwide output and without sharply reducing the number of transmitters that RFE and RL must now operate in order to cover their target areas in the face of jamming and other interference.

FINANCIAL SUPPORT FROM WESTERN EUROPE

In a letter to Senator Percy (Congressional Record, March 6, 1972), Senator Fulbright expressed his concern over "the lack of any apparent interest on the part of our Western European allies to help share the financial burden imposed by the Radios." The Senator added:

"Such sharing would certainly be consistent with the Nixon Doctrine and would serve to erase the doubts that I and others have about continuing U.S. support for these Radio operations. Accordingly, it seems to me that multilateral funding arrangements would provide a meaningful alternative to the present arrangement and this, of course, is something that could be fully explored in connection with any fiscal 1973 funding request."

On this point, I am happy to find myself in substantial agreement with Senator Fulbright. And I am pleased to report that our own explorations began some time ago. I met personally on this matter in Munich last January with Dr. Dirk Stikker, the former Dutch Foreign Minister and former NATO Secretary General, who is the Chairman of RFE's West European Advisory Committee. A number of other knowledgeable and influential West Europeans took part in the discussions.

I believe our efforts can yield worthwhile results. But let me enter a note of caution. First, mobilizing European financial support will take some time. It would be unreasonable to expect or demand that this be worked out by the beginning of fiscal 1973, that is, by July 1. As the *Washington Post* pointed out in an editorial on March 13, 1972:

"To convert a 20-year American operation into an alliance project under the June 30 gun now held by Senator Fulbright, is simply not feasible."

Secondly, as Dr. Stikker said in a cable to Senator Percy on March 16:

"I know that you will appreciate that if West Europeans are to be encouraged to begin contributing their own funds—private or governmental—it will be important for them to have whatever assurance may be possible that the Radios continue to enjoy the full confidence of the Congress and that their future will not continue to be subjected to unreasonable uncertainties."

Third, we would do well to avoid creating any impression that this broadcasting service is a project of our military alliance. Hopefully, the governments of our NATO allies, and the NATO parliamentarians also, will keep themselves informed of this work and give it their support. But I would hope that the participation of West Europeans will also include others, and will extend to the private sector as well as to governments.

A SUMMING UP

In his speech in the Senate on February 17, 1972, Senator Fulbright declared that Radio Free Europe and Radio Liberty "have outlived any usefulness they may have once had." He added:

"The American public recognizes this; so do the Western Europeans."

The speech triggered a spontaneous and almost overwhelming response throughout the United States and Western Europe in favor of keeping the Radios on the air.

Editorials and other commentary appeared in virtually every major newspaper on both continents. Nearly all of them—including, I am glad to say, the Baltimore Sun and the Baltimore News-American—expressed unqualified support for the Radios and urged that they be kept on the air.

Scholars, diplomats, contributors, and listeners wrote letters to the same effect. The AFL–CIO issued a strong statement.

A 60-member national Citizens Committee was formed under the leadership of George Ball, former Under-Secretary of State. It includes Clark Clifford, Douglas Dillon, Milton Eisenhower, Averell Harriman, John J. McCloy, George Meany, Nelson Rockefeller, and nearly all the living former U.S. Ambassadors to the Soviet Union.

A separate in-depth study of each of the Radios was prepared by the Congressional Research Service of the Library of Congress at the request of Senator Fulbright. Both studies have been published in the Congressional Record on March 6, 1972. The findings firmly endorse the aims and performance of the Radios.

The President of the United States issued a statement on March 11, calling the Radios "unique voices of freedom" and saying that, "It would be a tragedy if their light should now be extinguished because of a parliamentary impasse between the two Houses."

The parliamentary impasse mentioned by the President resulted from the failure of attempts to reconcile differences between the House and Senate authorization bills through the normal processes of compromise in the conference committee. A majority of the Senate conferees under the chairmanship of Senator Fulbright had refused to accept or to offer any concession.

That in itself was unusual. What was perhaps even more unusual was the sequel.

On March 2, 1972, Senator Charles Percy and Senator Hubert Humphrey introduced a resolution taking note of the impasse and stating that:

"The Senate hereby expresses (1) its continued appreciation of the valuable work being performed by the personnel of Radio Free Europe and Radio Liberty and (2) its intention to provide adequate support to these two radios while the methods for future support are carefully examined within the framework of United States foreign policy objectives."

That resolution has now been co-sponsored by 65 Senators—nearly a two-thirds majority, including a majority of the members of the Senate Foreign Relations Committee. This distinguished bipartisan roster, I am happy to note, includes both Senators from the State of Maryland, Mr. Mathias and Mr. Beall.

Ladies and Gentlemen, this has been a long report—longer than either you or I might have wished. But it has been a long year and we have reached a point where it seemed to me useful to take stock. I appreciate the opportunity you have given me to do so.

If I were to sum up the results of the past fifteen months, I would put it this way: The perhaps unpremeditated attack by Senator Fulbright against RFE and RL, following Senator Case's announcement of January 1971, has had an enormously constructive effect. It has compelled all of us—including our friends in Western Europe—to take a hard, close look at a couple of twenty-year-old institutions and to ask ourselves whether indeed the time has come for them, in Senator Fulbright's words, "to take their rightful place in the graveyard of cold war relics."

The verdict of thoughtful people throughout the Atlantic community has been rendered. It says that Radio Free Europe and Radio Liberty are serving a vital and humane purpose and that they should stay on the air as long as censorship prevails in Communist Europe.

In reaching this verdict, I believe Americans and West Europeans have exercised a few ghosts, disposed of a few myths, that have haunted RFE for many years.

Hopefully, this has also helped prepare the way toward more reliable and more adequate financial arrangements, and toward a more active participation in this effort by our friends in Western Europe.

Above all, we have reaffirmed the right and the efficacy of the freedom of communication among nations. In an era of negotiation, what could be more promising than that?

DECISIONMAKING PROCESSES OF THE GOVERNMENT

Mr. McGEE. Mr. President, last week, during debate on the war powers bill presently pending before the Senate, I suggested that what we really need is a high-level commission to conduct an in-depth study of the decisionmaking processes of our Government, particularly in respect to the war powers.

My concern in offering this suggestion is that the world has changed significantly from what our Founding Fathers knew in 1787. As a consequence, it would seem feasible for us to commission our best minds in a study to determine whether there is a need for an updated decisionmaking mechanism in our Constitution to enable us to deal more effectively with the problems which confront our Nation now and problems which will arise in the future.

In the Sunday Washington Star, Paul Hope reviewed a book recently written by Gerald W. Johnson, a noted journalist-historian-biographer. In his book, Mr. Johnson points out the United States "must reshape its Government to fit the needs of the modern world or it is going

to go the way of the Roman, Byzantium, and British empires."

Mr. Johnson concludes that—

If we fail, our place in world history will be that of another promising experiment that didn't pan out, and some other people will take up the struggle for it will never be abandoned while men retain imagination enough to dream of a better world.

While Mr. Johnson offers no solution to the dilemma confronting our Nation, he recognizes the scope of our problems. That is why I think now is the time for us to seek solutions in the hope that we can indeed draw up that much-needed mechanism which would allow us to realistically live up to our responsibilities in the latter third of the 20th century.

I ask unanimous consent that Paul Hope's review of "The Imperial Republic" be printed in the RECORD.

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

UNITED STATES ON THE BRINK OF COLLAPSE

(By Paul Hope)

Gerald W. Johnson, sometimes known as Baltimore's "Sage of Bolton Street," thinks the United States is teetering on the brink of collapse as a world power.

The 81-year-old journalist-historian-biographer has been setting his acerbic pen to problems of man and country for nearly 50 years since he gave up editorial writing for the Baltimore Sun for the freedom of free-lance writing.

In this latest of 35 books, Johnson's main point is that the United States must reshape its government to fit the needs of the modern world or it is going to go the way of the Roman, Byzantium and British empires.

"If we fail," he says, "our place in world history will be that of another promising experiment that didn't pan out, and some other people will take up the struggle, for it will never be abandoned while men retain imagination enough to dream of a better world."

Johnson says the nation is in a third period of evolution. The first was a federated republic that didn't work and was soon replaced by the adoption of the Constitution that started the second phase—a "national republic." The third phase, which he calls an "imperial republic," began at the end of World War II and is not working.

Americans, he says, have to accept that the U.S. is a world empire and proceed from there. It can, he says, either lead the way to a better world or retreat into an isolationism that will cause it to be ostracized by the rest of the world.

The shortcoming of Johnson's book is that he never really defines what is wrong or what is needed to correct it. To the question of whether the "imperial third republic" can achieve anything remotely approaching the success of the second "national republic," he says:

"The only positive answer is that there is no positive answer. Unfortunately, answers are given, daily, positively, loudly, furiously. The consequence is that well-meaning Americans have lived for a quarter of a century deafened by such a clangor of brazen-tongued liars that rational, coherent thought is almost impossible."

Whatever the answer is, he says, it must come from an informed and interested citizenry.

"It will be a test of American democracy, not of American leadership, because whether we are governed by wise men or fools they govern by consent of the governed," he writes.

Because of communications systems developed in this country, he says, American people are always aware of events but what they don't know is the truth.

"It is needless to emphasize," he says, "that no man can ever be master of the whole truth, but it is necessary to emphasize that any man above the mental level of a half-wit can learn more of it than seems to be known by any but a relatively small segment of the American people."

He has no sympathy for people who don't vote, comparing them to "idiotes" of ancient Greece who refused to take any interest in the affairs of the city-state.

"For political purposes these people are worthless. . . . As far as determining the destiny of the country they are sheer dead weight," he says.

Nor has he any sympathy for leaders who withhold information from the people:

"Treason against the American people may include deliberately lying to them or denying them the facts, and thus the truth, about a critical situation."

Nor can Johnson tolerate those who would stifle dissent. He says that toleration of dissent is a severe test of courage because dissenters are so often fools. He recalled that the late H. L. Mencken once told him: "The trouble with standing for free speech is that you have to spend half your time defending sonsofbitches."

"What creates the quandary," says Johnson, "is that some dissenters are not fools, and they are the most valuable people in the nation because they produce action, including the correction of abuses and the abandonment of follies."

THE REVEREND JESSE JACKSON: SOUL LEADER

Mr. PERCY. Mr. President, for the 6 years that Operation Breadbasket has been alive in Chicago, the name of the Reverend Jesse Jackson has been synonymous with that effort.

Under his direction, Operation Breadbasket has labored for welfare reform, for ending hunger in America, for better health care, for minority enterprise and employment, and for the better education of our Nation's black children. Jesse Jackson is recognized as a forceful civil rights leader and a dynamic social reformer. I have worked closely with him on numerous occasions. Some of our early efforts by the Select Committee on Nutrition and Human Needs to focus national attention on the problem of hunger and malnutrition were greatly aided by Mr. Jackson's compassionate, sometimes angry concern for the plight of the urban poor.

There is every indication now that the Reverend Mr. Jackson's new effort, People United To Save Humanity, will be equally vital to the black community. I am confident that PUSH will be characterized by strong leadership, tremendous energy, and real accomplishments toward economic self-sufficiency.

An article published in the Wall Street Journal of March 16, 1972, presents some very interesting and candid reflections on the Reverend Jesse Jackson. I ask unanimous consent that the article be printed in the RECORD.

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

SOUL LEADER: JESSE JACKSON BECOMES A MAJOR NEGRO FORCE BUT HAS MANY CRITICS

(By Jonathan R. Laing)

CHICAGO.—Seven years ago, Jesse L. Jackson, a divinity student, went to see Mayor Richard J. Daley about a job in the city's poverty program. Instead, the mayor offered him a post as a highway toll collector provided that he hustle votes in one of the city's black neighborhoods. Mr. Jackson declined the offer.

Last fall Mayor Daley paid a visit to Mr. Jackson. The occasion was a breakfast to kick off Black Expo, a massive trade fair organized by the minister. There, in the cavernous International Amphitheater before some 700 of the city's white and black business elite, the beaming mayor laid a thumb-grabbing "soul" handshake on the flamboyantly garbed Mr. Jackson as flashbulbs popped and the crowd roared.

Thirty-year-old Jesse Jackson has come a long way from the dilapidated shack in Greenville, S.C., where he grew up. He is handsome, articulate and dynamic—so much so that some of his more zealous followers regard him as a sort of Black Messiah. Philosophically, he combines the old-line Booker T. Washington doctrine of self-help with a latter-day appeal to black pride and militant tactics. Many observers feel that Mr. Jackson is the most important black leader to emerge since the Rev. Martin Luther King, under whose tutelage he first rose to prominence in the movement.

His status hasn't been dimmed by the fact that last December he bolted from the long-established but money-pinched Southern Christian Leadership Conference, which Mr. King had founded. Mr. Jackson formed his own Chicago-based organization, which he grandly named People United to Save Humanity, or PUSH. When he split, he took with him not only his thousands of loyal followers but also a good number of wealthy black businessmen and prominent black politicians and entertainers, whose support is essential to any such group.

A LACK OF CONCRETE ACHIEVEMENT

At the same time, however, Mr. Jackson is having problems realizing his goal of an independent, self-sufficient black community in Chicago—a community he hopes will serve as a model for other big American cities. Like other civil-rights leaders, he is finding it difficult to translate the legal and legislative civil-rights victories of the past two decades into concrete black advancement.

On a personal basis, critics assert he is overly vain and is inclined to substitute high-blown rhetoric for the kind of sustained effort needed to effect tangible gains. The second of these alleged defects, they say, mirrors the current state of the civil-rights movement generally.

"The movement has an infinitely tougher job today than it has had in the recent past," says Herbert Storing, a University of Chicago political scientist who has written extensively on the civil-rights movement. "Other issues like ecology have risen that jostle it for attention. The problems of the blacks in the Northern urban ghetto are greater and more subtle than the Southern-type segregation that the movement was set up to overcome. As a result, leaders like Mr. Jackson tend to resort to posturing and shuttling from issue to issue. Too often, headline hunting has become an end itself."

Mr. Jackson heatedly denies these charges. He says he has won thousands of jobs for blacks, opened grocery-chain shelves to black-produced goods, channeled millions of dollars into black banks and in the process materially expanded the economic base of Chicago's black community. "You don't do all this without a lot of sweat and organizing," he says. "After all, what good is it for blacks to be able to go to any school or hotel or live anywhere when we can't afford it?"

As to his style, Mr. Jackson says, "Sure I'm out in front, but it's because black people put me there. My charisma is a natural gift, but I've also nurtured it through victories."

A COMMANDING NATIONAL PRESENCE

Whatever the case, few deny that Mr. Jackson is a commanding presence on the national scene. His appeal is made up of a complex of characteristics. On the one hand, he is an ordained Baptist minister—a disciple of the Rev. Mr. King—who likes to refer to himself as the "country preacher." He says he adopted the sobriquet to avoid "pretentiousness." The title also strikes a responsive chord in his black constituency, steeped in the gospel tradition.

On the other hand, his image is anything but country with his bushy Afro hairstyle and mod wardrobe, his taste running from leather vests and puffy-sleeved, open-neck shirts to hand-stitched bell-bottom trousers. He jacks 220 pounds on a six-foot two-inch frame and still looks very much like the football star he was at North Carolina Agricultural and Technical College in Greensboro. "He isn't one to mess with. He's one brother who doesn't let anyone tell him what to do," says a black student at Farragut High School in Chicago's crumbling west-side ghetto, where Mr. Jackson recently addressed the student body.

He is, perhaps, most impressive when he takes the stage as the featured speaker in his weekly Saturday meetings of PUSH, staged at the massive Shiloh Missionary Baptist Church. The sessions, which start at 8:30 a.m., are a combination Southern Baptist prayer meeting, civics class and show-business spectacular. Each week the church's two thousand seats are packed while many more people tune in on radio.

Part of the meeting's allure is the black celebrities that Mr. Jackson attracts. In recent weeks they have included Richard Roundtree, star of the black motion-picture hit "Shaft"; singer Aretha Franklin; Bill Russell, the basketball star; Richard Hatcher, mayor of Gary, Ind.; former Cleveland Mayor Carl Stokes; and Sammy Davis Jr. Mr. Jackson's ability to draw such names, sometimes two or three at a time, attests to his status as a national figure.

No matter who is with him, though, Mr. Jackson is always the star. He is normally the last speaker on the bill. Shortly after 10 a.m., following a radio-station break, he strides confidently onto the stage as PUSH's 100-member teen-age choir, backed by a five-piece combo, sings the spiritual "He Included Me."

After a short prayer, Mr. Jackson kicks off his speech with the cry, "I am somebody." The crowd roars back, "I am somebody." Continuing the black-pride litany, the minister chants, "I may be poor." *"I may be poor."* "I may be on welfare." *"I may be on welfare."* "But I am somebody." *"But I am somebody."* "I must be protected; I must be respected." *"I must be protected; I must be respected."* "What time is it?" *"Nation time"* (meaning unity). "Right on."

His fiery hour-long speeches draw frequent cries from the audience of "right on" and "tell it, Jesse." In recent months he has spoken on such subjects as the threatened cut in Illinois welfare payments, an economic "bill of rights" for blacks, the legacy of Mr. King and the "unresponsiveness to blacks" of Mayor Daley's Cook County Democratic organization.

Whatever the topic, Mr. Jackson invariably hammers away at the theme that blacks must arise their aspirations. "Don't just be checking out your clothes and hairstyle—check out your mind," he says. "You can't teach what you don't know. You can't lead where you won't go."

He ends with a repeat of the "I am somebody" chant followed by a hand-clapping spiritual that leaves the audience in a fervor.

Some regard the Saturday morning meeting as stagy and without much point. Mr. Jackson, however, considers them important—sufficiently so that he is always present, even when his travels take him far from Chicago during the week.

"The meetings get people's heads together by instilling black pride and unity," he explains. "Self-hate is a major problem for blacks—especially for the Northern black who was pushed out of the South only to be a loser again in the North. With the celebrities, the speeches and the chant, we really convince people that they are somebody."

SOUTHERN SELF-CONFIDENCE

Mr. Jackson says that he, himself, has never lacked self-confidence, a fact he attributes to his Southern upbringing. Born in Greenville, S.C., the illegitimate son of a cotton-mill worker, Jesse was raised by Charles Jackson, a janitor his mother later married.

According to Jesse Jackson, growing up in segregated Greenville wasn't nearly as psychologically crippling as the Northern urban ghetto. "Most of the people in authority I encountered (in the South)—my principal, teacher and coaches—were black," he says. "Unlike kids in the North, I never doubted that blacks could do these things."

Indeed, his first real contact with whites turned out to be ego-bruising. It came when he went to the University of Illinois on a football scholarship in 1959. "I was amazed to find that there were whites who were smarter than I was and just as good athletes," he says. "But I never got a fair chance there, for blacks were pretty much excluded from campus life. They didn't even let me try out for quarterback because blacks just didn't run major college teams in those days."

Disillusioned, he transferred the following year to a Negro college, North Carolina A&T. There he became the star varsity quarterback, student-body president, campus civil-rights leader, the national officer of his fraternity and an honor student in sociology.

Mr. Jackson began the meetings and his coincident rise to prominence in 1966 when, while still a student at Chicago Theological Seminary, he was named by the Rev. Mr. King to head up the newly formed Chicago chapter of the Southern Christian Leadership Conference's Operation Breadbasket. Modeled after a similar SCLC group in Atlanta, the aim of the chapter was simple—to win jobs for blacks in white-owned businesses operating in the black community through moral suasion and, if necessary, picketing and boycotts.

Under Mr. Jackson's leadership, Chicago's Breadbasket soon eclipsed the record of the Atlanta chapter. Starting in early 1966 with Chicago's dairies, Breadbasket won agreements, or "covenants," from about 20 companies, including such national chains as A&P, National Tea and Walgreen's.

MORE THAN JOBS

Many of the agreements guaranteed more than jobs. For instance in the 1968 A&P covenant, negotiated after a bitter 16-week boycott of more than 40 of its ghetto stores, the chain agreed to provide shelf space and promotion for products of black businessmen. It also agreed to use minority-owned garbage-collection firms, exterminators and janitorial services in ghetto stores, to hire black public-relations firms, to advertise in black media and to bank in black institutions.

In addition, Breadbasket obtained a number of private business and government building contracts for black building contractors. Black Expo, a heavily attended trade fair that Breadbasket began in 1967, resulted in millions of dollars of new business for the city's black business community.

In all, Mr. Jackson figures that Breadbasket directly obtained about 5,000 jobs for blacks with an annual payroll of nearly $50 million and probably got more indirectly. Some neutral observers concur with the figures but say many of the jobs would have gone to minority groups anyway because of increased social awareness by business. In addition a number of black businesses in Chicago have profited handsomely from Breadbasket's efforts. Since 1965, Grove Fresh Distributors, which handles orange juice, has had a sales rise of 500% and Joe Louis Milk Co. of 400%, largely because of access to chain stores won by Breadbasket.

BEYOND THE BOYCOTT

Lately, Mr. Jackson has largely foregone boycotts for more grandiose economic programs. He is currently calling for a national black economic development plan. It calls for at least $15 billion of federal tax revenues (his estimate of annual black tax payments) to be deposited in black-owned banks. It also calls for community development, for massive job-training programs for blacks by the government and private industry, and for black reconstruction of the nation's inner cities.

PUSH recently disclosed a 35-page plan to eliminate disparities between black and white income levels, employment opportunities and unemployment rates. Among the plan's proposals is a guaranteed annual income of $4,000 keyed to a family of four, plus income supplements. Democratic presidential candidate Sen. George McGovern recently adopted the plan as part of his campaign platform.

Critics charge that his programs, though often laudable, are mostly rhetoric. The same goes for many of Mr. Jackson's activities, they say. Take his whirlwind trip to the last AFL–CIO convention in Miami Beach, where he called for a general strike to protest government wage controls and a more vigorous effort by unions to open leadership posts to minorities and to organize the unorganized. Other than meeting with several dozen black delegates, his activities there consisted mostly of issuing press releases and holding press conferences. Since the convention, he has apparently all but dropped the proposals, having done little to follow up on them.

Mr. Jackson is somewhat vague about how some of the things he proposes would be accomplished. When pressed for details on his job-training programs, for instance, he merely replies, "They must be different from the programs under the poverty program; they must train people for jobs that exist."

In the political sphere, where Mr. Jackson has become increasingly active in recent years, he has enjoyed only moderate success. He perhaps is most influential in the national arena, having played a key role in the recent black political strategy sessions leading up to the Democratic National Convention and the recent National Black Political Convention. He has the ear of leading black politicians, many of whom he has campaigned for.

MUSTERING THE MUSCLE

At times Mr. Jackson is able to muster plenty of muscle. A few years ago he headed off a proposed $125 million cut in Illinois welfare funds when he brought some 8,000 demonstrators to the state capitol in Springfield to protest the threatened action by the state legislature. He also worked effectively behind the scenes buttonholing state legislators and getting Gov. Richard Ogilvie to pressure fellow Republicans in the legislature to withdraw the budget cut. "He was phenomenal in action," says one of Gov. Ogilvie's top aides.

Yet Mr. Jackson's political influence is sharply limited because of his failure to swing votes in local elections. Despite his stature in Chicago's black community, he has largely failed to shake the political hold of the powerful Daley Democratic machine over the city's more than one million blacks.

Over the years most of the local candidates Mr. Jackson has backed have been trounced by their machine opponents. Last spring, running as an independent, Mr. Jackson challenged Mayor Daley in the mayoralty race but was unable to collect enough nominating signatures to get on the ballot. On the eve of the election, he threw his support

to Mayor Daley's Republican opponent, who was swamped at the polls the following day, especially in the black precincts.

Mr. Jackson attributes his local political failures of Mayor Daley's "dictatorial hold" over Chicago. "I could give any other politician in the country trouble if I wanted," he insists. Other observers, however, say that the minister's defeats stem from poor organization and political ineptitude. "Jesse doesn't realize that elections are won by tedious, unrelenting precinct work and not emotional speeches and hand-clapping rallies," one political observer says. "Jesse doesn't put in the necessary hours in grass-roots organizing. He just wants the easy victories."

PREACHING UNITY BUT—

Lately Mr. Jackson has been talking about the need for a confederation of civil-rights groups to give united voice to black demands. Although preaching black unity, last December Mr. Jackson took his Chicago-based group out of the SCLC, thus seriously hobbling the SCLC's operations in the North.

The break came after Ralph Abernathy, the SCLC national president, suspended Mr. Jackson for 60 days as Breadbasket director because of "administrative improprieties." The national board of the SCLC charged that Mr. Jackson had violated the group's national constitution and organizational policy by incorporating Black Expo without obtaining the approval of the parent body.

He declines to discuss the split, but insiders say that it was inevitable because of the growing rivalry and antagonism between Mr. Jackson and Mr. Abernathy. The rift between the two surfaced a month after Mr. King's death, when Mr. Abernathy demoted Mr. Jackson as manager of Resurrection City, the camping ground during the 1968 Poor People's Campaign in Washington. In recent years the two have studiously avoided appearing together at rallies.

"Jesse always felt that he and not Ralph should run the SCLC because Ralph wasn't dynamic or effective enough for the job," an SCLC staffer says. "But SCLC is a Southern-based movement, and Jesse realized that there was no way he could ever displace Ralph, so he left."

Although Mr. Jackson insists that all is well within his own group, the turnover of aides has been heavy in recent years. A number of staffers who left complained of the minister's "egotism" and constant need for "self-glorification." "Jesse's on a constant ego trip," says Noah Robinson, his 29-year-old half-brother, who joined Breadbasket for a year but then left. "Jesse got rid of me because he was afraid that I was pushing him out of the limelight." Mr. Jackson declines comment.

GENOCIDE: BANGLADESH TRIBUNALS TO JUDGE PAKISTANI WAR CRIMES

Mr. PROXMIRE. Mr. President, recent newspaper articles indicate that the infant nation of Bangladesh will convene tribunals to hear charges of war crimes and atrocities leveled against captured Pakistani military leaders and soldiers. These Pakistani soldiers are presently being held in Indian POW camps as a result of the 2-week war on the Asian subcontinent.

Certainly there can be no doubt that the West Pakistani occupation of the East brought brutality and bloodshed. Many native Bengalis were slaughtered and their women raped in the effort to achieve the political submission of the East. No crime should be ignored. But during the course of every bitter war these wretched and unjustified acts of violence occur, and no nation escapes responsibility for a few reckless and criminal troopers. Clearly acts of atrocity and genocide were perpetrated by some soldiers serving West Pakistan, but also by Indian and Bangladesh troops in retaliation.

Justice is not served by victors judging the vanquished. Nor is morality served by punishing men solely for reasons of nationality, while ignoring the crimes of comrades. Ultimately we must hope that mankind will outgrow its need for violence, vengeance, and brutality. But as long as these needs remain we must look for more equitable methods for dealing with them. The tribunals soon to be convened in Bangladesh suffer from the same moral and judicial weaknesses which the controversial Nuremberg trials embodied. No international law sustains such action and no international organization has created a tribunal of impartial judges.

The Genocide Convention has provisions for such an international tribunal for the punishment of genocide. Bangladesh is not a party to it by virtue of her national youth. But the United States cannot offer such an excuse. Therefore I urge Senators to move quickly to ratify this humanitarian treaty with the hope that Bangladesh and all new nations will follow our lead. With such a treaty both justice and morality will be well protected, and the legal vacuum evident in Nuremberg and Dacca will be filled.

AIR TRANSPORTATION TO NEW ENGLAND

Mr. COTTON. Mr. President, I noted with special interest the statement of my friend the distinguished senior Senator from Georgia (Mr. TALMADGE), which appeared in the CONGRESSIONAL RECORD of March 28, concerning air transportation to New England.

At that time the Senator from Georgia placed in the RECORD the reply which I received from Mr. R. S. Maurer, senior vice president-general counsel of Delta Air Lines, Inc. This reply was in response to my letter of March 20 to Mr. Tom Beebe, chairman of the board and chief executive office of Delta Air Lines, which was included with the material which I placed in the CONGRESSIONAL RECORD of March 23—see pages 9893–9897.

Mr. President, I am grateful for the assurances expressed by Senator TALMADGE indicating that Delta does a "pretty good job" of serving his State, including smaller communities, and that he has "never known Delta to shirk its responsibilities with respect to the smaller communities it is required to serve."

I do not for one moment question the veracity and sincerity of my friend from Georgia. But the fact remains that the record in the Delta Air Lines-Northeast Airlines merger case—Docket No. 23315, the New England Service Investigation—Docket No. 22973, and the hearing record developed by the Aviation Subcommittee of our Committee on Commerce in September of last year in my own State of New Hampshire, do not encourage us from northern New England to believe that Delta Air Lines will render us the kind of service necessary if our region is to prosper and grow. In fact, I must, in fairness to Delta, give them credit for being most candid and forthright in their testimony before our committee and in their private conferences with me. Their representatives stated quite frankly that while, of course, they would comply with whatever requirements the CAB exacted from them in the merger went through, they intend, if permitted, to curtail sharply the service that New Hampshire and Vermont have received in the past from Northeast and Mohawk. The only North-South service they would render would be from Concord and Manchester, N.H., to New York—none to Boston. This would mean that three-quarters of New Hampshire and the whole State of Vermont with the exception of Burlington would be without air transportation except what could be afforded by the so-called third level carriers. They would operate an East-West service from some point in Maine through Lebanon, N.H. and Burlington, Vt., to Albany and points west, but there is little demand for such service by the people of New Hampshire and Vermont. What they need is access to Boston and New York. Subsequent communications from Delta Air Lines have been evasive in nature and give us no ground to believe that their intentions have changed.

Mr. President, in order that the RECORD may be complete in this matter I ask unanimous consent to have printed in the RECORD my reply to that of Mr. Maurer, which my good friend the Senator from Georgia (Mr. TALMADGE) placed in the RECORD of March 23.

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

MARCH 28, 1972.

Mr. R. S. MAURER,
Senior Vice President-General Counsel, Delta Air Lines, Inc., Atlanta Airport, Atlanta, Ga.

DEAR MR. MAURER: Your letter of March 23rd responding to mine of March 20th was a source of both disappointment and bewilderment.

It was a disappointment since it furnished no information that I did not already know about and because it was *not* responsive to either of my two inquiries.

It was bewildering for two reasons: first, because I thought I had addressed my inquiry to Mr. Tom Beebe, Chairman of the Board and Chief Executive Officer of Delta Air Lines, and not yourself; and secondly, because I cannot see how anyone could have responded to my letter without first having read the article in the *Commuter Airline World* of January 1972 to which I referred and to which you parenthetically admitted "we have not yet seen".

Accordingly, after reading your own response to my letter of March 20th, I am all the more anxious to see what Mr. Beebe has to say on this matter which is of such vital importance to my own State of New Hampshire, the State of Vermont and other areas similarly situated in the northern New England area.

With best wishes,
Sincerely,

NORRIS COTTON,
U.S. Senator.

VOTER RESIDENCY REQUIREMENTS

Mr. McGEE. Mr. President, though the Senate has tabled my bill to establish a

National Voter Registration Administration to ease the path to the polling place for millions of functionally disenfranchised Americans, the issue is not dead. Even before the smoke had cleared from our recent vote, the Supreme Court found lengthy residency requirements to be, in effect, crude barriers to voter participation. Thus, the thrust of the law was, I believe, unmistakenly placed behind those provisions of S. 2574 which would have limited residency requirements for Federal election contests to 30 days.

Many close observers of the political scene are likewise convinced that registration procedures too often are used as another form of barrier to voting. As the New York Times observed editorially just before S. 2574 was tabled last month:

Nothing is more frustrating for a citizen than to discover he cannot vote because he has not lived in his state or community long enough or because he forgot to register weeks or months before Election Day.

Mr. President, although the question is not before us at present, I believe Senators should carefully weigh their attitude toward a system of simplified registration for Federal elections. I ask unanimous consent, then, that the New York Times editorial, entitled "The Frustrated Voter," published on March 10, 1972, be printed in the RECORD.

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

THE FRUSTRATED VOTER

Nothing is more frustrating for a citizen than to discover he cannot vote because he has not lived in his state or community long enough or because he forgot to register weeks or months before Election Day. Nothing could be more ironic since democracy thrives on popular participation.

The Senate is now considering a bill sponsored by Senator McGee of Wyoming, which would do much to smooth the way to the polling place. The bill would permit a citizen to vote in Federal elections if he had been resident in a state for thirty days. Twenty-four states now require that a potential voter reside in that state for at least one year, an old-fashioned residence requirement that no longer makes sense if it ever did.

The bill would also permit potential voters to register until thirty days before an election. Most states have approximately the same registration deadline, but this provision would do away with the anomalous requirements which now prevail in a few areas.

It is also desirable to make it easier for citizens to register. Except in progressive communities which have mobile registration centers, getting one's name on the voting roll often involves a trip to an inconveniently located office on a workday. The McGee bill eliminates this obstacle. It would set up a National Voter Registration Administration within the Census Bureau to register potential voters by mail.

There is no constitutional barrier to this reform inasmuch as local governments would still control the actual registration process—the Federal form would be mailed back to the local voting registrar—and the states could still set voter qualifications for the own elections.

The McGee bill is now before the Senate, but it has encountered stiff Republican opposition. Yet this reform ought not be a partisan issue. The frustrated voter is as likely to be a suburban Republican businessman recently transferred from another state as he is to be an inner city Democrat. A simplified registration procedure is long overdue.

THE EX-OFFENDERS EMPLOYMENT PROJECT OF ILLINOIS JAYCEES

Mr. PERCY. Mr. President, one of the overwhelming problems faced by a man when he is released from prison into the community is the lack of suitable employment. The problem is not simply one of a lack of available jobs. It is much more. The principal problem is a very antagonistic attitude on the part of employers. They regard ex-offenders as suspect and untrustworthy. Though in some cases, their fears may be justified, this type of attitude perpetuates the problem. Because an ex-offender cannot get a job, the chances are greatly increased that he will return to crime. And with this, the recidivism rates continue to increase, thereby supporting a potential employer's reluctances to hire ex-offenders. It is an endless and vicious circle.

However, there have been breaks in this circle. Organizations have sprung up that have tried to break the cycle and provide ex-offenders with not only a job, but a well-paying satisfying job. Though many of these programs are government funded, the greatest source of encouragement are those private organizations which have taken an active part in this area on their own. One such organization which has served as a model for other such groups is the Ex-Offenders Employment Project of the Illinois Jaycees. This is a group of men who are interested in getting ex-offenders jobs. The people who run the program happen to be in prison themselves. This enables them to play a unique and important role in helping to insure that when a man comes out of prison, he has a better chance of making it. They make sure that an alternative exists in the form of a job. To the individual prisoner, this can mean the difference between rejoining the community as a contributing citizen, or returning to crime. To society it can mean that instead of a criminal, we have a man interested and active in the welfare of the community.

Mr. President, I ask unanimous consent that an article published in the March edition of Manpower, the publication of the U.S. Department of Labor, be printed in the RECORD. It explains the Illinois Jaycees program and what it means in human terms to all of us. As the title of the article indicates, this Jaycee project forges the missing link between the community and the ex-offender.

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

PRISON JAYCEES: FORGING THE MISSING LINK

Like most Jayees, James L. Trimble and David Blumenthal are optimistic, hardworking, and devoted to community betterment. But there's one big difference. Unlike most Jaycees, they are both in prison. And it's lucky for their cellmates at the State Prison at Joliet, Ill., that they are.

Trimble is chairman and Blumenthal co-chairman of the Ex-Offenders Employment Project, sponsored by the Joliet East Jaycees, a chapter inside the prison and composed entirely of inmates. The project has led to jobs and early release for about 300 Joliet inmates, and has attracted laudatory notices from correctional officials, employers, the U.S. Jaycees, and the U.S. Senate.

The prison Jaycees, of course, lack the mobility of their colleagues on the outside. But with the help of prison authorities, they have overcome this crucial handicap. They do their job-finding through links with Jaycee (formerly called Junior Chamber of Commerce) chapters throughout the State which are composed mostly of young business and professional men who have good contacts with employers. The prison makes this possible by giving Trimble and Blumenthal virtually carte blanche to send and receive mail and to make and receive phone calls.

"The Joliet East Jaycees' program is one of the really important steps taken in our State to involve the community in the responsibility of improving our correctional and rehabilitation program," said Peter Bensinger, director of the Illinois Department of Corrections. "My feeling is that without meaningful employment, the potential for real reintegration into society of ex-offenders is very limited."

Here's the way the project works.

About 6 months before his parole hearing, an inmate routinely receives a program application form from the prison's clinical services department. If he wants the Jaycees' help in finding a job he fills out the two-page application and sends it through the prison mail service to inmate Raymond Larsen, records coordinator for the project. The application asks for all relevant information about the inmate's background that bears on placing him in a suitable job. Specifically excluded are references to race, religion, or the nature of his offense.

But the prisoner is asked about his education and training, including prison training. This last is important because for many prisoners it represents the only vocational preparation or skill they possess. And while even prison officials admit that the training at Joliet could stand improvement, inmates do have access to classes in about 40 occupations, including barbering, food supply, auto mechanics, typewriter repair, drafting, and cement finishing. Volkswagen has established a course in auto repair and Portland Cement in cement finishing.

The application also asks the prisoner about his job preferences, work experience, hopes for the future, salary required, whether he needs help in finding housing, and whether he wants further education.

Jaycee chapters throughout the State have appointed coordinators to work with the project. After making sure the application is filled out properly, Larsen mails it to the coordinator in the area where the convict wants to settle when he is released. Along with the application goes a medical report describing the offender's present physical condition, and when possible, a vocational evaluation made by the prison's staff employment counselor.

The Jaycee coordinator—a volunteer who has to do the work in his spare time—then begins pounding the pavements, tapping friends and acquaintances among employers for a job for the offender. Information about the man's criminal background is made available to the coordinator on a confidential basis in case a prospective employer asks. But this information is not divulged unless the employer specifically asks for it.

The 6-month lead time gives the Jaycees ample opportunity to place a man and make sure he has housing before his parole hearing comes up. Without these two items, chances for parole are slim.

If the coordinator fails to come through with a job, the case is turned over to another Jaycee in the same area. The Jaycees are aided in their job-finding efforts by a directory listing Illinois employers who have indicated an interest in helping. The list—now about 110 firms—was compiled by the Senate Chamber of Commerce, which has given the project solid backing. Cooperating employers include such major firms as Cater-

pillar Tractor, Sears, Precision Castings, and Teletype Corporation.

Sometimes an employer wants to see a man before hiring him. Illinois has a work furlough law permitting a convict to go out on a job interview. But until recently the inmate had to pay all his own expenses plus those of a guard to accompany him, which made it impossible for most inmates to afford the trip. Inmates no longer have to pay these expenses, but the change has not yet been implemented so the Joliet East Jaycees invite the employer to visit the inmate at the prison.

Most employers, fortunately, are content to hire the man sight unseen. "This is due mainly to the 'selling job' performed by the outside coordinator," said Trimble.

The beginnings of the prison program go back almost 10 years, according to Fraser Young of the outside Jaycee chapter in the city of Joliet. Now outside coordinator in Joliet for the prison project, Young was chairman of the Joliet Jaycees' effort to establish a chapter in the prison. "The idea cropped up in 1963," he said. "But we met a stone wall from the prison administrators."

The situation remained unchanged until January 1970 when the new Illinois Department of Corrections was formed, taking over the correctional functions of the Illinois Youth Commission and the Department of Public Safety. The first director was Peter Bensinger, now 35. Bensinger, a member of the task force appointed by the Governor to launch the new correctional setup, was a top executive with the Brunswick Corporation of Chicago and was active in volunteer work with youth.

Bensinger took over with a commitment to improve and liberalize the correctional system of the State. He particularly wanted to strengthen education and training programs for prisoners and to ease their transition back into society.

Young said that in April 1970 Bensinger passed the word to try again. "We received a call from Bensinger's office that a meeting had been set up with the warden."

PILOT CHAPTER LAUNCHED

Young and two other Joliet Jaycee officers met with Frank Pate, then warden, A. M. Monahan, assistant director of corrections, and several other prison officials. They agreed that a Jaycee chapter should be started on a pilot basis in the prisons' Reception and Diagnostic Center. Within 30 days officers had been elected and "we were off and running," according to Young.

Normally, Jaycees are 21 to 35 years old. But the Jaycees have a sort of associate member category called "exhausted roosters." This device permits individual chapters to use the talents of men like Trimble, 48, and Blumenthal, 46, who are over the age limit. They do not hold elective office but they are sometimes named chairmen of special projects—particularly in prison where there are no other civic clubs, such as the Lions and the Kiwanis, for older inmates to join.

The first thing a Jaycee chapter needs is a project for improvement of its community. The community in this case was the prison and the big need was jobs. The inmate chapter, with aid from the Joliet chapter, drew up a plan which won the approval of the Illinois Jaycees' State Board of Directors.

The plan was then presented to the Illinois Law Enforcement Commission along with a request for money. Joliet Warden John J. Twomey gave his blessing. And when Bensinger put his stamp of approval on it, in December 1970, a $9,000 grant was forthcoming within 15 days.

The climatic event was a 2-day training seminar at a Joliet motel in January 1971. About 165 people attended, including 85 Jaycees representing 50 chapters throughout Illinois and many correctional officials, among them Twomey and Bensinger. Also on hand were six prison inmates representing the Joliet East Jaycees who were allowed outside the prison to attend the meeting—a first for the State of Illinois.

From this promising beginning, the project in the next 9 months compiled the following record:

Of 622 applications placed with coordinators, 287 inmates were paroled to jobs; 111 were conditionally released; 51 were placed on work release, transferred, or discharged; 6 withdrew; and 167 applications were pending.

Young reported that of the 287 paroled to jobs, only six have returned to prison. He noted that out of a similar group of 244 men—"released under normal conditions at the same time and not in our program"—82 have been returned to prison either for parole violations or new offenses.

"While it is still far too early to draw any positive conclusions from this fantastic decline in the recidivism rate . . . we think we know why this is happening here," declared Trimble and Blumenthal in a letter to a North Carolina prison inmate. "Where else do inmates have someone on the outside—a Jaycee volunteer—who writes to and visits the inmate while he is still confined; who makes an all-out effort to find him a meaningful job opportunity; who keeps in touch with the Parole Board after the inmate's parole hearing; who invites the man to visit his home after his release, enlists the inmate as a member of the local Jaycee chapter; who counsels, encourages, and establishes a solid friendship with the inmate in the free world?"

Bensinger believes the project "changes the odds" for men leaving prison in "two portant part of the community-at-large, important ways." First, "it involves an important part of the community-at-large, the business or employment community, which was not previously involved." And "it reduces having to rely on temporary low-paying jobs for inmates seeking parole."

This latter is a key point, in Trimble's view. He believes one of the project's main achievements has been to upgrade the types of jobs parolees and others being released can find.

"We get applications from only about half the men going out," he said. "A lot of them are people with no outside ties, no roots, no home. They come to us when they've exhausted every other possibility.

"Frequently a man will take any job just to qualify to get out of here. We're not interested in jobs like that. We're interested in a job with a future; with normal pay raises and some security, so the man won't be coming back."

The jaycees have found permanent jobs for ex-inmates as barbers, salesmen, cement finishers, meatcutters, construction craftsmen, auto mechanics, truck drivers, and welders. One skilled tool and die maker nailed down a job paying $5.80 an hour.

Precision Castings Company of Rockford has put more than 20 ex-offenders from Joliet and two other States prisons on the payroll, some of them before the project began. Most of them start on piecework production jobs, earning a minimum of $2.38 an hour, according to Edward James, Precision Castings personnel manager.

"One I hired recently from Joliet is on piecework, operating a punch press, and he's making $140 to $150 a week," he said. "Another fellow is a floor inspector. He's on hourly rate, $2.98 plus 16 cents cost-of-living. He's been with me 3 months. White or black, we take them."

OLDER WORKERS PREFERRED

Many employers prefer to hire younger men who are presumably more easily trained. Not James. He'll take the more settled man.

"Only three or four I've hired were not worth a damn, and they were younger fellows. I got rid of them. Some of the older fellows work 4 or 5 months, get a better job and go, and that's okay as long as they notify me. I've had really good luck. Only one fellow gave me any real trouble. He got mixed up with a woman and began drinking. I think he's back in the pen now."

James believes it is best not to put ex-inmates together in the factory.

"I spread them around, put them in different departments on different shifts. They're assured that nobody knows their records, not even the foremen. We treat them like anyone else. I tell them, 'As long as you want to work, everything's okay. If you horse around, I have to get rid of you.' They do okay."

Some outside Jaycee coordinators feel that simply finding a parolee a good job is not enough. Thorough-going followup is considered essential by G. Richard Dunkirk, 30, coordinator for the Bloomington chapter and State Jaycee vice president.

Dunkirk, president of a manufacturing and sales firm, had placed four Joliet ex-convicts by the end of 1971. One of these, Bob, 25, a former burglar, was paroled last March after Dunkirk persuaded the business agent of the Iron Workers Union local in a nearby city to give him an apprentice's card. Bob had a good deal of experience in the trade and within 6 months had his journeyman's card. He now earns $7.35 an hour. Despite this high pay, it quickly became evident that Bob had a proclivity for getting into trouble and several times he came close to technical violations of his parole.

Dunkirk now requires that all offenders he helps spend every evening of their first 3 weeks out of prison at a different Jaycee's home, talking and getting acclimated to freedom. Then they are required to check in with Dunkirk by phone every day after work for the next 3 months and discuss their problems. And they are further required to spend 2 hours every month for an indefinite period talking to a clinical psychologist.

JOLIET CALLED MODEL PROJECT

"What we try to do is turn major problems into little ones," said Dunkirk. "Take Bob, for instance. He has to do some welding on the job and that burns his clothes up. He called me one evening scared because all his clothes were burned and he couldn't buy new ones without his parole officer's permission. I called the officer at his home and got permission so Bob could be at work on time the next day.

"The ex-offender's biggest problem is he can't relate to free society," Dunkirk said. "All they can talk about is what they know—prison. You've got to get them on a fresh track, talking about jobs and other things related to the outside world."

Gary Hill, consultant on crime and corrections for the U.S. Jaycees, regards the Joliet project as a model effort. There are nearly 200 Jaycee chapters in prisons today "and all of them have some kind of employment project or referral to outside job sources," he said. "In my opinion, Joliet and Chino, Calif., are the best. Both of them tie together the efforts of correction professionals, the outside community, and the inmates."

Trimble noted that some parolees are now themselves acting as coordinators. By December, eight of them were out job-seeking for those still behind bars. Usually—but not always—they join the Jaycee chapter in their home community.

Walter Collins of Peoria is one of these coordinators. His first move after leaving Joliet on parole September 3, following 10 months served on a theft charge, was to get his old job back at S. V. Cain, Inc., a janitorial service. Trimble has sent him three applications. Collins placed one applicant with the Cain firm and is looking for jobs for the other two.

Placing ex-convicts is "an uphill battle," said Collins, who is especially interested in helping fellow blacks coming out of prison. "You have to be a good salesman. Employers

give you the fishy eye. They think because a man's been in prison he's killed 40 people. If I ever get a business of my own I will hire nothing but ex-offenders. At least I'll consider them first. I know how important it is for these fellows to have a job."

The Joliet prison project has attracted inquiries from more than 125 Jaycee organizations—including one in Australia—interested in starting similar porgrams. Particularly satisfying to Trimble was an inquiry he received last September from Senator Charles H. Percy of Illinois.

Percy, who said he had been following the effort "with great interest," asked Trimble what he thought about "the possibility of expanding a project like yours on a nationwide scale." Percy also asked for the views of Trimble and other members of the Joliet East Jaycees on "a program of Federal incentives to businessmen to hire ex-offenders."

In a lengthy reply, Trimble said: "While we have some reservations as to the desirability and viability of providing Federal incentives to private businesses to employ ex-offenders—at least on a vast scale—we know from experience that private-sector involvement is absolutely essential. Thus we feel that every avenue should be explored to attain the fullest possible measure of cooperation and support from this area, up to and including incentives on a limited, experimental basis at the outset."

Before they got intc trouble, Trimble and Blumenthal both had positions of some prestige in their communities. Trimble, now serving a 3-to-5-year sentence, was once administrative aide to the Mayor of a large southern city, and in 1949 was named by the Jaycees there as "Outstanding Young Man of the Year." Blumenthal, who is serving a 2-to-6-year sentence, was a sales executive for a luggage manufacturing firm.

TOO BUSY TO NURSE REGRETS

Fortunately, they are too busy to nurse their regrets. Like all Jaycees, they must do their civic work in their spare time. Both have full-time jobs in the Reception and Diagnostic Center at the prison. Trimble is a captain's clerk and Blumenthal is head clerk in the office of the center's superintendent, Wilson Meeks, a strong supporter of the employment project.

Meeks feels that the value of the project goes beyond its job placement activities. He noted that about 20 Jaycee chapters have come to the prison to hold joint meetings with the inmate chapter and last summer there were recreation and social programs between the prisoners and their outside colleagues. All this, he said, makes the inmates feel part of the community, enhances their social contacts, and gives them a feeling of responsibility.

Warden Twomey also believes that efforts to rehabilitate offenders must go beyond prison walls. "To return offenders to society as law-abiding and productive citizens, institutions must have programs for the improvement of values, attitudes, education, and work skills," he said. "Inmates must develop self-motivation and the community must be receptive and provide helpful resources to ex-offenders. It's a three-way effort. The Jaycees have gone that extra mile in providing community support and assistance."

Twomey's attitude and that of other correctional officials has helped, in Trimble's words, to turn the "shattering experience" of being in prison into "the rewarding experience" of helping others.

MARYLAND BICENTENNIAL DAY IN HARFORD COUNTY

Mr. BEALL. Mr. President, in little more than 4 years from now, the United States of America will mark its 200th birthday. Preparations to mark this event are even now taking place on the Federal, State, and local levels. The decade of the 1970's is a time to look back on our glorious past and rededicate ourselves to the promise of those formative years.

It is with great pride and pleasure that I bring to the attention of Senators the work of the citizens of Harford County, Md., to commemorate this significant period in our history. On March 22, the county celebrated Maryland Bicentennial Commission Day, when members of the community reverently memorialized the contributions of Harford County to our national heritage. On that day, 197 years ago, the Bush Declaration of Independence, believed to be a forerunner of the document approved in Philadelphia a year later, was signed by 34 Harford Countians who pledged themselves to the resolves of the Continental Congress, at the risk of their lives and fortunes.

This year is also the 199th anniversary of the founding of Harford County. The first governmental acts of the new county were performed on March 22, 1774, and thus the tribute at Abington, Md., last week had an important double significance.

Mr. President, I commend the citizens of Harford County for their concern for our Nation's past. I also ask unanimous consent that the remarks of Judge Wilson K. Barnes, chairman of the Maryland Bicentennial Commission; the Honorable Fred B. Baldwin, member of the Board of County Commissioners of Harford County; and Mr. Allan H. Constance, coordinator for the host committee at the wreath-laying ceremonies on March 22, 1972, at Bush, Md., be printed in the RECORD, for I believe they bring to bear some most notable thoughts on our Nation's history.

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

REMARKS OF HON. FRED B. BALDWIN, SR.

We stand today in the Community that was the First County Seat of Harford County and where the first governmental acts of our County were performed on March 22nd, 1774—198 years ago, today.

Our County had been created by an Act of The Maryland Assembly at its meeting in Annapolis, in the year of 1773. This means we are honoring our County's 199th Birthday, today. The act of the Assembly also designated this spot to be the first County Seat and indicated it should be called "Harford Town."

While there are no indications that any governmental buildings were ever erected here, the importance of this Colonial Community can never be over estimated. Due to travel conditions of those days, Harford Town was just about one day's journey from Baltimore, so that many of the Colonial leaders, in their trips to and from Philadelphia, spent the night in our County Seat.

These visits gave ample opportunity for our County leaders to exchange ideas and so the actions taken by our Colonial Forefathers, were a means of influencing actions taken by all the colonies in their meetings in Philadelphia.

So it is, that we latter day Harford Countians, take great pride in the leadership found here in Colonial Harford Town and are all happy for the opportunity to express our feelings in this symbolic ceremony today.

Greetings to our Honored Guests, Judge Wilson K. Barnes, Chairman and Members of The Maryland Bicentennial Commission for the Commemoration of The American Revolution and to Friends of Harford County.

I am sure that I could find no better words, with which to open this program, than the ones used 72 years ago, when this monument was dedicated. On that occasion, the Honorable Samuel W. Bradford opened his remarks thusly:

"We have met upon sacred soil, whereon we have this day erected a memorial dedicated to the imperishable virtues of human liberty. Upon yonder spot, now wrapped in the stillness of peaceful nature, there once stood men who gave to the World their most solemn pledge that Government by man without the consent of the governed should perish."

It seems very fitting, that in these days of a so called revolution, that we should take the time to honor the past and to reflect on those events which lead to the establishment of this great nation. Perhaps, as we examine the past, we will find a better understanding of our heritage and reach the basis for an even greater growth in our appreciation of those standards that came from our Colonial Forefathers.

The Harford Committee, provided for by the Maryland Provincial Convention, first met in 1774 as a Mass Meeting Committee. However, faced with events that were arousing the Colonists, this group felt that they should be more truly representative. With this in mind, they called for an election and set forth the ratio of elected representatives to be "ten in each hundred". They established the "hundred areas" and set up polling places.

The newly elected Committeemen met on February 22nd, 1775 and organized in a strictly parliamentary manner and adopted rules of procedure. On the following day they met and made a provision for a collection to be taken for the poor of Boston and also for the purchase of arms and ammunition. They then adjourned, apparently to await word of the reaction from the British Parliament to the Resolves of the First Continental Congress.

When word of the rejection of the Resolves came from England, the Harford Committee was called to meet and on March 22, 1775 they passed and signed the Proclamation that has come to be known as the Bush Declaration of Independence and it reads:

"We, The Committee of Harford County, have most seriously and maturely considered the Resolves and association of the Continental Congress and the Resolves of the Provincial Convention, do most heartily approve of the same, and as we asteem ourselves in a more particular manner, intrusted by our Constituents to see them carried into execution, we do most solemnly pledge ourselves by every tie held sacred among mankind to perform the same at the risque of our lives and fortunes."

As we reflect on the words of the Bush Declaration, it seems apparent that the principles set forth in this document, became the very cornerstones upon which this Nation was built. It is also very significant that it was the act of "a duly elected body of men" who had in their hearts a sense of deep responsibility to those they were elected to represent. All this stands to the Glory of the Bush Declaration and to those who put their signatures, thereto.

It is with a feeling of high honor that we can be a part of this celebration that calls attention to this the 197th Anniversary of the signing of the Bush Declaration of Independence at Harford Town on March 22nd, 1775.

PRESS ATTENTION ON THE NATIONAL BLOOD BANK ACT

Mr. PERCY. Mr. President, I invite the attention of Senators to the interest that the National Blood Bank Act (S. 2909), which Representative VEYSEY, of California, introduced in the House and the Senator from Indiana (Mr. HARTKE) and I introduced in the Senate, is receiving in newspapers across the country. The press has been closely following the fine efforts of Representative VEYSEY, who has done more than anyone else to bring about an effective solution to this country's critical blood problem.

I ask unanimous consent that articles describing our distinguished colleague's activities be printed in the RECORD.

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

CAPITAL REPORT, BLOOD BANK BILL—PRICE COMMISSION

(By Mal Schechter)

"Blood on Capitol Hill" might sound like the title of a movie about political vampires, but it belongs to growing congressional concern over transfusion hepatitis and what the federal government can and should do, beyond current efforts.

A freshman California representative, Republican Victor V. Veysey (pronounced Vee'-see), may have set the stage for Congressional hearings this year. In introducing a bill for federal licensing of all blood banks, the 56-year-old "agri-businessman" launched an attack on the National Institutes of Health, whose Division of Biologics Standards licenses interstate blood banks. DBS, he charged, has shied away from attacking sources of transfusion hepatitis, that is, commercial banks relying on paid, often skid-row, blood donors. DBS says it's the wrong target. The row may interest the House commerce health subcommittee under Rep. Paul G. Rogers (D-Fla.) in holding hearings, Rep. Veysey hopes.

There seems little controversy over the identification of commercial blood donors as high-risk hepatitis carriers. Nobody seems to be saying that this country can do without commercial donors: perhaps 20%-40% (there are no hard figures) of all blood collected comes from them. Everybody seems to agree that the risk of hepatitis is far greater from commercially donated than from voluntarily donated blood. And almost everybody probably would be a lot happier to see more blood coming from volunteers. When you start looking for remedies, that's when you run into heavy controversy.

Rep. Veysey proposed a National Blood Bank Act that would establish a program in the Department of Health, Education, and Welfare to inspect, license, and regulate all blood banks. It would regulate standards for donor selection and manage blood inventories (to minimize dumping of expired blood). It would label as "high risk" any blood from a paid donor. To promote voluntary donations, a recruitment effort is authorized; it would honor and recognize voluntary donors and take other steps toward the ultimate goal of a 100% voluntary blood system.

Such national collecting systems as the American National Red Cross and the American Association of Blood Banks would police themselves, if their own inspection and accreditation efforts satisfy the federal program. There would be "Class A" banks with a high percentage of voluntary donors. All other banks would be "Class B." To renew a "Class A" status, a bank would have to meet a voluntary donation percentage set annually by the federal program. The level would be raised, consistent with needs of an adequate supply. Federal agencies could obtain blood only from Class A banks.

There would be a federally run national registry of donors to allow cross-checking for hepatitis carriers. Whenever the federal program has reason to believe that an imminent public health hazard exists, it may apply for a court injunction to close down a blood bank. Violators of the law could be fined up to $1,000 per count and imprisoned for up to a year.

It's unusual for a bill to expressly forbid an agency from an administrative role, but the Veysey bill specifically excludes DBS. The Center for Disease Control is a favored candidate for the role but the congressman would let a hearings process work the designation out.

Rep. Veysey holds DBS and the states responsible for what he calls inadequate supervision of blood banks. He told the House that 17 states have no law on blood banking and 21 have only one: "to prevent patients infected by tainted blood from recovering monetary damages."

He referred to the DBS efforts as "close to scandalous" for allowing the use of skid-row donors. He referred to a federally licensed blood bank in Washington, D.C., that pays donors with vouchers collectible at a liquor store. This kind of practice, he said, attracts a risky donor and spreads death and suffering. "The NIH knows this is going on, they know how much hepatitis it spreads, but they do nothing about it," he declared.

SOURCES OF BLOOD

Where do the nation's 5,800 community hospitals get their blood for transfusion? According to the American Hospital Association, three-million units were transfused in the first six months of 1971. Nearly 21% came from hospitals' own blood programs, 40.5% from American Red Cross centers, 20.5% from community blood banks, 13.6% from commercial blood banks, 1.7% from other hospital blood banks, and 2.9% from miscellaneous sources.

DBS says it can't go beyond the law as it now exists. Within that law, DBS says it has done the best it can. The chief of its laboratory of blood and blood products, Dr. John Ashworth, says the Veysey bill has a commendable approach to improving the voluntary blood supply. He agrees that voluntary blood carries a lower risk of serum hepatitis than blood from the so-called "paid" donor. But he parts company on a regulatory solution to the problem.

"How do you define a 'paid' donor?" Dr. Ashworth asks. For regulatory purposes, he goes on, you have to be specific. If you define him as someone who gets cash or other compensation, then you run into trouble. For example, suppose a family member needs blood and you would be charged $25 if you did not replace it. Are you a paid donor when you do replace it? "It's hard to imagine that giving blood to save $25 on a hospital bill isn't the same as getting cash in your pocket," Dr. Ashworth says. Moreover, some donors get time off from work or prizes for giving blood. Is this payment?

Federal law doesn't allow for prohibiting payment for giving blood, he continues. Nor does it apply to blood banks operating outside of interstate commerce, that is, wholly within a state. Thus, DBS can't get at some kinds of targets, under current law. Actually, Dr. Ashworth said, DBS issues 166 licenses that cover about 85% of the blood collected in the nation annually. (Although Rep. Veysey said DBS licenses only 166 of the nation's 7,000 blood banks, DBS maintains that one license may cover many banks. The Red Cross has one license for 60.) The American Association of Blood Banks applies standards to banks, whether in or out of interstate commerce, Dr. Ashworth noted. The thousands of banks beyond DBS or AABB networks are very small and would be hard to police, he said. Some of the blood they collect is not used whole but is processed in forms not associated with hepatitis transmission.

Wholesale embargoes on "paid" blood would possibly cost many more lives than they would save, another DBS spokesman said. The danger to a patient of being without blood is often greater than the hepatitis risk, he added.

DBS claims it has worked hard to get a test for hepatitis-associated antigen cleared for marketing. In April, two months after issuing the first manufacturing license, DBS told the blood industry it intended to require testing as soon as supplies were sufficient. (Rep. Veysey thinks DBS dragged its feet in clearing the test and in moving to make use mandatory.) A proposed regulation to require testing was pending in December and was expected soon to be final.

But the regulation was almost academic, Dr. Ashworth said; he knew of no licensed laboratory not already using the test. However, he noted that the test was only 25% reliable in detecting hepatitis-associated antigen. Better tests were in prospect, he said, and would be moving along as fast as possible.

Rep. Veysey says his bill had the consultation of AABB, American Red Cross, and AFL-CIO. None of these groups have endorsed the bill, though spokesmen find much to like. The AFL-CIO thinks the bill is "a short step forward"; it wants a single national blood banking system and an end to commercial blood banking. Last February, organized labor called for unpaid donors to get a legal claim on "low risk" blood when they or their designees needed it. An AFL-CIO spokesman said both DBS and the Red Cross should be more vigorous in improving the nation's blood supply.

Indeed, there seems agreement among reformers that recruitment of volunteers has to be much improved. Rep. Veysey stresses that the two R's—Regulation and Recruitment—must go hand in hand. Whether Congress is interested enough to consider the blood problem and whether it would legislate on one R in preference to the other, if not both, remained to be seen. Moreover, philosophical issues about "free enterprise" and its role in blood banking may influence Congress.

Noninstitutional providers of health services—including clinical labs, physicians, and blood banks—are subject to an average 2.5% limit on price hikes, which must be justified by cost increases and which must not produce higher profit margins as a percentage of pre-tax revenues. The U.S. Price Commission also announced that institutional providers—including hospitals, hospital-operated facilities, and skilled nursing homes—also are being held to 2.5% without need to obtain prior approval from the Internal Revenue Service.

Increases 2.5% to 6% above price in effect Nov. 14, 1971, must be reported to IRS and the Medicare intermediary with cost justification. Increases above 6% require prior approval, according to commission policies recommended by the Committee on the Health Services Industry. The goal is to cut by at least half the current 12.9% rate of inflation for health services.

POINTS OF VIEW

TRUTH IN TEACHING

If they really study student troubles, faculty will find "the student's greatest needs are to be competent and to be respected. The faculty member knows that these ends can be accomplished only through hard work and personal discipline. To let students believe otherwise would be immoral," says editor W. Lippincott, in the Journal of Chemical Education.

MEDICO-LEGAL PERIL

"The forced delegation of medical tasks to allied medical personnel is fraught with medico-legal peril . . . Doctors and hospitals

may well incur liability for improper delegation or negligent failure" to provide proper supervision, writes attorney R. Crawford Morris, in the Journal of the American Medical Association.

MORE SEMANTICS

"As we all require services, goods, care, whatever, we are all therefore consumers," Dr. Kenneth E. I. Macleod writes in The Nation's Health. "The tendency to use, therefore, the term 'consumer' as a euphemism for some special group of people, say the poor, or the blacks, the Indians, or the Puerto Ricans, is a profound mistake in fact and as a strategy."

PHARMACISTS READY

In the midst of talk about new categories of health professionals, Dr. Lloyd M. Parks, president of the American Pharmaceutical Association, urges greater opportunities for pharmacists to perform at a higher level. "Drug product selection is a function which the pharmacist is qualified to assume today. It is a function that can lead toward even more responsible roles in the future," Dr. Parks urges.

GOP NEWSMAKER—"OOZE FOR BOOZE" IS HIT BY VEYSEY

A Republican Congressman has discovered a nationwide blood-bank racket which is spreading hepatitis—a dangerous, infectious disease—at an alarming rate among persons receiving blood donations.

In Washington, D.C., the Congressman, Victor V. Veysey of California, found a commercial blood bank giving donors a $5 voucher redeemable only at a local liquor store. Veysey said doctors advised him that "skidrow" types are especially likely to suffer from hepatitis. Veysey has introduced a bill to require the Department of Health, Education and Welfare to regulate the 7,000 blood banks in the U.S. (Only 166 now are inspected by the Federal Government.) HEW would screen out donors infected with hepatitis, label the source of blood and conduct a computerized follow-up.

Veysey also is investigating means of encouraging voluntary blood donorship, such as conducted by the Red Cross. He said unpaid donors are much less likely to carry hepatitis.

The Californian said he was alerted to the problem by British reports comparing the high rate of hepatitis infection from commercial donors in the U.S. with the low rate of the disease in Britain, which relies on a voluntary system. He then checked with physicians at the Stanford Medical Center who told him of the spreading hepatitis problem in this country. A check of Washington commercial blood banks quickly turned up the so-called "ooze for booze" system, which Veysey said is nationwide.

Veysey, born in Los Angeles, is a graduate of Cal Tech with a master's degree from Harvard. He is a former college professor, rancher and plant manager. He served eight years in the California legislature before being elected to the U.S. House in 1970.

REGULATION OF ALL BLOOD BANKS ASKED

(By Jean R. Hailey)

Rep. Victor V. Veysey (R. Calif.) said yesterday that a commercial blood bank here gives vouchers to paid donors that are redeemable only at a nearby liquor store.

He made the statement at a press conference before introducing a bill that would regulate all blood banks in the country and provide for the major national effort to recruit voluntary instead of paid donors.

Accusing the National Institutes of Health Division of Biological Standards of neglect in supervising blood banks, he said his bill would establish a new office in the Department of Health, Education and Welfare to license and inspect all blood banks. Of 7,000 blood banks in the country, only 166 are licensed and inspected by the NIH division he said.

Veysey said much of the hepatitis in this country comes from the paid blood donors, many of whom may be alcoholics or drug addicts.

He then referred to the Scientific Blood Bank, Inc., 1007 H St. NW, which gives vouchers that can be cashed only at Moe's Liquor Store two blocks away, at 1203 H St. NE.

William Reiland, administrator of Scientific Blood Bank, which has branches in six major cities, said later that the liquor store was chosen to cash the vouchers because of its proximity to the blood bank and because the proprietor was willing to cash them.

He said all donors are given physical examinations before they are accepted and must wait eight weeks before they can make another donation.

A spokesman at the liquor store said those who come in to cash vouchers are not urged to make purchases and those who do usually buy only a bottle of wine or a pack of cigarettes.

[From the New York Times, Nov. 19, 1971]

BLOOD BANK CONTROLS SOUGHT

WASHINGTON, November 20.—Charging that alcoholics, drug addicts and other paid donors are infecting thousands of Americans with hepatitis, Representative Victor V. Veysey, Republican of California, has introduced legislation to regulate blood banks.

[From the Chicago Sun Times, Nov. 18, 1971]

SEEKS TIGHT CURBS FOR BLOOD BANKS

(By William Hines)

WASHINGTON.—Hepatitis-tinged Skid Row blood from Washington slums may be entering the veins of Chicago surgery patients because of "scandalous neglect" by a government agency responsible for maintaining the purity of the fluid, a California congressman charged Wednesday.

But the director of the beleaguered Division of Biological Standards countered in the wake of charges by Rep. Victor V. Veysey (R.-Calif.) that none of the blood in question is being used for transfusions in Chicago or elsewhere.

Furthermore, DBS director Roderick Murray said, allegations of negligence and a sweetheart relationship between blood banks and their supposed regulators in his agency are baseless.

NEW CONTROLS SOUGHT

Veysey's charges came at a press conference where he announced submission of a bill that would regulate the quality and distribution of transfusion blood more tightly than is now possible. The bill also would take authority for control of this vital commodity away from DBS' parent organization, the National Institutes of Health.

Veysey claimed that derelicts, drunks and drug addicts are being bled for $5 a pint at a storefront center on Washington's down-at-the-heels H St. N.E. and are given vouchers, which they cash at a nearby liquor store. All parties concerned agree that the story is correct up at this point.

They part company on the subject of what happens to the blood after it leaves the Washington outlet of Scientific Blood Banks Inc., a Chicago-based company with collection centers in four cities: Washington, Detroit, Cincinnati and Chicago.

SHIPMENTS TO CHICAGO

Dr. William Battle of Washington, president of the National Assn. of Blood Banks, said the fluid collected at the H St. location is shipped daily by air to Chicago, where it is processed and made available to hospitals in that area.

But Murray, whose DBS is already under attack for alleged laxity in upholding purity standards for vaccines, said none of the blood collected at Scientific station in Washington is used for human transfusions.

Inspectors from DBS cracked down on Scientific operations here a few weeks ago, and "until they put their house in order they will not be in the blood-banking business," Murray said.

But there was no dispute that up until a few weeks ago blood from H St.—some of it undoubtedly from the alcoholic and addicts that abound there—was getting into Chicago operating rooms.

(In Chicago, William Rieland, administrator of Scientific Blood Banks at 1434 W. 79th, said all donors undergo a medical screening under procedures stipulated at the National Institutes of Health.

SERIOUS HEALTH THREAT

(Donors are given NIH-approved questionnaires, he said, and NIH inspectors make periodic, unannounced inspections of the company locations.)

The dispute between one junior congressman and one medium-echelon federal official sparked more than usual interest because of the seriousness of the public health threat from hepatitis-tainted blood. Serum hepatitis is a serious liver disease that can be transmitted in the blood. At present there is no known cure, and about 20 per cent of those afflicted die, particularly those over 40 years of age or in an enfeebled condition.

Some studies indicate that serum hepatitis is transmitted 11 to 70 times more frequently through fluid obtained from donors who sell their blood than from those who give it free through Red Cross and similar banking programs.

Murray contested these statistics, arguing that commercial blood is perhaps only 5 times riskier than donated blood. He did not dispute the fact, however, that the risk of infection is considerably greater with $5-a-pint fluid.

Government statistics show that some 52,000 cases of serum hepatitis are reported in the United States each year and that about 10,000 infected patients die. Veysey contended—and many public health experts agree—that this is "only the tip of the iceberg" for a number of reasons.

One of these is that a doctor who transfused a patient and later had the patient come down with something he officially reported as serum hepatitis might be laying himself open to a malpractice suit. Another is that hepatitis is passed around the drug subculture via improperly sterized needles and that victims in this milieu rarely get medical attention even when they sicken.

Veysey charged that the fault for the hepatitis pandemic lies in good measure with Murray's agency, which, he said "seems to have been 'captured' by the groups it is supposed to regulate."

Murray heatedly denied any improper "sweetheart" relationship between his staff and commercial blood bankers.

[From the St. Paul Pioneer Press, Nov. 18, 1971]

HEPATITIS DANGER CITED IN CALL FOR BLOOD BANK LAW

WASHINGTON.—Charging that alcoholics, drug addicts and other paid donors were infecting thousands of Americans with hepatitis, Rep. Victor Veysey, R-Calif., introduced legislation Wednesday to regulate blood banks.

Veysey illustrated his point by displaying to a news conference a voucher for $5 ("the going rate") given to donors by a commercial Washington, D.C. blood bank.

The only place the voucher could be cashed said Veysey, was at a nearby liquor store.

"We all know how this works—the donor it attracts and the death and suffering it spreads," commented Veysey.

Veysey said more than two million blood transfusions would be performed this year in the United States.

"One out of every 150 of these will cause death from serum hepatitis in the over-40 age group, plus a lot of sick younger people," he said.

The principal cause of much of the hepatitis, Veysey said, was the paid blood donor.

"Here is the man or woman with a reason to lie about his past medical history to get the money," he said. "He may be an alcoholic or a drug addict or live in conditions that invite hepatitis.

"Commercial blood banks that depend on the paid donor move right into his neighborhood and make it easy for him to sell his body."

The freshman congressman's bill would establish a federal office to license, inspect and regulate all blood banks. All blood collected would be labeled "high risk" if it came from a paid donor or "low risk" if it was taken from a volunteer.

[From the Miami Herald, Nov. 18, 1971]

BILL TO REGULATE BLOOD BANKS IS INTRODUCED

WASHINGTON.—Charging that alcoholics, drug addicts and other paid donors are infecting thousands of Americans with hepatitis, Rep. Victor V. Veysey (R., Calif.) introduced legislation Wednesday to regulate blood banks.

Veysey illustrated his point by displaying to a new conference a voucher for $5 ("the going rate") given to donors by a commercial blood bank in Washington, D.C. The only place the voucher could be cashed, said Veysey, was at a nearby liquor store.

"We all know how this works—the donor it attracts and the death and suffering it spreads," commented Veysey.

Veysey said more than 2 million blood transfusions would be performed this year in the United States. "One out of every 150 of these will cause death from serum hepatitis in the over-40 age group, plus a lot of sick younger people," he said.

The principal causes of much of the hepatitis, Veysey said, is the paid blood donor.

"Here is the man or woman with a reason to lie about his past medical history to get the money," he said. "He may be an alcoholic or a drug addict or live in conditions that invite hepatitis. Commercial blood banks that depend on the paid donor move right into his neighborhood and make it easy for him to sell his body."

The freshman congressman's bill would establish a federal office to license, inspect and regulate all blood banks. All blood collected would be labeled "high risk" if it came from a paid donor "low risk" if it was taken from a volunteer.

[From the Chicago Tribune, Nov. 18, 1971]

BILL FOR LICENSING BLOOD BANKS IS INTRODUCED IN U.S. HOUSE

WASHINGTON, November 17.—A California congressman today introduced legislation for federal inspection, licensing, and regulation of the nation's 7,000 blood banks.

The bill introduced by Rep. Victor V. Veysey [R., Cal.] would set up a federal system for supervising blood collection and distribution thru the Department of Health, Education, and Welfare. Veysey said his legislation seeks to stop "a tragic and death-dealing disease epidemic caused by this country's blood business."

CITES HEPATITIS SPREAD

Veysey said present state and federal laws are not controlling the spread of serum hepatitis in blood transfusions. Most of this infected blood, he said, comes from paid donors who often are recruited in skid row areas of cities.

"The risk of contracting hepatitis from the blood of paid donors is from 11 to 70 times greater than the risk from voluntarily donated blood," Veysey stated. "Blood banks that use paid donors make it easy to ooze for booze, but the product they sell is death by the pint."

"WOULD AID REPUTABLE BANKS"

In urging passage of his measure, Veysey cited findings of The Chicago Tribune's Task Force. The task force stories, which appeared in September, told of skid row alcoholics and drug addicts giving blood over and over again for $5 a pint.

Veysey said his legislation would aid blood banks that do not take blood from diseased persons and which rely primarily on volunteer donors.

"The best way to aid reputable blood banks is to require less scrupulous ones to live up to the same high standards," he said. "My bill would require this."

Illinois licenses and inspects blood banks he said, but in 38 other states there are no such laws.

"In these states anything is legal," he asserted. "Anyone could run a blood bank. It would be legal to use the blood of cadavers and of ill people."

ONE DEATH IN 150

Of 2 million blood transfusions which will be performed in the United States this year, he said, "One out of every 150 of these will cause a death from serum hepatitis in the over-40 age group, plus a lot of very sick younger people."

His bill would have blood labeled as either "low risk" when it comes from voluntary donors, or "high risk" when it comes from paid donors. Additionally, blood banks would be classified as class A or class B depending on the per cent of paid and volunteer donors the banks used.

All blood banks would have to submit to licensing, inspection, and regulation. This power would be vested in a national blood banks program in the Department of Health, Education, and Welfare.

ONLY 166 LICENSED

Veysey said the government's national institutes of health's division of biologics standards licenses only 166 of the country's blood banks. Asserting that this supervision has been inadequate, he said:

"The division seems to have been 'captured' by the groups it is supposed to regulate. There appears to be a pattern of senior personnel in the division going to work for blood banks that use paid donors . . . it produces the kind of regulatory neglect we find in blood banking today."

Veysey's bill also seeks to encourage the recruitment of volunteer blood donors. The recruitment of more healthy volunteer donors, he stated, would go far in cutting down the incidence of serum hepatitis caused by blood transfusions.

WANTS BLOOD COUNCIL

An advisory council of representatives from blood banks, blood consumers, organized labor, and public relations agencies would be established within the national blood bank program.

Veysey said the problem with infected blood was graphically illustrated by a friend of his who was involved in a traffic accident. Veysey said the Fresno, Cal., man was taken to a hospital, given blood transfusions and later sent home.

"Sometime later they had to take him back to the hospital," said Veysey. "He died a painful death of serum hepatitis. So he won the battle but lost the war."

BLOOD BANKS

WASHINGTON.—A California congressman, claiming that alcoholics, drug addicts and other paid donors were infecting thousands of Americans with hepatitis, introduced legislation today to regulate blood banks.

Republican Rep. Victor V. Veysey illustrated his point by displaying to a news conference a voucher for $5 ("the going rate") given to donors by a commercial Washington, D.C. blood bank. The only place the voucher could be cashed, said Veysey, was at a nearby liquor store.

"We all know how this works, the donor it attracts and the death and suffering it spreads," commented Veysey.

In 1971, said the lawmaker, more than 2 million blood transfusions would be performed in the United States.

"One out of every 150 of these will cause death from serum hepatitis in the over 40 age group, plus a lot of sick younger people," he added.

During 1970 the center for disease control of the HEW Department reported 52,583 cases of this disease, which Veysey described as only the tip of the iceberg. The true figure may be as high as 500,000, he maintained.

The principal cause of much of the hepatitis, Veysey insisted, was the paid blood donor.

"Here is the man or woman with a reason to lie about his past medical history to get the money," he said. "He may be an alcoholic or a drug addict of live in conditions that invite hepatitis. Commercial blood banks that depend on the paid donor move right into his neighborhood and make it easy for him to sell his body."

States are not policing the practice, according to Veysey. Of the 50 States, 38 have no laws whatsoever to protect the recipient of a blood transfusion, Veysey said, while 17 States have laws that block patients who have received "tainted" blood from suing for damages.

The freshman representative's bill would establish an office in HEW to license, inspect and regulate all blood banks. All blood collected would be labeled "high risk" if it came from a paid donor or "low risk" if it was taken from a volunteer.

The measure would also authorize $9 million to conduct a national program to eventually attain a 100 per cent voluntary blood donation system.

[From the Billings (Mont.) Gazette, Nov. 25, 1971]

LOCAL BLOOD CASE LED TO LEGISLATION

(By David T. Earley)

An October jury decision in Billings district court is "particularly significant" in current efforts in Congress to regulate the nation's blood-bank industry.

With 180,000 cases of post-transfusion hepatitis annually from tainted blood—3,500 of them says attorney Jeff Scott, the local jury award to a stricken patient was a milestone in legislative efforts toward more careful testing of donated whole blood.

The $32,941 award to his client, Charles A. Hutchins, was the first jury verdict to such a victim in the nation's history says the Billing attorney.

And the plaintiff's expert witness in the recent case, Dr. Garrott Allen of Stanford (Calif.) University's medical school, has since aided in drafting a regulatory bill for Congress.

Congressman Victor V. Vesey, R-Calif., submitted his bill to the House last week. The legislation provides for federal regulation of the blood-bank industry and requires a label on whole blood taken from paid donors: "high risk."

The intention, says Scott, is to provide an attending physician and his patient with information upon which to base a decision. "Now, they have none."

If the situation warrants they may decide to accept the risk of infection by the disease, apparently transmitted in higher than normal frequency by those who seek the extra money a paid donation will bring.

Hepatitis is one of the country's more serious health problems, says Scott, and now—particularly if the Vesey bill passes Congress—it is also a major problem to the blood banks, which do a $160-million business annually.

Defendant in the landmarks court suit was Blood Services of Montana, and the jury found it negligent.

Scott points out, however, that the defendant was shown by evidence introduced at the trial to have used "every test and screening device" used by other such services in the country.

In that sense, he adds, it wasn't simply the logical firm that was found negligent but the industry as a whole.

"The problem is in the use of paid donors. They have been demonstrated statistically to be more dangerous in transmitting hepatitis."

Effect of the Vesey bill would be to tighten control of blood from this high-risk group and give a patient the option of asking for donations from friends and relatives who would have no motive for concealing medical history from the doctor.

[From the Fort Worth Press, Nov. 22, 1971]

A Bloody Bad Business

A Washington, D.C., blood bank pays donors not in cash but by $5-a-pint vouchers redeemable only at a neighborhood liquor store.

That suggests much about an apparently not a typical commercial venture which supplies blood to the desperately ill.

It's small comfort that the D. C. blood bank operating this way is licensed and inspected by the Biologics Standards Division of the National Institutes of Health.

Even assuming the best, the bank is among only 166 of the 7000 blood banks in the nation that come under any federal supervision because only these 166 are deemed to operate in interstate commerce.

Rep. Victor V. Veysey, R., Calif., source of these statistics, argues there must be a better way to oversee enterprises that fulfill the ever-increasing emergency need for blood transfusions throughout the nation.

He contends winos, dope addicts and other derelicts, selling their blood to finance their habit, pass along serum hepatitis to unsuspecting patients who have to pay not only for the blood but for its possibly fatal taint.

State regulation, he reports, is abysmal, with 38 states either having no laws to protect patients from tainted transfusions or patients from filing damage suits.

Veysey proposes an office within the Dept. of Health, Education and Welfare to license, inspect and regulate all blood banks; a national program of aid and education that would lead eventually to a 100 per cent voluntary blood donation system; and a national registry of donors that would screen out infected "ooze-for-booze" suppliers.

Veysey's proposal merits immediate and full consideration by the Congress.

[From the Hollywood Sun-Tattler, Nov. 25, 1971]

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State regulation, he reports, is abysmal, with 38 states either having no laws to protect patients from tainted transfusions or specifically forbidding such victimized patients from filing damage suits.

Veysey proposes an office within the Department of Health, Education and Welfare to license, inspect and regulate all blood banks; a national program of aid and education that would lead eventually to a 100 per cent voluntary blood donation system, and a national registry of donors that would screen out infected "ooze-for-booze" suppliers.

Veysey's proposal merits immediate consideration by the Congress.

[From the Washington Post, Nov. 18, 1971]

Regulation of All Banks Asked

(By Jean R. Hailey)

Rep. Victor V. Veysey (R-Calif.) said yesterday that a commercial blood bank here gives vouchers to paid donors that are redeemable only at a nearby liquor store.

He made the statement at a press conference before introducing a bill that would regulate all blood banks in the country and provide for a major national effort to recruit voluntary instead of paid donors.

Accusing the National Institutes of Health Division of Biological Standards of neglect in supervising blood banks, he said his bill would establish a new office in the Department of Health, Education and Welfare to license and inspect all blood banks. Of 7,000 blood banks in the country, only 166 are licensed and inspected by the NIH division, he said.

Veysey said much of the hepatitis in this country comes from the paid blood donors, many of whom may be alcoholic or drug addicts.

He then referred to the Scientific Blood Bank, Inc., 1007 H St. NW, which gives vouchers that can be cashed only at Moe's Liquor Store two blocks away, at 1203 H St. NE.

William Reiland, administrator of Scientific Blood Bank, which has branches in six major cities, said later that the liquor store was chosen to cash the vouchers because of its proximity to the blood bank and because the proprietor was willing to cash them.

He said all donors are given physical examinations before they are accepted and must wait eight weeks before they can make another donation.

A spokesman at the liquor store said those who come in to cash vouchers are not urged to make purchases and those who do usually buy only a bottle of wine or a pack of cigarettes.

[From the Virginian-Pilot, Nov. 18, 1971]

Blood Bank Regulations Urged

Washington.—Charging that alcoholics, drug addicts, and other paid donors are infecting thousands of Americans with hepatitis, Rep. Victor V. Veysey, R-Calif., introduced legislation Wednesday.

Veysey illustrated his point by displaying to a news conference a voucher for $5 ("the going rate") given to donors by a commercial Washington blood bank. The only place the voucher could be cashed, said Veysey, was at a nearby liquor store. "We all know how this works, the donor it attracts, and the death and suffering it spreads," commented Veysey.

Veysey said more than 2 million blood transfusions will be performed this year in the United States. "One out of every 150 of these will cause death from serum hepatitis in the over-40 age group, plus a lot of sick younger people," he said.

The principal cause of much of the hepatitis, Veysey said, is the paid blood donor.

"Here is the man or woman with a reason to lie about his past medical history to get the money," he said. "He may be an alcoholic or a drug addict or live in conditions that invite hepatitis. Commercial blood banks that depend on the paid donor move right into his neighborhood and make it easy for him to sell his body."

The freshman congressman's bill would establish a federal office to license, inspect, and regulate all blood banks. All blood collected would be labeled "high risk" if it came from a paid donor or "low risk" if it was taken from a volunteer.

[From the Washington Star, Nov. 17, 1971]

Giving Blood, Buying Booze

(By David Braaten)

A Republican congressman from California has discovered that a Northeast Washington branch of a Chicago-based commercial blood bank pays its donors with $5 vouchers which can be redeemed only at a nearby liquor store.

Rep. Victor V. Veysey, a freshman from Southern California, made the disclosure as he called for federal supervision of the nation's 7,000 blood banks as a means of cutting down on the thousands of cases of hepatitis caused each year by impure blood transfusions. Only 166 blood banks are supervised by the federal government now.

The Congressman charged at a press conference that "ooze for booze," selling their blood to commercial blood banks for $5 a pint, endanger the health of patients who may get the tainted blood in transfusions.

There are 2 million blood transfusions each year, Veysey said, and in the over-40 age group one out of every 150 recipients dies from serum hepatitis.

The unusual arrangement between Scientific Blood Bank, Inc. of 1007 H St. NE and Moe's Twelfth&H Liquors two blocks away was confirmed by William Reiland, administrator of the blood bank.

Reached by telephone in Chicago, Reiland described the voucher system as a security measure. Keeping cash on hand "in that neighborhood" would be asking for trouble, Reiland said, and bank checks are easier to forge when stolen in a burglary. The solution, he said, was to work out an agreement with a neighborhood businessman to redeem the donor's voucher payments in cash.

Reiland called the choice of a liquor store "unfortunate" but said it really had nothing to do with the quality of the blood donation, since the donor goes there after he has sold his blood, not before.

Reiland said all donors must pass a physical examination before they are accepted, must wait eight weeks before selling blood again, and can sell only four pints a year. The impression that winos and derelicts can wander in off the street and sell blood without a screening is erroneous, Reiland said.

The blood bank's banker, Morris (Moe) Shulman, offered a more jaundiced view.

"I'll tell you, if I was sick, I wouldn't want to get blood from some of the ones who come in here," he said.

Shulman said there is no pressure on blood donors to make a purchase, and that those who do buy generally are good only for a bottle of wine or a pack of cigarettes. He charges Scientific 25 cents per voucher ("They wanted me to do it for 15 cents, but I said a quarter or nothing doing") and he complained that the blood bank of ten let $300 or more in vouchers pile up before redeeming them by check.

Shulman estimated the daily traffic at around 20 donors, but said that "early in the month, when the welfare checks arrive," the blood business slacks off. "I wouldn't care if they never sent another one around," said Shulman. "It's a pain in the neck, if you want to know the truth."

He said that "about half" of the donors who come in, buy wine or liquor with the money. Others buy gum or cigarettes, he said.

Rep. Veysey's staff estimated commercial blood banks are a $150 million-a-year industry and claimed that a profit of as much as $50 a pint is possible.

Reiland rejected this figure as "way out of line." He said the usual sale price to hospitals is $25 a unit, with the patient paying probably $35 a pint.

"Reliable studies have repeatedly shown that the risk of contracting hepatitis from the blood of paid donors is from 11 to 70 times greater than the risk from voluntarily donated blood," Veysey said.

Reiland noted—as did Veysey—that Scientific Blood Bank, Inc., as an interstate shipper of blood, is one of the 166 bloodbanks in the country licensed and inspected by the Biological Standards Division of the National Institutes of Health.

Veysey said the Division of Biologics Standards "seems to have been 'captured' by the groups it is supposed to regulate." There appears to be a pattern of senior personnel in the division going to work for commercial blood banks, he said.

Veysey's bill would take the responsibility for blood bank supervision away from NIH.

His bill, which he said he would introduce today, also would require the source of the blood to be clearly stated on the labels.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

WAR POWERS ACT

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, S. 2956, which the clerk will read.

The assistant legislative clerk read the bill by title, as follows:

A 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.

AMENDMENT NO. 1099

Mr. BEALL. Mr. President, for the past several days, and it will do so probably for a quite a few more to come, the Senate has been engaged in a discussion of S. 2956, legislation designed to define the warmaking powers of the President of the United States. For those of us who are anxious to see the Congress reassert itself as a coequal branch of the Government, the delineation in law of the conditions under which the President may commit American troops to action has great appeal. But at the same time the measure raises serious practical and constitutional questions demanding considerable thought and study.

I might add, Mr. President, that as a Member of the House of Representatives during the 91st Congress, I joined in cosponsoring a proposal similar to S. 2956. That bill did not come to the floor of the House for a vote and thus died with the adjournment of the 91st Congress. During the last year and a half, however, I have devoted considerable thought to the fundamental issues involved in this debate and, as a result, I have had second thoughts about solving the problem in this way at this particular time.

I am, therefore, sending to the desk a proposal that I plan to call up later in the debate on this legislation. This proposal is an amendment in the form of a substitute to S. 2956, which would, if adopted, create a National Commission on the Proper Roles of the Congress and the President in the Use of the Armed Forces Abroad and in Undeclared Wars. This 24-member bipartisan Commission would be composed of 12 members appointed by the President of the United States, some of whom would be appointed within the executive branch and others from private life. Among those who might serve are former Presidents, former Secretaries of State, diplomats, historians, constitutional lawyers, and so forth, in an effort to bring together the finest minds in our land to tackle one of the difficult constitutional problems confronting our Nation today. The remaining 12 members of the Commission would be appointed by the President of the Senate and the Speaker of the House of Representatives.

This Commission, mandated by law, would have up to 1 year to study in a deep and scholarly way the constitutional intricacies of the "War-making Powers". The duties of the Commission are contained in section 5A of my proposed amendment which reads:

DUTIES OF THE COMMISSION

Sec. 5. (a) Scope of Study.—The Commission shall make a thorough study of the authority of the Congress and the President in the use of the armed forces abroad, including authority to pledge United States military assistance, authority to deploy the armed forces abroad, authority to commit the armed forces to combat abroad, authority to conduct hostilities and authority to terminate hostilities. The Commission shall in making its study examine the constitutional structure and intent of the framers, constitutional history and practice, relevant judicial precedents, and relevant functional strengths of the President and Congress under present international conditions. The Commission shall undertake its study with a view to determining the proper role and relationship of the President and Congress in the modern world and shall recommend such measures in its judgment as are useful for strengthening the present structure.

At the conclusion of its study, the Commission's recommendations will be submitted to the President and to the Congress, which could at that point pursue a coherent and practical legislative course of action that would be well founded in thorough research, free from political pressures, and thus able to be successfully enacted into law.

Mr. President, in introducing this proposal, I fully expect to be criticized for putting forth an idea which would, if enacted, sidetrack the so-called war powers bill. But I contend that I am saving, for the Senate and the 92d Congress, an opportunity to begin reasserting its proper role in the field of foreign affairs and military matters. I believe that probably the votes exist within this Chamber to approve S. 2956. But I do not think that the war powers bill stands a proverbial "snowball's chance" of becoming law. The obstacles that lie in its path are numerous and formidable:

First, there is considerable evidence that the other body will refuse to approve a bill such as the one that is presently pending before the Senate. The chairman of the House Foreign Affairs Committee's Subcommittee on National Security Policy and Scientific Developments recently stated that even if the Senate passes S. 2956 "it is very unlikely that war powers legislation will be taken up again." He went on to say that the Senate bill "presents a number of constitutional and practical difficulties which make its passage undesirable."

Second, we cannot overlook the issue of this bill's constitutionality. The constitutionality question, which hangs like a cloud over S. 2956, is in itself an interesting double-edged sword. Either we are significantly curtailing the powers of the President as Commander in Chief, thus running the risk of violating his constitutional mandate, or else we are leaving his powers as Commander in Chief intact, which means we are failing to substantively alter the President's ability to make war. Since 1789, Chief Executives have deployed American forces abroad over 150 times without a congressional declaration of war. The absence of significant legislative or judicial efforts to define or curb this Presidential power lends credence to the argument that our forefathers meant to invest the President of the United States with broad authority to make and carry out our Nation's foreign policy. On an issue of this magnitude, it is important for us to do more than simply posture the Senate. We must ultimately decide upon a course of action that is clearly constitutional, completely compatible with our national security interests, and unquestionably credible to the people of this Republic.

Third, I believe that there is a possibility that we could see an extended debate develop in this body over the merits of this war powers legislation. Since this is a presidential election year, the Congress must complete its important tasks between now and early July. Since even its supporters doubt that this proposal stands any serious chance of being enacted into law in 1972, I suggest that it would be prudent for us to follow the course of action I have outlined in my proposed substitute amendment and then proceed with the other pressing measures that directly effect the health, safety, and welfare of our 200 million people.

Fourth, the power of the President in foreign affairs and military matters stems from the recognition that he is Chief of State, Chief Executive of the Government, and Commander in Chief of our armed services. I am inclined to believe that the President, or any of his 35 predecessors, would be very reluctant to sign this measure into law. The President is responsible for preserving the prerogatives and integrity of the Presidency.

The above-listed reservations caused me to begin drafting legislation creating a national commission as early as last August. Last fall, I submitted copies of this proposal to Prof. John Norton Moore, of the University of Virginia Law School, who had previously expressed a willingness to assist me with this matter. Mr. President, I deeply appreciate the assistance and advice Dr. Moore rendered in the drafting of this legislation, and I ask unanimous consent that a copy of the correspondence that I exchanged with him last fall be printed in the RECORD at the conclusion of my remarks

along with a complete text of the amendment that I have just introduced. In addition, Mr. President, I would like to call the Senate's attention to an editorial entitled "The War Powers Debate" which appeared in the Evening Star on Monday April 3, 1972, and ask that it, too, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and, without objection, the correspondence, amendment, and editorial will be printed in the RECORD, as requested.

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

SEPTEMBER 24, 1971.

Dr. JOHN NORTON MOORE,
Professor of Law, University of Virginia, School of Law, Charlottesville, Va.

DEAR PROFESSOR MOORE: I appreciate your sending me the various articles with respect to use of armed forces abroad.

I have been considering introducing legislation to establish a Commission on the proper roles of the Congress and the Executive Branch in undeclared wars. The draft is in the roughest of forms and I would appreciate having your general reaction to this proposal and any suggestions you might have with respect to the same.

With best wishes, I am

Sincerely yours,

J. GLENN BEALL, Jr.

UNIVERSITY OF VIRGINIA
SCHOOL OF LAW,
Charlottesville, Va., October 1, 1971.

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

DEAR SENATOR BEALL: Thank you for inviting me to comment on your proposed legislation to establish a Commission on the proper roles of the Congress and the Executive in undeclared wars. The subject is one which is particularly in need of review and I support your excellent proposal to establish a Commission to study the issues and to make recommendations to Congress. The issues are extremely complex and there is a danger that our understandable preoccupation with the Indo-China experience may lead us astray unless the most careful thought is given to any proposals for legislative intervention. On the other hand, it is possible to strengthen the present framework for Executive-Legislative cooperation on war/peace issues and this task should be tackled before the present momentum is lost. Your proposal to establish a carefully balanced Commission to prepare a thorough study and to make recommendations not later than one year after its establishment would seem a good compromise between these conflicting tensions.

Several minor changes in the proposed legislation would, I believe strengthen it greatly. First, I would recommend that the name of the Commission and its description in Section 1 be changed from "the Commission on the Proper Roles of the Congress and the President in undeclared wars" to "the Commission on the Roles of Congress and the President in the Use of the Armed Forces Abroad." The constitutional and practical issues, which include authority for initial "commitments to foreign nations," the conduct of hostilities, and the termination of hostilities,[1] are broader than implied by the term "undeclared wars." To be most useful a Commission study must look at each of these issues and their overall interrelation. Moreover, the Commission might also wish to study constitutional principles concerning uses of force falling short of war, etc. The suggested title would be descriptive of a broader and more useful study. Similarly, for the same reasons section 7(a) "Study and Investigation" might be usefully rewritten to read:

Sec. 7(a) *Scope of Study*: The Commission shall make a thorough study of the authority of the Congress and the President in the use of the armed forces abroad, including authority to pledge United States military assistance, authority to deploy the armed forces abroad, authority to commit the armed forces to combat abroad, authority to conduct hostilities and authority to terminate hostilities. The Commission shall in making its study examine the constitutional structure and intent of the framers, constitutional history and practice, relevant judicial precedents, and relevant functional strengths of the President and Congress under present international conditions. The Commission shall undertake its study with a view to determining the proper role and relationship of the President and Congress in the modern world and shall recommend such measures in its judgment as are useful for strengthening the present structure.

By way of one minor point, would it be advisable to delete the final sentence in Section 8? I doubt that the issues would yield to extensive hearings and I would leave it up to the Commission to hold hearings, if any, wherever it would like to. In any event, isn't this geographic admonition inconsistent with the grant of authority to the Commission in the immediately preceding sentence of Section 8?

If I can assist in clarifying any of these suggestions or in assisting in any other way please let me know.

Sincerely,

JOHN NORTON MOORE,
Professor of Law.

S. 2956

Strike out all after the enacting clause and insert in lieu thereof the following:

ESTABLISHMENT OF COMMISSION

SECTION 1. There is hereby established a commission to be known as the Commission on the Proper Roles of the Congress and the President in the use of the Armed Forces abroad and in Undeclared Wars (hereafter referred to in this Act as the "Commission").

MEMBERSHIP OF THE COMMISSION

SEC. 2. (a) NUMBER AND APPOINTMENT.—The Commission shall be composed of twenty-four members as follows:

(1) twelve appointed by the President, of which no more than four may come from the executive branch of the Government;

(2) six appointed by the President of the Senate, four from the Senate and two from private life; and

(3) six appointed by the Speaker of the House of Representatives, four from the House and two from private life.

(b) POLITICAL AFFILIATION.—Of each class of members appointed under subsection (a), not more than one-half shall be from the same major political party.

(c) VACANCIES.—Any vacancies in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointments were made.

(d) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall elect a Chairman and a Vice Chairman from among its members.

(e) QUORUM.—Twelve members of the Commission constitute a quorum.

CONPENSATION OF MEMBERS OF THE COMMISSION

SEC. 3. (a) MEMBERS OF CONGRESS.—Members of Congress who are members of the Commission shall serve without compensation in addition to that received from their services as Members of Congress, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(b) MEMBERS FROM THE EXECUTIVE BRANCH.—The members of the Commission who are in the executive branch of the Government shall serve without compensation in addition to that received from their service in the executive branch, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission

(c) MEMBERS FROM PRIVATE LIFE.—The members from private life shall be compensated in accordance with section 3109 of title 5, United States Code, when engaged in the actual performance of duties vested in the Commission (including travel time), plus reimbursement for actual travel, subsistence, and other necessary expenses incurred by them in the performance of such duties.

STAFF OF THE COMMISSION

SEC. 4. (a) STAFF.—The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to those provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, but at rates not to exceed the maximum daily rates prescribed for GS–15 under section 5332 of that title, except as may be authorized in accordance with section 5108 of that title.

(b) EXPERTS AND CONSULTANTS.—The Commission may employ experts and consultants in accordance with section 3109 of title 5, United States Code.

DUTIES OF THE COMMISSION

SEC. 5. (a) SCOPE OF STUDY.—The Commission shall make a thorough study of the authority of the Congress and the President in the use of the Armed Forces abroad, including authority to pledge United States military assistance, authority to deploy the Armed Forces abroad, authority to commit the Armed Forces to combat abroad, authority to conduct hostilities and authority to terminate hostilities. The Commission shall in making its study examine the constitutional structure and intent of the framers, constitutional history and practice relevant judicial precedents, and relevant functional strengths of the President and Congress under present international conditions. The Commission shall undertake its study with a view to determining the proper role and relationship of the President and Congress in the modern world and shall recommend such measures in its judgment as are useful for strengthening the present structure.

(b) REPORTS.—The Commission shall submit its final report and recommendations to the President and Congress no later than one year after the date of enactment of this Act. The Commission shall cease to exist thirty days after submission of its final report. The final report of the Commission shall include, but not be limited to such legislative proposals as in the judgment of the Commission are necessary to carry out its recommendations.

HEARINGS AND SESSIONS

SEC. 6. The Commission or, on the authorization of the Commission, any subcommittee thereof, may for the purpose of carrying out the provisions of this Act, hold such public hearings at such times and places as the Commission may deem advisable.

COOPERATION BY EXECUTIVE DEPARTMENTS AND AGENCIES

SEC. 7. The Commission is authorized to request, at the direction of the Chairman, from any executive department or agency any information and assistance deemed nec-

[1] I have set out the full range of issues in my testimony before the Senate Foreign Relations Committee earlier this year.

essary to carry out its functions under this order. Each department or agency is requested, to the maximum extent permitted by law and within the limits of available funds, to furnish information and assistance to the Commission.

AUTHORIZATION

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Amend the title so as to read: "A Bill to establish a Commission on the Proper Roles of the Congress and the President in the use of the Armed Forces abroad and in Undeclared Wars."

[From the Washington Evening Star, Apr. 3, 1972]

THE WAR-POWERS DEBATE

The war-powers bill now being debated in the Senate is a document grounded firmly on historical hindsight. The whole impetus behind the measure is the contention that this country was led into the war in Vietnam through an abuse of the constitutional powers of the President as commander-in-chief of the armed forces and that if Congress or the people had been consulted, the whole unhappy episode could have been avoided.

This, also, is a monumental piece of historical hogwash. The Congress and the people were well and duly informed and consulted about our involvement in Vietnam from the very outset and gave their massive endorsement of the objectives pursued there. In 1964 the House unanimously and the Senate with exactly two dissenting votes (Morse and Gruening) whooped through the Tonkin Gulf Resolution, authorizing the President "to take all necessary steps, including the use of armed force to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requiring assistance in defense of its freedom." The contention of many senators today that they didn't know what they were doing is an affront to the intelligence of the Senate itself and a latter-day piece of political sophistry that scarcely bears examination.

In any event, the proposal today is to correct what happened by laying down a whole new set of ground rules on the circumstances under which the President would be authorized to commit the armed forces of the United States to combat without a declaration of war. He could act in case of an attack—or imminent threat of an attack—on the United States itself. He could act to defend our armed forces overseas, to protect the lives of American nationals, or "pursuant to specific statutory authorization" by the Congress. But in all of these cases, the President would have to come before Congress to ask permission to continue military operations beyond a 30-day time limit. If such authorization were denied, the war would have to be called off.

We will leave aside, for the time being, the highly dubious constitutionality of these proposals. In the current debate, all parites are wrapping themselves in the Constitution and citing voluminous historical precedent to support their arguments. To some, the pertinence of what the Founding Fathers had in mind about potential military problems of the United States in 1787 has fairly dubious relevance to the problems that confront the nation in 1972.

Our concerns about these proposals are largely practical ones. One wonders, for instance, how they would affect our treaty commitments around the world or how they would appear to affect them to our allies and our enemies. One wonders how they would affect our ability to respond quickly and decisively—or subtly and carefully—in case of an emergency. One wonders whether it is really within the authority of Congress to prescribe the conditions under which a President can exercise his constitutional powers or limit the exercise of those powers to a specified period of time.

We would agree most fervently that in times of war it is essential to have national unity and the closest cooperation between the Executive and the Congress. A forceful argument can even be made that a declaration of war—regardless of its inherent dangers—would have prevented the terrible divisions that have rent the country over the last five years.

But there is no need to rewrite the Constitution to atone for the tragedy of the Vietnam war. There is no legislative formula that can guarantee against "future Vietnams" and also none that will guarantee firm and continuing congressional and public support when a war turns out to be more painful and costly than anticipated. Legislative bandaids are comforting. But it will take more than a new set of rules to repair the loss of unity and sense of national purpose that afflicts the nation today.

Mr. BEALL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. GOLDWATER. Mr. President, the Senate Foreign Relations Committee has revived one of the eternal questions of the American political experiment. Like the ebb and flow of a recurring tide, the issue of who controls the greatest share of the Nation's war powers has surfaced frontcenter in the Halls of Congress with amazing regularity only to recede on each occasion with a renewed endorsement of Presidential discretion.

The first clash over the great matter of war and peace arose in the term of our first President. When George Washington, with the rhetorical backing of Alexander Hamilton, issued a proclamation of neutrality during hostilities between Great Britain and France, it followed a vigorous political battle with Thomas Jefferson. Forecasting the strained and doctrinaire assumptions we hear today about the same power, Jefferson argued that since Congress alone had the power to declare war, it alone had the power to decide we were not at war. Clinton Rossiter writes that Washington's early rejection of this narrow reasoning is generally credited with establishing from that time forward the principle of Presidential primacy in the making of foreign policy.

Since then there have been numerous contests betwen the President and Congress, with Congress sometimes pushing the President into forceful action, as in the War of 1812, and more often denouncing Presidents for their military initiatives. The first Adams was criticized for arming naval vessels in violation of the spirit of an act of Congress, Tyler and Polk for their maneuvers inciting war with Mexico, Grant for attempting the annexation of the Dominican Republic by military as well as diplomatic means, Wilson for occupying Santo Domingo in 1916 and keeping American troops in Europe after Amistice Day—call the roll of Presidents, nearly all have been pilloried at one time or another from the forum of Congress.

What distinguishes the current effort by those who would leash the President's prerogatives in the field of foreign policy is the fact that never before in the country's history has any such legislation been so sweeping and inflexible. This is not an effort to order American soldiers home from Europe. It is not an effort to impose a 9-month deadline on the withdrawal of troops from an overseas hostility. It is not an effort to prevent military appropriations from being used for the purpose of maintaining or employing marines in two named foreign countries. These limitations, which seem strangely familiar but were actually settled 50 years ago, at least had the virtue of being proposed at the time and in the setting of the specific situation in question. Needless to say, these challenges were all rejected in Congress as was every legislative gambit throughout history meant to legally bind the Chief Executive in his military command powers.

Unlike these earlier attempts, the current legislation seeks to enact a permanent restriction, in all conceivable situations, unrelated to the incident at hand. The bill sets out four narrow situations in which it authorizes military action to commence. If a situation does not fit one of the imminent emergencies which the draftsmen of the bill have foreseen, the President is prohibited from acting until Congress authorizes him, no matter how fixed and untenable the situation may eventually become as a result of our failure to act. Even when the President is allowed to move, the bill states that his activity shall not continue beyond 30 days unless Congress grants an extension of his authority. Another provision of the bill enables Congress to stop whatever action the President has started before 30 days are up, so that he cannot even count on having 30 days for action even in those cases where it said he has a power to act. What the bill gives with one hand it takes away with the other.

Mr. President, this legislation is unrealistic, unwise, and unconstitutional. It makes no sense from the standpoint of safe or intelligent military planning. It is disruptive of our entire mutual security system which now safeguards world order. It is totally without any statutory precedent in American history. And it invalidly prohibits the President in the exercise of his constitutional powers of national defense.

Mr. President, the war powers bill is jerry built on false assumptions—false beliefs about the power of Congress to enact this kind of legislation, false claims of what the bill actually provides, and false understanding of what the role of Congress has really been in the shaping of important decisions bearing on war.

Mr. President, I shall discuss only the last of these assumptions today, for it goes to the very heart of the question of whether there is any need for the legislation. It is said a bill is needed which will allow the people to speak out before the country is ever again embroiled in a major, lengthy war. The assumption is made that the people, acting through Congress, did not exercise a voice in the military ventures of the last quarter century.

But, Mr. President, this view is wrong. It is contradicted by the hard facts of history. Congress now has and always has had an influential role in deciding upon significant policies affecting foreign affairs, both before and after a hostility begins.

Each year, when Congress votes on the defense budget, it undertakes a thorough-going review of the Nation's defense posture, including what our worldwide commitments are and should be, what kinds and amounts of weapons should be produced, what the capabilities of our possible foes are, what the size of the individual armed services should be, and what equipment and services we shall extend to foreign governments.

Every time Congress acts on one of these defense appropriations or authorizations, it makes, or certainly has an opportunity to make, its own independent evaluation of both our overall defense requirements and projected commitments as seen at that moment. If Congress believes the Nation should not become involved in major conflicts around the world, it can severely restrict the designs of an activist President by reducing the size of the Armed Forces he can spread about the globe. Or Congress can limit the arms and machinery at his disposal by slashing billions of dollars from his procurement requests.

Congress also participates in war policy by passing area resolutions and ratifying defense treaties announcing an American policy of interest and concern in specific spots of the world. By refusing to adopt such measures, Congress might well discourage the President from moving forward with initiatives in those areas.

Of course, once a conflict has begun, Congress can influence the course of events either by providing money to sustain the fighting or by refusing such funds. No war is going to continue for long until a President must request funds for its support, at which point Congress can either collaborate by appropriating the money requested or force a change in policy by cutting or denying the funds.

Contrary to what some revisionists would like us to believe, all three of the above processes were utilized by Congress in the instance of Vietnam. War powers bill or no war powers bill, Vietnam would still be with us based on what happened in Indochina. In fact, Vietnam is a case history in proving why the authors of the war powers bill are badly mistaken in promising that their bill will stop future Vietnams. The fact is the bill would not even have stopped Vietnam itself. In the words of a Washington Star editorial published yesterday, this contention "is a monumental piece of historical hogwash."

It has now been judicially determined that Congress was involved in the expansion of the Vietnam war from its inception. The representatives of the people in Congress have played a broad role in authorizing both the onset of military measures in Indochina as well as each expansion of the American presence there. For example, when the Senate Foreign Relations Committee reported the SEATO Treaty in 1955 it forewarned that:

> The treaty is intended to deter aggression in that area by warning potential aggressors that an open armed attack upon the territory of any of the parties will be regarded by each of them as dangerous to its own peace and safety.

If that did not lay down the gauntlet to Communist schemes of aggression in Southeast Asia, perhaps the blunt explanation of the treaty by its floor manager, Senator George, did. He observed:

> It is our purpose, Mr. President, to give advance notice to any Communist nation contemplating aggressive action in that area that they will have to reckon with the United States.

But perhaps the strongest indication that Congress was deeply aware of the prospects for American military involvement in Asia is found in the concluding words of the 1955 report from the Foreign Relations Committee, where it states:

> The Committee is not impervious to the risks which this treaty entails. It fully appreciates that acceptance of these additional obligations commits the United States to a course of action over a vast expanse of the Pacific.

On top of these very determined congressional statements, there is a broad policy announcement by Congress included in the Foreign Assistance Act of 1963, which shows that Congress knew there was a war going on in Vietnam and knew American money and American men were committed to that struggle. This provision declares that economic and military assistance authorized by the act should be used in Vietnam "to further the objectives of victory in the war against communism."

A year later, but before Tonkin Gulf, President Johnson requested and obtained from Congress an additional $125 million of military aid earmarked for increasing the American advisory mission in Vietnam and expanding the Air Force of South Vietnam. Here was a clear-cut and visible opportunity to prevent a future escalation of our Indochina activity. What did Congress do? It voted all the funds which the President had requested.

This brings us forward to the Gulf of Tonkin resolution, which those of us who were here can remember was avowedly aimed at meeting the United States obligation under SEATO. The resolution frankly speaks of taking "all necessary steps" including "the use of armed forces." But we do not have to stop with the resolution itself. Less than 9 months later, President Johnson asked Congress for additional support of the war in Vietnam. He sought $700 million to increase the number of American troops in South Vietnam and expressly informed Congress he would regard a vote for the appropriation as a vote of approval for his policy in Indochina. Need I add that Congress approved the money by an almost unanimous vote?

A year afterward, in 1966, President Johnson submitted a whopping $133 billion supplemental appropriation request meant mainly to fund the cost of continued military operations in Indochina. The bills implementing his request became the focus for a full national debate complete with televised hearings by the Foreign Relations Committee on the proper American policy for Southeast Asia. Congress concluded the whole affair by approving each dollar for waging the war that the President had sought.

Mr. President, the list goes on and on. I could detail at least 24 statutes in which Congress has specifically spoken of Vietnam over the past two decades and has authorized the conduct of that campaign. These collaborations enacted after full and open debate, placed Congress knowingly and foursquare behind U.S. military operations in Southeast Asia. These actions were taken thoughtfully and after a full explanation of what the implications were. None can now claim innocence of what he was voting about.

Mr. President, there is simply no basis for the excuse that Congress did not know about and did not involve itself with United States policy toward Indochina. The Vietnam experience in no way gives rise to a change in the constitutional arrangement by which the Executive and Congress now share in decisions of basic military policy. The fundamental justification for the war powers bill explodes upon close inspection.

This measure stands upon no more than the flimsy need of emotionalism. It is riding the crest of a temporary wave of public longing for peace and calm, while the truth is that nearly every politician and newsman who hoists the banner of "no more Vietnams" has personally known of or been involved in all the currents of national policy with regard to Southeast Asia from the late 1940's to date.

The real story is that Presidents and their Cabinet members have historically spent an enormous amount of time working with Congress and striving to put the two branches in unison. It would be folly to alter this longstanding constitutional practice by a mere statute. Even more, it would be a falsehood to use the tragedy of Vietnam as the fulcrum of a contest with the President by a Congress which was wholly involved in the policies it now questions.

In fact, Mr. President, in testifying before the committee, I recognized the questions that had arisen in the minds of the American people and the questions that have arisen in the minds of Members of Congress relative to the power of the President in taking our country to war and the power of the President in taking our country into peace. I said at the time that even though I would probably vote against any such amendment, I would welcome the chance to allow the American people to vote on this constitutional matter through their State legislatures. I did not like to see it pursued through the legislative paths, because we can make mistakes that we will regret later.

I have no quarrel with the sincerity and the depth of feeling of the people who have introduced this measure. I would prefer to see it take the constitutional amendment route, so that Americans across this land could decide over an unhurried period of time whether it would be wiser to have 500 Members of Congress decide about war in moments of grave threat or to have one man, with his staff, make the decisions involved and judgment about the necessity for defensive action.

A short while before his death, Dean

Acheson confided to me his impressions about the war powers legislation then pending before the Senate Foreign Relations Committee. I will read his words now because they bear directly on the division of powers between the President and Congress and contain a lasting message for an improvident legislature.

Mr. Acheson writes:

If the President and the Congress are to assume attitudes of hostility, the nation in this modern world will be subject to grave perils. The separation of powers is not based upon the premise of their fundamental hostility. Criticism and restraint are contemplated in the workings of the system, and can be accomplished. The present legislative proposals do not seem to me to provide for this, but, instead, by setting up a series of rigid rules, to limit the powers of the President beyond safety and to give the Congress, by inaction, what the Constitution never contemplated, a veto upon executive action.

I might add, Mr. President, that when I started the study—in which I have been engaged, together with Mr. Terry Emerson of my staff, over the past 3 years—into this very interesting and very deep field, I wrote to every Cabinet member I could recall, every influential man who advised Presidents, both Democrat and Republican, on these matters and I have never received a letter from any of them that indicated that they thought the legislative process was a wise process. In fact, I cannot recall precisely, but I do not believe any of them even advocated the changing of the war powers of the President as granted to him by the Constitution.

Mr. President, Congress does not need new legislation to give it a place in the political command centers. It already has a very forceful and effective policy-making position. Through its power of the purse, Congress has basic control over the size and strength of the military sinews with which the President can wage war.

I point out, Mr. President, that in recent years Congress has, for example, enacted legislation that placed the decision as to the size of the military directly upon the military affairs committees of both Houses as the final judgment of Congress. In addition, Congress can grant or withhold a multitude of emergency powers bearing on foreign trade and the distribution of strategic materials and other economic elements that comprise the Nation's defense machinery. Members of Congress also enjoy a prominent public forum from which they can immediately and easily gain the ear of a free press and reach the American people directly with alternatives to Executive policies. Moreover, Congress can reject treaties or resolutions with defense implications.

These are the channels through which Congress is intended to exercise its very important share of the national war powers. These are the processes by which the Constitution invests Congress with a means for coequal participation in deciding questions of war and peace.

Whenever a President wages war in protection of American rights and freedoms, he does so only with the military forces and equipment that Congress has furnished him. He will not and cannot continue a war, secretly or for long, without the ultimate collaboration of Congress in the form of appropriations and perhaps an extension of the draft. That the President can begin defensive measures whenever necessary without the advance approval of Congress is one of the risks which the Nation must assume in order to survive in an imperfect world. In the highly complex society of the 20th century, when the domination of an ocean strait, or control of a critical resource, by one country might place that nation in a position of exclusive superiority from which it can dictate terms to all others, the President must be able to use his judgment in determining whether or not a present situation requires action now, because it might develop into an irremovable threat later if it is left unchallenged. As one well-known constitutional lawyer, Bernard Schwartz, has put it:

A Constitution which did not permit the Commander in Chief to order belligerent acts whenever they are deemed necessary to defend the interests of the nation, would be less an instrument intended to endure through the ages, than a suicide pact.

I inject here, Mr. President, that as of this moment, the President is faced with a decision which he either has to make or not make, as to the issue of enlargement of the war in North Vietnam, where the Vietnamese have violated the agreement that she made with us relative to a cessation of bombing several years ago, where the North Vietnamese are now using the thousands of trucks we know she has had stored up there, where she is using more and more modern equipment, and where she is advancing her surface-to-air missile sites to the point that they will become dangerous to our B–52's.

I frankly think that the President is going to have to make up his mind—and soon—whether we will continue to sort of dilly-dally in the bombing of supplies once they have started down, or whether we will go in after the source of the supplies, which would be in the northern part of Vietnam, probably south of Hanoi, but I would not exclude the harbor or Haiphong.

With this background, Mr. President, I do not believe that Congress can change an arrangement which is so firmly structured into the Constitution by now legislating, in effect, that Congress shall not be deemed to know what it is doing when it appropriates money, or approves a treaty, or adopts an area resolution. The Members of Congress are grown men, wise in the ways of government, and we must be held responsible for our own actions. The Constitution itself has provided the means by which Congress and the President shall share in the important decisions of war and peace and Congress cannot substitute a different process by legislative fiat.

Mr. President, I believe that the pending proposal is not only totally impractical in the context of the real world; it is unconstitutional as well. It may be that the legislation has received a great deal of attention, but it has received it from the wrong committee. For the fundamental issue is whether or not a constitutional amendment is the only means by which Congress can enumerate in advance the sole circumstances in which the President will have authority to use the armed forces abroad. This question is one which should rightly be considered by the only standing committee assigned the task of treating constitutional amendments, the Committee on the Judiciary.

In this, the Senate would conform to the method chosen by the legal profession itself, which is currently undertaking a major study of the "declaration of war" clause and the entire war powers issue. On February 5, at New Orleans, the American Bar Association opened public hearings on a planned year-long examination of the constitutional allotment of war powers. Which leads me to ask, if lawyers themselves cannot reach a collective position on the distribution of war powers without examining the Constitution more fully, can we responsibly decide on the same matter without additional study of our own?

I might point out that the Standing Rules of the Senate are clear on what the different committees should have as their responsibilities. One might think that this could be sent to the Committee on Armed Services—

to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Common defense generally.
2. The Department of Defense, the Department of the Army, the Department of the Navy, and the Department of the Air Force generally.
3. Soldiers' and sailors' homes.
4. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces.
5. Selective service.
6. Size and composition of the Army, Navy, and Air Force.
7. Forts, arsenals, military reservations, and navy yards.
8. Ammuniton depots.
9. Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone.
10. Conservation, development, and use of naval petroleum and oil shale reserves.
11. Strategic and critical materials necessary for the common defense.
12. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.

Mr. President, I suggest that from this language legislation of this kind might be sent to the Committee on Armed Services. But as a member of that committee, I would think it very unreasonable for us to consider such legislation.

Then we think of the Committee on Foreign Relations which, under the Standing Rules of the Senate, has responsibilities—

to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Relations of the United States with foreign nations generally.
2. Treaties.
3. Establishment of boundary lines between the United States and foreign nations.
4. Protection of American citizens abroad and expatriation.
5. Neutrality.

6. International conferences and congresses.
7. The American National Red Cross.
8. Intervention abroad and declarations of war.
9. Measures relating to the diplomatic service.
10. Acquistion of land and buildings for embassies and legations in foreign countries.
11. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
12. United Nations Organization and international financial and monetary organizations.
13. Foreign loans.

So here, with 13 areas of responsibility, only reason No. 8, "intervention abroad and declarations of war," might be reason to send this bill to the Committee on Foreign Relations.

I would disagree with that, however, because only the President can command our Armed Forces. I repeat, only the President. I say this from the vantage point of history. Indeed, out of the 201 hostilities in which American troops have been used abroad in defense of our liberties and interests in the world, there have been only five declarations of war, and two of those were in the same war.

Let us turn now to the Committee on the Judiciary which, I feel, is the committee that should really hear this matter.

The rules of the Senate provide:

(1) Committee on the Judiciary, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:
1. Judicial proceedings, civil and criminal, generally.
2. Constitutional amendments.
3. Federal courts and judges.
4. Local courts in the territories and possessions.
5. Revision and codification of the statutes of the United States.
6. National penitentiaries.
7. Protection of trade and commerce against unlawful restraints and monopolies.
8. Holidays and celebrations.
9. Bankruptcy, mutiny, espionage, and counterfeiting.
10. State and territorial boundary lines.
11. Meetings of Congress, attendance of Members, and their acceptance of incompatible offices.
12. Civil liberties.
13. Patents, copyrights, and trademarks.
14. Patent Office.
15. Immigration and naturalization.
16. Apportionment of Representatives.
17. Measures relating to claims against the United States.
18. Interstate compacts generally.

Mr. President, it has been customary in the years in which I have served in the Senate to refer legislation that would have a bearing upon amending the Constitution to the Judiciary Committee. I hate to see us begin to proliferate the assignments of each committee. For example, I think it would be ridiculous to have the Armed Services Committee start to concern itself with foreign relation problems or with economic problems any more than it has to in the consideration of funds requested.

Mr. President, as the action by the American Bar Association in deciding to review war powers proves, the war powers issue is fraught with legal questions. And yet the Foreign Relations Committee has heard from only two professors of law, one of whom, Prof. John Norton Moore, has since written to me that he believes it is more important than ever to more adequately explore the constitutional issues. His letter, dated February 28, reads:

It would seem appropriate in view of the substantiality of the Constitutional issues involved to encourage the Senate Judiciary Committee, and perhaps the House as well, to hold careful and balanced hearings on the new proposal and not to have the bill passed precipitously.

These are wise words, Mr. President, which the Senate would be prudent to heed. They bear out the reason why the Senate should approve a motion for referral of the war-powers bill to the Judiciary Committee, a motion which I will support.

Mr. Presdent, I ask unanimous consent to have printed in the RECORD an editorial appearing in yesterday's Washington Evening Star entitled "The War-Powers Debate."

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

THE WAR-POWERS DEBATE

The war-powers bill now being debated in the Senate is a document grounded firmly on historical hindsight. The whole impetus behind the measure is the contention that this country was led into the war in Vietnam through an abuse of the constitutional powers of the President as commander-in-chief of the armed forces and that if Congress or the people had been consulted, the whole unhappy episode could have been avoided.

This, also, is a monumental piece of historical hogwash. The Congress and the people were well and duly informed and consulted about our involvement in Vietnam from the very outset and gave their massive endorsement of the objectives pursued there. In 1964 the House unanimously and the Senate with exactly two dissenting votes (Morse and Gruening) whooped through the Tonkin Gulf Resolution, authorizing the President "to take all necessary steps, including the use of armed force to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." The contention of many senators today that they didn't know what they were doing is an affront to the intelligence of the Senate itself and a latter-day piece of political sophistry that scarcely bears examination.

In any event, the proposal today is to correct what happened by laying down a whole new set of ground rules on the circumstances under which the President would be authorized to commit the armed forces of the United States to combat without a declaration of war. He could act in case of an attack—or imminent threat of an attack—on the United States itself. He could act to defend our armed forces overseas, to protect the lives of American nationals, or "pursuant to specific statutory authorization" by the Congress. But in all of these cases, the President would have to come before Congress to ask permission to continue military operations beyond a 30-day time limit. If such authorization were denied, the war would have to be called off.

We will leave aside, for the time being, the highly dubious constitutionality of these proposals. In the current debate, all parties are wrapping themselves in the Constitution and citing voluminous historical precedent to support their arguments. To some, the pertinence of what the Founding Fathers had in mind about potential military problems of the United States in 1787 has fairly dubious relevance to the problems that confront the nation in 1972.

Our concerns about these proposals are largely practical ones. One wonders, for instance, how they would affect our treaty commitments around the world, or how they would appear to affect them to our allies and our enemies. One wonders how they would affect our ability to respond quickly and decisively—or subtly and carefully—in case of an emergency. One wonders whether it is really within the authority of Congress to prescribe the conditions under which a President can exercise his constitutional powers to a specified period of time.

We would agree most fervently that in times of great danger and in times of war it is essential to have national unity and the closest cooperation between the Executive and the Congress. A forceful argument can even be made that a declaration of war—regardless of its inherent dangers—would have prevented the terrible divisions that have rent the country over the last five years.

But there is no need to rewrite the Constitution to atone for the tragedy of the Vietnam war. There is no legislative formula that can guarantee against "future Vietnams" and also none that will guarantee firm and continuing congressional and public support when a war turns out to be more painful and costly than anticipated. Legislative bandaids are comforting. But it will take more than a new set of rules to repair the loss of unity and sense of national purpose that afflicts the nation today.

Mr. JAVITS. Mr. President, I think it will be valuable to Senators if there is an immediate juxtaposition of the speech of the Senator from Arizona and my reply in respect to this measure.

I have listened very carefully to his analysis of the problem as he sees it and to what he thinks ought to be done; namely, to kill the bill by sending it to the Judiciary Committee for review. Those are not my words. Those are the words of the distinguished majority leader who, when speaking of referral to the Judiciary Committee, called it the graveyard in this context.

However, that matter aside, I think it is much more helpful to the Senate in a debate such as this if the issue is joined. Mr. President, I would like to join issue with the Senator from Arizona on the question as he sees it. These are his words, as I copied them: "whether it would be wise to have 500 men in Congress make the decision about war or to have one man with a staff make that decision."

Mr. President, these are the words of the Senator as closely as I heard him. He then later added:

Only the President can commit our Armed Forces.

He made reference to the fact that the Congress could pass declarations of war every 10 minutes or every half hour, I think he said, but only the President could commit our Armed Forces.

Mr. President, this is not that kind of a country yet, thank God, and that is not the Constitution unless the Senator from Arizona (Mr. GOLDWATER) can amend it. And I doubt very much that the overwhelming majority of the American people would want to live in a country in which the power of decision over the life and death of all the citizens would be in the hands of one man and his staff, no matter how beneficent.

Mr. President, this contention defies the Constitution itself which, in plain language, gives the power to declare war only to Congress, as it gives the power to execute that decision to the Commander in Chief of the Armed Forces, who is the President. That is a far cry from one man; namely, the President, making the decisions about war and one man being the only person who could commit our Armed Forces.

Mr. President, this immediately raises the question: Suppose war was declared on a resolution of the Congress and the President refused to commit our Armed Forces. What then? Would the United States go down to destruction because one man does not want to do, perhaps willfully, his duty? I doubt very much that anyone would contend that.

Additionally, have we not advanced at all in the world in terms of the experience which we have gained from the subtleties with which war comes upon us now and the rather evident way in which war came upon us in other days?

Mr. President, the bill has been introduced as a result of what we have learned in past efforts to meet this situation. The Evening Star of yesterday published an editorial. The Evening Star may not like the bill. However, a lot of other newspapers do, including some of the most respected in the country, including the New York Times, the Washington Post, and many others. The Senator from Kentucky (Mr. COOPER) was kind enough earlier today to place in the RECORD quite a few editorials from a wide variety of publications in support of the measure.

I would like to read, although I have read it before, because it is so pertinent, with respect to whether it should be the 500 men in Congress who would make the decision or one man with a staff who would make the decision, the words Abraham Lincoln, who as a member of the Congress said in connection with the Mexican War in 1848:

> The provision of the Constitution giving the warmaking power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

Mr. President, on this issue I take my stand with Abraham Lincoln.

There are circumstances, as we have recognized in this bill, where the celerity of a decision is absolutely imperative for the security of the Nation.

The bill providently takes care that the President may have his full constitutional power. This is not a constitutional change, but it exercises the authority Congress has to make the necessary laws to implement constitutional power by codifying the methodology, the procedure, which will be engaged, when we face the kind of situation in which the President has to act, and we want him to act. This is contained in sections 3(1), 3(2) and 3(3) which codify the implied "emergency" powers of the President. Then, there is an opportunity for the representatives of the people, the House and the Senate, to join and determine whether they come to the same conclusion, in the exercise of their own enumerated constitutional war powers.

There is a very significant point respecting this bill in the testimony of Prof. Alexander Bickel of Yale Law School, who testified strongly as to the constitutionality of this bill, in discussing just such a situation as Vietnam, which the Senator from Arizona (Mr. GOLDWATER) discussed, and which was discussed in committee. We wanted to know how does there come about a quantitative change in the action taken by the President. We confirm in this bill constitutional authority to take action in the event of sudden attack. Debates in the Constitutional Convention and other subsequent holdings use that wording. We confirm that power.

At what point does the state of affairs which flows from sudden attack become war? Professor Bickel explains that most admirably in one sentence which is quoted on page 16 of the committee report. He said:

> But there comes a point when a difference of degree achieves the magnitude of a difference in kind.

That is the pivot of the issue. What happens when the President, as Commander in Chief, "repels a sudden attack" and that leads us into war, triggering the war powers of Congress? The Constitution, characteristically, is silent. So we have chosen the 30-day test in that regard. We have no illusions that that is a perfect answer but we believe that it is the best that a group of men, the sponsors and the members of the Committee on Foreign Relations, could develop as a test of automacity, when a question of degree has brought about a change in kind, and we are no longer "repelling a sudden attack" but we are faced with a war.

At that moment the Congress, as provided by the Constitution, becomes the body whose decision is necessary to commit this Nation to what has become an emergency of a different kind, to wit, an emergency of war. I refer to the powers of Congress in general; it is the President who has the specific power as Commander in Chief. We have shown by research what the Continental Congress defined the role of the Commander in Chief and his relation to Congress, to wit, one in command of the forces, but subject to the orders of Congress.

But, Mr. President, that is all you have. The President is Commander in Chief. He has no general authority beyond that, but Congress does, and Congress has the general authority, in article I, section 8 of the Constitution—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

That includes the President of the United States.

So it is Congress which would proceed in this matter with authoritative constitutional power, rather than the President. The President is being deprived of nothing. If anything, he is being confirmed in powers which are at most implied by his designation as Commander in Chief.

It is very interesting to me that the main citation which the Senator from Arizona chose to make is a citation from former Secretary of State Dean Acheson. We are not speaking of respect for or derogation of the reputation of Dean Acheson. I happen to admire him. He was a great American and I have nothing but words of praise for him. But this goes beyond that and it goes to the outlook of an individual on government. I have the utmost regard and respect for him, but that does not mean we cannot differ on this deeply critical issue.

So if the Senator from Arizona chooses to quote Dean Acheson it is very important to get an idea of what Dean Acheson thinks about the powers of the President. This is what he said in 1951 when he was supporting President Truman's plan to station six divisions of American troops in Europe:

> Not only has the President authority to use the armed forces in carrying out a broad foreign policy of the United States in implementing treaties, but it is equally clear this authority may not be interfered with by Congress in the excercise of powers it has under the Constitution.

What does that leave us? Nothing. He does not need even a declaration of war, a threat of danger, or attack. He needs nothing, in the view of Dean Acheson.

If in pursuit of the "foreign policy" of the United States we should be committed to a nuclear attack against the Soviet Union, that is fine, he said, and Congress would have no power to stop him, let alone launch him on his way.

If that is the authority against the bill, it is a mighty good bill, because I doubt there are many in this Nation who would take that kind of extreme position on the President's authority as then Secretary of State Acheson did.

McGeorge Bundy and George Reedy testified with great approval respecting this measure. Indeed, George Reedy appeared on television and engaged in debate, in which I also participated, to sustain this position. So we come to one final point which I think it is right to deal with.

I come to the final point the Senator from Arizona referred to and that is whether or not the route for Congress is not the appropriations route; and utilizing the Vietnam war as an example, whether this is not, as the editorial in the Star stated, which the Senator from Arizona quoted, "a document grounded firmly on historical hindsight."

The difficulty with the appropriations route has been demonstrated very clearly, exactly in this Vietnam war. In the first place, does not this counsel to rely only on an appropriations cutoff assail reason, elementary reason? You have in the Constitution the provision that Congress shall declare war? Leave everything else out.

An action of retaliation against an alleged attack on an American destroyer took place in an afternoon and resulted in the Gulf of Tonkin resolution. The

sequel to that is what? It is 8 years of war, 50,000-plus deaths, almost 300,000 war casualties, over $100 billion in treasure. Mr. President, what is war? Are we so blind we cannot see it? Or will we permit our judgment to be obfuscated by our unwillingness to accept responsibility?

That is what is at stake, Mr. President. That is what was at stake in the Gulf of Tonkin resolution, and that is what is at stake in this bill. Will we jointly with the President undertake to make this awful decision, or will we shunt it off to him, as we did in the Gulf of Tonkin matter?

I plead no lack of understanding then, and I knew what I was doing in respect to the Gulf of Tonkin resolution. I knew so well what I was doing that I do not want it to happen again. Is that a denial or an affirmance of human intelligence? Experience taught me that I do not want it to happen again. So I do not have hindsight; I have futuresight. That is one trap I do not ever want to fall into again. We know now the danger involved in our acting on the theory that we would take some retaliation for an attack on the United States, without having 30 days even to find out if there really had been an attack, but moving down into a retaliatory action. Fine. That is the President's power. He did not need us to repel an attack on our forces. But then, Mr. President, there is war, and war, and war. And yet we are told we have no authority, let alone to launch into it, to stop him when he has launched into it, except to cut off money.

All right—let us examine that. We have the best experience in the world on it. The Senator from Montana (Mr. MANSFIELD), with all the prestige in the world, proposes the Mansfield amendment in a money bill in the Senate, and he cannot get to first base on it. Why? Because at that point the issue is all tangled up. Are we going to support our men in the field? This money is not only for men in the field; it also goes for camps and post stations everywhere else. Are we going to bring this American democracy to a halt by denying the President moneys while we are in the middle of a war, and let him look like a fool in the eyes of the world?

Are we impotent? If we cannot do it through the money route for reasons we consider good and sufficient, are we tied to some shibboleth that the President is likened to the divine rule of kings? He would be the first man to deny it and lay down his life to deny it. I know it. That is a very important precedent in modern times. And yet that is the argument that is made against this bill.

One final thing, Mr. President. I would not vote for a constitutional amendment which says what this bill says. That is what the Senator from Arizona (Mr. GOLDWATER) recommends. I thoroughly disagree. I would vote against it, and I would fight against it, because it would then be too rigidly imbedded and not easily subject to adjustment as experience may indicate. That is exactly why we should not do it as a constitutional amendment, and why, rather, we should do it as a statute.

The draft that we are proposing to the Senate is not a constitutional amendment; it is a law, because it is a method we are trying to develop, not any basic change in the constitutional authority and the constitutional power of the United States. A method—we believe this is a good method. We believe it is an excellent method, the best we have been able to devise. We believe that method is necessary considering the exigencies which we have faced and are facing today, with hundreds of "tripwires" placed all over the world where we are, possibly, allowing ourselves to be involved.

A law is all this requires, and nothing else—a law with which we can again have experience in history and a law which we can change or repeal if we do not think it fills the bill, but certainly not to imbed this methodology in the Constitution of the United States, which, in our judgment, shows ample ability to absorb the methodology which we are proposing here to the Senate.

Mr. President, I think this speech of Senator GOLDWATER can fairly be considered, in view of the distinction of the Senator from Arizona (Mr. GOLDWATER) as a Senator of long-standing and as a former presidential candidate of my party, as a very authoritative statement of the case against this measure. It makes a presentation of the case which I think joins the issue, on practically everything I have heard, very accurately, and I deeply believe that it proves rather than disproves the urgent need for this legislation.

Finally, Mr. President, there is the matter of reference to the Judiciary Committee on the ground that the Judiciary Committee deals with constitutional questions. The Judiciary Committee deals with constitutional amendments, but it is by no means the exclusive body to deal with constitutional questions. If it were the only one to deal with constitutional questions, then we might as well eliminate at least half of the jurisdiction of every other committee around here.

Mr. President, can you fancy the Finance Committee agreeing that only the Judiciary Committee handled constitutional questions and that all such questions should be referred to it before anybody could act around here? What about one committee which deals with labor? We are dealing there right now with a law which will endeavor, at long last, to introduce some element of legislation into national emergency strikes. There is a hot issue of constitutionality there. When President Truman ordered strikers back on the railroads and we passed a law, did that come out of the Judiciary Committee? And how many bills do we have—probably some on the calendar right now—involving constitutional questions that will be contested under the Constitution?

We had a measure here about a year or so ago, which I argued for very strongly, relating to the Philadelphia plan to give minorities in the construction industry an opportunity to be enlisted in the work process in the building trades. There was a very deep constitutional question there. The Attorney General of the United States and the Comptroller of the United States took exactly opposite views on that question, and the Supreme Court ultimately decided it. Did we stop and send it to the Judiciary Committee? Of course we did not, because the Judiciary Committee has no exclusivity whatsoever in respect to constitutional questions, as distinguished from constitutional amendments. Every committee in the Senate which proposes legislation would properly feel itself threatened and capable of being overridden by what might be for the time being the opinion of the Judiciary Committee as to whether a particular measure was constitutional.

So, Mr. President, that has not been our practice, it has not been our precedent, and it should not be, and it is not imbedded in any way in the powers that are assigned to the respective committees. As a matter of fact, the only specific jurisdiction which relates to this particular question is the jurisdiction of the Foreign Relations Committee. The Senator from Arizona (Mr. GOLDWATER) himself read it. The definition is very clear on that score, and the Foreign Relations Committee, and the Foreign Relations Committee alone, is given jurisdiction. It could not be more specific if we considered that. Item 8 in its jurisdictional provisions under the Standing Rules of the Senate is "Intervention abroad and declarations of war." Intervention abroad—that is what this bill is all about. Intervention abroad when we send forces abroad. Intervention abroad when we engage in hostilities abroad. That is specific. It is not general—it is in so many words the jurisdiction of the Foreign Relations Committee.

Mr. GOLDWATER. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. GOLDWATER. If the rules of the Senate as read by the Senator, under paragraph 8, mean that this country could not go to war or declare war without the consent of Congress, what, in effect, does that do to the warmaking powers of the President as outlined in the Constitution under the Commander in Chief language?

I know that the bill will permit the President, in the protection of our country and our people from foreign threats, to commit troops in some emergencies, but within 30 days Congress can decide that he is wrong and order him to stop. I can see here a complete tieup in at least 17 treaties that we have exercised with the NATO countries, that specifically call us to act in mutual defense. The others do not too much concern me, but are we not leaving the whole subject of the defense of this country and the defense of our people pretty much in limbo when we say to the President, "Fine, you can send troops, but within 30 days we might tell you to bring them back"?

Frankly, if I were an enemy I would like to see that a part of our law.

Mr. JAVITS. Mr. President, I think there are two questions wrapped up in this issue. One is the question as to the power of the Foreign Relations Committee, and the other is as to the substantive provisions of this bill. I should like to answer each separately.

As to the Foreign Relations Committee, the provision here regarding its authority

does not in any way create any new authority under the Constitution or even under law. It says that insofar as we have before us measures dealing with intervention abroad and declarations of war, they will go to the Committee on Foreign Relations. That is all I contended. I did not contend that this measure gave any power—it could not—to the Foreign Relations Committee to do something which was permitted by law outside of this assignment of authority, any more than the assignment of authority to the Committee on the Judiciary over constitutional amendments gives it the power to make or unmake a constitutional amendment. Of course it does not. So I lay that question aside.

As to the substantive question, I think the issue is very clear between the Senator and myself. It is my view, as sponsor of this measure, and that of others who are interested, that after 30 days a reaction by the Commander in Chief has become a war, and there can be no war without Congress' intercession, so it becomes the duty of the Commander in Chief to bring the troops back—with the greatest concern for their preservation and protection—and to effect the process of withdrawal if the Congress has not authorized a continuation. That is what we are talking about.

As to treaties, the Senator raised the question of the NATO and other treaties. Under all the treaties we can move to war or to hostilities only pursuant to our constitutional processes.

The State Department, not once but on many occasions reiterated that it does not construe Section 5 of the NATO treaty as exempting the authority of the United States to engage in hostilities to be free from constitutional processes. That is, it must be according to our constitutional processes. That is their own construction.

I ask unanimous consent that the construction of the State Department in that particular matter, as most recently supplied, be printed in the RECORD at this point.

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

MEMORANDUM OF LAW

Subject: Procedures for Implementing the Commitments Contained in the North Atlantic Treaty

In the course of hearings held on February 1, 1972, before the Senate Committee on Foreign Relations concerning the recently concluded agreements relating to facilities for the stationing of United States forces in the Azores and Bahrain, a question was raised concerning the extent to which the commitments undertaken by the United States in the North Atlantic Treaty, particularly those contained in Articles 3 and 5, are self-executing. We understand the issue to be tne extent to which these commitments may be implemented by the President, without further action by the Congress. This question is considered in the light of the executive agreement with Portugal relating to the Azores facilities.

I. IMPLEMENTATION OF NORTH ATLANTIC TREATY COMMITMENTS

Article 11 of the North Atlantic Treaty expressly provides that the decisions concerning the means by which particular treaty provisions are given effect by this country are to be made in accordance with the constitutional processes of the parties. With respect to each category of implementing action, therefore, the question of procedure must be answered in accordance with United States constitutional procedure.

Article 5. This is the operative article of the North Atlantic Treaty. It provides:

"The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

"Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security."

No action to implement the commitments undertaken pursuant to this article is required unless and until the condition requiring such action comes into being—an armed attack against one of the parties in Europe or North America. If this condition is fulfilled, the Treaty obligates each member to assist the party attacked. Such assistance is to be rendered individually and in concert. The nature of the assistance however, is not specified, and is left expressly to the discretion of the parties themselves, to be undertaken, as provided in Article 11, in accordance with their respective constitutional processes.

Various types of assistance may be envisioned. At the very lowest level, the United States could make diplomatic representations and issue statements condemning the attack. At a somewhat higher level of response, the United States could furnish arms and other material assistance to the party attacked. At the highest level, the United States could employ its own armed forces against the aggressor. The extent to which any of these actions would be undertaken by the President alone or would require Congressional authorization or approval would depend upon the respective powers of the President and the Congress under the Constitution.

As the Committee stated in its report to the Congress recommending approval of the North Atlantic Treaty:

"Article 5 records what is a fact, namely, that an armed attack within the meaning of the treaty would in the present-day world constitute an attack upon the entire community comprising the parties to the treaty, including the United States. Accordingly, the President and Congress, each within their sphere of assigned constitutional responsibilities, would be expected to take all action necessary and appropriate to protect the United States against the consequences and dangers of an armed attack committed against any party to the treaty. The committee does not believe it appropriate in this report to undertake to define the authority of the President to use the armed forces. Nothing in the treaty, however, including the provision that an attack against one shall be considered an attack against all, increases or decreases the constitutional powers of either the President or the Congress or changes the relationship between them." Senate Executive Report No. 8, 81st Congress, 1st Session, p. 14.

Speaking more generally concerning this question, the committee stated that:

"The committee wishes to emphasize the fact that the protective clause 'in accordance with their respective constitutional processes' was placed in article 11 in order to leave no doubt that it applies not only to article 5, for example, but to every provision in the treaty. The safeguard is thus all-inclusive.

The treaty in no way affects the basic division of authority between the President and the Congress as defined in the Constitution. In no way does it alter the constitutional relationship between them. In particular, it does not increase, decrease, or change the power of the President as Commander-in-Chief of the armed forces or impair the full authority of Congress to declare war.

"Except for the proposed foreign military assistance program, no legislation related to the treaty is presently contemplated or considered necessary. The treaty would constitute legislative authorization for our share of the expenses of the organization contemplated in article 9, but appropriations by Congress would be necessary. As the United States representatives on the council and the defense committee will have no authority to bind the United States Government, the committee believes that officials previously appointed with the confirmation of the Senate will not require further confirmation for these assignments." Senate Executive Report No. 8, 81st Congress, 1st Session, pp. 18–19.

It will be observed from the statement in the first two of the above-quoted paragraphs that the treaty does not enlarge or impair any constitutional powers of either the President or the Congress. The third paragraph recognizes that application of the Treaty requires the exercise of some of the Constitutional powers of the Congress, particularly by the enactment of legislation. It necessarily follows that the President is also required to exercise his Constitutional powers in the application of the Treaty. The powers of neither branch of the Government are changed but implementation of the Treaty may necessarily involve actions by each within the sphere of its authority that would not be taken in the absence of the requirements of the Treaty.

Article 3. Although the basic "security commitment" provision of the North Atlantic Treaty is contained in Article 5, Article 3 is of great significance also. It provides:

"In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack."

The actions taken pursuant to Article 3 must be taken, like those under Article 5, in accordance with the constitutional procedures of the parties. From the standpoint of the United States, the procedures to be followed depend upon the actions to be taken. They may involve the constitutional powers of both the President and the Congress. Certain joint arrangements undertaken pursuant to Article 3 can only be concluded by treaty, with the advice and consent of the Senate; the principal example of action of this type is the NATO Status of Forces Agreement (TIAS 2846), which contains various provisions altering federal and state legislation with respect to members of the armed forces of other NATO members who are stationed in the United States from time to time in connection with NATO affairs.

Other agreements, including agreements relating to the stationing of American forces in other countries, have traditionally been made by executive agreement. Such agreements effect no change in federal or state law; to the extent that they require authorizing legislation or appropriations to implement them, the agreements are made subject to the enactment of such legislation by the Congress. In every case, however, the necessary authorizing legislation has already been in existence, subject, of course, to the power in Congress to amend or repeal it. The United States has concluded executive agreements with every NATO country except

Norway concerning the stationing of United States forces.

II. THE AZORES AGREEMENT

Under the terms of the letters signed by the Secretary of State on December 9, 1971, relating to assistance and credits for Portugal, the United States agrees, subject to the limitations of authorizing and appropriating legislation, to furnish certain grant assistance and certain credit opportunities to Portugal. Pursuant to the exchange of notes relating to facilities in the Azores, which was signed the same day, Portugal agrees to continue, in accordance with the Defense Agreement of 1951, to make facilities in the Azores available for the stationing of United States forces. The agreement does not differ significantly from other executive agreements concluded over a period of thirty years with other countries both before and after the conclusion of the North Atlantic Treaty. The agreement does not require the stationing of United States forces in the Azores, although it contemplates that they will be stationed there; the decision regarding stationing is made by the President, pursuant to his power as Commander-in-Chief of the military forces of the United States.

The legal authority for the conclusion of the Azores agreement consists of (1) the existing legislation pursuant to which the President is given the authority, subject to appropriations, to provide assistance to foreign countries, (2) the power of the President, as Commander-in-Chief, to arrange for the stationing of United States forces in accordance with the requirements of national security, and (3) the North Atlantic Treaty.

Under Article 3 of the North Atlantic Treaty, we have agreed to develop our individual and collective capacity to resist armed attack; where it appears that this purpose and the security of alliance members can be strengthened by the stationing of United States forces on the territory of another country, the President, in his capacity as Commander-in-Chief, has the power to carry out the Treaty by such a stationing of forces.

In the case of the Azores agreement, the Executive determined that nothing in the substance of the agreement imposed a legal or constitutional requirement that the agreement be submitted to the Senate for approval; thus, it could legally be concluded as an executive agreement. The Department further concluded that no other factors dictated the use of the treaty process for this agreement. Basing arrangements of this type have always been handled by executive agreement. The Azores agreement contains absolutely no new commitments to Portugal; it neither expands nor reduces the commitments undertaken to that country in the North Atlantic Treaty.

CARL F. SALANS,
Deputy Legal Adviser.

Mr. JAVITS. Now, Mr. President, the question is, what are constitutional processes? We argue—and I think this is something that they themselves have said during the argument—that the constitutional processes include whatever powers the Constitution grants to Congress and to the President. So what we say, and I think we are eminently correct, is that we in Congress may define—this is the first time any effort has been made to define them—the constitutional processes, because we have the power under the Constitution to make precisely that definition. That is why I read the "necessary and proper" clause.

The President does not have the power to define what shall be a constitutional process, Congress does.

So, to sum up my answer to the Senator's question, it is precisely the effort to assert that "constitutional process" is defined to include action by Congress that we have introduced this measure and brought it before the Senate.

Incidentally, the Southeast Asia Treaty Organization is conditioned precisely the same way, that we shall carry out our intervention, in the event we choose to intervene with force, through our constitutional processes.

Mr. GOLDWATER. Mr. President, will the Senator yield for a question?

Mr. JAVITS. Certainly. I yield for anything. If I may say to the Senator, I think he is doing exactly the right thing, and I hope he can exhaust us, as it were, and that any conceivable question that he can think of that he would like us to try to answer, it is our duty to try to respond.

Mr. GOLDWATER. I will do my best.

Mr. JAVITS. I know that.

Mr. GOLDWATER. What would be the situation if the President decided that he had to send military forces to "X" area of the world, and he conferred, as he usually does in major matters, with the leadership of Congress, and Congress agreed that they would entertain a declaration of war, and a declaration was made? Would the 30-day clause apply?

Mr. JAVITS. No. The bill says specifically "in the absence of a declaration of war."

Mr. GOLDWATER. All right. Just to touch briefly on one of the reasons that I advance for sending this measure to the Committee on the Judiciary—and Senators far better equipped than I to argue law can argue this question—is that the Judiciary Committee deals with proposals that require a constitutional amendment to modify law, and it seems to me that is precisely what the Senator's bill is attempting to do, first, by trying to analyze what is meant by constitutional processes—and I must say I think that matter has been exhaustively gone into—and, second, to codify and clarify the language we often hear used, that under the Constitution it is the power of Congress to raise and support armies, navies, et cetera, and to provide rules, and so forth and so on.

I think the Senator is doing a good thing in trying to clear that matter up, because I think too many people in this country are confused—and this includes law students and great students of military history—about what the language in the Constitution really means. That is why I told the Senator in the committee meeting that while I would prefer the amendment route, I would join him in opposing it and voting against it, but on a different basis.

I do not think we should tamper with these powers the way they are. I fully understand the feelings of the American people and the feelings of the people who have backed this bill that something has to be done. I do not believe any change is needed, myself, but I welcome the opportunity to explore with both proponents and opponents of this measure the full ramifications of what we are getting into, and I welcome the invitation of the Senator from New York to enter in at any time. I certainly will, and I look forward to it.

Mr. JAVITS. Mr. President, may I say in reply that the words of authority or jurisdiction of the Committee on the Judiciary in item 5, "revision and codification of the statutes of the United States," are words of art. We have had commissions on revision and codification of the laws. They mean, as words of art, the compilation of the statutes, really, or laws dealing with the compilation of the statutes. They do not mean original substantive law on every conceivable case or question before Congress, which is what the Senator would imply, nor do they give the committee the executive authority to deal with the "necessary and proper" clause of the Constitution. Every committee has that as to the matters which are committed to its care, and in this particular case the Foreign Relations Committee, in the power to deal with "intervention abroad and declarations of war."

So I really do not think that that in any way changes the absolute provisions of the standing rules of the Senate.

May I say, too, that the report on NATO to which I referred, is a memorandum of law prepared by the Department of State, entitled "Procedures for Implementing the Commitments Contained in the North Atlantic Treaty," it quotes with approval the Senate Executive Report No. 8, 81st Congress, first session, which was the committee report on the NATO Treaty, saying:

> The committee wishes to emphasize the fact that the protective clause "in accordance with their respective constitutional processes" is placed in Article XI in order to leave no doubt that it applies not only to Article V, for example, but to every provision in the treaty. The safeguard is thus all inclusive.

This was treated as a safeguard because, as the committee viewed it, and as the Senate viewed it, it referred to the intercession of Congress in respect of the utilization of the forces of the United States in order to make good on the responsibilities which we undertook in the NATO Treaty.

Mr. President, so far as I am concerned, this has been a very helpful interchange in highlighting the main objections of the opponents of the proposed legislation and our replies thereto. I welcome the debate, as I explained to Senator GOLDWATER. We have had this exchange before, in the committee and outside the committee, on the Senate floor. I must say that I am deeply pleased with the capability of the basic provisions of the bill to stand up to the most detailed and intensive scrutiny.

Mr. President, if no further debate is momentarily desired, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMINICK. Mr. President, I rise in opposition to the present form of the

bill before the Senate commonly known as the War Powers Acts of 1971.

In taking up the War Powers Act, the Senate is attempting to enter an area which involves not only difficult and ambiguous constitutional considerations, but also frightening implications for the ability of this country to pursue a comprehensive, integrated foreign policy. On first reading, the bill appears rather harmless. It reflects on face value the desire for the Congress to reassert its powers in the warmaking process and calls upon the President to provide the Congress with that information necessary to make objective and sound decisions in the event of U.S. confrontations around the globe.

However, having studied the bill carefully, it is my feeling that as written not only is the bill's constitutionality in doubt in many areas, but it would virtually abrogate our 42 defense treaties around the world, severely limit our role in NATO and thereby render NATO itself much weaker in the event of a serious confrontation, would possibly deprive the President of the authority he needs to carry on a forward defense, would preclude U.S. forces from protecting U.S. nationals on the high seas, and would severely limit our credibility with our allies.

There are countless historical precedents in the attempt of Congress to put statutory limits on and codify the President's power to deploy American forces, however, each case in the past was so rampant with variables, constitutional question marks and "what if's" that passage of specific guidelines became virtually impossible, and statutory limitations of this nature have never materialized. This is what we face with the Javits proposal, and I do not feel that passage of this bill would be in the best interest of the country, even though it might be helpful in bolstering the ego of the Senate.

The experience of the Vietnam war has whetted the appetites of most Senators, myself included, for more information upon which to judge the progress of and reasons for U.S. troop involvements. Often, those of us on the Armed Services Committee find it frustrating or difficult to assess accurately the intent and purposes behind some military decisions without more extensive and immediate information upon which to base our judgments. However, I do not think that this desire for more immediate and detailed information should properly extend to statutory limits on the President's powers as Commander in Chief.

S. 2956 states that:

> It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of the Armed Forces of the United States in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, and to the continued use of such forces in hostilities . . .

Collective judgment, in my mind, is one thing, while collective decisionmaking in a hostile confrontation requiring rapid response is quite another.

So once again, we are plunging into a mental exercise in trying to establish the intent of the framers of the Constitution.

The Constitution of the United States has served us remarkably well for nearly two centuries, primarily because of its flexibility and its ability to accommodate the requirements of a technologically advancing world. With new problems born of a world with rapid communication and nuclear power, relevant change has emerged in the role and power of the Congress in meeting pressing needs, both foreign and domestic. An example of this is a changing interpretation of the declaration-of-war authority which the Congress holds under the Constitution. One hundred years ago, the consequences of issuing a declaration of war were quite different from those today. For example, one practical reason for Congress' failure to declare war in all but four of our nearly 200 military confrontations in U.S. history is the fact that a formal declaration could call into play the active belligerence of adversaries under provisions of their treaties of which we may have no knowledge. In the Vietnam war, we did not know what secret treaties might have existed between Hanoi and Moscow or Peking. In this context, I believe that risks should be limited to what circumstances require, not enlarged to meet constitutional formalism. I am suggesting that there are perfectly adequate constitutional means for Congress to exercise this power short of a formal declaration. As Vincent Davis of the Patterson School of Diplomacy at the University of Kentucky commented:

> In one sense, the Constitution sets up an inherent conflict between the Congress and the President in matters of war and peace. It is a case of shared powers rather than separation of powers. The Congressional involvement stems from the constitutional provisions for (1) creating the armed forces, (2) declaring war, (3) the crucial "power of the purse," and (4) Senate advise-and-consent powers on treaties. But, with respect to deploying forces, the Congressional authority to "declare war" is in effect obsolete and something of a dead letter. This constitutional provision stems from an ancient American idea that war and peace are black-and-white, clearly separate circumstances, but this is seldom true. Even when the Congress did "declare war" this tended to be merely a legalistic ratification of a circumstance which already existed de facto.

Interpolating here, Mr. President, as most Members will recall, when we declared war on Japan and later on the Axis Powers in Europe, we were in fact already at war. We had been attacked by Japan. In the case of the Axis Powers, they had already declared war upon us. So we had already had that circumstance existing prior to the time Congress in fact declared war.

As all of us know, no war was ever declared insofar as Korea or Vietnam were concerned.

Is the will of the Congress any less clear, or its purpose any less certain, if it chooses to authorize hostilities or deployment in the threat of hostilities by a resolution or by adopting a series of appropriation measures specifically designed to initiate, slow, or stop a U.S. military confrontation instead of a formal declaration? I think not.

To render judgment properly, whether by informal or formal means, however, Congress should be kept fully informed as to areas of tension, problems which might arise and, in most instances where security would not be jeopardized, the proposed mechanisms by which the problem will be met.

Interpolating again, Mr. President, I would say that the State Department, the Defense Department, and the White House—regardless of who holds the White House—can greatly expand their communications with individual Members of the Senate and of the House in order to keep us up to date on what the risks really are.

The focus of attention in the course of this debate has been on the power of the President as Commander in Chief to commit American forces to hostilities without the approval of Congress. The authority of the President to commit troops in limited conflict has not gone unchallenged. Congress has confronted an exercise of the use of this alleged Executive authority more than once. President Truman's commitment of troops in response to a U.N. resolution without prior approval of, or subsequent formal ratification by, Congress led to the great debate of 1951.

President Truman had relied upon his authority as Commander in Chief and upon resolutions of the U.N. Security Council declaring that armed aggression existed in Korea and calling upon U.N. members to assist in halting that aggression. He cited the history of actions by the Commander in Chief to protect American interests abroad. He characterized the U.N. Charter as the cornerstone of our foreign relations and singled out article 39 which authorizes the Security Council to recommend action to members to meet armed aggression.

The President's opponents noted that all treaties are not self-executing and that, until implemented by Congress, non-self-executing treaties confer no new authority on the President. Article 39, it was said, was not self-executing. Article 43, which provides expressly for the commitment of troops by members in accordance with their constitutional processes, had been implemented to the extent of Congress authorizing troop agreements, but since no agreements had been entered into, it was inoperative—so went the argument. Without any added treaty authorization, the President's action must be viewed solely in terms of his basic constitutional authority, it was said, and this authority does not extend to long-term commitments of troops in numbers ranging up to 250,000.

While scholarly views were quoted on both sides of the issue, and the congressional debate raged from January to April, there was no legal resolution to the President's authority in light of the U.N. Charter or independent of it. Nevertheless, it is clear that Congress acquiesced in the President's action, and since judicial precedents are virtually nonexistent on this point, the question is one which must of necessity be decided by historical practice. Viewed in the light, congressional acquiescence in President Truman's action furnishes strong evidence that this use of his power as Com-

mander in Chief was a proper one. If history and precedent are relevant, it appears that there is a strong case to be made for the power of the President to commit American forces abroad without the explicit permission of Congress, although that commitment may lead to war. This power is not unlimited, but it cannot be easily circumscribed or easily dismissed just because those of us in Congress are bitter about the times over the last 7 years in which we were taken by surprise or were confronted with mounting public and personal opposition to the Vietnam war.

It strikes me that it is appropriate to ask why the power of the President in the realm of foreign affairs has grown so great. Is it because Presidents are usurpers? Or is it because events have necessitated it? Do the conditions of the world allow us safely to conduct our foreign policy on the floor of Congress? Can we safely attempt to substitute our judgment for that of the President at times of immediate crisis, when circumstances are such that only he can have all the facts available and only he can promptly act?

I know there is a belief among some of my colleagues that Congress has abdicated much of its responsibility in this and other matters to the executive branch, but we should not use this bill as a vent for our frustrations—adding insult to injury as far as the constitutional process is concerned.

I would be the first to support any feasible measures which would insure the Congress more immediate information upon which to judge our decisions concerning military and foreign policy. However, as I said before, the Senate should be extremely careful not to get so carried away with having such information or with being an integral partner in formulation of our foreign and military policies that we attemp to cloak ourselves, by statute, with powers never intended to reside in the Halls of Congress.

More important, however, than the constitutionality question, is the very practical consideration of whether or not the War Powers Act would dangerously limit the ability of this country to respond, even in a limited sense, to a confrontation. And second, if we give the appearance around the world of having limited this ability, we will have snatched from our allies their ability to rely on any credible protection from the United States.

Various situations come to mind, even with the most sketchy consideration of this bill, which bring up the "what if" problems in the event of hostilities.

In the even of an attack on NATO forces, other than U.S. forces, the proposed bill would preclude action or assistance by U.S. forces. U.S. assistance would require specific congressional authorization. It can be argued that this restriction does not change anything since the Senate in giving its advice and consent to the North Atlantic Treaty never intended for the President to have the authority to involve U.S. forces in the case illustrated without further approval of the Congress.

I would suggest that is a far different interpretation than was originally implied and intended when the Senate ratified the treaty. The legislative history is clear in that the strength of the treaty rested in the collective intentions of the signatories to respond quickly as one. Otherwise there would be little purpose in banding together as one and declaring in article V, "that an armed attack against one or more of them in Europe or North Africa shall be considered an attack against them all."

The strength of the treaty is in the collective unity of the members which announces to any potential aggressor that if you attack one of us you have, in effect, attacked us all. This is the heart and power of the treaty and if the President were precluded from promptly taking those actions he felt were in the best interest of the United States and the NATO alliance the security of both would be seriously endangered.

Such restrictions as proposed by the bill would remove the option of the initiative from our commanders. It could well be, in the situation postulated, that the President would wish to consult with the Congress on a mutually agreed course of action. But it could just as well be he might not because of the time element which necessitated immediate action to forestall and preclude a far more serious situation from developing.

Again, in the NATO area, the proposed bill would preclude continuation in command by U.S. officers assigned to NATO when an attack was mounted against other than U.S. forces. This would literally devastate the entire command structure of the alliance and greatly aid any enemy. It will be difficult enough to make the command structure function in a crisis environment brought on by an attack, let alone having all U.S. personnel pack up and go home during the middle of a crisis. Would any nation or group of nations trust its security to a commander whose participation can be manipulated by the nature of a would-be adversary's attack—by an attack on NATO where no U.S. troops are positioned?

I am glad that the distinguished sponsor of the bill (Mr. JAVITS) has indicated he would sponsor and introduce a joint resolution that would clarify this point. However, I might ask him if he is going to do that, why should we not do it in the process of disposing of the pending bill instead of leaving it up to future decision by the Senate at a time when we will be occupied, in a great many cases, with extremely important legislation.

Even with the exceptions granted to the President under section III there is a serious oversight. This section does not give the President authority to repel an attack against the United States and to take necessary retaliatory actions. Section III does give the President authority to repel an attack against U.S. forces outside the United States but, in this case, it does not give him authority to retaliate.

Why? Why should an aggressor against U.S. forces outside the United States be any less immune from retaliatory action? Admittedly, an attack against the United States, its territories and possessions is far more serious but, in my mind, any enemy that attacks an American, regardless of where he may be, should understand such actions will automatically be repelled and may bring rapid and retaliatory action by the United States. To limit any response by U.S. forces to "repel only" clearly restricts the ability of a commander to protect his forces. And what, by the way, is the meaning of repel within the context of the bill?

Does it relate to defensive actions only? Would a U.S. Navy ship on the high seas subjected to an attack by cruise missiles only be able to try and repel those missiles? Would the U.S. ship commander be allowed to attack the vessel that launched the missiles? Would he be allowed to attack an enemy picket ship that was relaying data information to the enemy attacker?

Such a restriction would impair the ability of our commanders to defend their forces and would communicate to any potential attacker the limits of the response our forces could take. It would further require each commander to carry a checklist of what he could do and I suggest he might be seriously impaired as a commander for fear he would violate some predrawn rule of engagement.

Whenever the President takes an action authorized by section III he must come to the Congress at the end of 30 days to get continuation authorization, if such is needed. Such a restriction could lead to a piece-meal strategy in countering an attack or threat of attack. This raises the question of whether military commanders are to include in all plans a contingency for withdrawal after 30 days. It further raises the possibility that the President would, if he were doubtful continuation authorization would be granted by the Congress, adopt an overkill strategy in the action taken—a strategy that might be far more than was required to handle the crisis at hand.

Mr. President, there are several other situations that come to mind that I would like to bring to your attention.

Nothing in the proposed legislation permits U.S. forces to protect American nationals on the high seas. Are we to assume the United States cannot immediately go to the assistance of an American merchant vessel and take what action is required to assure the safety of those on board? Does the Congress seriously believe it has time to debate the merits of such an action, assuming it is in session?

Again, the sponsor of the bill (Mr. JAVITS) states this is not the case and such actions are precluded. Nevertheless, this point should be expanded and clarified.

The proposed bill, in my opinion, would preclude a show of force, for example, to the Eastern Mediterranean in response to increased Israel-Egyptian tension. Let us do not kid ourselves that the world situation has evolved to the point that force, or the threatened use of force, is no longer a necessary instrument of national power. The insertion of U.S. military forces in an area where hostilities are "imminent" could well, as it has in the past, preclude those imminent hos-

tilities from developing. And again, the effectiveness of such an action on our part does not allow time to debate and authorize the President to take those actions he deems necessary in support of national interests and policy. Again, the bill's sponsor states this is not the case and would be authorized. Nevertheless, it continues to bother me that there is so much ambiguity in the proposed bill and that completely opposite interpretations are possible.

For example, in the Cuban crisis, to the best of my knowledge, President Kennedy had already mobilized and authorized the deployment of naval ships, and had mobilized many of our ground forces in support of the ultimatum which was given to Mr. Khrushchev. Without any doubt whatever, this was placing our troops in a position of imminent threat of hostilities, yet to the best of my knowledge no advance consent was asked of Congress. It did not last 30 days, nor did he have to come back and request authority later.

Again, Mr. President, you can refer to this in the 1970 Mediterranean crisis and the 1967 crisis when President Johnson was in direct contact with the Soviet leaders.

Mr. COOPER. Mr. President, will the Senator yield or would the Senater prefer to finish his remarks and then yield?

Mr. DOMINICK. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I have listened with interest to the able arguments the Senator has made on several issues. The chief sponsor of the bill, Senator JAVITS, is not in the Chamber at the present time and I do not assume to speak for him. However, on the last issue mentioned, I know of no provision in this bill, which would deny a "show of force"?

Mr. DOMINICK. It depends on the definition of "imminent threat." It gives the President the power to send in troops in an area where there is an imminent threat of hostilities.

But the question would be if he exceeded his authority on the definition of what is "imminent threat."

In the Mediterranean situation I am not sure we thought there was an imminent threat, as far as our troops were concerned, but there was so far as the Israeli troops were concerned. In Cuba it was a different situation.

I wish to give one more example. When I was with the Senator from Arizona (Mr. GOLDWATER) back in 1961, we were turning around Europe. One of the things I asked was, "What indications would you have there might be an imminent threat of hostilities in the NATO area?" The person we asked the question of said, "There are a number of ways we could get information but we would not be sure unless something was started." Whether or not there is an imminent threat is a matter of grave concern so far as it relates to the power of the President to deploy our troops.

Mr. COOPER. During the last several years, we have studied the warmaking power thoroughly. I see a distinction between preparation for an attack or for defense and what is called a show of force to warn a posible adversary against an attack.

For example, as the Senator has said, under the administration of President Kennedy, at the time of the confrontation between this country and the leaders of the Soviet Union, the President, I assume, took steps to prepare to meet any contingencies. He was preparing to defend this country.

It could be argued also that the movement of planes along the eastern seaboard toward Florida and other preparations was a show of force.

There are dozens of similar situations throughout history, but, as I understand "show of force" in its proper sense, it is to move ships or forces, not with the present to an adversary a face of strength, saying, "You had better not make an attack" to deter an attack. I find nothing in this bill to prevent the United States from doing that.

The old books on the laws of war recognize the right of a show of force to deter hostilities.

Does the Senator see my distinction?

Mr. DOMINICK. I know of the Senator's concern regarding the bill. I have had the pleasure of reading the Senator's individual views. Here is the wording in section 2, under so-called Purpose and Policy Section:

> At the same time, this act is not intended to encroach upon the recognized powers of the President, as Commander in Chief and Chief Executive, to conduct hostilities authorized by the Congress.

That is fine.

Then, it states: "to respond to attacks" and that is fine "or the imminent threat of attacks upon the United States, including its territories and possessions," and it says nothing about allies; and then "to repel attacks or forestall the imminent threat of attacks against the armed forces of the United States."

The question, then, is what is "imminent threat of attack"? On the next page, page 8, it is specifically stated:

> In the absence of a declaration of war by the Congress, the armed forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicated by the circumstances, only—
>
> (1) to repel an armed attack upon the United States, its territories and possessions; to take necessary and appropriate retaliatory actions in the event of such an attack; and to forestall the direct and imminent threat of such an attack:

My question is: What is a direct and imminent threat of such an attack? Obviously, as I said, there was no direct and imminent threat in 1967 in the Mediterranean. There might have been; I am not sure. The Navy was there in good force, Soviet submarines were all around the 6th Fleet. In the Cuban situation we were much less in danger of imminent attack than we were in the Mediterranean situation. Yet, as I gather from what the Senator has said, he thinks the Cuban situation was probably justified under this language, but the Mediterranean was not. It was a forward deployment. Is that correct?

Mr. COOPER. No, I did not comment on the Mediterranean situation at all.

As the Senator knows, I raised in my view some questions which concerned me about this bill, and I shall address myself to them in a day or so. With some amendments they can be corrected.

I am glad that the Senator has raised the question. First, I do not think there is anything in the bill which prohibits a show of force. Second, he has raised the question of retaliatory action. I think there is a right of retaliation if there is an attack on this country, and similarly, a right of retaliation if our forces should be attacked in any other place.

According to the laws of war, one can retaliate if attacked at sea or anywhere else. A country can retaliate upon attack to let the adversary know that he must not continue the attack. If the attack is continued, of course, the necessary measures to defend our forces or possessions could be used.

For example, after the Tonkin Gulf incident, if there was an attack—and we will assume there was an attack—on a U.S. destroyer, President Johnson bombed the ports from which, it was believed, the vessels came. It was retaliatory and, according to the laws of war, was correct. Conversely, the attack on the destroyers was not sufficient to enter war.

I believe paragraphs 2 and 3, section 3, which the Senator just read, are a correct statement of the authority of the President, but beyond those situations, he has no authority to move the country into war without the consent of Congress. I do not know whether the Senator would agree with me.

Mr. DOMINICK. I think the problem then is that we get down to strict formalism under the Constitution—that only the U.S. Congress has power to declare war. The difficulty is that we are in hostilities when we could have prevented them by forward deployment, and this bill does not permit that. I point out that the President may go forward, he may exercise that power anyway, and I do not know what we are going to do about it. He would say it is in the best interests of the United States. My guess is that if there were an imminent threat that he knew about and we did not, he would move rapidly to prevent it. I think this is a poor basis on which to legislate. That is my point.

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

Mr. DOMINICK. I yield.

Mr. GOLDWATER. I would like to show why this worries some of us. Would this require congressional action to authorize the United States to exercise its right to access to Berlin which might be blocked by the Russians and the East Germans, but might not pose an immediate threat of attack on our forces even though our future security might be very much imperiled? Would it not raise a question of imminent hostilities?

Mr. DOMINICK. I agree. This is one of the points I wanted to come to later. We conducted the airlift into Berlin for a whole winter—longer than 30 days by far. Certainly, there was an imminent danger of attack during that whole operation. Yet we did not have to have a 30-day clause and did not have to have

congressional approval. In fact, we never got into any hostilities, so we did not have that problem. But the point is, as the Senator well pointed out, How do we plan to take care of something like that that has no definite time, in requiring that type of action by Congress, and debate what we are going to do, and then the enemy will know about it, anyway?

Mr. GOLDWATER. I think everyone would recognize that our involvement in NATO is one where they have a broad understanding of this approach. I cannot say, from the intelligence standpoint, how long it would take, but certainly, with our ability to look upon the world in a way that we have never been able to look upon it before, we could gather information about our enemy that we were never able to before. So how do we get to the question of imminent threat? Is, for example, what is going on right now in Vietnam an imminent threat? Is it a direct and imminent threat, or one which might not ripen for several weeks, when 4,000 tanks are massed north of the DMZ, when SAM's are being brought into South Vietnam, when artillery and other weapons are moved to South Vietnam? Would the Senator call that a direct and imminent threat?

Mr. DOMINICK. If I were there, I surely would.

Mr. GOLDWATER. Yet, under the terms of this bill, it might not be direct and imminent because the threat of attack lies in the more distant future. But even if it were, the President could exercise the use of our troops only for 30 days, without the consent of Congress.

Mr. DOMINICK. That is correct. This is one of the problems.

Mr. GOLDWATER. I said earlier that if I were an enemy contemplating an attack on the United States or on one of its possessions, I would want nothing better than that clause in this bill, because it would guarantee the defeat of the United States.

What would be the Senator's answer to this? Section 3 of S. 2956, in my opinion, would flatly prohibit the U.S. involvement in NATO integrated commands from exercising any functions without specific congressional authorization whenever there was an imminent threat that any NATO forces would become engaged in hostilities.

In other words, we revert now from North Vietnam to the massing of tanks, trucks, artillery pieces, and a mass moving of arms in the Warsaw Pact nations, which I think any intelligence officer would see as an imminent threat, for all practical purposes. Yet is my interpretation of the language correct that we could not operate unless attack is threatened in the next day or two?

Mr. DOMINICK. It certainly seems so to me. The Senator will note that on line 14, insofar as NATO is concerned, there is a sentence which starts there saying that a specific statutory authorization is required for assignment or investment of Armed Forces of the United States to command coordinate personnel in the movement of or accompany regular or irregular military forces of any foreign country or such armed forces, to conduct hostilities, and so forth. This seems to negate the possibility of any NATO command or use of troops in support of our NATO allies under those circumstances unless we have specific authorization for it.

Mr. GOLDWATER. I call my friend's attention to another meaning of the bill—retaliatory action is limited to 30 days, unless authorized, in the event of attack on the United States, its territories, or possessions. This would pretty well shoot down our commitment to NATO.

Mr. DOMINICK. Yes. It would go further, because it means no mutual defense treaty we might make in the future would ever be credible, because it would become effective only when Congress had acted, after the hostilities had started.

Mr. GOLDWATER. The Senator will recall that only the President has access to the red button, and only through Presidential approval can the Supreme Commander in NATO retaliate with nuclear tactical weapons, and he can do that only after he has consulted with the President. But under the pending bill there is real doubt about the kinds of situations in which the President could do that? Is that not right?

Mr. DOMINICK. Under this bill, he would be in violation of the law. But as I said, I do not think anyone in those cases is going to pay any attention to this law, anyway. And that is a poor basis on which to legislate.

Mr. GOLDWATER. And the President would be in violation of law.

Mr. DOMINICK. He would, and presumably, in the case of a deliberate order of any kind, he might be subject to impeachment, regardless of who the President was.

Mr. GOLDWATER. I am glad that the Senator from Colorado is speaking freely as he is, and has permitted me to intervene. I personally think this is one of the most important matters to come before this body in my years as a Member. I think it is highly emotional; I have yet to hear any argument not based on emotion, and I am afraid the impression is somehow being created in the minds of the American people that we have finally found a way out of the war. I think there is a dangerous impression, and I commend the Senator for his remarks.

Mr. DOMINICK. I thank the Senator from Arizona. I should like just to pose one more matter, if I could. The Senator brought up himself that we have enough intelligence now to be able to tell as to when a Warsaw Pact country might be mobilizing for attack. But I would suggest to the Senator that, as newspaper reports have pointed out, the Soviet Union now has killer satellites, so that we could, on an intelligence basis, be blinded at the very moment of real tension. Would that alone be considered an imminent threat, if all of a sudden our intelligence communications satellites were knocked out of the sky by Soviet killer satellites? Would that in itself be an indication that we are imminently threatened with attack somewhere, by either Warsaw Pact forces or other nations, whatever it might be?

I frankly do not know, and I do not know what the President would do at that point, except to get on the hot line. I do not know what he could do under this bill in any way, and I think that might be the very key to let them make the last minute preparations in order to mount an attack.

Mr. GOLDWATER. I would say to the Senator that it would be difficult for me, as it is for him, to give a specific answer to that question, although I think it is fairly general knowledge that the Soviets can render inoperative any of our electronic-type satellites.

I would judge this to be an imminent threat. As I recall, however, there was some testimony by Professor Bickel before the committee in which he said that he felt an imminent threat would be one with 1 or 2 days' advance information. Certainly, in the case of Cuba, we had much longer than that. We have had it in the case of the invasion, now, of Hue, and I understand Hue is very seriously threatened as of this moment. We have known of this buildup since last October. I would have to say it has been an imminent threat all along.

As we watch the Russian accumulation of MIG's gathering in Egypt, I would have to assume that is an imminent threat against Israel. No matter where we find a buildup of arms, countries do not build up arms just for practice unless it is in their own country, when they are on maneuvers; and I would say that any overt action that indicates accumulations of force would have to be considered by any country an imminent threat to their peace and an imminent threat to their country. However, the legislative history of the bill before the committee indicates that "direct and imminent" only means something that is immediate—today or tomorrow.

Mr. DOMINICK. I thank the Senator from Arizona. I would certainly agree.

I want to make one other point, which I think somewhat ironic, I guess is the best way of putting it: Without quoting directly, when one of the leading Israeli officials was here, he was asked whether or not we had any treaty with Israel. Of course, the answer was no. Someone then asked whether a mutual defense treaty would be helpful.

The answer was no, that after all, they had had a treaty to protect the Gulf of Aqaba; that they had had a treaty by which U.N. representatives were supposed to stand between the Egyptian and Israeli forces; and that on each and every occasion when imminent hostilities seemed to be apparent to the Israeli, either the treaty was changed on the ground that it was long past the time and the circumstances under which it was entered into, or the U.N. representatives would pull out.

This representative said simply, "Give us the arms, and we will fight our own war. We do not want any treaties with anyone."

If that is true in that case, then should we pass this act, no country with a mutual defense treaty with the United States would ever believe us again, in my opinion. I think it would make totally incredible any effort by the United States to have any mutual defense alliance anywhere. This is the thing that really deeply concerns me.

Mr. SPONG. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I will, after I have yielded to my colleague from Colorado.

Mr. ALLOTT. Mr. President, I thank the Senator for yielding, and I want to say I think he has presented a very strong and forceful case here, but if he will bear with me, since there has been an interruption in his regular speech anyway, I would like to return for just a few moments to the gist of the argument of the Senator from Kentucky. Incidentally, I think he has written a very fine set of individual views here, and if I were to read just those and read nothing else about this measure, I think I would be inclined to vote against the bill, although he decided, after writing them, to vote the other way.

The Senator from Kentucky attempted, during the course of the discussion—and legitimately so; I am not being critical at all—that perhaps we do have something to which we can latch on here, which will give us a little bigger handle on the thing we are talking about.

He attempted, particularly in the case of the Cuban missile crisis, to distinguish, as connected with that, between the words "show of force" and "direct and imminent threat of an attack."

I was a delegate appointed by President Kennedy to the United Nations during the time that crisis was in effect, and saw many things from the viewpoint of the U.N. that were not apparent here. I am sure. But let us take two things: Was what President Kennedy did at that time a show of force, or was it deploying of troops to protect us from imminent attack?

As I recall the situation, he did two things: First of all, there is no question that troops and all sorts of military equipment were heading toward Florida as if the whole State of Florida were a one-way road.

Second, as I recall it, he deployed certain of our ships in that area, not by way of a blockade, but the more euphemistic term of "quarantine" was used.

Now, let us assume that this was, as I think the Senator from Kentucky was trying to demonstrate, a mere show of force. Let us assume that that is what it was. Let us stop it there, and let us assume that the hotline grew cold, and that instead of negotiation of an agreement to pull the missiles out—and incidentally, I do not know of any absolute proof that they have all been pulled out yet—instead of an agreement to take them out and photographing certain long canisters on the decks of ships as they went out, the Soviets had said, "We're not going to do it. We call your bluff." What would we have done in that instance?

No. 1, the very euphemistic quarantine which we had established would then have become, without the stroke of a pen, a blockade. I have no doubt that the United States and President Kennedy would have considered very seriously, if not actually, mounting an invasion against Cuba in order to rid ourselves of those missiles. I feel fairly certain that this was the climate in which we were operating.

My point, therefore, is this, and I would like the Senator's comments on it: We cannot distinguish between a show of force and the deployment of troops to forestall a direct and imminent threat because troops were there as well as missiles, and we are in a gray area, and an attempt to define it is only going to lead to confusion and mischief down the road when we reach a similar situation.

Mr. DOMINICK. I agree entirely with the Senator. I think the point and case he has made is a very good example of this problem.

Another very simple one is this: Suppose we send our Coast Guard cutters out to rescue, off the coast of Cuba, some merchantman with American citizens on board, which the Cuban cutters are taking into control. Presumably, this would be a type of imminent danger, because the Cuban cutters are armed; and if we go in to get our nationals back in international, or even in Cuban waters, the chances are that we are going to be shot at. What do we do then? Do we have to get prior authorization in Congress, or is the President allowed to do it under the imminent threat aspect? If so, are we not in the same box we were in before; namely, we are engaged in hostilities without having Congress concerned or involved? So we are right back to the same spot again, it seems to me.

Mr. ALLOTT. I think the Senator has put his finger on this, or at least that is my understanding of what he was saying in the main portion of his speech, when he was speaking about nationals, or U.S. citizens.

I am referring especially to subparagraph 3 of section 3, which says that the President shall have power only "to protect while evacuating citizens and nationals of the United States, as rapidly as possible, from any country in which such citizens and nationals are present with the express or tacit consent of the government of such country and are being subjected to a direct and imminent threat to their lives, either sponsored by such government or beyond the power of such government to control."

In the case just cited by the Senator, as I see it, even though it might constitute a direct attack upon our citizens on that ship, and it might even be an American Merchant Marine, it does not fall within the four classifications that the committee has set up in its bill under section 3.

Mr. DOMINICK. If it is, it is certainly implicit, as opposed to being explicit. This is part of the problem I have, because I do not like to see us become involved in a gray area such as my colleague has suggested, where we are legislating without really knowing what we can or cannot do.

In many ways, it reminds me of the rather extraordinary effort to say that American airpower had done no good in the Vietnam war. The pilots during that situation, as the Senator knows, had to have a full legal-sized page of what they could not do before they could find out what they could do in the way of attacking a target. It made it almost impossible for airpower to be effective the way it was designed to be.

Mr. ALLOTT. As a matter of fact, I think the limitations consisted of more than a page.

Mr. DOMINICK. As a matter of fact, it was three pages, I happen to know.

What I am pointing out is that the same connotation is here—that no one will really know what he can or cannot do legally under this bill, if it should pass the way it is now. That is my great concern.

Mr. ALLOTT. I thank the Senator for permitting me to intervene, because I am sure that during the course of this debate there will be a great deal of discussion about the "what if" arguments in this bill.

It seems to me that it helps to show that one cannot distinguish between a show of force and an actual deployment of troops to forestall direct and imminent threat of such an attack. It seems to me that the missile crisis in Cuba is a classic example of it.

Mr. DOMINICK. I thank the Senator. I think he has made a very good point.

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

Mr. DOMINICK. I yield.

Mr. COOPER. The Senator will recall the statement I made. Perhaps I was not clear. I had argued as he argued—that it was difficult at times to distinguish between a deployment of forces or ships, and a show of force, although there is a distinction. I said that the movement of air forces and people in Florida could have been interpreted in different ways.

The point I make is that I know of nothing in this bill which denies the deployment of forces to protect the country, to protect our forces, to protect our ships. I know nothing that denies a proper show of force. The chief objective of this bill is to prohibit the Executive from engaging our forces in hostilities except under certain conditions.

Mr. DOMINICK. I should like to add one more thing, and then I will yield to the Senator from Virginia.

Some years ago—I have forgotten whether it was 1967 or 1966—we were involved in a buildup in Vietnam, under President Johnson. We were involved in an extremely ticklish situation in the Mediterranean area. We were involved in rather acute tensions in the European theater—in Berlin particularly. All of a sudden, President Johnson, as Senator will recall, introduced transport aircraft into the middle of the Congo, with backups on Ascension Island. If hostilities had broken out in Europe or Israel, that would have meant that we would have a good chance of being at war on three continents at the same time.

No one in Congress had been consulted prior to that—not a single person. At that time, I prepared a letter of protest to President Johnson, in the strongest possible terms, and I received the signatures of 18 fellow Senators within 2 hours. I had it hand delivered to the President at the White House. I did not even try to get more signatures because I thought it was urgent that we move rapidly.

Thirty days later, I received an acknowledgment that it had been received. Six months later, he started withdrawing some of our military forces which were engaged as pilots and mechanics. Some

of the planes were even flown, I gather, by Ethiopians, virtually by Ethiopians brought down there on behalf of the government, by us. It was only about 6 months later that he started to pull back from that position.

My point is that, if we pass an act of this kind, I do not know whether or not that will stop that type of action. I certainly would like to see some method by which we could. But, more importantly, I doubt very much if the President would have done that, if he had come up and briefed Congress on what he planned to do and had received what I conceive to be the unanimous disapproval of most Senators, at least to that kind of action. He did not even do that.

So what we need, at least, is a good deal more consultation, a good deal more information, and a good deal more ability to be able to express our opinions to the White House without having to go through legislation of this kind which, in my view, will seriously jeopardize the ability of anyone to be able to protect the best interests of the United States. That is the difficulty I see.

I yield now to the Senator from Virginia.

Mr. SPONG. Mr. President, I thank the Senator from Colorado. I recognize that he has not finished his remarks. The many questions he has brought to the attention of the Senate should be answered, and I am sure that they will be in the course of this debate.

Inasmuch as we talked somewhat extensively about the Cuban missile crisis, however, I should like to ask the Senator one question. Is the Senator under the impression that, had this legislation been in effect as of the time of the Cuban missile crisis, this would have in any way impeded the President?

Mr. DOMINICK. It would have not impeded him if we were certain he was introducing naval forces into position because of an imminent threat of attack; but I do not believe we can say, initially at least, that there was any danger of an imminent threat of attack on the United States from Cuba, insofar as we are talking about a day, 2 days, or a week. But I do believe that we introduced ourselves into a position where our own ships might well have been attacked, in which case it would have been a different kind of situation.

Mr. SPONG. I should like to make two or three observations.

First of all, situations such as the missile crisis were, of course, a matter of concern during the hearings on the Javits proposal and other proposals before the committee. Mr. McGeorge Bundy testified. He was not quite so ubiquitous as Dr. Kissinger has been, but he had a comparable position at the time of the crisis. The Senator from New York (Mr. JAVITS) specifically asked him, had legislation of this kind been in force, would that have in any way hamstrung—I think that was the word used—the President? And Mr. Bundy replied, on page 425 of the record of the hearings, as follows:

> I think the essential processes of the Cuban missile crisis would not have been sharply affected by this resolution or this bill or this kind of procedure.
>
> That was a very unusual case, in my judgment, in that the justifications for a private deliberation and a secret decision were unusually great and those justifications had to do with the importance of having an established U.S. position clear and on the record, in a sense to take the diplomatic initiative from the Soviet Union, and I think there would have been very important advantages in that which probably would have led the President—and I am of course speculating—to follow the essentially lonely executive route of decisionmaking which he did follow in that case. Then, of course, under this bill and others like it, he would have had to do what he did in any case, namely, to report the matter to the Nation and to the Congress and within the 30-day period under your proposal there would have had to have been an affirmative authorization for the quarantine to be sustained, naval quarantine.

Mr. President, I should like to note here for the RECORD that, at the time of the crisis, first of all, we had a Cuban resolution already in force. One of the procedures we are seeking to establish in this legislation is the very thing the Senator from Colorado has just finished speaking to, and that is more consultation between Congress and the President. But, in the missile crisis, the authority was there for the President to act, had he chosen to rely on that resolution. Congress had already acted, to some extent. Second, I wish to agree with what the Senator from Kentucky (Mr. COOPER) has just said, that there is nothing in the bill which would prevent a show of force in international waters, which the President did. He has that right to deploy our naval forces in international waters.

Third, I should like to make this point: when the Senator from Arizona (Mr. GOLDWATER) and the Senator from Colorado (Mr. DOMINICK) ask each other what constitutes an imminent threat, the real question is: What is the President's judgment as to what is an imminent threat.

The cosponsors believe that under sections 1 and 2 of the bill, the judgment is with the President to make the determination as to whether or not there is an imminent threat. If, in his judgment, there is, he proceeds. And, again I want to say that if there are places in the bill—with regard to NATO, for instance—where some tightening can be done, the Senator from Virginia is not averse to that, if I think a specific proposal is necessary. I think we have to bear in mind that——

Mr. DOMINICK. Could I interrupt there and ask where the Senator finds that? When it is in his judgment?

Mr. SPONG. He is the only one who would act. The President is given the authority to introduce armed forces into hostilities——

Mr. DOMINICK. If later on he should introduce troops and they should be engaged in hostilities, and it is later determined by Congress that the reason for the hostilities was the introduction of the troops, then this group could say that there was no imminent threat and impeach the President for an illegal action.

Mr. SPONG. The possibility has always been there with regard to that kind of Presidential action, with regard to what the President does. All I am saying to the Senator from Colorado is that the authority for the President to act is recognized here if, in his judgment, there is a threat. Under the legislation, the President does report immediately to Congress, guaranteeing to Congress the very thing the Senator from Colorado was concerned about in the Congo situation; namely, an opportunity to participate in the decision.

I would close by——

Mr. DOMINICK. Opportunity—no—this is again what I said before, the distinction between collective judgment and collective decisionmaking. What we can do is to interject our judgment but he should not be bound by it. He has to make the decision. The problem here is, we are making the decision. We are saying whether he can act, by this act, not just interposing our viewpoints down to the White House as to what we think should be done.

Mr. SPONG. We are simply saying the Constitution provides that the President has the right to act in an emergency situation to repel attacks or to forestall imminent threats of attack. He has that right under the Constitution. He has that right under this legislation, but we are requiring him to report to us under the legislation, so we may thereafter participate in the decision. Congress seems to be absolutely agreed on one thing with regard to all this legislation, and that is that there should be a reporting process. That is what the House has already approved. The President, having reported to the Congress under the proposed legislation—almost immediately, we would hope—there would then be a 30-day period during which Congress has the right to give affirmative support to the President, or—after looking over the situation—to say that hostilities should be terminated.

Mr. DOMINICK. I thank the Senator from Virginia for his comments. I am not sure we are very far apart, except for the fact that he is apparently defending the specific language in the bill. I have made speeches for some 5 years now saying that Congress should—and the Senate in particular should—have more import into the decisionmaking prior to the introduction of American forces into hostilities. I think we should. But, this is judgment. The decisionmaking has to be by the President of the United States. What we are doing is preventing specifically that decisionmaking in a great many areas. Let me read the language which starts out in section 3, and I point out that we have assumed that we have only had about four declarations of war and about 200 hostilities in a period of almost 200 years:

> In the absence of a declaration of war by the Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is clearly indicatd by the circumstances, only—

This again brings out what is a situation where imminent involvement in hostilities is clearly indicated by the circumstances. It seems apparent to me that the NATO forces have been grouped together in Europe, because it was felt there was imminent danger of hostilities. That is why NATO was created.

I remember specifically writing to the State Department before the Soviet Union invaded Czechoslovakia and stating to them that the buildup indicated to me an attack on Czechoslovakia. I got a reply to the effect that certainly nothing like that could possibly happen.

About 2 days after my letter, the Soviet Union came in and wiped out a group in Czechoslovakia that was merely trying to let the citizens eat, drink, and enjoy themselves in that form of government.

I do not say that because I was right, but because there was a total divergence of opinion in the circumstances. The State Department had one view and I had another. I happened to be right on the occasion.

How can we tell? The NATO troops are present, because of the imminent danger of hostilities. Otherwise there is no point in their being there.

We have a large base largely for the purpose of coping with the presence of Soviet submarines in the Atlantic. We have other bases around the world. We have some in the Philippines that have been there for a long time. The purpose of the Philippine base is to prevent the imminent danger of hostilities against the Philippines.

It strikes me that nowhere in the world could we say that there is not an imminent danger of hostilities if we have troops there, because that is the only reason that we place troops there. If we do not have the imminent danger of hostilities, we do not have any reason to have troops there.

The net result of that is that the President could logically say: "Every deployment is all right. I do not have to do any more." And we would be exercising our total judgment in a vacuum as far as the pending bill is concerned.

We can go one or two ways and say that it casts doubt on our credibility—which I think it does—or that under the pending bill we will not accomplish anything, even though we would like to accomplish something.

I would like to see us come up with a mechanism by which we could get more information in Congress before these things happen.

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

Mr. DOMINICK. Mr. President, I have not yet completed my prepared remarks. However, I would be happy to yield to the Senator from New York for a question.

Mr. JAVITS. Mr. President, I do not think that a question will do it in any way. The answer has to be hours and not minutes. However, I noticed that the Senator raised a question as to what was meant in section 3 by the imminent threat of hostilities.

Mr. DOMINICK. Yes, because the bill then goes on to specify four instances and say that they are the only four in which we can inject troops.

Mr. JAVITS. Mr. President, we have already defined that, in quite an exhaustive colloquy with the Senator from Alabama (Mr. ALLEN), to mean, according to the way we understood the bill, that this would be in the judgment of the President. In other words, if the President thought or believed, and so reported to Congress—because a prompt report is required by section 4—that he is committing troops where there is the imminent danger of hostilities, it would bring the act into force and effect.

We understood that is the way in which this would work. And we believe that the President of the United States will act in good faith. That is one of the basic suppositions of this whole proposition.

I just rise to add a point of fact, that in the colloquy with the Senator from Alabama (Mr. ALLEN), it was made clear that the meaning of this phrase related to the judgment of the President. He would be the one to put the act into effect, and thereupon report promptly to the Speaker of the House, the President of the Senate, and so on, as required by section 4.

Mr. DOMINICK. Mr. President, I thank the Senator from New York for clarifying what the intent is, even though the bill does not say it. That always helps insofar as the history of a bill is concerned. However, I am interested in section 6, too. Section 6 provides that the use of Armed Forces of the United States in hostilities, may be terminated prior to the 30-day period for the imminent danger of hostilities, which authorizes the President to introduce troops.

Mr. President, as I said before, this is quite interesting, because if we assume that we are keeping troops in the European Theater in NATO, because of the imminent danger of hostilities, then I would presume that once this bill becomes effective, we would have to do something practically every 30 days. If it is not assumed that this is an imminent involvement in hostilities, I suppose that is a different situation. Under those circumstances he can place troops wherever he wants to. However, having been an advocate for quite a period of time of the belief that we ought to take more troops out of the European area and probably put them over in the Mediterranean force, I can find all kinds of difficulties in accomplishing either of these situations under this type of legislation.

Mr. President, I continue with my prepared remarks. Another "what if" is pretty interesting.

The proposed bill makes no mention of intelligence activities, for example, intelligence flights. That is only one of them. Are they prohibited or not? It may be distasteful, but it is necessary for the United States to engage in these activities, and there are adequate examples in the past of their necessity, one of which occurred off the coast of Korea in terms of aircraft, and one of them over the Soviet Union. Another example, of course, is the intelligence flights which were made over Cuba.

It brings to mind the missile crisis. As I said before, it seems perfectly clear that if our overflights are within a claimed territorial area, we can inject equipment in an area where there is imminent danger of attack. Then the question is: Do they come to Congress to authorize this every 30 days?

Let me give another "what if" which is not in my prepared statement. What do we do, I may suggest to the Senator from Virginia, about the American air patrols in the Korean DMZ that go on practically all the time. North Koreans have been trying to infiltrate into the South again, as we all know. They have not only attacked and captured the *Pueblo*, but also killed one crew member and imprisoned others for years.

And then I wonder how the bill would affect the operation of U.S. patrols in the Korean DMZ. It is not clear to me whether the provisions of section 9 are applicable or not, since, although we are in a truce situation and peace negotiations are continuing, the atmosphere there is certainly tense.

But they also shot down our intelligence flights off the coast.

Are we to assume from this bill, since these are imminent hostilities that there has not been authorization by Congress, that we have to withdraw our troops totally from Korea or authorize them every 30 days?

It seems to me this is another problem we are creating if we move in this direction.

Mr. President, I am also disturbed by other language in section III of the proposed bill. In particular, I refer to the use of the term "imminent threat." If we assume the proposed bill becomes law, does not the possibility arise that if the President took action under section III in response to his interpretation of an imminent threat, the Congress could fault his actions as not being within its interpretation of "imminent threat"? Is it not possible, because of this difference of interpretation, the Congress could take other measures designed to prohibit further action by the President even before the 30-day period had expired?

There is only room for one Commander in Chief, not 535. Only one individual, the President, has the facts immediately at hand necessary to determine what is best for the national security. So even though the proposed bill purports to guarantee the President can take those actions he deems necessary in certain situations, it really jeopardizes and endangers his ability to do so.

Mr. President, I am very much concerned that many Senators may not have studied this bill thoroughly enough to realize the many dangerous consequences of some of its provisions. In essence, this bill would make null and void, without initial authorization from the Congress, our defense commitments under the North Atlantic Treaty, the SEATO Treaty, the United Nations Charter, and many others. Can we honestly take upon the shoulders of the Congress not only the final authority in a President's decision to deploy troops in the event of hostilities but also attempt to become the repetitive top authority or all negotiated U.S. treaty commitments, even after the Senate has had one opportunity to ratify and consent to the original negotiation of each of our standing treaties?

Our allies would soon gain the impression that we were incapable of acting swiftly under the conditions of our mutual security agreements. I am sure, for

example, that our friends in Western Europe would find little comfort in the fact that under this law, Congress would have to give its approval before the United States could participate in NATO command activities in the event of an attack on West Germany. Can we justify creating a situation in which our commanding officers in NATO cannot even participate in the planning and execution of operations of NATO troops until we get the Congress' collective interpretation of an "imminent threat?" How many of our allies would soon begin to feel that they were not in fact our allies at all?

Many will say that nothing regarding our treaty commitments would be changed by this legislation. They will argue that as our treaties are not self-executing and as most contain a clause which reads "in accordance with our own constitutional processes" the Senate is already authorized to initiate implementing legislation. However, the fact that our treaties contain this provision has never altered the reality that throughout our history Congress has performed an ex post facto role in this regard. This reality has come from a basic recognition on the part of many consecutive Congresses that prior consultation with and authorization from the Congress cannot in fact provide the necessary prompt response to our treaty commitments. This situation has not prevailed for nearly 200 years because Presidents have ignored the Congress. It has prevailed for the very practical reason that consultation in the midst of initial hostilities, which this bill would in many areas require, is not only impractical but self-defeating. Under the Javits bill, however, Congress would have to give legislative authorization before the President could dispatch troops in accordance with treaty commitments. There is a world of difference between the two approaches and the latter approach certainly precludes rapid response to an attack on allies or forward deployments and reinforcements to prevent such an attack.

Would this bill necessarily accomplish the goal of making more information available to Congress? I think not. As written, whenever the President takes action authorized by the bill, he must come to the Congress at the end of 30 days to get continued authorization. Might not a President, realizing that he had only 30 days to act before coming to the Congress for further authorization, be tempted in a "hostile" situation to do some "quick striking" or go further than he otherwise would have in order to accomplish as much as possible before congressional review? Would a President be tempted to give the Congress less, rather than additional, information because of the necessity for him to avoid congressional interference? Would it not be more expedient for a President to simply announce that on the basis of highly classified intelligence made available to him he was taking authorized action under the bill, accomplish as much as possible before the 30-day limitation, and indeed continue by maximizing the appearance of hostilities supposedly justified by classified information? Taking this one step further, would a President be tempted to provoke the hostilities he would need under the bill in order to obtain further authorization from the Congress?

There are many questions in this area which I hope we would not have but we are dealing with long-term legislation, not knowing who the President might be in a series of decades ahead, and we are preparing legislation which I think will not have the result which we might like it to have.

Another important point should be made in connection with the 30-day limitation provision. Such a proviso could lead to a piece-meal strategy in countering an attack or threat of attack. Do we seriously want this kind of approach to our military policy around the world when we have just begun to emerge from the ridiculous situation of a limited, step-by-step war such as Vietnam? This is further illuminated by the prospect that once the Congress gave its initial authorization for the President's introduction of troops in a hostile situation it could continue to put time limits on his use of those troops. The introduction of this element of uncertainty into military planning would place the United States in a situation of always being "too little too late."

Perhaps the most frustrating aspect of this bill is its utter vagueness. In considering the merits of a proposal such as this, it is necessary to consider all possible interpretations under every conceivable circumstance, and having done that, it seems to me that we are dealing with a bill which would be at least as subject to interpretation as the U.S. Constitution. Any time you can count as many lawyers on one side of a bill as you can on the other, it seems it would be rather difficult to respond with a real consensus.

One key to the very nature of this bill is the number of times the word "imminent" occurs. This word is usually accompanied by the word "hostilities." That is all very fine, but I wish someone would tell me how we would define these two words within the time period necessary to give the President the authority to respond to a military threat; and if he had done that, would not we already be saying that our troops are deployed overseas and are there for that reason, and so every 30 days Congress should authorize their being at those bases?

It seems to me the bill should be defeated, but at the very least it should be referred to the Judiciary Committee to determine its constitutionality and to interpret its meaning.

Mr. President, there was an editorial in the Washington Evening Star of yesterday, April 3, entitled "The War Powers Debate." I ask unanimous consent that the editorial be placed in the RECORD at this point.

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

THE WAR POWERS DEBATE

The war-powers bill now being debated in the Senate is a document grounded firmly on historical hindsight. The whole impetus behind the measure is the contention that this country was led into the war in Vietnam through an abuse of the constitutional powers of the President as commander-in-chief of the armed forces and that if Congress or the people had been consulted, the whole unhappy episode could have been avoided.

This, also, is a monumental piece of historical hogwash. The Congress and the people were well and duly informed and consulted about our involvement in Vietnam from the very outset and gave their massive endorsement of the objectives pursued there. In 1964 the House unanimously and the Senate with exactly two dissenting votes (Morse and Gruening) whooped through the Tonkin Gulf Resolution, authorizing the President "to take all necessary steps, including the use of armed force to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." The contention of many senators today that they didn't know what they were doing is an affront to the intelligence of the Senate itself and a latter-day piece of political sophistry that scarcely bears examination.

In any event, the proposal today is to correct what happened by laying down a whole new set of ground rules on the circumstances under which the President would be authorized to commit the armed forces of the United States to combat without a declaration of war. He could act in case of an attack—on the United States itself. He could act to defend our armed forces overseas, to protect the lives of American nationals, or "pursuant to specific statutory authorization" by the Congress. But in all of these cases, the President would have to come before Congress to ask permission to continue military operations beyond a 30-day time limit. If such authorization were denied, the war would have to be called off.

We will leave aside, for the time being, the highly dubious constitutionality of these proposals. In the current debate, all parties are wrapping themselves in the Constitution and citing voluminous historical precedent to support their arguments. To some, the pertinence of what the Founding Fathers had in mind about potential military problems of the United States in 1787 has fairly dubious relevance to the problems that confront the nation in 1972.

Our concerns about these proposals are largely practical ones. One wonders, for instance, how they would affect our treaty commitments around the world, or how they would appear to affect them to our allies and our enemies. One wonders how they would affect our ability to respond quickly and decisively—or subtly and carefully—in case of an emergency. One wonders whether it is really within the authority of Congress to prescribe the conditions under which a President can exercise his constitutional powers or limit the exercise of those powers to a specified period of time.

We would agree most fervently that in times of great danger and in times of war it is essential to have national unity and the closest cooperation between the Executive and the Congress. A forceful argument can even be made that a declaration of war—regardless of its inherent dangers—would have prevented the terrible divisions that have rent the country over the last five years.

But there is no need to rewrite the Constitution to atone for the tragedy of the Vietnam war. There is no legislative formula that can guarantee against "future Vietnams" and also none that will guarantee firm and continuing congressional and public support when a war turns out to be more painful and costly than anticipated. But it will take more than a new set of rules to repair the loss of unity and sense of national purpose that afflicts the nation today.

Mr. DOMINICK. Among other things, for the benefit of my colleagues on the floor, the last paragraph reads:

There is no need to rewrite the Constitution to atone for the tragedy of the Vietnam war. There is no legislative formula that can guarantee against "future Vietnams" and also none that will guarantee firm and continuing congressional and public support when a war turns out to be more painful and costly than anticipated. Legislative bandaids are comforting. But it will take more than a new set of rules to repair the loss of unity and sense of national purpose that afflicts the nation today.

With those comments I would certainly agree, but I think the overall, interesting point with which we are all concerned is having more of a say in the judgment process. By this bill—and I call the attention of my colleague from New York to this—we are not just indulging in the judgment process; we are trying to inject ourselves into the decision-making process, and what we are doing is wrong.

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

Mr. DOMINICK. I yield.

Mr. GOLDWATER. I do not want to add at any great length to the colloquy, but I think the key words beginning to shape up in this debate are "imminent attack." I would like to read a few paragraphs from page 712 of the hearings, in a colloquy between the chairman of the Foreign Relations Committee and the chairman of the Armed Services Committee, one of the coauthors of the bill, one of the most knowledgeable men we have in Congress on the subject we are talking about. If the Senator will bear with me, I should like to read from page 712 of the hearings. The chairman of the committee said:

One provision in your bill raises a question which you touched on, and I would like for you to comment on it. I am referring to where you say, "To prevent or defend against an imminent nuclear attack on the United States by the forces of any foreign government or power, but only if the President has clear and convincing evidence that such attack is imminent."

This raises a very difficult question, but while you are here, I would like you to comment on it.

Does this mean that the President would be the sole judge, if he thought that it was a dangerous situation, and that we might be attacked, then he has the right under this to launch a first strike—would he not, without consulting anybody?

Senator STENNIS. Yes, under those conditions, and it is a matter of wording and a matter of degree, but I think the law of necessity is operating there, and you just have to yield to it. That issue has held us back from dealing with this overall problem heretofore.

The President would ordinarily have a lot of fine counsel. We know about the experience on that. But the power, I think, the ultimate power, you would have to leave it with him.

The CHAIRMAN. I don't know what that counsel is. He doesn't counsel with the Senate to any extent that I know of. I don't know with whom he counsels other than Mr. Kissinger.

Senator STENNIS. Well, we had the Cuban crisis, so-called, and there was certainly a lot of counseling done there.

The CHAIRMAN. Not with the Senate.

Senator STENNIS. Well, I think so, Senator. I was not called to the White House.

The CHAIRMAN. I was called there 2 hours before they made the public announcement, but the decision was long since made. It wasn't consultation. We are often informed shortly before—

Senator STENNIS. Yes.

The CHAIRMAN (continuing). The decision is public, but I don't call that consultation.

Senator STENNIS. Well, I think some were called in, Senator.

The CHAIRMAN. It is my feeling that if we should incorporate into the law without any consultation at all required that if he thinks that the country is in danger he may launch a nuclear war, I think this is something that deserves very serious consideration. I don't know whether that is what you interpret that section to mean or not. I was just inquiring whether that is what you think it means.

Senator STENNIS. Yes, that is virtually what I think it means.

The CHAIRMAN. You think it does?

Senator STENNIS. I think we have got to meet that problem, and we won't get legislation if we don't, I feel. You can modify it, of course, requiring some advisers or some commission or something else; but I think we have got to meet it.

The CHAIRMAN. Personally, I would rather leave it vague, let it be uncertain, rather than to give him authority by law. I think I would prefer that, if I have to choose between having a bill that says "Yes, you may do this," and just leaving it as it is as to where he is uncertain, but certainly responsible for his actions.

Again the term "imminent attack" is a very difficult term that we are faced with. The danger of an imminent attack by a nuclear weapon is entirely different from the danger of an imminent attack by conventional weapons. We cannot read the minds of the Kremlin or the minds of Peking or the minds of Japan when it becomes a nuclear power, or the minds of any other nation, because only in the minds of their leaders will be able to find an imminent danger, and there is no possible way that our detection system can discover whether any enemy is going to launch a nuclear attack on us. We do not even have eyeball information on how we should be able to determine this.

So as I understand it, I say to my friend from Colorado, the President now has the authority by law under the Constitution, and the only authority, to press the red button and launch a nuclear attack when he decides it is necessary for the security of the United States. What would be the effect of this legislation on a decision by the President, say, to even retaliate, because after 30 days there probably would not be anything left of either side? Would this in any way affect the President's right and power to act?

Mr. DOMINICK. I frankly cannot interpret it. It refers to the interjection of armed forces into hostilities or under the imminent threat of hostilities. I would presume that if the President unleashed nuclear weapons on an enemy in retaliation, or just prior to a nuclear strike hitting us, by that time the water is over the dam, anyway, and we will just forget about the act. That is the point I made before. I think where the President totally believes the security of the United States has been almost wiped out or so threatened that it is impossible to deal with, he is going to act whether this law is here or not. He has to.

Mr. GOLDWATER. This touches very deeply on my understanding of the early arguments that went on among the Founding Fathers, as to whether the power of war this bill seeks to obtain should reside exclusively in the Congress, or should reside in one man, as should be shared, I happen to have great faith in the decision of the Founding Fathers in this matter, and I think they gave a divided authority in the affairs of war to both the Congress and to the Office of President. One of my fears about this is that we can get terribly political about which country we are going to defend and which we are not going to defend, or which treaty we are going to honor and which we are not going to honor. I would suggest that these decisions may not have any direct bearing upon the defense of our country, but merely on the political views made by some 500 people in Congress as to which country it would be politically wise to defend or attack.

Mr. DOMINICK. I strongly suspect the Senator is accurate on this. I have a deep and fundamental belief, whether it is justified or not, that Vietnam started bringing this whole situation into really serious thinking by a great many Senators, including the Senator from Arizona and myself. I have been working on the subject for a long period of time to try to see what we could do by way of a responsible act by which we could have some consultation and interject a judgment factor into the President's thinking in all cases of hostilities or threat of them. I have found no reasonable method yet, except the possibility of some sort of select group of Senators who would be consulted with prior to the President's making a decision. But, as I said before, my thinking was that we ought to distinguish between the judgment import we give to the White House and the decisionmaking which the President has to make.

This bill does not do that. This bill says that we are going to make the decisions and, in effect, have the overall exercise of judgment. That, I think, is wrong. We can inject our judgment and give it to the President or to the White House as much as possible, but any time we start making the decisions as to what the Commander in Chief can or cannot do in order to protect the interests of the United States, our own nationals, and our allies as well, I think we are making a very bad mistake.

Mr. GOLDWATER. I could not agree with the Senator more. I can envision situation after situation around this world where, while imminent attacks might not necessarily jeopardize our people per se, they could jeopardize the whole future of our country in an economic way, which in itself could be an act of war, in that it would bring distress and havoc to our people.

I am thinking, for example, that if we should allow the Soviets to take the Suez Canal and take the Strait of Malacca, and we offer no opposition to either one of those actions, our position of some dominance in the economic world, in my opinion, would disappear. I think the President would be right in judging such an action to be an imminent attack upon the economic strength of the United

States, and therefore upon the welfare of our people.

I do not wish to delay this measure, but I think the meaning of this term "imminent attack" has got to be beaten out on this floor, and I think we have to have a much broader, more complete understanding of what we are talking about than has been brought out by the hearings or thus far by the debate on the Senate floor; and while I do not think the whole bill will hinge upon this point, I think we have to think first of the safety of our people and the ability of the American people to resist attack and to confront any danger that may face us; and again, I rather prefer to have that faith in one man than in the political decision of 500.

Mr. DOMINICK. I share the viewpoint of the Senator from Arizona, as he well knows, and I think his comments extremely pertinent.

Just recently, Mr. President, Mr. Hanson W. Baldwin, writing in the New York Times, had published in that newspaper a three-part series of articles concerning the Soviet naval presence in the Indian Ocean, and the increasing efforts of the Soviet Union to exert influence in South Asia and the Middle East.

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

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

[From the New York Times, Mar. 20, 1972]

THE INDIAN OCEAN CONTEST: I—THE SOVIET UNION'S INCREASING INTEREST

(By Hanson W. Baldwin)

ROXBURY, CONN.—In the age of the missile and the nuclear warhead, the Indian Ocean, the world's third largest, represents a vast launching pad for missile-firing submarines.

It is as close or closer to many Russian missile-launchers and industrial centers as the Mediterranean—and less well defended. From south of India across the Himalayas vast stretches of Soviet Siberia and Red China lie within range of sea-based missile attack.

Small wonder that the Indian Ocean—already a theater of global struggle for raw materials and a vital international maritime route—has new-found importance.

So far, the opaque sea water has given the submarine relative invulnerability, and the Indian Ocean has not been vital to U.S. nuclear deterrence. But the vast Soviet expansion program in land-based ICBM's and ABM's, in air defense, in submarine and naval construction and in antisubmarine war fare continues despite the Strategic Arms Limitation Talks. If the talks should restrict offensive missiles, and if technological developments should lead to breakthroughs in submarine tracking, the Indian Ocean—with its 28,350,000 square miles of blue water in which to get lost—becomes increasingly important in the "balance of terror."

Major political changes have also altered fundamentally the stability and the power balance in the Indian Ocean area. In place of the colonial empires of yesterday a large number of independent states now border that ocean, which is the vital route for transit of Middle East and Persian Gulf oil to Japan.

Russia has clearly indicated by trade, fishing fleets, intensified oceanographic research, a naval presence, footholds around the Indian Ocean littoral and political and economic aid an increasing interest in the area.

This interest may not fully represent a long-term Grand Design pointed toward the replacement of British power and an ultimate primacy, but the actions taken by Moscow fall into a clear pattern.

In the West, Soviet interest centers upon the Arab-Israeli conflict and maintenance of Soviet positions in Arab lands, and slow penetration of Middle East oil lands.

Opening of the Suez Canal and consolidation of dominant Russian positions at its northern entrance and in the Red Sea-Gulf of Aden are obvious objectives. In Iran, now linked by a gas pipeline to the U.S.S.R., Afghanistan and Pakistan north-south land communications between Russia and the Indian Ocean littoral nations have been tremendously improved. North of Afghanistan, close to Sinkiang and bordering disputed Kashmir, the U.S.S.R. can now support some 22 divisions, intelligence officers estimate, as compared to five or six in 1951.

Eastward, there appears to be one primary Soviet motivation—to checkmate Red China; a secondary one is to assume dominant power in the area once held by Britain.

Peking must be preoccupied primarily with her land frontiers with the Soviet Union where she faces more than a million Russian troops. But she is competing ideologically everywhere with Russia and has great ideological and political influence in West Bengal—particularly in Calcutta. China's small navy (except for submarines) is chiefly coastal and none can be spared for the Indian Ocean. But she is increasing her trade with African states, is helping to support a small guerrilla war in Oman, supplies left-wing fedayeen movements against Israel, has established a major foothold in Tanzania, is building a railroad from Zambia to Dar-es-Salaam, supports anti-Indian Naga and Mizo tribesmen in Assam and Communist guerrillas in Burma and maintains in Tibet and along the crest of the Himalayas sufficient strength to tie down about ten Indian divisions.

More important are reports, as yet unconfirmed, that Chinese in Dar-es-Salaam are preparing instrumentation to monitor test ICBM's to be launched in China and to overfly the Indian subcontinent to impact point in the Indian Ocean.

To the United States, the winding down of the Vietnam war, the continued turbulence of Southeast Asia, the uncertain future of Singapore, for decades the pivot of British power in the Far East, the slow emergence of Indonesia, the prospects of a mercurial Africa, the Sino-Soviet conflict, the increasing importance of raw materials and the vital prize of Middle Eastern oil (particularly to our Allies), and the complete change in the power balance in the Indian subcontinent pose both threat and challenge.

[From the New York Times, Mar. 21, 1972]

THE INDIAN OCEAN CONTEST: II—STAKING THEIR CLAIMS

(By Hanson W. Baldwin)

ROXBURY, CONN.—A new chapter in the history of the Indian Ocean opened long before the winding down of the Vietnam conflict and the Indian-Pakistan war.

The sortie into the Bay of Bengal of a U.S. naval task force from the Seventh Fleet, spearheaded by the nuclear-powered carrier Enterprise, was directly keyed to the birth throes of Bangladesh. It served notice that Washington was interested in what happened east of Suez and west of Singapore.

But it was not the first visit of the Enterprise to the Indian Ocean. A U.S. policy of concern and of low-profile action has been evident for many years.

What has happened recently is that the tempo of events has speeded up.

It is useless to argue who did what first. The United States has had a Mideast naval force of three ships based in the Persian Gulf for more than twenty years. As long ago as 1957–58, the Russians sent oceanographic research ships to the Indian Ocean. In 1966 and 1967 the first Soviet naval combatant vessels visited the area. Since 1968 there has been an almost continuous Soviet naval presence. Despite the great distances from Vladivostok, and around the Cape of Good Hope from Soviet naval bases in the Arctic, the Baltic and the Black Sea, the Russians are now maintaining continuously, on rotation in the Indian Ocean, an average of ten combatants and auxiliaries—small task forces of electronic trawlers, submarines (conventional and nuclear), tenders and supply vessels and tankers, guided-missile cruisers and destroyers, minesweepers and one or two amphibious vessels.

The Soviet Navy does not pay many port visits, except on formal or ceremonial occasions, and its sailors are carefully chaperoned when allowed ashore. Moscow recognizes the value of flag-showing, and Soviet squadrons have paid some fifty port visits in Africa and Asia. More important, Soviet ship-days (one ship, one day) in the Indian Ocean have increased threefold since 1968.

The Soviet ships favor offshore anchorage or moorings on banks or shoals, and replenishment (fuel, food and supplies) while at anchor, or occasionally, under way.

Mooring buoys, with Soviet markings, have been laid about 180 miles off the British Seychelles Islands, off Mauritius, in the Arabian Sea and presumably at other points.

The Rusians have entered into agreements with many countries, which provide port access and facilities, or aircraft basing or transit rights, communications stations or other rights. These include: Egyptian Red Sea ports; Hodeida in Yemen on the Red Sea; Aden; the island of Socotra in the Gulf of Aden; Berbera and Mogadishu in Samalia; a fort at the head of the Persian Gulf in Iraq; Mauritius, where Aeroflot flies replacement crews to the Soviet fishing fleets; Vishakhapatnam in Indian on the Bay of Bengal, where Soviet-built vessels of the Indian Navy are home-ported and where Soviet naval and other advisers have been assigned for some years; and access of some sort to other ports in the Indian subcontinent, including Gwadar in Pakistan, and possibly Trincomalee and Colombo in Ceylon, the Nicobar Islands, and Port Blair in the Andaman Islands. This Soviet build-up around the Indian Ocean littoral is far more important than the small naval forces they maintain there.

Most authorities agree that two events—one in the recent past, one in the more distant future—will eventually greatly strengthen Soviet political, economic and ideological influence—and eventually, military power—in the area: the recent Russian-aided victory of India over Pakistan, and the consequent consolidation of an already strong Soviet position in the subcontinent; and the opening of the Suez Canal, which would greatly ease Soviet logistic problems in the Indian Ocean, would facilitate Russian support of Communist "liberation" movements around the gulf, and would shorten by 7,000 miles or more, the maritime lines of communication between European and Asiatic Russia.

[From the New York Times, Mar. 22, 1972]

THE INDIAN OCEAN CONTEST: III—AND THE U.S. PRESENCE

(By Hanson W. Baldwin)

ROXBURY, CONN.—The United States and Western positions in the Indian Ocean area are, so far, small scale and low profile.

The only permanent and continuous U.S. military force in the area is the Middle East Force, at Bahrein, in the Persian Gulf. This force—though authorized five ships—has actually consisted of only three—the old converted seaplane tender Valcour as flagship

and two old destroyers. An upgrading is now taking place. The 1,800-ton Valcour is being replaced this summer by the LaSalle, a 14,000-ton LSD, completed in 1963, converted with special facilities into a flag command ship. More modern destroyers will be assigned, and in time, two more ships may be added. At Bahrein, the United States by executive agreement with the Sheik of Bahrein is taking over a few minor British naval facilities. The United States, by agreement with Saudi Arabia, still uses the large nearby airbase of Dhahran, which can handle any type of aircraft.

Two years ago Secretary of Defense Melvin Laird announced that as the Vietnam war was wound down and more ships became available, the U.S. Navy would send more vessels on periodic cruises into the Indian Ocean.

In 1969 and 1970, 358 port visits were paid to Indian Ocean countries by U.S. Navy ships. The U.S. Navy has been showing the flag considerably more than Soviet vessels but the Russians have run away with the publicity.

Obviously, the U.S. presence in the area is not new; equally obviously it is becoming somewhat stronger, more frequent, and certainly more discernible. But there are no present plans for any permanent U.S. Indian Ocean fleet or task force except the small Mideast force. Unless there is a major increase in the naval budget the U.S. Navy will not be able to maintain a *permanent* presence in the Indian Ocean, even after Vietnam, larger than four to six ships. The name of the game for the discernible future, therefore, is cruises, mainly from the Pacific Fleet, whose "chop line" or jurisdiction has been extended effective Jan. 1, 1972, to a longitude extending due south from the western border of Pakistan.

More important is the new $19 million U.S. naval facility, to be completed in 1973, on the British island of Diego Garcia, almost in the center of the Indian Ocean. The base has no indigenous political liabilities; the entire Chagos archipelago has a population of only 900 people. The principal purpose of Diego Garcia is as a "modest communications facility."

U.S. Seabees have built an 8,000-foot coral runway and transport aircraft, flying from Thailand, are using the strip to bring in personnel, construction material and supplies. The station complement will number 274 U.S. and British personnel.

In Indochina there are no plans to retain *any* military facility. Camranh Bay, once a center of French naval interest, is not a part of the future U.S. naval planning. But long before Vietnam, the U.S. maintained a prepositioned cache of arms and equipment for one brigade in Thailand, and the Sattahip area in Thailand, at the head of the Gulf of Siam, has been partially developed into a combined air and naval complex with a major airfield, docks, refueling and ammunition facilities.

Attempts to interest the United States in Singapore have been largely unavailing, militarily. Some U.S. naval and many merchant ships have utilized Singapore and this may be done more frequently in the future. But there will be no permanent U.S. presence. Instead a small combined U.K.-Australian-New Zealand force (one brigade, plus; a few aircraft squadrons, and seven or eight destroyer or frigate types) will supplement Singapore's and Malaysia's tiny forces of fifty to sixty planes and 60,000 to 70,000 men.

But the British will continue to maintain other military footholds in the area. The British retain air base rights on Masira island off the coast of Oman; and Masira, along with Gan in the Maldive group (which is politically sensitive), Diego Garcia and the Australian-administered Cocos islands, 800 miles southwest of Singapore, offer limited staging or transit air facilities, plus communications.

For some time to come Red China's influence in the Indian Ocean area—except for possible occasional submarine cruises and merchant shipping—will be exercised, indirectly by the poised threat of ICBM's, by the influence of overseas Chinese and covert guerrilla and other operations, and by direct pressure around the borders of Southeast Asia and India.

The strategy of the Indian Ocean is a strategy of maritime control of the important trade routes that use that ocean. Three sea bottlenecks lead to that ocean. Russia today has dominant position, power and influence over the Suez Canal-Red Sea route; the Cape of Good Hope is relatively free to all, and the future of the Strait of Malacca is uncertain.

Mr. DOMINICK. I would also point out that in today's Washington Post I saw a very short Associated Press article, about a paragraph long, somewhere on a back page, in which it was reported that the Soviet Union had sent naval vessels into the harbors of Bangladesh, and that they were there ostensibly to repair and reequip 21 of the Bangladesh ships which had been sunk during the process of the recent fight between East Pakistan, West Pakistan, and India.

As most people would recognize, the area where they are conducting this operation is, once again, an outflanking position insofar as the Malacca Strait is concerned, and if they should, through India or Bangladesh, get a naval base in that area, their naval force would undoubtedly be rather substantially increased. It is already far larger than anything the allied free world countries have in the Indian Ocean, and we would find the last commercial waterway in the world outflanked by the Soviet Army.

I do not know whether this is an imminent threat. It all depends upon what the Soviets decide to do with it. I do not have the faintest idea what we would do in the event they decided to close off these commercial waterways of the world. But there is no doubt whatsoever that if you look at the situation from conventional terms, any commercial traffic through the international waterways, wherever there is a narrow passageway, has been outflanked by their navy, which in effect, at least strategically, is thus in an extremely advantageous position.

I think this is worthwhile putting into the RECORD. There is a good deal more that we could put in as time goes on, but this should be sufficient, for today, to indicate some of the concerns which I have with this particular measure, while I share the desire of most Senators to try to get more consultation with and information from the Executive insofar as our overseas commitments and deployments may be concerned .

Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, I rise in support of S. 2956, the War Powers Act.

It is clear to me, and I know to a great many of my colleagues, that there should be no need for this bill. Unfortunately, there is very great need for it. In this age of secrecy, contingency plans, hidden funds, and covert paramilitary operations, recent Presidents have allowed this country to slide into conflicts in clear defiance of constitutional procedures. To cite the most notorious example, the Tonkin Gulf resolution was interpreted as the functional equivalent of a declaration of war. Worse still, President Johnson asserted that even the resolution itself was unnecessary. The present administration continues to display this attitude. Unless we act now, Congress will increasingly allow itself to be used as the passive recipient of ceremonial gestures.

The War Powers Act is clearly in line with constitutional intent. In article I, section 8, the Constitution vests the authority to "declare"—that is, to authorize the initiation of—war in the Congress. Among the chief reasons for establishing these congressional powers was the cost of waging war. As Jefferson wrote to Madison, the power of unleashing the "dog of war" was transferred from those who spend to those who pay. The staggering price of American involvement in Southeast Asia underscores the importance of restoring the constitutional balance.

In terms of dollars, that unhappy, tragic war in Southeast Asia has now cost the American people $150 billion. The most reliable estimate I have seen of its final, total cost to the American people, when we have paid the final bill a couple of generations hence, will be $1 trillion. That is one thousand billion dollars that this war will have cost us.

Money alone, of course, would not justify the War Powers Act. There are other costs of war. Thinking in terms of the Vietnam war, one of those costs is lives lost. Another cost is lives shattered. Another cost is families broken. Another cost is the despair that has struck our land. Another cost is the division that has swept our Nation. Another cost is the diversion of our attention and our resources from pressing problems at home, and perhaps more pressing problems abroad, to this unhappy, tragic war in Southeast Asia.

One man simply should not have the power to initiate war even if he could do it free of charge. By providing that war powers should not be concentrated in the President's hands, the framers of the Constitution explicitly intended to make it more difficult to launch a war than to stop one. Past experience has shown that even a minor operation can have major consequences. The time is ripe for reasserting congressional authority, not in order to violate the Constitution, but rather to clarify and fulfill its provisions.

It is sometimes argued that the nature of contemporary war does not permit consultation with Congress, and that a bill restricting the President's war-making powers would therefore damage national security. Nothing could be further from the terms of the War Powers Act than a threat of this kind. The bill explicitly permits the President to take direct and immediate action. Section 5 does provide that such action shall not be sustained for more than 30 days, but if American forces are still under attack at the end of that period, the operative clauses permitting Presidential action would automatically apply. Furthermore, in a less immediate sense, investing warmaking powers in the hands of

one man is very possibly more dangerous than sharing these powers with elected legislators. In short, the act is fully compatible with the requirements of national security both now and in the future.

The constitutional evidence in support of the War Powers Act is clear. The Foreign Relations Committee has already studied the relevant legal questions thoroughly and responsibly. I urge an affirmative vote.

The PRESIDING OFFICER. Who yields time?

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

LIBERALIZATION OF CERTAIN CIVIL SERVICE RETIREMENT ANNUITIES

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Wyoming (Mr. McGEE), I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1681.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to S. 1681, a bill to liberalize eligibility for cost-of-living increases in civil service retirement annuities which was to strike out all after the enacting clause and insert:

That section 8340(c) of title 5, United States Code, is amended—

(1) by renumbering paragraphs (1) and (2) thereof as paragraphs (2) and (3), respectively; and

(2) by inserting immediately above paragraph (2) (renumbered as such by paragraph (1) of this section), the following new paragraph:

"(1) An annuity (except a deferred annuity under section 8338 of this title or any other provision of law) which—

"(A) is payable from the Fund to an employee or Member who retires, or to the widow or widower of a deceased employee or Member; and

"(B) has a commencing date after the effective date of the then last preceding annuity increase under subsection (b) of this section;

shall not be less than the annuity which would have been payable if the commencing date of such annuity had been the effective date of the then last preceding annuity increase under subsection (b) of this section. In the administration of this paragraph, an employee or a deceased employee shall be deemed, for the purposes of section 8339 (m) of this title, to have to his credit, on the effective date of the then last preceding annuity increase under subsection (b) of this section, a number of days of unused sick leave equal to the number of days of unused sick leave to his credit on the date of his separation from the service.".

SEC. 2. Section 8348 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) (1) Notwithstanding any other provision of law, the United States Postal Service shall be liable for that portion of any estimated increase in the unfunded liability of the Fund which is attributable to any benefits payable from the Fund to active and retired Postal Service officers and employees, and to their survivors, when such increase results from an employee-management agreement under title 39, or any administrative action taken pursuant to law, which authorizes increases in pay on which such benefits are computed.

"(2) The estimated increase in the unfunded liability, referred to in paragraph (1) of this subsection, shall be determined by the Civil Service Commission. The United States Postal Service shall pay the amount so determined to the Commission in thirty equal annual installments with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System, with the first payment thereof due at the end of the first fiscal year after the fiscal year in which an increase in pay becomes effective.".

SEC. 3. Section 1005(d) of title 39, United States Code, is amended by adding at the end thereof the following new sentence: "The Postal Service shall pay into the Civil Service Retirement and Disability Fund the amounts determined by the Civil Service Commission under section 8348(h)(2) of title 5.".

SEC. 4. The amendments made by the first section of this Act shall apply only with respect to annuities which have a commencing date after the effective date of the first annuity increase under section 8340(b) of title 5, United States Code, which occurs on or after the date of enactment of this Act. The amendment made by section 3 of this Act to section 1005(d) of title 39, United States Code, as enacted by the Postal Reorganization Act (84 Stat. 732; Public Law 91-375), shall become effective on that date on which the other provisions of such section 1005(d) become effective.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Wyoming (Mr. McGEE), I move that the Senate disagree to the amendment of the House on S. 1681 and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McGEE, Mr. RANDOLPH, Mr. BURDICK, Mr. FONG, and Mr. BOGGS conferees on the part of the Senate.

QUORUM CALL

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

The PRESIDING OFFICER (Mr. WEICKER) The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LAYING BEFORE THE SENATE OF THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, following the remarks of the junior Senator from West Virginia (Mr. ROBERT C. BYRD), 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.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The secoond assistant legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 o'clock a.m. After the two leaders have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes.

There will then be a period for the transaction of routine business for not to exceed 30 minutes, with statements therein limited to 3 minutes each.

After the conclusion of the routine business, the Chair will lay before the Senate 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. Debate will continue thereon. It is hoped that amendments will be called up and voted on tomorrow.

Therefore, rollcall votes may occur tomorrow.

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock a.m. tomorrow.

The motion was agreed to; and at 4:12 p.m. the Senate adjourned until tomorrow, Wednesday, April 5, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 4, 1972:

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Harald Bernard Malmgren, of the District of Columbia, to be a Deputy Special Representative for Trade Negotiations, with the rank of Ambassador.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rear Adm. Allen L. Powell to be Director of the National Ocean Survey, National Oceanic and Atmospheric Administration, Vice Rear Adm. Don A. Jones, retiring.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Samuel B. Block, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of years prescribed by Public Law 91–358, approved July 29, 1970, and vice a new position created by said Public Law 91–358.

Robert H. Campbell, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, vice a new position created by Public Law 91–358, approved July 29, 1970.

Joseph M. Hannon, of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, vice a new position created by Public Law 91–358, approved July 29, 1970.

Margaret A. Haywood, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of years prescribed by Public Law 91–358, approved July 29, 1970, and vice a new position created by said Public Law 91–358.

John R. Hess, of Virginia, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, vice a new position created by Public Law 91–358, approved July 29, 1970.

Luke C. Moore, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, vice a new position created by Public Law 91–358, approved July 29, 1970.

Donald S. Smith, of Maryland, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years, vice a new position created by Public Law 91–358, approved July 29, 1970.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service information officers for promotion in the Foreign Service to the classes indicated:

Foreign Service information officers of class 1:

Robert C. Amerson, of Minnesota.
Lyle D. Copmann, of Nebraska.
Robert T. Curran, of Michigan.
Arthur S. Hoffman, of Florida.
Wallace W. Littell, of Maryland.
James Moceri, of Washington.
Harold F. Schneidman, of Pennsylvania.
Francis B. Tenny, of Virginia.
Gordon Winkler, of the District of Columbia.

Foreign Service information officers of class 2:

Philip W. Arnold, of New York.
Royal D. Bisbee, of Illinois.
David M. Burns, of Kansas.
William B. Davis, of Michigan.
F. Weston Fenhagen, of California.
Hans Holzapfel, of Virginia.
Miss Marilyn Johnson, of Massachusetts.
Leonard L. Lefkow, of Washington.
Robert Don Levine, of New York.
Miss Joann Lewinsohn, of Oklahoma.
James A. McGinley III, of Florida.
William J. Miller, of Virginia.
Robert W. Mount, of Nevada.
Robert L. Nichols, of New Hampshire.
Patrick E. Nieburg, of New York.
Melvin C. Niswander, of Maryland.
Michael T. F. Pistor, of New York.
W. Clinton Powell, of Hawaii.
Victor L. Stier, of California.
Ted M. G. Tanen, of California.

Foreign Service information officers of class 3:

Donald H. Albright, of Arkansas.
Theophilus E. Ashford, of New Jersey.
Leonard J. Baldyga, of Illinois.
Paul P. Blackburn, of Maryland.
Hugh L. Burleson, of Maryland.
John F. Cannon, of Massachusetts.
Philip C. Cohan, of Maryland.
John J. Daly, Jr., of Pennsylvania.
Neal T. Donnelly, of Florida.
Edward A. Elly, of Michigan.
Richard J. Gordon, of Maryland.
Miss Elinor Green, of New York.
John L. Griffiths, of California.
Andrew P. Guzowski, of Florida.
Miss Barbara A. Hutchison, of Delaware.
Stanton Jue, of California.
Leslie M. Lisle, of West Virginia.
Charles R. Meyer, of Ohio.
Dale A. Morrison, of Illinois.
Gordon W. Murchie, of California.
Warren J. Obluck, of California.
Alvin Perlman, of New York.
Mrs. Lois W. Roth, of New York.
William A. Rugh, of New York.
John C. Scafe, of Kansas.
Wesley D. Stewart, of Ohio.
John J. Tuohey, of New Jersey.

Foreign Service information officers of class 4:

Peter J. Antico, of New York.
Miss Juliet C. Antunes, of New York.
Robert K. Baron, of Pennsylvania.
Richard Birn, of New York.
Merton L. Bland, of California.
John L. Bright, of Ohio.
Gilbert R. Callaway, of Arkansas.
Michael P. Canning, of North Dakota.
Robert T. Coonrod, of New York.
Miss Victoria R. Cordova, of Washington.
Frank Darlington, of Texas.
Sherwood H. Demitz, of Missouri.
Robert Barry Fulton, of Pennsylvania.
Miss Mary E. Gawronski, of New York.
Robert K. Geis, of Texas.
Robert R. Gosende, of Massachusetts.
Donald W. Hauger, of Florida.
Miss Corinne A. Heditsian, of Rhode Island.
Christopher M. Henze, of California.
John H. Hudson, of Virginia.
Larry J. Ikels, of Texas.
William L. Jacobsen, Jr., of Washington.
Duane L. King, of Washington.
Howard A. Lane, of Virginia.
Alfred A. Laun III, of Wisconsin.
Dell F. Pendergrast, of Illinois.
Robert David Plotkin, of California.
James C. Pollock, of Pennsylvania.
Jerry Lincoln Prillaman, of Virginia.
Harold F. Radday, of California.
Christopher W. S. Ross, of the District of Columbia.
Richard C. Schoonover, of California.
Carl D. Schultz III, of the District of Columbia.
Donald F. Sheehan, of New York.
Miss Barbara M. Shelby, of New York.
Terry B. Shroeder, of California.
Willis J. Sutter, of New Jersey.
Daniel L. Traub, of California.
Ernesto Uribe, of Texas.
Richard A. Virden, of Minnesota.
Harvey M. Wandler, of New York.
Joel M. Woldman, of Ohio.

Foreign Service information officers of class 5:

Dennis A. Allred, of Illinois.
Robert Bemis, of the District of Columbia.
Miss Beverly H. Brock, of California.
Stephen M. Chaplin, of Hawaii.
Dennis D. Donahue, of Indiana.
Richard B. Fitz, of California.
Ludlow Flower III, of California.
John Frankenstein, of the District of Columbia.
Wayne F. Gledhill, of Utah.
Miss Gail J. Gulliksen, of Illinois.
L. Michael Haller, of Illinois.
John P. Harrod, of Ohio.
David W. Hess, of Iowa.
Edward J. Hinker, of Minnesota.
Edward W. Holland, Jr., of New Jersey.
David L. Jamison, of Maryland.
David K. Krecke, of Michigan.
Miss Susan E. Lowe, of Pennsylvania.
Anthony A. Markulis, of Virginia.
William H. Maurer, Jr., of Pennsylvania.
Miss Marilyn McAfee, of Pennsylvania.
Miss Caroline V. Meirs, of New Jersey.
Michael J. Nugent, of Maryland.
Michael Patrick Phelan, of Michigan.
Donald J. Planty, of New York.
Robert W. Proctor, of New Mexico.
Roger C. Rasco, of Texas.
Douglas S. Rose, of California.
Miss Janet E. Ruben, of Pennsylvania.
Andrew D. Schlessinger, of New York.
Stanley S. Shepard, of Colorado.
Jonathan L. Silverman, of New Jersey.
Lawrence M. Thomas, of Tennessee.
Richard C. Tyson, of California.
Miss Sandra L. Vogelgesang, of the District of Columbia.
Kenneth A. Yates, of Connecticut.

Foreign Service information officers of class 6:

Miss Barbara Joan Allen, of Missouri.
Parker J. Anderson, of California.
Miss Sarah R. Anderson, of West Virginia.
Peter T. Becskehazy, of Ohio.
Arthur S. Berger, of the District of Columbia.
Miss Jan Carol Berris, of Michigan.
Michael L. Braxton, of the District of Columbia.
Nelson C. Brown, of Louisiana.
Brian E. Carlson, of Virginia.
Miss Paul J. Causey, of Virginia.
Mrs. Janet C. Demiray, of Virginia.
Fredric A. Emmert, of Michigan.
C. Roy Fleming, Jr., of Tennessee.
Robert B. Geyer, of Pennsylvania.
Mark A. Giago, of New York.
Miss J. Alison Grabell, of New Jersey.
William Henry Graves of California.
Richard F. Hayse, of Kansas.
Robert C. Heath, of California.
Thomas A. Homan, of Illinois.
Miss Judith R. Jamison, of the District of Columbia.
John E. Katzka, of Wisconsin.
Miss Katherine Kline, of Ohio.
Robert F. Le Blanc, of Montana.
Charles C. Loveridge, of Utah.
Eugene A. Nojek, of Illinois.
Michael F. O'Brien, of California.
Joseph Daniel O'Connell, Jr., of Maryland.
Mrs. Donna Marie Oglesby, of Florida.
Miss Anne M. Sigmund, of Kansas.
John C. Thomson, of California.
John Treacy, of New York.
John C. Wicart, of Virginia.
Leonardo M. Williams, of Minnesota.

Foreign Service information officers of class 7:

Howard A. Cincotta, of Maryland.
David P. Good, of New York.
Andre N. Gregory, of New York.
Hugh H. Hara, of Illinois.
Philip C. Harley, of New York.
Miss Ann Jeryl Martin, of Tennessee.
Robert D. Miller, of Pennsylvania.
Robert C. Wible, of Ohio.

The following-named Foreign Service officers for promotion in the Foreign Service to the classes indicated:

Foreign Service officers of class 1:

Richard J. Bloomfield, of Virginia.
William G. Bradford, of Illinois.
William D. Broderick, of Michigan.
Jack B. Button, of Kansas.
Edwin D. Crowley, of New Jersey.
William E. Culbert, of New Jersey.
Richard A. Ericson, Jr., of California.
Gerald Goldstein, of New York.
John H. Holdridge, of California.
Miss Margaret Hussman, of Idaho.
Richard E. Johnson, of the District of Columbia.
Lowell Bruce Laingen, of Minnesota.
William W. Lehfeldt, of California.
Frank E. Maestrone, of Connecticut.
Henry Hunt McKee, of the District of Columbia.
Jacob M. Myerson, of Maryland.
Sandy MacGregor Pringle, of the District of Columbia.
Stanley D. Schiff, of New Jersey.
Thomas D. Shoesmith, of Pennsylvania.
Monteagle Stearns, of California.
Richard D. Vine, of California.

Foreign Service officers of class 1 and consular officers of the United States of America:

Arthur R. Day, of New Jersey.
Arthur I. Wortzel, of New Jersey.

Foreign Service officers of class 2:
S. Morey Bell, of Virginia.
Calvin C. Berlin, of Ohio.
Robert R. Bliss, of Michigan.
Charles W. Brown, of California.
Michael Calingaert, of New York.
Harvey J. Cash, of Arizona.
Michael E. Ely, of the District of Columbia.
Brandon H. Grove, Jr., of the District of Columbia.
Brewster R. Hemenway, of New York.
Ernest B. Johnston, Jr., of Alabama.
Archie S. Lang, of Illinois.
Donald C. Leidel, of Wisconsin.
H. Freeman Matthews, Jr., of Maryland.
David H. McCabe, of California.
Noble M. Melencamp, of Kansas.
Alan G. Mencher, of New York.
John L. Mills, of Georgia.
James B. Moran, of Washington.
John J. O'Neill, Jr., of Connecticut.
Wendell A. Pike, of Washington.
Stephen H. Rogers, of Virginia.
David E. Simcox, of Kentucky.
Melvin E. Sinn, of New Jersey.
Thomas W. M. Smith, of Maine.
William R. Smyser, of Pennsylvania.
Roger A. Sorenson, of Utah.
Michael Sterner, of New York.
Thomas E. Summers, of Maine.
Joseph Terranova, Jr., of Arizona.
Nicholas G. W. Thorne, of Connecticut.
Robert E. White, of New Hampshire.
Amos Yoder, of California.
Dan A. Zachary, of Illinois.
Albert L. Zucca, of Florida.

Foreign Service officers of class 2 and consular officers of the United States of America:
James L. Carson, of Oregon.
Maxwell Chaplin, of California.
John R. Davis, Jr., of Maryland.
Harry George French, of Maryland.
Holsey G. Handyside, of Ohio.
Robert B. Houston, Jr., of Maryland.
Charles K. Johnson, of California.
Robert Gerald Livingston, of Connecticut.
Christoper A. Squire, of the District of Columbia.
Jack A. Sulser, of Illinois.
Nicholas A. Veliotes, of California.

Foreign Service officers of class 3:
George A. Anderson, of Iowa.
James K. Bishop, Jr., of New York.
Edward C. Bittner, of Pennsylvania.
Archie M. Bolster, of Virginia.
Stephen W. Bosworth, of Virginia.
Carleton C. Brower, of California.
Alanson G. Burt, of California.
Thomas C. Colwell, of California.
Ernst Conrath, of Wisconsin.
Emmett M. Coxson, of Illinois.
John E. Crump, of Kansas.
Willard B. Devlin, of Pennsylvania.
John W. DeWitt, of Florida.
Robert B. Duncan, of New Jersey.
Emil P. Ericksen, of California.
James Ferrer, Jr., of California.
Rudy V. Fimbres, of Arizona.
Allen S. Greenberg, of the District of Columbia.
Myles L. Greene, of Florida.
Mrs. Winifred T. Hall, of New Jersey.
Kenneth Allen Hartung, of New York.
Miss Theresa A. Healy, of New Hampshire.
Robert M. Immerman, of New York.
Norbert J. Krieg, of California.
Denis Lamb, of Ohio.
Robert E. Lamb, of Georgia.
Larry E. Lane, of Texas.
David E. L'Heureux, of New Hampshire.
William H. Mansfield III, of Connecticut.
Frank A. Mau, of Wyoming.
Paul B. McCarty, of Massachusetts.
Chester E. Norris, Jr., of Maine.
Miss Alison Palmer, of New York.
Donald K. Petterson, of California.
James A. Placke, of Nebraska.
Mark S. Pratt, of Rhode Island.
Henry Precht, of Georgia.
Anthony C. E. Quainton, of Washington.
Alexander L. Rattray, of California.
Miss Rozanne L. Ridgway, of Minnesota.
Robert J. Ryan, Jr., of Massachusetts.
Roger C. Schrader, of Missouri.
N. Shaw Smith, of Virginia.
Richard W. Smith, of New York.
Walter Burges Smith II, of Rhode Island.
Thomas Solitario, of California.
Ulrich A. Straus, of the District of Columbia.
Thomas M. Tracy, of Connecticut.
Lannon Walker, of California.
E. Allan Wendt, of Illinois.
Richard L. Wilson, of Iowa.

Foreign Service officers of class 3 and consular officers of the United States of America:
Hugh W. Burrows, of Michigan.
John J. Harter, of California.
John J. Helble, of Illinois.
Edward Hurwitz, of New York.
James T. Johnson, of Montana.
Gerald R. Olsen, of Michigan.
Russell E. Olson, of Illinois.
James G. Sampas, of Massachusetts.
Edward W. Schaefer, of Connecticut.

Foreign Service officers of class 4:
Andrew F. Antippas, of Massachusetts.
Richard C. Barkley, of Michigan.
Samuel B. Bartlett, of Massachusetts.
Adrian Anthony Basora, of Puerto Rico.
J. Peter Becker, of Florida.
John P. Becker, of California.
Harry C. Blaney III, of New York.
Kenneth W. Bleakley, of New York.
Richard W. Bogosian, of Massachusetts.
Parker W. Borg, of Minnesota.
William J. Boudreau, of Massachusetts.
William T. Breer, of California.
Charles F. Brown, of Nevada.
Richard G. Brown, of the District of Columbia.
James N. Bumpus, of California.
Ronald B. Casagrande, of the District of Columbia.
David P. N. Christensen, of Nevada.
Richard A. Christensen, of Wisconsin.
Malcolm H. Churchill, of Iowa.
Wat T. Cluverius IV, of Illinois.
John P. Crawford, of Ohio.
Marion V. Creekmore, Jr., of Tennessee.
Ernest B. Dane III, of the District of Columbia.
Edmund T. DeJarnette, of Virginia.
Edward P. Djerejian, of New York.
Robert W. Farrand, of New York.
Lowell R. Fleischer, of Ohio.
Patrick J. Flood, of Ohio.
Arthur M. Giese, of Mississippi.
Jay R. Grahame, of Virginia.
Marvin Groeneweg, of Iowa.
Richard D. Harding, of Michigan.
Douglas G. Hartley, of the District of Columbia.
John H. Hawes, of New Jersey.
Walter A. Hayden, of New York.
Richard Hines, of New York.
John L. Hirsch, of New York.
Francis S. M. Hodsoll, of New York.
Jerome L. Hoganson, of Wisconsin.
Robert Onan Homme, of Minnesota.
James F. Hughes III, of New York.
Miss Karen D. Jenkins, of Virginia.
James J. Johnston, of Arkansas.
John P. Jurecky, of Arizona.
Vladimir Lehovich, of New York.
David L. Mack, of Oregon.
James B. Magnor, Jr., of Virginia.
Edward J. Maguire, Jr., of California.
Dwight N. Mason, of New Jersey.
Gary L. Matthews, of Missouri.
Donald Floyd McConville, of Minnesota.
Henry Young McCown, Jr., of Texas.
Joseph D. McLaughlin, of Kansas.
Michael J. Mercurio, of Ohio.
Michael A. G. Michaud, of Maryland.
Bradford William Miller, Jr., of New York.
David T. Morrison, of Michigan.
James H. Morton, of Illinois.
Nicholas M. Murphy, of New York.
Geoffrey Ogden, of California.
Robie M. H. Palmer, of Vermont.
Dennis R. Papendick, of California.
Samuel R. Peale, of the District of Columbia.
Robert A. Peck, of California.
Chester F. Polley, Jr., of Illinois.
Gary S. Posz, of California.
Robert Rackmales, of Maryland.
Eugene J. Schreiber, of Missouri.
Larry W. Semakis, of New Jersey.
William C. Sergeant, of Florida.
Gilbert H. Sheinbaum, of California.
Robert William Smith, of California.
Rufus Grant Smith, of New Jersey.
John P. Spillane, of Illinois.
Joel S. Spiro, of Pennsylvania.
Walter E. Stadtler, of Maryland.
John C. Stephens, of Colorado.
Andrew Tangalos, of the District of Columbia.
Paul Daniel Taylor, of New York.
Dirck Teller, of Maryland.
Norman E. Terrell, of Washington.
Richard S. Thompson, of Washington.
Archelaus R. Turrentine, of Arkansas.
John D. Whiting, of Wisconsin.
Olin S. Whittemore, of California.
Philip C. Wilcox, Jr., of Colorado.
Milton J. Wilkinson, of California.
Theodore S. Wilkinson III, of the District of Columbia.
David S. Wilson, of California.
John J. Youle, of New York.

Foreign Service officers of class 4 and consular officers of the United States of America:
Frank L. Berry, of Kentucky.
Reppard D. Hicks, of Florida.
Robert E. Jelley, of California.
Edward R. O'Connor, of New York.
John G. Peters, of Maryland.
Foreign Service officers of class 5:
Frederick Brenne Bachmann, of New Jersey.
Paul E. Barbian, of Wisconsin.
Robert W. Beales, of Virginia.
David Russell Beall, of Michigan.
Charles R. Bowers, of California.
Charles H. Brayshaw, of Colorado.
Malcolm Heaton Butler, of Texas.
Timothy Michael Carney, of Georgia.
Robert K. Carr, of California.
John B. Craig, of Pennsylvania.
Brian G. Crowe, of New York.
Richard D. Cummins, of New York.
Miss Martha Ann DeWitt, of Colorado.
David J. Dunford, of Connecticut.
Vincent J. Farley, of New York.
Brian R. Furness, of Connecticut.
Robert P. Gallagher, of Rhode Island.
William L. Gallagher, of California.
Jon D. Glassman, of California.
Victor S. Gray, Jr., of the District of Columbia.
William D. Heaney, of California.
Richard E. Hecklinger, of New York.
Paul W. Hilburn, Jr., of Texas.
David L. Hobbs, of California.
Thomas R. Hutson, of Nebraska.
Philip A. King, of Florida.
Arthur L. Kobler, of New Jersey.
Donald B. Kursch, of New York.
David Burton Langhaug, of Michigan.
Edward Gibson Lanpher, of Virginia.
Richard R. La Roche, of Rhode Island.
Larrie D. Loehr, of California.
Robert A. MacCallum, of Pennsylvania.
Richard A. McCoy, of New Jersey.
Kevin J. McGuire, of New York.
Richard Keller McKee, of Illinois.
Miss Marilyn L. Muench, of Idaho.
Patrick A. Mulloy, of Pennsylvania.
Robert C. Myers, of Virginia.
Stefan Cox Nadzo, of Virginia.
Miss Sarah Louise Nathness, of Ohio.
Jerome C. Ogden, of New York.
Mrs. Mary Dell F. Palazzolo, of Georgia.
Robert Stephen Pastorino, of California.
Lee M. Peters, of Minnesota.
Paul P. Pilkauskas, of New York.
Blaine D. Porter, of Utah.
Kenneth M. Quinn, of Iowa.
Algirdas J. Rimas, of Virginia.
Miss Mary A. Ryan, of New York.

Miss Barbara L. Schell, of Pennsylvania.
Miss Marsha D. Smith, of Maryland.
Ronald L. Spaulding, of Washington.
Larry C. Thompson, of Oklahoma.
Edward A. Torre, of New York.
Miss Jane Whitney, of Washington.
Irving A. Williamson, Jr., of Missouri.
Richard LaVerne Williamson, Jr., of California.
Ralph Winstanley II, of Indiana.
Toby T. Zettler, of Ohio.
Foreign Service officers of class 6:
Eugene C. Bailey, of California.
Alan Whittier Barr, of California.
Ross E. Benson, of California.
Paul H. Blakeburn, of New Hampshire.
John S. Blodgett, of Virginia.
Michael A. Boorstein, of Colorado.
James C. Cason, of the District of Columbia.
Kenneth W. Chard, of Colorado.
Peter R. Chaveas, of New Jersey.
Donald R. Cleveland, of Oregon.
Daniel Chester Cochran, of Illinois.
Lee O. Coldren, of California.
Michael Congdon, of California.
Frederick R. Cook, of New York.
Richard Arthur Coulter, of Oregon.
Miss Kathleen J. Croom, of Missouri.
Jeffrey R. Cunningham, of Idaho.
Roger L. Dankert, of Nebraska.
Jan de Wilde, of Virginia.
Morton R. Dworken, Jr., of Ohio.
Douglas A. Dworkin, of Tennessee.
Lawrence F. Farrar, of Washington.
Royce J. Fichte, of Illinois.
Donald Lee Field, Jr., of California.
John Seabury Ford, of Ohio.
Edward F. Fugit, of Illinois.
John Michael Garner, of Texas.
Harold W. Geisel, of Illinois.
Allen McDowell Hale, of Virginia.
Albert Lee Halff, of Texas.
Michael L. Hancock, of Georgia.
David C. Harr, of Illinois.
Donald Vance Hester, of Illinois.
James G. Huff, of the District of Columbia.
Miss Judith I. Hughes, of Utah.
Morris N. Hughes, Jr., of Nebraska.
Paul Andrew Inskeep, of Virginia.
Robert Leonard Jacobs, of Illinois.
Mark Johnson, of Montana.
Christopher G. L. Jones, of the District of Columbia.
Karl K. Jonietz, of Massachusetts.
Richard Dale Kauzlarich, of Illinois.
Harvey Lampert, of California.
Warren E. Littrel, Jr., of Illinois.
Frederic William Maerkle III, of California.
Lann A. Malesky, of North Carolina.
David Jordan Mangan, Jr., of Wisconsin.
Pedro Martinez, of Texas.
Gregory Lynn Mattson, of New Jersey.
Miss Mary Helen Maughan, of Utah.
Steven McDonald, of Missouri.
Brunson McKinley, of Pennsylvania.
David Norman Miller, of Nebraska.
William A. Hoffitt, of Texas.
Day Olin Mount, of New York.
Thomas F. Murphy, of Illinois.
Clarence M. Nagao, of Hawaii.
Ronald E. Neumann, of California.
J. Michael O'Brien, of Pennsylvania.
Scott Huston Ochiltree, of Connecticut.
Gordon Brent Olson, of Washington.
Allen R. Overmyer, of the District of Columbia.
Raymond J. Pardon, of New York.
Robert C. Perry, of North Carolina.
Ross S. Quan, of California.
William Christie Ramsay, of Michigan.
Paul V. Ray, Jr., of Wisconsin.
David E. Reuther, of Washington.
Wayne Alan Roy, of Virginia.
John W. Salmon, Jr., of Missouri.
Clement Laurence Salvadori, of Massachusetts.
Basil Scarlis, of the District of Columbia.
Robert L. Scott, of Virginia.
L. Gordon Shouse, of Florida.
William H. Siefken, of Texas.
Hugh V. Simon, Jr., of Tennessee.
Charles B. Smith, Jr., of New York.
James A. Smith, of Ohio.
Richard A. Smith, Jr., of Connecticut.
Frank J. Spillman, of Hawaii.
Joseph Gerard Sullivan, of Massachusetts.
Russell J. Surber, of Washington.
James W. Swihart, Jr., of the District of Columbia.
Robert E. Tynes, of Virginia.
Frank P. Wardlaw, of Texas.
Lyn F. Wheeler, of the District of Columbia.
Arlen Ray Wilson, of Wyoming.
Andrew Jan Winter, of New York.
Ira Wolf, of Virginia.
Leo R. Wollemborg, of New York.
Franklin Miller Zuttermeister, Jr., of Florida.
Foreign Service officers of class 7:
Marc Allen Baas, of Michigan.
Larry G. Butcher, of Oklahoma.
Mrs. Suzanne S. Butcher, of Pennsylvania.
Richard Dunlap Heim, of New Jersey.
Miss A. Elizabeth Jones, of Maryland.
John Scott Monier, of Illinois.
Christopher T. Seaver, of California.
Gregory D. Strong, of Montana.
Robert Taylor, of Texas.
Arthur M. Weisburd, of Arkansas.
John Stern Wolf, of Pennsylvania.

IN THE COAST GUARD

The following-named officers of the Coast Guard Reserve for promotion to the grade of captain:

John D. O'Malley
Robert L. O'Brien
Richard L. Sprague
Donald M. Draper

The following-named officer of the Coast Guard Women's Reserve for promotion to the grade of captain:

Eleanor C. L'Ecuyer

The following-named officers for reappointment in Coast Guard Women's Reserve in the grade of commander, having been found fit for duty while on the temporary disability retired list.

Frances S. Turner

The following-named officer of the Coast Guard for promotion to the grade of commander:

Jules A. Peebles

The following-named Reserve officers to be permanent commissioned officers in the Coast Guard in the grade of lieutenant:

Richard R. Cottingham
William S. Shaffer
Arthur A. Whiting III
Eric J. Williams III

IN THE U.S. ARMY

The following-named officers to be placed on the retired list, in grade indicated, under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Hugh McClellan Exton, 224–52–2891, Army of the United States (major general, U.S. Army).

Lt. Gen. James Benjamin Lampert, 224–52–8480, Army of the United States (major general, U.S. Army).

IN THE NAVY

The following-named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

John D. Chase
David M. Rubel
Robert S. Salzer
Paul E. Pugh
John "L" Butts, Jr.
William M. Pugh II
Ward S. Miller
Roger E. Spreen
James Ferris
John H. Dick
William H. Livingston
Howard E. Greer
Jon L. Boyes
Donald C. Davis
Donald V. Cox
Herbert S. Ainsworth
Earl P. Yates
Donald D. Engen
Oliver H. Perry, Jr.
Edwid K. Snyder
Herbert S. Matthews, Jr.
Dean L. Axene
Patrick "J" Hannifin
James W. Nance
Rembrandt C. Robinson
Worth H. Bagley
Clarence M. Hart
Lewis A. Hopkins

MEDICAL CORPS

William C. Turville

SUPPLY CORPS

Charles Becker

CHAPLAIN CORPS

Richard G. Hutcheson, Jr.

DENTAL CORPS

Anthony K. Kaires

IN THE AIR FORCE

The following officers for appointment in the Reserve of the Air Force (Medical Corps), in the grade of lieutenant colonel, under the provisions of section 593, title 10, United States Code, and Public Law 92–129, with a view to designation as medical officers, under the provisions of section 8067, title 10, United States Code, with effective dates to be determined by the Secretary of the Air Force:

Buckley, Richard E., [redacted].
Hodgson, Corrin J., [redacted].
Kachinski, Frank E., [redacted].
Lowe, James C. Jr., [redacted].

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be captain (Dental)

Van Asma, Kenneth L., [redacted].

To be captain (Medical)

Carroll, Herman G., Jr., [redacted].
Koop, Lamonte P., [redacted].
Simerville, James J., [redacted].

The following Air Force officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

To be captain

Akers, James C., [redacted].
Albrecht, Jerry E., [redacted].
Allen, Archie G., [redacted].
Andress, Robert S., [redacted].
Andrews, Melville M., Jr., [redacted].
Armistead, Jack D., [redacted].
Avery, Richard D., [redacted].
Badalamente, Richard V., [redacted].
Bainbridge, Thomas A., [redacted].
Bair, William K., [redacted].
Baker, Kennieth W., [redacted].
Baker, Richard A., [redacted].
Ballas, Andrew W., Jr., [redacted].
Banks, Tommie L., [redacted].
Bartlow, Gene S., [redacted].
Bateman, Wilbur, W., Jr., [redacted].
Beck, James R., [redacted].
Becker, Larry L., [redacted].
Benedict, Calvert A., [redacted].
Berwager, Steven L., [redacted].
Bevis, James N., [redacted].
Bingham, Billy J., [redacted].
Blakeley, William B., [redacted].
Blassingame, Arthur A., [redacted].
Blizzard, Gerald V., [redacted].
Boman, Francis R., [redacted].
Bourgeois, Warren H., Jr., [redacted].
Bradham, John H., [redacted].
Brass, William I., [redacted].
Brown, Michael J., [redacted].
Bryant, Lucious E., Jr., [redacted].

Bryant, William L., xxx-xx-xxxx.
Burks, William N., xxx-xx-xxxx.
Bushfy, James W., xxx-xx-xxxx.
Byers, Jerrold K., xxx-xx-xxxx.
Cadle, Larry D., xxx-xx-xxxx.
Calcote, James D., xxx-xx-xxxx.
Capan, David R., xxx-xx-xxxx.
Capshaw, Billie D., xxx-xx-xxxx.
Carr, Michael L., xxx-xx-xxxx.
Carter, Jack D., xxx-xx-xxxx.
Carver, Lawrence A., xxx-xx-xxxx.
Cary, Leo M., xxx-xx-xxxx.
Casey, William E., Jr., xxx-xx-xxxx.
Cashman, James F., xxx-xx-xxxx.
Casleton, Jeffrey L., xxx-xx-xxxx.
Cecil, Allan C., xxx-xx-xxxx.
Celestini, Arnold C., xxx-xx-xxxx.
Chestnut, Robert B., xxx-xx-xxxx.
Cheveres, Robert, xxx-xx-xxxx.
Churchwell, John E., xxx-xx-xxxx.
Claiborne, James F., III, xxx-xx-xxxx.
Clark, Babe M., xxx-xx-xxxx.
Cleveland, Durand E., Jr., xxx-xx-xxxx.
Clingman, Billy G., xxx-xx-xxxx.
Cofod, Robert K., xxx-xx-xxxx.
Colley, William M., xxx-xx-xxxx.
Collins, Willie R., Jr., xxx-xx-xxxx.
Connors, Ronald E., xxx-xx-xxxx.
Crooker, Christian A., xxx-xx-xxxx.
Culp, Joseph P., xxx-xx-xxxx.
Cummings, John W., Jr., xxx-xx-xxxx.
Cunningham, Gene R., xxx-xx-xxxx.
Curtis, Richard R., xxx-xx-xxxx.
Davis, Forrest W., xxx-xx-xxxx.
Delar, Robert J., xxx-xx-xxxx.
Dews, John D., xxx-xx-xxxx.
Dickerson, Warren C., xxx-xx-xxxx.
Dodge, Ronald B., II, xxx-xx-xxxx.
Dolezal, Edward J., xxx-xx-xxxx.
Dorn, Raymond G., xxx-xx-xxxx.
Doubrava, Peter C., xxx-xx-xxxx.
Dougherty, James F., Jr., xxx-xx-xxxx.
Douville, Douglas E., xxx-xx-xxxx.
Driggers, Paul N., Jr., xxx-xx-xxxx.
Drouin, Donald V., xxx-xx-xxxx.
Druva, Karlis J., xxx-xx-xxxx.
Duffey, John G., Jr., xxx-xx-xxxx.
Dunn, Charles A., xxx-xx-xxxx.
Eakle, Bruce F., xxx-xx-xxxx.
Edwards, Charles R., xxx-xx-xxxx.
Ellis, Smokey F. C., xxx-xx-xxxx.
Erickson, Donald W., xxx-xx-xxxx.
Erickson, Eric J., xxx-xx-xxxx.
Eyermann, Richard J., xxx-xx-xxxx.
Fain, Maxwell, N., xxx-xx-xxxx.
Faris, Earl S., xxx-xx-xxxx.
Feltch, Milton L., Jr., xxx-xx-xxxx.
Ferro, Richard L., xxx-xx-xxxx.
Finlay, Thomas M., xxx-xx-xxxx.
Fisher, Neil, xxx-xx-xxxx.
Flatrush, William E., Jr. xxx-xx-xxxx.
Flick, Earl D., Jr., xxx-xx-xxxx.
Foley, Norman R., xxx-xx-xxxx.
Ford, David G., xxx-xx-xxxx.
Fore, Kenneth E., xxx-xx-xxxx.
Fortney, Frank L., xxx-xx-xxxx.
Fowler, Joseph B., Jr., xxx-xx-xxxx.
Frankle, John C., xxx-xx-xxxx.
Franklin, Lyle D., xxx-xx-xxxx.
Freeman, Augustus M., Jr., xxx-xx-xxxx.
Fretz, John W., Jr., xxx-xx-xxxx.
Gallerani, Robert B., xxx-xx-xxxx.
Gardner, Clarence L., xxx-xx-xxxx.
Garlett, Harold F., xxx-xx-xxxx.
Gilbert, Clifford F., xxx-xx-xxxx.
Gillespie, Richard W., xxx-xx-xxxx.
Gleckel, Gerard G., xxx-xx-xxxx.
Goforth, William C., xxx-xx-xxxx.
Golemis, Denis, xxx-xx-xxxx.
Gomez, Danny, xxx-xx-xxxx.
Goodman, Raymond W., Jr., xxx-xx-xxxx.
Grace, Paul J., xxx-xx-xxxx.
Gray, Charles F., xxx-xx-xxxx.
Green, Joseph E., Jr., xxx-xx-xxxx.
Griffin, John F., xxx-xx-xxxx.
Griffin, Michael P., xxx-xx-xxxx.
Gruetzmacher, John H., xxx-xx-xxxx.
Guyse, Barry D., xxx-xx-xxxx.
Haas, Barry L., xxx-xx-xxxx.
Haddix, Ronald xxx-xx-xxxx.
Hall, Adell, xxx-xx-xxxx.
Hall, Kenneth N., xxx-xx-xxxx.
Hall, Robert D., xxx-xx-xxxx.
Halsaver, Richard A., xxx-xx-xxxx.
Hamlin, James W., Jr., xxx-xx-xxxx.
Hancock, Thomas P., xxx-xx-xxxx.
Hannan, Robert R., xxx-xx-xxxx.
Harden, Franklin D., xxx-xx-xxxx.
Harden, Kaye M., xxx-xx-xxxx.
Harris, Samuel L., xxx-xx-xxxx.
Hart, Gordon, xxx-xx-xxxx.
Hartman, John W., xxx-xx-xxxx.
Harzman, Charles N., xxx-xx-xxxx.
Hawk, John D., xxx-xx-xxxx.
Hebinck, Robert V., xxx-xx-xxxx.
Hernandez, Louis Jr., xxx-xx-xxxx.
Herring, Harold C., xxx-xx-xxxx.
Hewer, David J., xxx-xx-xxxx.
Heydinger, Jerry J., xxx-xx-xxxx.
Hicks, Rodman P., xxx-xx-xxxx.
Holland, Bruce B., xxx-xx-xxxx.
Holland, George W., III, xxx-xx-xxxx.
Holmes, Melvin R., xxx-xx-xxxx.
Holtz, Robert L., xxx-xx-xxxx.
Hood, Robert M., xxx-xx-xxxx.
Horras, Herbert H., xxx-xx-xxxx.
Howard, Dennis D., xxx-xx-xxxx.
Huddleston, Harold J., xxx-xx-xxxx.
Hudman, James D., xxx-xx-xxxx.
Hudson, Morris R., xxx-xx-xxxx.
Hufnagel, Raymond J., Jr., xxx-xx-xxxx.
Hughes, Ann M., xxx-xx-xxxx.
Hunt, Marshall G., xxx-xx-xxxx.
Iben, John B., Jr., xxx-xx-xxxx.
Jakubczak, Donald R., xxx-xx-xxxx.
Jarvi, Dennis W., xxx-xx-xxxx.
Javier, David, xxx-xx-xxxx.
Jefferson, Perry H., xxx-xx-xxxx.
Jensen, Anthony F., xxx-xx-xxxx.
Johnson, Bruce R., xxx-xx-xxxx.
Johnson, Leroy L., xxx-xx-xxxx.
Johnson, Robert G., xxx-xx-xxxx.
Johnston, William D., xxx-xx-xxxx.
Kaiser, Richard A., xxx-xx-xxxx.
Kalivoda, George F., xxx-xx-xxxx.
Keating, Kevin O., xxx-xx-xxxx.
Kehoe, Thomas L., Jr., xxx-xx-xxxx.
Kelly, William A., xxx-xx-xxxx.
Kholos, Clark J., xxx-xx-xxxx.
Kiibler, Joseph D., Jr., xxx-xx-xxxx.
Kish, John G., xxx-xx-xxxx.
Kjellberg, Robert K., xxx-xx-xxxx.
Klein, Peter B., xxx-xx-xxxx.
Klein, Thomas K., xxx-xx-xxxx.
Knight, Andrew S., xxx-xx-xxxx.
Knight, William A., xxx-xx-xxxx.
Kozej, Freddie G., xxx-xx-xxxx.
Krahulec, James R., xxx-xx-xxxx.
Krajczynski, Robert G., xxx-xx-xxxx.
Kreideweis, John L., xxx-xx-xxxx.
Kren, Anthony J., xxx-xx-xxxx.
Kross, Walter, xxx-xx-xxxx.
Landry, Jerome A., xxx-xx-xxxx.
Lane, Emmitt D., xxx-xx-xxxx.
Laramore, Arleigh L., xxx-xx-xxxx.
Law, John R., xxx-xx-xxxx.
Leino, Richard A., xxx-xx-xxxx.
Leonardo, John A., Jr., xxx-xx-xxxx.
Leuenberger, John E., II, xxx-xx-xxxx.
Lilly, Carroll R., xxx-xx-xxxx.
Limpp, James A., xxx-xx-xxxx.
Lindell, Kenneth G., xxx-xx-xxxx.
Little, William P., xxx-xx-xxxx.
Loar, Dennis H., xxx-xx-xxxx.
Lombard, William H., xxx-xx-xxxx.
Long, David H., xxx-xx-xxxx.
Long, John H. S., xxx-xx-xxxx.
Lukas, Leonard P., xxx-xx-xxxx.
Main, Don R., xxx-xx-xxxx.
Makris, Dion G., xxx-xx-xxxx.
Mamiya, Roy A., xxx-xx-xxxx.
Marquette, John W., xxx-xx-xxxx.
Marsh, Robert L., xxx-xx-xxxx.
Martin, Harold R., xxx-xx-xxxx.
Mason, Jack C., Jr., xxx-xx-xxxx.
Massmann, Thomas A., xxx-xx-xxxx.
Mathews, Paul C., xxx-xx-xxxx.
Mattson, Robert C., xxx-xx-xxxx.
Matyaz, Joseph C., xxx-xx-xxxx.
Maxwell, Burton L., xxx-xx-xxxx.
May, Benjamin L., Jr., xxx-xx-xxxx.
Mayo, James W., III, xxx-xx-xxxx.
McAllister, Carol B., xxx-xx-xxxx.
McBride, Charles W., xxx-xx-xxxx.
McCabe, John R., xxx-xx-xxxx.
McCain, John P., xxx-xx-xxxx.
McClanahan, James R., xxx-xx-xxxx.
McCorry, Terrell D., xxx-xx-xxxx.
McDonough, Nancy B., xxx-xx-xxxx.
McDuffie, Jerry D., xxx-xx-xxxx.
McGarry, Thomas A., xxx-xx-xxxx.
McGowan, Raymond G., xxx-xx-xxxx.
McPhail, William T., xxx-xx-xxxx.
McWhitney, Edgar E., xxx-xx-xxxx.
Meadows, Eugene T., xxx-xx-xxxx.
Menard, Allen J., xxx-xx-xxxx.
Mercer, James A., xxx-xx-xxxx.
Merifield, James W., xxx-xx-xxxx.
Miller, Raymond R., xxx-xx-xxxx.
Milligan, Joseph E., xxx-xx-xxxx.
Moore, Harry J., xxx-xx-xxxx.
Moore, James L., Jr., xxx-xx-xxxx.
Moore, Jimmie L., xxx-xx-xxxx.
Morin, Paciand Jr., xxx-xx-xxxx.
Morris, Lawrence W., xxx-xx-xxxx.
Moyer, Darrell D., xxx-xx-xxxx.
Muller, Lloyd H., xxx-xx-xxxx.
Mumma, David R., xxx-xx-xxxx.
Murray, Edward H., xxx-xx-xxxx.
Namaksy, Diane B., xxx-xx-xxxx.
Netzer, Leonard A., Jr., xxx-xx-xxxx.
Nicolaus, Richard C., xxx-xx-xxxx.
Nitsch, Anthony J., xxx-xx-xxxx.
Nye, Harvey N., xxx-xx-xxxx.
Oak, Kirby G., xxx-xx-xxxx.
O'Halloran, Gerald J., xxx-xx-xxxx.
O'Hara, William F., xxx-xx-xxxx.
Oles, Michael J., xxx-xx-xxxx.
Oliver, Thomas J., xxx-xx-xxxx.
Ormesher, Thomas A., xxx-xx-xxxx.
Ortloff, Victor C., xxx-xx-xxxx.
Palinkas, Donald, xxx-xx-xxxx.
Panzenhagen, Donald N., xxx-xx-xxxx.
Parham, John L., xxx-xx-xxxx.
Parker, John S., xxx-xx-xxxx.
Pate, Glenn S., xxx-xx-xxxx.
Pazik, Anthony J., Jr., xxx-xx-xxxx.
Peach, Ernest B., xxx-xx-xxxx.
Perantoni, Edward J., xxx-xx-xxxx.
Petersen, Nolan R., xxx-xx-xxxx.
Peterson, Willard L., xxx-xx-xxxx.
Phillips, Harold R., xxx-xx-xxxx.
Pierce, Bruce J., xxx-xx-xxxx.
Pizzino, Larry J., xxx-xx-xxxx.
Place, Earl W., xxx-xx-xxxx.
Plotnicky, John R., xxx-xx-xxxx.
Podmenik, Raymond W., Jr., xxx-xx-xxxx.
Poole, Merle L., xxx-xx-xxxx.
Popkin, Michael M., xxx-xx-xxxx.
Powell, Theodore R., xxx-xx-xxxx.
Proska, Richard R., xxx-xx-xxxx.
Purvis, Stanley L., xxx-xx-xxxx.
Quednow, William J., xxx-xx-xxxx.
Radford, John F., xxx-xx-xxxx.
Raphael, Joseph, xxx-xx-xxxx.
Ratner, Solomon, xxx-xx-xxxx.
Reed, Robert E., Jr., xxx-xx-xxxx.
Reeves, Larry E., xxx-xx-xxxx.
Reisbick, John N. P., xxx-xx-xxxx.
Rembacz, William P., xxx-xx-xxxx.
Reyonlds, Horace H., III, xxx-xx-xxxx.
Richmond, Patrick G. xxx-xx-xxxx.
Riley, Mason E., Jr., xxx-xx-xxxx.
Ritter, Peter H., xxx-xx-xxxx.
Roberts, Kenneth S., xxx-xx-xxxx.
Robinson, Elmer A., Jr., xxx-xx-xxxx.
Rogers, Terry R., xxx-xx-xxxx.
Root, James P. xxx-xx-xxxx.
Rose, Chester A., xxx-xx-xxxx.
Roth, Richard E., xxx-xx-xxxx.
Sammon, Bobby G., xxx-xx-xxxx.
Sanders, Robert E., xxx-xx-xxxx.
Sands, James E., Jr., xxx-xx-xxxx.
Sautter, Jack G., xxx-xx-xxxx.
Scalft, Earl J., Jr., xxx-xx-xxxx.
Schauer, Gaylen L., xxx-xx-xxxx.
Scheuermann, Andrew J., Jr., xxx-xx-xxxx.
Schmid, Robert E., xxx-xx-xxxx.
Schnepper, Ronald J., xxx-xx-xxxx.
Schonberger, John J., Jr. xxx-xx-xxxx.
Schuler, George G., xxx-xx-xxxx.
Schunk, William A., xxx-xx-xxxx.
Scott, James P., xxx-xx-xxxx.
Seymour, Walter E., Jr., xxx-xx-xxxx.

Sharp, Paul A., xxx-xx-xxxx
Shields, Merle R., xxx-xx-xxxx
Shive, Donald L., xxx-xx-xxxx
Shooshan, Daniel M., xxx-xx-xxxx
Siegel, John L., xxx-xx-xxxx
Simons, Lewis G., xxx-xx-xxxx
Simpson, William L., xxx-xx-xxxx
Sims, Clarence N., xxx-xx-xxxx
Skelton, Charles H., xxx-xx-xxxx
Sladek, Robert F., Jr., xxx-xx-xxxx
Smith, Charles D., xxx-xx-xxxx
Smith, David J., xxx-xx-xxxx
Smith, Jerry P., xxx-xx-xxxx
Smith, Myron D., xxx-xx-xxxx
Smith, Palmer W., xxx-xx-xxxx
Smoot, Charles H., xxx-xx-xxxx
Somers, Robert B., xxx-xx-xxxx
Sorcf, Domonic P., xxx-xx-xxxx
Sorge, Martin K., xxx-xx-xxxx
Speice, Donald R., xxx-xx-xxxx
Stein, John L., xxx-xx-xxxx
Stevenson, Dwight P., xxx-xx-xxxx
Stevenson, Richard E., xxx-xx-xxxx
Stoll, Leonard P., xxx-xx-xxxx
Stoll, Tibor G., xxx-xx-xxxx
Stratton, Charles W., xxx-xx-xxxx
Streff, George W., xxx-xx-xxxx
Strickland, Terry C., xxx-xx-xxxx
Strong, Brent M., xxx-xx-xxxx
Sullivan, Kenneth L., xxx-xx-xxxx
Sumner, Bobbie T., xxx-xx-xxxx
Sweeney, James K., xxx-xx-xxxx
Swenston, Ralph G., xxx-xx-xxxx
Sykes, Michael P., xxx-xx-xxxx
Symonds, Joseph E., Jr., xxx-xx-xxxx
Takahara, Edmund W., xxx-xx-xxxx
Taylor, Gilbert R., xxx-xx-xxxx
Thau, John W. Jr., xxx-xx-xxxx
Thomas, Kenneth D. Jr., xxx-xx-xxxx
Thompson, Lyle W., xxx-xx-xxxx
Thompson, Tracey A., xxx-xx-xxxx
Tidwell, Howard N., xxx-xx-xxxx
Tully, Paul F., xxx-xx-xxxx
Uchimura, Walter S., xxx-xx-xxxx
Uhls, William T., xxx-xx-xxxx
Underwood, Jesse A. Jr., xxx-xx-xxxx
Undlin, Jesse P., xxx-xx-xxxx
Valentine, John R., xxx-xx-xxxx
Wailly, Louis F., xxx-xx-xxxx
Walker, Julian C., xxx-xx-xxxx
Wann, Thomas C., xxx-xx-xxxx
Warner, Terry R., xxx-xx-xxxx
Warren, John R., xxx-xx-xxxx
Watson, John I. Jr., xxx-xx-xxxx
Waugh, Thomas W., xxx-xx-xxxx
Wedding, Joseph P. Jr., xxx-xx-xxxx
Weiner, Robert M., xxx-xx-xxxx
White, James P., xxx-xx-xxxx
Whitehead, Ronald S., xxx-xx-xxxx
Whitfield, Edwin P. Jr., xxx-xx-xxxx
Whitfield, Glenn T. Jr., xxx-xx-xxxx
Wiegand, Harold G., Jr., xxx-xx-xxxx
Wielunski, Michael E., xxx-xx-xxxx
Wilbur, Anthony D. H., xxx-xx-xxxx
Wilde, Donald J., xxx-xx-xxxx
Williams, Jerome F., xxx-xx-xxxx
Withereli, Roland E., xxx-xx-xxxx
Wood, Emery G., xxx-xx-xxxx
Wood, William A., xxx-xx-xxxx
Wooton, Dennis F., xxx-xx-xxxx
Wyatt, Jim E., xxx-xx-xxxx
Zadrozny, Joseph E., xxx-xx-xxxx
Zimmerman, George V. Jr., xxx-xx-xxxx
Zimmett, Howard N., xxx-xx-xxxx

To be first lieutenant

Aarnio, Paul R., xxx-xx-xxxx
Abbott, John F., xxx-xx-xxxx
Ackert, James E., xxx-xx-xxxx
Adams, David H., xxx-xx-xxxx
Adams, John L., xxx-xx-xxxx
Adams, Ronald, xxx-xx-xxxx
Adee, Eugene C., xxx-xx-xxxx
Adleman, Ronald W., xxx-xx-xxxx
Agren, Emanuel W., xxx-xx-xxxx
Albers, Robert M., xxx-xx-xxxx
Alder, Gordon S., xxx-xx-xxxx
Alexander, David W., xxx-xx-xxxx
Alexander, Peter M., xxx-xx-xxxx
Alexander, Roger A., xxx-xx-xxxx
Allen, Jerry L., xxx-xx-xxxx
Allen, Robert G., Jr., xxx-xx-xxxx
Allen, William R., xxx-xx-xxxx
Alley, Michael L., xxx-xx-xxxx
Allison, Mark J., xxx-xx-xxxx
Alsup, Larry W., xxx-xx-xxxx
Alward, John B., xxx-xx-xxxx
Alwine, Dennis C., xxx-xx-xxxx
Ameele, Reginald C., xxx-xx-xxxx
Ames, Donald L., xxx-xx-xxxx
Anders, Gregory E., xxx-xx-xxxx
Anderson, Andrew J., Jr., xxx-xx-xxxx
Anderson, Charles R., Jr., xxx-xx-xxxx
Anderson, Phillip G., xxx-xx-xxxx
Anderson, Wayne H., xxx-xx-xxxx
Andrejak, Gary E., xxx-xx-xxxx
Andrews, William J., xxx-xx-xxxx
Anglemyer, Richard M., xxx-xx-xxxx
Applegate, William J., xxx-xx-xxxx
Arant, Michael H., xxx-xx-xxxx
Archambault, George F., Jr., xxx-xx-xxxx
Arndt, Richard A., xxx-xx-xxxx
Arthur, Charles W., II, xxx-xx-xxxx
Artz, John C., xxx-xx-xxxx
Ashmore, Frederick M., xxx-xx-xxxx
Aston, James A., xxx-xx-xxxx
Atkins, Joe P., xxx-xx-xxxx
Auwarter, Carmen E., xxx-xx-xxxx
Avery, Sanders L., xxx-xx-xxxx
Bailey, Thomas F., xxx-xx-xxxx
Baird, Arthur D., xxx-xx-xxxx
Baker, John P., III, xxx-xx-xxxx
Baker, John R., xxx-xx-xxxx
Baker, Michael D., xxx-xx-xxxx
Baker, Samuel B., xxx-xx-xxxx
Baker, Vincent T., xxx-xx-xxxx
Baker, William H., xxx-xx-xxxx
Baldridge, John R., Jr., xxx-xx-xxxx
Baldwin, William R., xxx-xx-xxxx
Balkcom, Robert E., Jr., xxx-xx-xxxx
Bangs, Terry L., xxx-xx-xxxx
Barazzotto, Richard A., xxx-xx-xxxx
Bare, Richard L., xxx-xx-xxxx
Barnes, George R., xxx-xx-xxxx
Barnhart, Claude I., xxx-xx-xxxx
Barr, Robert D., xxx-xx-xxxx
Barrett, Paul H., Jr., xxx-xx-xxxx
Bassel, James R., xxx-xx-xxxx
Bassett, Kenneth R., xxx-xx-xxxx
Batchelder, Floyd P., xxx-xx-xxxx
Bates, Eugene F., xxx-xx-xxxx
Battista, Archer B., xxx-xx-xxxx
Bauer, John W., xxx-xx-xxxx
Bauer, Jon C., xxx-xx-xxxx
Bauer, Lee A., xxx-xx-xxxx
Bayliss, Samuel A., xxx-xx-xxxx
Bean, Gary P., xxx-xx-xxxx
Beard, Gary L., xxx-xx-xxxx
Beaudette, Daniel C., xxx-xx-xxxx
Beck, Theodorf P., xxx-xx-xxxx
Becker, Allan R., xxx-xx-xxxx
Beckner, Malcolm K., xxx-xx-xxxx
Bedwell, James W., xxx-xx-xxxx
Beeler, Claude F., Jr., xxx-xx-xxxx
Beishke, John J., Jr., xxx-xx-xxxx
Bell, Charles T., xxx-xx-xxxx
Bell, Robert L., xxx-xx-xxxx
Bellen, Jerome T., xxx-xx-xxxx
Belz, Raymond E., xxx-xx-xxxx
Benefield, Gary G., xxx-xx-xxxx
Bengtson, Raymond V., xxx-xx-xxxx
Bennett, Steven L., xxx-xx-xxxx
Benton, Jeffrey C., xxx-xx-xxxx
Berger, James C., xxx-xx-xxxx
Bergman, Alan R., xxx-xx-xxxx
Bertfro, Edward P., xxx-xx-xxxx
Bestland, Roger J., xxx-xx-xxxx
Betts, Charles C., Jr., xxx-xx-xxxx
Bibb, Harry L., Jr., xxx-xx-xxxx
Bienias Ronald M., xxx-xx-xxxx
Billick, Donald M., xxx-xx-xxxx
Bir, James F., xxx-xx-xxxx
Birnie, Cameron, xxx-xx-xxxx
Bishop, Gerald K., xxx-xx-xxxx
Blair, Charles W., xxx-xx-xxxx
Blair, James R., III, xxx-xx-xxxx
Blake, Peter D., xxx-xx-xxxx
Bode, William P., xxx-xx-xxxx
Boggan, James F., xxx-xx-xxxx
Bohman, Richard T., xxx-xx-xxxx
Boneske, Franklin, xxx-xx-xxxx
Bonin, Martin E., xxx-xx-xxxx
Bonner, John H., xxx-xx-xxxx
Bonvissuto, Michael J., xxx-xx-xxxx
Booker, John C., Jr., xxx-xx-xxxx
Booker, Michael P., xxx-xx-xxxx
Borland, William B., xxx-xx-xxxx
Bortfeld, Stephen R., xxx-xx-xxxx
Boswell, Irving W., III, xxx-xx-xxxx
Boswell, James W., xxx-xx-xxxx
Botula, Charles, III, xxx-xx-xxxx
Boudreaux, Lionel P., III, xxx-xx-xxxx
Bowron, Rupert F., xxx-xx-xxxx
Boyer, David G., xxx-xx-xxxx
Brackett, Howard R., Jr., xxx-xx-xxxx
Bradford, Craig S., xxx-xx-xxxx
Bradley, Cloyce F., Jr., xxx-xx-xxxx
Bradley, Edward L., xxx-xx-xxxx
Bradley, Gerald H., xxx-xx-xxxx
Brady, Doyle E., xxx-xx-xxxx
Brandau, Thomas H., xxx-xx-xxxx
Brandon, William G., Jr., xxx-xx-xxxx
Brandt, James A., xxx-xx-xxxx
Braunreiter, John D., xxx-xx-xxxx
Breen, Paul M., xxx-xx-xxxx
Brennan, Edward J., xxx-xx-xxxx
Bridges, Gary L., xxx-xx-xxxx
Bridges, Wayne L., Jr., xxx-xx-xxxx
Brindise, William J., Jr., xxx-xx-xxxx
Brod, Thomas J., xxx-xx-xxxx
Brown, Aubry A., xxx-xx-xxxx
Brown, Charles B., xxx-xx-xxxx
Brown, David A., Jr., xxx-xx-xxxx
Brown, James T., xxx-xx-xxxx
Brown, Stephen E., xxx-xx-xxxx
Brown, William J., xxx-xx-xxxx
Bruchas, James M., xxx-xx-xxxx
Brundige, James L., xxx-xx-xxxx
Brunson, John H., xxx-xx-xxxx
Brunson, William F., Jr., xxx-xx-xxxx
Bryant, Charles W., xxx-xx-xxxx
Bryson, Roy A., xxx-xx-xxxx
Buck, Kevin P., xxx-xx-xxxx
Buckley, David C., xxx-xx-xxxx
Buckner, William M., xxx-xx-xxxx
Buer, Timothy J., xxx-xx-xxxx
Buffkin, Bobby D., xxx-xx-xxxx
Buffum, Ronald S., xxx-xx-xxxx
Bulat, Antone S., xxx-xx-xxxx
Burk, Dannie O., xxx-xx-xxxx
Burke, Joseph P., Jr., xxx-xx-xxxx
Burkholder, Bruce B., Jr., xxx-xx-xxxx
Burman, David T., xxx-xx-xxxx
Burnham, Mason I., xxx-xx-xxxx
Burns, Edward J., III, xxx-xx-xxxx
Burns, John C., xxx-xx-xxxx
Busse, William B., xxx-xx-xxxx
Butler, David S., xxx-xx-xxxx
Butter, John A., xxx-xx-xxxx
Byers, Norman P., xxx-xx-xxxx
Cahill, James F., xxx-xx-xxxx
Cain, Norris T., xxx-xx-xxxx
Calabrese, Leonard M., xxx-xx-xxxx
Calhoun, Russell C., xxx-xx-xxxx
Calhoun, William L., xxx-xx-xxxx
Callin, Thomas E., xxx-xx-xxxx
Campbell, Edward L., xxx-xx-xxxx
Campbell, Wayne D., xxx-xx-xxxx
Carley, Gerald G., xxx-xx-xxxx
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Chester, Farrow H., xxx-xx-xxxx
Christianson, Kennard J., xxx-xx-xxxx
Ciniglio, Raphael F., xxx-xx-xxxx
Collum, Thomas E., Jr., xxx-xx-xxxx
Conlon, James F., Jr., xxx-xx-xxxx
Davis, James R., Jr., xxx-xx-xxxx
Deibert, George P., xxx-xx-xxxx
Delaney, James F., xxx-xx-xxxx
Doran, James P., xxx-xx-xxxx
Doud, Almond B., Jr., xxx-xx-xxxx
Dunlap, Noel B., xxx-xx-xxxx
Engen, Jerome T., xxx-xx-xxxx
Fitz, Keith E., xxx-xx-xxxx
Foreman, Marvin E., Jr., xxx-xx-xxxx
Furr, Reather C., Jr., xxx-xx-xxxx
Glenn, John W., xxx-xx-xxxx
Godwin, James H., xxx-xx-xxxx
Gonzalez, Joe V., xxx-xx-xxxx
Gross, Jacob R., xxx-xx-xxxx
Ground, Richard C., xxx-xx-xxxx
Harman, Robert D., xxx-xx-xxxx
Harrison, Edward E., xxx-xx-xxxx
Hattaway, Thomas L., xxx-xx-xxxx
Herrera, Henry A., xxx-xx-xxxx
Hinkle, Scott C., xxx-xx-xxxx
Hodgson, John H., xxx-xx-xxxx
Hubbard, Edwin L., Jr., xxx-xx-xxxx
Hughes, Edward J., xxx-xx-xxxx
Hughes, Harry L., Jr., xxx-xx-xxxx
Jabs, Edward H., xxx-xx-xxxx
Jarvis, Robert G., xxx-xx-xxxx
Johnston, Dale A., xxx-xx-xxxx
Jones, Claude R., xxx-xx-xxxx
Jones, William H., xxx-xx-xxxx
Kelso, Joseph M., xxx-xx-xxxx
Knauss, Robert R., xxx-xx-xxxx
Lacina, Edwin L., xxx-xx-xxxx
Langis, Alfred G., xxx-xx-xxxx
Langston, James W., xxx-xx-xxxx
Lockmiller, Kenneth E., xxx-xx-xxxx
Mach, James B., xxx-xx-xxxx
McBride, David T., xxx-xx-xxxx
McIntosh, Lee D., xxx-xx-xxxx
McKeown, Donald F., xxx-xx-xxxx
McPherson, Peter R., xxx-xx-xxxx
Michelsen, Niels T., xxx-xx-xxxx
Morris, Billy L., xxx-xx-xxxx
Nelson, Eugene D., xxx-xx-xxxx
Pierson, Richard E., xxx-xx-xxxx
Poff, Robert D., xxx-xx-xxxx
Rogers, Donald F., xxx-xx-xxxx
Roland, Ivan R., xxx-xx-xxxx
Roth, Lawrence R., xxx-xx-xxxx
Ruonavaara, Russell B., xxx-xx-xxxx
Satterfield, Richard N., xxx-xx-xxxx
Sedgwick, Wesley L., xxx-xx-xxxx
Spurrier, Donald V. M., xxx-xx-xxxx
Steely, Lowell V., xxx-xx-xxxx
Steinhauer, Arthur W., Jr., xxx-xx-xxxx
Stetson, Norman G., xxx-xx-xxxx
Stewart, John A., xxx-xx-xxxx
Thiele, Raymond G., xxx-xx-xxxx
Thompson, William R., xxx-xx-xxxx
Verrillo, Lewis N., xxx-xx-xxxx
Viscount, Joseph, Jr., xxx-xx-xxxx
Windels, Frederick G., xxx-xx-xxxx

Nurse Corps

Carfagno, Theresa C., xxx-xx-xxxx

IN THE NAVY

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line or staff corps of the Navy to qualification therefor as provided by law.

Andrew R. Adams	Timothy R. Blevins
George F. Adams, Jr.	Hugh D. Blomeke
Jerry C. Adams	John D. Blosser
Carl W. Akers	Paul F. Blunt
Lawrence R. Albert	William Bobo, Jr.
Elliot L. Alderman	Gerard R. Bodson
Eric L. Anderson	Richard T. Boeshaar
Stewart R. Andrew	John D. Bones III
James W. Angelo	William S. Boniface
Berthold L. B. Antonik	Walter G. Boost
James M. Appelgate	Jeffrey L. Boroff
Arthur C. Argue III	David C. Boy III
Michael C. Ash	Jerome P. Boyle
Shay D. Assad	John E. Boyle
Eric J. Atkinson	Virgil Bozeman III
Bruce M. Aukland	James W. Bradley
Jon F. Ault	James L. Branson
Kenneth B. Austin, Jr.	Peter C. Braseth
Stephen P. Axtell	Thomas L. Breiner
John L. Ayon	Michael F. Brennan
Daniel L. Baas	Bruce M. Bridewell
James C. Babbitt, Jr.	Joseph V. Bridgeford
Robert C. Baczenas	Richard G. Brilla
Howard F. Baer, Jr.	David K. Brown
Edward G. Bagley III	Glenn T. Brown
William C. Bailey	Guy H. Brown
Richard C. Baker	Peter G. Brown
Eugene Bal, III	Nicholas M.
William A. Ballweber	Brownsberger
Richard S. Bates	James W. Broyles
Dale E. Baugh	Robert J. Bruce
Jeffrey R. Beard	Blaine R. Brucker
John C. Beason	David L. Brumbaugh
Albert F. Beede	Todd T. W. Bruner
Richard G. Been	Michael L. Bryant
Stephen E. Behringer	Bruce L. Bullough
Robert B. Benefield	Allen L. Burdette II
Webster L. Benham III	Jon A. Buresh
	Douglas R. Burnett
Randal T. Bent	James P. Butler
Raymond W. Berard	Richard J. Byham
Robert J. Berg	John T. Byrd
John W. Berriman	Frank S. Calcaterra
George Z. Berry	Daniel E. Caldwell, Jr.
Timothy O. Beutell	John W. Caldwell
Paul A. Bienhoff	Gerald P. Cameron
Steven H. Bills	Michael B. Candalor
Stephen V. Bisceglia	Robert W. Cannan
Phillip A. Bishop	Scott T. Cantfil
Blake V. Blakey, Jr.	Donald J. Carlson
Robert K. Blanchard	John S. Carmichael
William D. Blanton, Jr.	Guy J. Carrier
Henry D. Caskey, Jr.	Robert S. Eads
Kevin G. Cassidy	Charles W. Ebeling II
Christopher H. Castle	Daniel N. Edelstein
Robert E. Cattanach, Jr.	Joseph P. Eisenhuth
	Lance E. Elberling
John H. Cavanaugh	Jimmy L. Ellis
Stephen J. Cereghino	Mark A. Emmert
Robert E. Chabot	David C. Endicott
John E. Chalker	Bruce B. Engelhardt
Kevin V. Chambliss	Richard T. Englund
Richard W. Chandler	Gary G. Evans
Steven D. Christensen	Stephen C. Evans
William G. Chung	Ted R. Evans
Dion F. Clancy	Mark S. Falkey
Thomas R. Clarkin, Jr.	Dale J. Feltes
	Kevin J. Ferguson
Michael J. Clawson	Louis G. Fifer
Stephen H. Clawson	Robert W. Filanowicz
Neal W. Clements, Jr.	Daniel A. Filippini
John D. Clifford	John W. Fisher
Jeffrey G. Coffey	Dean M. Flatt
Fred L. Cohrs	Daniel H. Fleming
Alfred B. Coleman, Jr.	George B. Foley
David S. Coleman	Roger W. Fosse
Joe T. Coleman, Jr.	Thomas H. Foster II
Robert O. Coleman	Stephen G. Foti
William W. Collins	Donald A. Frahler
Thomas J. Connelly, Jr.	Roland M. Franklin
	Powell A. Fraser, Jr.
Robert B. Cook, Jr.	Stephen E. Frederick
William E. Cook, Jr.	David V. Fulwider
Charles C. Cooper, Jr.	Joseph M. Galluccio
Wayne L. Cornell	Frederick B. Gallup III
Craig W. Corson	Daniel T. Galvin, Jr.
Douglas E. Cosgrove	Francis L. Garrick
Patrick E. Cosgrove	Martin D. Gastrock, Jr.
Kenneth M. Costigan	Wallace L. Gavett, Jr.
Craig H. Cover	Bud S. Gear
Richard B. Covington	Donald J. Gersuk
Gary L. Coyle	Darryll J. Getzlaff
Michael C. Craig	James C. Giambastiani
Dennis J. Crane	Bruce B. Giannotti
Thomas F. Crawford III	Wendell J. Gift II
	James M. Gilbert, Jr.
Harold T. Cronauer Jr.	Richard P. Gilbert
Kevin P. Crook	David M. Gilchrist, Jr.
David L. Crouse	Timothy J. Gill
Darryl P. Cummings	Thomas G. Gilson, Jr.
Randall C. Curnutt	Paul A. Gimer
Delbert A. Curtsinger	Joseph W. Glass
Paul W. Dahlquist	Raymond M. Glennon
Brian S. Dalby	Dean F. Glick
Michael J. Daley	James R. Goddard, Jr.
Thomas R. Danco	Nelson G. Goddard
Ralph E. Darling	Richard E. Goldsby
George R. Darwin	Robert J. Goldstein
Jeffrey J. Davidson	George B. Goldthwaithe, Jr.
Dan A. Davis	
Eric S. Davis	Paul Goluboys
Nelson C. Davis	Thomas J. Goodwin
Robert M. Davis	William V. Goodwin
Thomas G. Deacon	David W. Gorden
Perry W. Dempsey	Michael A. Gorman
Robert J. Dengler	Frederick D. Gorris
David A. Dennis	Jeffrey L. Gossett
John C. Dentler	Thomas C. Goudy
Julian P. Devillier	Patrick J. Grady
James D. Devin	Gary A. Graf
John C. Devlin	William L. Graham
George K. DeVore	Geoffrey E. Grant
Leif L. Dietrich	James D. Green
Glen A. Dilgren	William H. Gregory
John L. Dillingham	Gary A. Griffiths
John M. Dillon	Gary G. Groefsema
John F. Dohse	James C. Grover
Joseph A. Donlan	Alan L. Grube
Barry L. Dougherty	Ralph E. Grutzmacher
Vincent P. Dowd	Richard M. Gutekunst
Roger T. Doyel	Brian C. Haagensen
Michael T. Doyle	Robert C. Hahn, Jr.
Patrick R. Doyle	John T. Haislip
Richard A. Drawneck	Richard L. Haley, Jr.
Robert A. Drews	Barney R. Hall
Joseph F. Driscoll	Delmon E. Hall III
Peter M. Drobnak	Gary M. Hall
Donald K. Drumm	Harold L. Hall, Jr.
David P. Dudek	James D. Hall
James P. Dunn, Jr.	Thomas D. Hall
Patrick W. Dunne	Timothy J. Hallihan
John A. Dunning	James E. Halwachs
Thomas J. Dziedzic	Gregory R. Hamelin

David W. Hamilton
Gary R. Hammond
William A. Hancock
William J. Hannan
Dennis R. Hansell
Robert O. Hardy II
Robert W. Hardy
Allan D. Harper III
Michael J. Farrington
Craig H. Harris
Robert W. Harrison
John B. Harrold
John K. Harrop
Thomas F. Hartley
Gerald A. Harvey
Christopher G. Hauser
Michael E. Hayes
David W. Hearding
Christopher E. Heath
Michael K. Hedrick
Daniel R. Heimbach
Gregory L. Hemphill
Christopher R. Henry
Neal P. Hesser
Paul M. Higgins
Clarence E. Hill
James M. Hines
Larry A. Hinson
Gerald R. Hirsch
James E. Hoffmann
David J. Hogan
Wayne D. Hogue
Timothy A. Holden
Wallace W. Holdstein, Jr.
Howard M. Holland
John B. Holt
Lloyd N. Holz
James H. Hopper III
William F. Hopper
Bennett F. Horne, Jr.
Richard F. Horstmann
Robert J. Horstmeyer
Damon R. Hostetter
George R. Howard
John F. Howard
Robert H. Howe
Paul E. Huck
Colin C. Huddleston
Ronald A. Hughes
Michael J. Hutfless
John T. Iaia
Stephen R. Ingalsbe
Kenneth M. Ives
Richard H. Jacobs
Robert A. Jacobson
Robert B. James
John M. Jarosinski
Stephen M. Jarrett
Jerry M. Jenkins
Keith A. Jewell
Stephen B. Johns
Arthur G. Johnson
Glenn L. Johnson
Larry C. Johnson
Mark G. Johnson
Ralph W. Johnson III
Lawrence E. Jones
Thomas L. Jones
Paul C. Jorgensen
Alfred M. Joseph
Michael C. Joyner
Thomas M. Judd
Glenn L. Kaden
Thomas M. Kait
Kendall W. Kalstad
Leonard Kaplan II
Theodoro L. Kaye
Daniel S. Keefe
John J. Keenan, Jr.
Michael G. Keith
Thomas M. Keithly
Pat B. Keller
Clifford P. Kelly
Jesse J. Kelso
Curtis A. Kemp
Steven J. Kemple
William J. Kendall
Terence S. Kennedy
William G. Kennedy
Paul S. Kenney
Lawrence V. Kester
George K. Kilgore
Robert C. Killough
George F. Kindel
David F. King
Manton A. King
John J. Kirby
Douglas I. Kirkland
Phillip D. Klein
Saul D. Klein
James R. Klima
Christoper L. Klueber
William B. Knight
Maurice M. Koelemay
Gene M. Kohler
Andrew J. Koss
Alan R. Kraft
Lawrence L. Kraker
Theodore W. Kreeger
Lawrence H. Kube
Frank J. Kuezler Jr.
Edward J. Kujat
Frederick J. Kull Jr.
James J. LaBelle
Nicholas P. Lakis Jr.
Stephen M. Landrum
Douglas S. Lane
Gregory B. Lane
Ronald D. Lanning
Robert L. Larkin
Stephen L. LaRue
John C. Lasken
Selwyn S. Laughter
David E. Lawrence, Jr.
Karl T. Lawson
Christopher L. Lee
Patrick D. Lee
Richard P. Lee
Robert C. Leib
John S. Leidel, Jr.
Stanley P. Lenc
William A. Leonard, Jr
Lawrence A. Lewandowski
Paul S. Lewis
Robert D. Lichtenberg, Jr.
Robert D. Liggett
David J. Lind
Steven A. Livesay
Robert D. Loeffler
Thomas A. Loftus III
Stephen J. Logue
Mark A. Lohsen
William R. Lottes II
Patrick S. Love
Eugene Lovely
Gary S. Luote
Vincent J. Lynch
Thomas W. Lyons
William A. Lyons
Stanley J. Mack
Richard G. Macklin
Raymond M. MacKown
Robert A. MacPherson
Robert S. Madden
Michael R. Maixner
Dean M. Makings
Gary D. Mann
Walter W. Manning
Philip S. Mansfield
John T. Manvel
Robert D. Marlin
Robert D. Marrinucci
Anthony D. Martin
William G. Martin
James R. Mason
Daniel S. Mastagni
Robert L. Mastin, Jr.
John A. Mavar
James D. McArthur, Jr.
Stephen L. McCrory
Russell A. McCurdy
Rodney P. McDevitt
Daniel W. McElroy
John E. McEnearney, Jr.
Martin H. McGee
Leo F. McGinn, Jr.
William L. McGraw
Richard R. McIver
Kenneth P. McKay
Rayburn L. McKay
Michael McKinney
Arthur McKinnon
Robert L. McLane
John P. McLaughlin
William J. McMican
Hugh N. McWilliams
Gregory G. Mead
Mark Mendillo
Joseph A. Mentecki
Ellis W. Merschoff
Charles W. Merwine
Daniel H. Meyer
John G. Meyer
John E. Meyers
Thomas E. Miars
Kirk B. Michael
Ralph R. Michalska
Jeffrey C. Milanette
David R. Miller
Steven R. Miller
Donald M. Mills
Michael J. Milo
Richard D. Minnis
Michael K. Mitani
William G. Moffatt
Mark M. Mokodean
Christoper P. Molteni
Robert P. Monahan
William V. Moody
Robert L. Moon
William T. Moore III
Theodore R. Morandi
Kelly B. Morgan
Dennis G. Morral
Bruce V. Morreale
William D. Morris
Lewis F. Murphy
Robert P. Musselman, Jr.
Warren E. Musselman
Daniel H. Mutty
Howard H. Myers III
Rodney A. Myers
William J. Nadeau
James A. Natter
Charles W. Neihart, Jr.
John D. Nellis, Jr.
Jeffrey R. Nelson
Christian Q. Ness
Don A. Nestor
Stephen L. Neuman
Albert J. Neupaver
Ronald S. Newlan
Todd C. Nichols
Peter W. Nickodem
Jack S. Nielsen
Roy H. Nitschke
Eduardo C. Nocon
Ted L. Norris
John T. Nosek
James L. Nupp
Matthew P. O'Connell
Timothy D. O'Connell
Michael L. O'Connor
James G. O'Keefe
Paul J. V. Olechnovich
Alfred J. Olsen
Dennis P. O'Malley
Walter G. Opyd
Bernard R. Orender
William D. Orr
Kip R. Osborne
Robert E. Ostendorf, Jr.
Eugene P. Pache
Philip F. Palmatier, Jr.
Christopher W. Panos
Nicos S. Pantelides
Gregory A. Papin
Larry R. Papineau
Robert R. Pariseau
Thomas J. Pastorino
James H. Patterson
Terry L. Patterson
Kenneth A. Paul, Jr.
MacGregor H. Paul
Gregory R. Peairs
John E. Pack
Robert A. Pell
Mark D. Perreault
Gordon C. Perry
Robert P. Perry
John G. Peske
James G. Phillips III
John L. Phillips
William C. Pine, Jr.
Mark D. Pistochini
James E. Pledger
Stephen W. Plovanich
Alan E. Porter
John S. Porter
Whitton M. Potampa
Fred C. Pottschmidt
Thomas J. Powers
Russell H. Poy
Michael W. Praskievicz
John H. Preisel, Jr.
Randall D. Preston
Michael J. Price
Thomas A. Prince
Thomas A. Prince
James A. Protzman
Glenn R. Pruden
Hershel W. Pryor, Jr.
Theodore A. Pytlik
Dale K. Quinlan
Robert W. Raber
Robert B. Rae
John C. Rainey
David J. Rappe
Rodger C. Rawls
Glenn E. Reitinger
Thomas J. Repeta
David B. Reppard
Charles M. Ress
Charles B. Reymann
Gary M. Rheam
Randall L. Rice
Michael P. Richard
William L. Rigot, Jr.
Patrick O. Riley
Raymond A. Ritchey
Norbert W. Robertson
Charles R. Robie
Richard A. Robison
Philip J. Rodgers
Thomas J. Rodjom
George C. Rogers
William Armstard Rogers, Jr.
Homer J. Rood
David A. Rosenzweig
Jeffrey A. Rothwell
William E. Roukema
Douglas R. Roulstone
William H. Round
William R. Rubel
Thomas G. Ruggles
Stephen J. Ruschmeier
Douglas K. Rush
Robert H. Ryskamp
William J. Sabo
Timothy A. Saboski
James A. Salamon
Kurt M. Salscheider
William W. Sandvig
Robert P. Saunders
Charles L. Savage
Adam J. Savitsky
John E. Schaffer
Stephen L. Schey
Christoper G. Schlehr
Larry E. Schluderberg
Colman A. Schmidt
Stephen V. Schmidt
Wesley H. Schmidt, Jr.
David A. Schneegas
David F. Schneider
Richard W. Scholl
John F. Schork
Mark S. Schramm
Jerry L. Schubert
Charles D. Schwalier II
Terry R. Schwieger
William S. Schwinghammer
Bruce B. Scott
David N. Seckinger
James R. Seeley
Fred A. Semko
Wilson O. Shealy, Jr.
Geoffrey L. Shearer
Jon Sheller
Paul Shemella
David E. Sheppard
William L. Sheppard, Jr.
Vining A. Sherman, Jr.
Robert B. Shields
William A. Shilling
James E. Shoemaker
Marshall S. Short
Edward E. Sievers
John H. Silcox, Jr.
Michael J. Silvestri
Steven A. Sisa
Richard T. Sizemore III
John L. Skolds
Michael W. Smiley
Earl M. Smith
James A. Smith
Jeffrey F. Smith
Kenneth R. Smith
Robert D. Smith, Jr.
Robert G. Smith
Robert S. K. Smith
Ronald C. Smith
Murray C. Snow
Thomas E. Snyder
William L. Snyder
Walter M. Soha, Jr.
John H. Sohl III
Bruce E. Sonn
Steven L. Soroka
Robert L. Spahr
William D. Speights
Maurice F. Spence
Robert E. Springman
Lemuel C. Stabler III
Gerald W. Stahl, Jr.
Ronald B. Staton
Scott L. Steele
Mark K. Stender
Michael S. Stevenson
Alton L. Stocks
Herbert N. Stockton
Ronald S. Stowell
Carl N. Strawbridge
George F. Stringer III
Richard H. Stringer
David C. Strube
Dale C. Sugg
William T. Sullivan
Michael D. Supko
John H. Swailes
Richard N. Swanson
Lloyd F. K. Swift
William A. Swisher
David R. Switzer
Allen J. Szigety
Michael A. Szoka
John F. Teply
Louis F. Terhar
Thomas G. Tetlow
John O. Thoma
Alan D. Thomson
James W. Thorpe, Jr.
Michael R. Tierney
Arthur R. Tillberg
John F. Timony
John R. Tindle
Erik A. Tobiason
Lloyd A. Tolk
Steven J. Tomaszeski
Edwin L. Tomlin
Nicholas M. Torelli, Jr.
Joseph F. Torres, Jr.
John Willie Townes III
Robert D. Trammell
William M. Trant
Timothy J. Traverse
Wayne O. Traynham
Michael W. Treeman
Kirk A. Troxler
Henry G. Ulrich III
Arthur R. Underwood III
Eugene F. Uricoli
Bruce N. VanderEls
Raymond W. VanDyke
John E. VanMaele
Robert R. VanOradel
Douglas R. VanSchoik
James A. VanVliet
Walter A. Varakin, Jr.
David R. Vaughn
Daniel R. Veldstra
Robert P. Vessely
Daniel Vislocky
George E. Voelker
Charles S. Vogan, Jr.
Michael C. Vogt
John A. Walderhaug
James L. Walker III
James L. Wall
David L. Walla
Edward C. Wallace
Harry R. Wallace, Jr.
Walter W. Wallmark
Dennis P. Walsh
Bruce E. Walter
William R. Waltman
David A. Ward
William E. Wardlaw
Bruce E. Warner
Cecil L. Waters
William B. Watwood
Stephen S. Weatherspoon
Daniel H. Weaver
Jacob F. Wechselberger
Charles A. Weigard
Stephen P. Weise
David R. Weise
John K. Welch
Bruce D. Wellington
Kenneth J. Wessel
Paul K. West
Eric F. Westberg
Harold J. Wetterlin
Gregory T. Whalen
William G. Wheeler
Donald G. White
Joseph W. White
Kimber L. White
Dennis J. Whitford
Peter A. Wick
Stephen H. Wiestling
Conrad J. Wigge, III
Galen D. Wilcox
Mark D. Wilhelmy
Steven C. Wilkie
Joseph B. Wilkinson, Jr.
Steven J. Willats
Craig D. Williams
David B. Williams
Robert E. Williams, Jr.
Richard C. Williamson
Clarence C. Willis
Leland S. Willis III
Steven E. Wilson
Steven P. Wilson
Justin W. Winney, Jr.
Stephen J. Wismer
Dallas M. Wolf
Thomas P. Wolfe
Rodney K. Womer
Charles A. Wood
Dennis L. Worley
John R. Worthington
Christopher B. Yates
Charles S. B. Young
Gregory G. Yount
James D. Zuber, Jr.

The following-named U.S. Army cadets to be permanent ensigns in the line or staff

corps of the Navy, subject to the qualification therefor as provided by law:

Robert P. Coonan
Donald H. Costello, Jr.
George W. McFetridge, Jr.
Patrick H. McGann, Jr.

The following named (naval enlisted scientific education program candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualification therefor as provided by law:

Stoy W. Addison
Charles C. Adkins, Jr.
Joseph L. Akins
Robert C. Averill
Robert C. Bailey, Jr.
Richard M. Bailly
John A. Bakshis
John T. Barrow
Jack D. Bonewald
Bruce E. Boughton
Karl W. Breitenbach
Ronald L. Bryson
Douglas E. Coshow
Peter F. Coste
John R. Delorez
Andrew J. Dillon
Lyle L. Drew, Jr.
Harry B. Elam
William M. Espinosa
David M. Fennelly
John L. Fisher, Jr.
Robert L. Foster
Charles R. Franze
James C. Froman
Michael I. Fulcher
Craig B. Garbarini
Charles M. Gooden
Jon M. Gould
William R. Greenen
Dennis N. Herbert
William B. Herpin, Jr.
Robert M. Hinton
Gray D. Hobby
Johnnie R. Hyson
Lowell R. Kent
Gordon C. Lannou
James W. Loadwick
Robert L. Mashburn, Jr.
Robert W. McConchie
Martin W. Mellor
Ronald (nmn) Messen
Joseph W. Messier
Harry G. Moore
Richard E. Murphy
Wayne H. Nitsche
Jackie D. Pendleton
Donald E. Peters
Ronnie "H" Prewitt
Martin B. Rambo
Philip Ruputz
Van A. Schaffer
Kenneth A. Schwarz
Michael N. Schwartz
Frank J. Schwindler
Joe B. Scrivner, Jr.
Charles E. Shirah
Michael D. Shon
Guy M. Smith
Leland R. Snelson
Robert B. Stack
Gordon A. Staley
Lawrence G. St John
Louis C. Stengel
Walter W. Stephenson
John W. Stillwell
David L. Tash
James W. Taylor
James W. Thomas
John F. Throckmorton
Richard L. Tunison
Jerry P. Wagner
Clarence W. Walther
William H. Ward
Stephen R. Warner
Franklin G. Wells
Trene A. Williams
Willie E. Woods

The following named (Naval Reserve Officers' Training Corps candidates) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law.

Jerry W. Bean
Hal L. Cook
Scott W. Edwards
Steven L. Enewold
Paul J. Gruehnau
John G. Morgan, Jr.
Peter Nemeth
Paul T. Newport
Robert O. Passmore
Carl A. Wilhelm

Betty A. Meriwether (Naval Reserve officer) to be a permanent lieutenant commander and a temporary commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Corder C. Campbell
Frederick R. Ellwanger
Richard F. Kiepfer
William J. Klein
John E. Osborne

Douglas A. Kramer (civilian college graduate) to be a permanent lieutenant (junior grade) and a temporary lieutenant in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Joseph B. Callahan
William D. Craver
Ronald T. Harris
George H. Heye
Norman T. Jette II
Robert B. Jones
John M. LaPoint
William G. Lowell
Ronald L. Rish
Ferdinand F. Sauer
Stephen A. Schechner
Avery Stiglitz
James S. Westby
John W. Zirkle

The following named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Martin T. Barco
Melvin L. Davis
Wayne A. Labore
Jeffrey F. Larson
James T. Mudler
William H. Wilson

The following named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualifications therefor as provided by law.

Johan P. Dahler
John S. Garrett
Kenneth A. Gerstein
Franklyn D. Gile
Robert M. Maass
James W. Olson
Robert E. Oyler
Robert N. Smyth
Thomas P. Torrisi
John D. Wallace
Leonard W. Widmer

The following named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law.

Dennis W. Anderson
Alan G. Bourne

George J. Miller, Jr., U.S. Navy officer, to be a permanent lieutenant and a temporary lieutenant commander in the Medical Corps of the Navy, in lieu of permanent lieutenant (junior grade) and temporary lieutenant in the Medical Corps of the Navy, as previously nominated and confirmed to correct grade, subject to the qualification therefor as provided by law.

The following-named U.S. Navy officers to be temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

William E. Billings, Jr.
Judson L. Crow
Walter L. Jensen

Dean O. Davis, Jr., U.S. Navy (retired), to be reappointed from the temporary disability retired list as a permanent lieutenant (junior grade) and a temporary lieutenant in the line of the Navy, subject to the qualification therefor as provided by law.

The following-named U.S. Air Force Cadets to be permanent ensigns in the line of the Navy, subject to the qualifications therefor as provided by law:

Harold M. Collins
Wilbur Wanamaker

Johanna H. Gorman (Naval Reserve officer) to be permanent commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

IN THE NAVY

The following-named Reserve officers of the U.S. Navy for temporary promotion to the grade of commander in the line, subject to qualification therefor as provided by law:

Adams, Richard D.
Ahlers, George H.
Albrecht, Robert A.
Alker, Paul B.
Anderson, John W.
Anthony, Lee S.
Apicella, Frank L.
Archambault, Guy A.
Arena, Albert A.
Arnett, Robert C.
Arnold, Derrel W.
Arrigo, Anthony D.
Ayers, Larrie D.
Baer, Peter
Baggott, Richard
Baker, Herman D.
Baldwin, Robert C.
Barbee, Walter E.
Barger, Richard E.
Barich, F. X., Jr.
Barrett, Robert E.
Barrett, S. P., Jr.
Barrett, W. H., Jr.
Bartholmey, Don S.
Basye, Charles B.
Battle, Gerald G.
Baxter, Donald J.
Baxter, George W.
Bechtold, J. A., Jr.
Bednarek, Norbert H.
Beene, Jerry T.
Bell, Norris H.
Benjes, William B.
Benson, Donald D.
Bird, Paul L.
Bischoff, Herman C.
Bissell, Elliston P., III
Bitting, Robert A.
Black, Robert R.
Blackburn, C. A., Jr.
Blair, Harry R., Jr.
Blanchard, John N.
Blence, Franics A., Jr.
Bodden, Arthur I.
Boland, William K.
Bolwerk, James M.
Bond, Ronald K.
Boone, David V.
Booze, Joseph L., Jr.
Bordeaux, Kenneth R.
Borenstein, Jerome
Botterbush, William C.
Bousum, G. W., Jr.
Bowers, Henry K. W.
Boyd, Rudolph C.
Boyden, Richard F.
Braeckel, John A.
Brainerd, Walter S.
Brame, John H.
Brant, Richard E.
Bratz, Theodore A., Jr.
Braverman, Allen S.
Bray Larry E.
Bredehorn, Jack H.
Brees, David I.
Brinn, Ronald C.
Brockington, Philip S.
Brooks, James L.
Broussard, Warren J.
Brown, Donald R.
Brown, Richard N.
Brown, Robert S.
Browne, Gerald F.
Bruce, Robert W.
Brymer, Bufford R.
Bullock, William G.
Burdwell, Gerald B.
Bures, Frank, Jr.
Burke, Nicholas E.
Burkhart, Jack L.
Burkhart, Robert A.
Burrowes, Thomas, Jr.
Calkin, Theron B.
Callaghan, James F.
Camp, Carl R., Jr.
Campanini, Nicholas T.
Campbell, Boyce L., Jr.
Campbell, Robert J., Jr.
Carlson, Kenneth L.
Carlton, Anthony G.
Carris, James B.
Carroll, William J.
Carter, James G.
Carter, Malcolm K., Jr.
Carter, Walter W., Jr.
Cartozian, Haig O., Jr.
Catriz, Albert G.
Chadwick, Charles A.
Chisum, William R.
Chodorow, Alan M.
Chrisman, Virgil E.
Christiansen, Reed H.
Clarbour, Bertram N.
Clark, Leo W.
Clayton, William O.
Cobb, Joseph K.
Coffey, John J.
Cohen, David M.
Cohune, James S.
Cole, Joseph G.
Coleman, James E. M.
Collier, James L.
Collier, Joe B.
Collins, William B.
Compton, Cecil C.
Comstock, Craig
Condaxis, Paul P.
Corr, James V.
Corriher, Cotesworth E
Cox, Jerry G.
Crawford, Cal R.
Crawford, Charles W.
Cross, Gene B.
Crowhurst, Thomas J.
Cubbison, Robert J.
Cunningham, Shane A.
Cunningham, James S.
Curby, William A.
Currier, Rowland Jr.
Curtis, Wendell J., III
Cushing, Edward J.
Cusick, George M., Jr.
Czajkowski, Francis W., Jr.
Dalrymple, Jack L.
Davis, Gary S.
Davis, Grant
Davison, Gregory L.
Dean, Richard W.
Decosterd, Charles E.
Delplato, Lawrence S.
Devorsey, Louis, Jr.
Dickey, Gene P.
Dienger, Howard E.
DiPaima, Mario
Dixon, Robert G.
Doherty, Bernard J.
Dolbeare, Robert L.
Donato, Frank Jr.
Doyle, William L., Jr.
Drath, Robert J.
Dreher, Richard W.
Dudziak, Donald J.
Duffcy, Thomas J.
Dunbar, Richard M.
Duncan, Donald G.
Durham, William E.
Durr, James E.
Duryea, Robert O.
Dutton, Arthur C.
Eades, Glenn B.
Eaton, Winford R.
Edney, John W., Jr.
Eggert, Robert H.
Elliott, Norman S., Jr.
Elvin, Richard W.
Estep, Eldon M.
Evans, Edwin J.
Ewing, Robert A.
Featherstone, Robert J
Ferguson, Earl A.
Ferguson, Hugh M.
Fidler, Paul P.
Finnerty, Arthur J., Jr.
Fischer, Peter J.
Fitzgerald, Donald P., Jr.
Fitzgerald, Richard S.
Flanigan, Joseph D.
Flynn, Ronald D.
Forehand, William E., Jr.
Forsyth, William D., Jr.
Fort, Thomas H.
Francis, Perry G.
Frede, Edward W.
Freedline, Yale
Frimodt, Gerald L.
Frisby, Donald R.
Fry, Charles R.
Fulton, Luther G.
Gadow, John R.
Gallaudet, John C.
Gard, Robert L., Jr.
Gartmann, Russell J.
Gatti, John
Gaudet, William G.
Gera, John Jr.
Gerdes, Walter H.
Gerzevitz, Walter E.
Giardini, Giovanni T.
Giddens, Darrell G.
Gifford, Laurence S.
Gilbert, George S.
Gilmore, Daniel C.
Gilson, Roger W.
Gimbert, Kenneth C.
Gintowt, Charles C.
Giordano, Vito A.
Glatzer, Maurice
Gleason, Burton J.
Gleason, Russell D.
Glutting, John A.
Godfrey, Lawrence M., Jr.
Goforth, Roy B., Jr.
Goldsmith, Watson W.
Gossman, Max G.

Grace, Daniel L., Jr.
Graf, Donald V.
Grauer, John A.
Gray, John W., Jr.
Green, Clyde L., Jr.
Green, Don H.
Greene, Marshall W.
Greenlee, Wilfred M.
Greenspan, Alan E.
Grey, Edward R., Jr.
Grief, Donald J.
Grimes, Roy T.
Grocki, Chester J.
Grosskopf, George W.
Grow, Bruce W.
Gutowski, Leopold
Hair, Max A.
Hajek, Victor V.
Hald, Rodney D.
Haley, Thomas O.
Hall, Charles W.
Hall, Vaughn E.
Hall, Wilford H.
Hallett, John D.
Hansen, Helmuth H.
Hardin, James T.
Hardt, Dan A. II
Hardy, Edward W. III
Harmon, George P. W.
Hartley, Edward S., Jr.
Hartman, James W., Jr.
Haruch, John
Harwell, Layne H.
Hausmann, Albert C.
Hawkinson, Arthur A.
Hayes, Charles C.
Hayes, Robert T.
Hazlett, Arthur W.
Hazley, George J.
Hearn, Neal E.
Hedrich, David R.
Hedrick, Charles W., Jr.
Helweg, Otto J.
Henshall, John H.
Hertel, John R.
Hessel, Mark L.
Hinson, Brue H.
Hipkiss, Robert A.
Hobson, Robert L.
Hodella, Fred H.
Hohman, Glenn W.
Holland, Maurice J.
Hollenbach, Roger C.
Hooker, John B.
Hooper, John R.
Hostetler, John E.
Houldsworth, John C.
Howard, William J., Jr.
Hoy, William H.
Huch, Francis R.
Huffer, Nicholas R.
Huggins, Richard, Jr.
Hughes, Bruce N.
Humber, John L.
Hunt, Alan G.
Hunter, Carlyle E.
Hunter, Malcom K., III
Hylan, Leo P.
Iborg, Eugene L.
Imeson, Horace L., Jr.
Isham, Don Jr.
Jameson, Robert Q.
Janss, Charles E., Jr.
Jefferson, James F.
Jeffords, James M.
Jenkins, Emmanuel L.
Jetton, Thomas C.
Johnson, Paul S., Jr.
Johnson, William C., Jr.
Johnston, David R.
Johnstone, William N.
Joyce, Harrison T., Jr.
Jung, Charles A.
Justus, Norman E.
Kaempfer, Frederick P.
Kahabka, Clarence T.
Kale, Stephen H.
Kashmanian, Gregory
Keicher, Charles R.
Kelley, Eugene
Kelly, William S.
Kershner, Roger P.
Kevlin, Steven G.
Kilburg, Robert G.
Kildea, James T.
Kilgore, James C.
Kipp, David G.
Kirby, Lawrence G.
Kolb, Stanley D., Jr.
Konetchy, Howard A.
Korinke, Robert F.
Krummeck, "K" Kenneth
Kuehn, Gregory T.
Kunst, Arthur F.
Lackowski, Donald H.
Laidlaw, Scott D.
Lait, Hale H.
Lambden, Jerry D.
Lancaster, John S.
Landers, John D.
Landsverk, George R.
Larocca, Joseph P.
Larson, Lowell D.
Lau, Bernard S. K.
Lawes, Robert B.
Lawson, Donald R.
Leary, Donald W.
Lee, Roland D.
Lell, Virgil G.
Leo, Paul P.
Leonard, Archibald S.
Leukhardt, Martin W.
Levin, Roger L.
Lewis, Robert T.
Ligtenberg, Victor R.
Lillie, Robert B.
Littlefield, Ralph W.
Livingston, John G., Jr.
Lopez, Manuel B.
Loy, William G.
Luetge, James D.
Lusk, Marvin M.
Luthringer, John D.
Lynch, Harvey J.
Lynch, Maurice P.
MacFarlane, Robert C.
Maciolek, Ronald J.
MacQuarrie, John C.
MacWilliams, Walter W.
Magill, James E.
Maier, Richard L.
Malone, John S.
Malone, Michael E.
Mann, Charles K.
Marjenhoff, August J.
Martel, Leon C., Jr.
Martin, Michael J.
Martin, Thomas W.
Martini, Joseph C.
Mason, John A., III
Masterson, Russell W.
Mathews, Richard A.
Matza, Joseph A.
Mayer, Paul J.
McCauley, Hugh W.
McCormick, Paul J.
McGuinness, James P.
McIlvain, William C., Jr.
McKay, Bruce B.
McLallen, Walter F.
McLean, James C., Jr.
McMahon, Thomas T.
McMillian, Joseph C.
McMinn, Jim T., Jr.
McNergney, Robert P.
McWhorter, Bruce N.
McWhorter, William C.
Means, John H., III
Meggitt, William F.
Mellberg, Kenneth E.
Melville, Reid T.
Menke, Allen G.
Menzie, Douglas
Merriman, Marcus A.
Merritt, William A., Jr.
Mesics, Joseph C.
Messner, Karl R.
Meyer, Walter C.
Milat, John P.
Miller, Ralph E.
Miller, Wayne F.
Mitchell, Richard J., Jr.
Mitchell, Robert D., Jr.
Mizer, George A., Jr.
Moll, Frank H.
Monahan, Robert E., Jr.
Monell, Gary E.
Moon, Tylman R.
Morehead, John A.
Morgan, Bobby S.
Morgan, Donald A.
Moriarty, Brian M.
Morris, Edwin G.
Morrison, Joseph G.
Morss, Strafford
Moses, Thomas H.
Mullaney, James F.
Mullen, Edward W.
Mulligan, John R.
Mulvey, James H., Jr.
Murphy, Robert J., III
Myers, Thomas W.
Nasife, Lewis I.
Neal, Rodney D.
Needham, Robert M.
Neff, Benjamin G., Jr.
Neilan, Harvey D.
Neill, Lawrence D.
Nelms, Harry A.
Nelson, Clinton A.
Nord, Frederic J.
North, John H., III
Nourse, David A.
O'Bold, Charles E.
O'Connell, William B.
Ohea, William C.
Oliver, William L., III
Orecchio, John J.
Osciak, John W.
O'Sullivan, Paul L.
Owens, James W.
Paillette, Donald D.
Papritz, Gordon R.
Pare, David F.
Parsons, Milton K.
Patterson, Ralph A., Jr.
Patterson, Robert A.
Peters, William J., III
Peterson, Dennis H.
Peterson, Thorild F.
Pietkiewicz, Wesley
Piner, Thomas
Pitts, Phillip R.
Pizzeck, Eugene X.
Platts, Paul K.
Poff, Philip W.
Polson, Ralph W.
Potter, John L.
Potts, Edward S.
Prechtl, Jerome S.
Price, James C.
Prickett, Gordon O.
Prince, William G.
Proctor, Donald J.
Prophet, John M.
Pulice, John
Pullo, Anthony R.
Rash, Paul J., Jr.
Rausa, Rosario M.
Ray, Edward J.
Reardon, Freddie H.
Reavis, Marshall W., III
Redmond, James W., Jr.
Reidy, William J.
Reynolds, David W.
Rich, James H., Jr.
Richards, James H.
Riebe, Richard C.
Riggs, Joseph R.
Riley, Mark C.
Rimmington, John B.
Ritner, Joseph W.
Rittenberry, James G.
Robbins, Charles R.
Roberts, Tim H.
Robertson, Edward B., Jr.
Robinson, William A.
Roche, Kevin J.
Rodgers, Tommie J.
Roe, John E.
Roffey, Robert C., Jr.
Rogers, George M. Jr.
Rohm, Edward L.
Romance, Francis J.
Ross, Harold M.
Ross, James W.
Rossi, Robert J.
Rouch, Lawrence L., Jr.
Russell, James F., Jr.
Ryan, Edward P.
Salvino, Richard V.
Sams, Richard H.
Satterfield, Don G.
Scales, Carter H.
Schleter, John H.
Schoen, Rodric B.
Scholes, John F.
Schultz, Roman V.
Schutt, Harold J.
Secker, Charles W., Jr.
Sell, Curtis W.
Sessions, Joseph W.
Severin, Marlow P.
Sharp, George K.
Shepherd, Charles W.
Sherck, David L.
Sieber, Donald C.
Simmons, Roger A.
Sink, John D.
Sinnott, George P., Jr.
Skahan, Robert J.
Sloan, Robert L.
Smith, Denis G.
Smith, Henry G., Jr.
Smith, Paul E., Jr.
Smith, Ralph W., Jr.
Snyder, William P.
Sorensen, Edward J.
Spano, Salvador B., Jr.
Spare, Robert L.
Stainton, David G., Jr.
Stanfill, Hiram J.
Stanton, Paul F.
Stapleford, Thomas C.
Steacy, Bernard H., Jr.
Steere, Donald J.
Stephan, Charles A.
Stephen, Earl M., Jr.
Stephenson, John M., Jr.
Sternberg, Harold I.
Stevens, Rollin M., II
Steyer, Francis J.
Stieber, Conrad H.
Stinson, Robert G.
Storey, Sammy M.
Strickland, James M.
Stuart, Douglas A.
Surovchak, Richard J.
Swenson, Maynard L.
Tansor, Robert H.
Tapley, John T., Jr.
Tarn, John L.
Tassell, Harry P., Jr.
Teare, Paul L.
Thompson, Donald E.
Thompson, Neal P.
Tiedemann, John G.
Tivnan, Edmund L.
Tomlinson, Allen R., III
Torgersen, Edward H.
Torsen, Richard M.
Torstenson, Richard J.
Tranchell, William J.
Trimmer, Terry
Troemel, Arthur H.
Truesdell, Lemoyne F.
Turner, Peter C.
Twist, Gerald A.
Valentine, Alden G.
Vanarsdale, Jack M.
Vancise, Richard A.
Vanoni, Roy T.
Vaughn, William H.
Vestal, Ellis B.
Voepel, William C., Jr.
Vonlorenz, James E.
Wagner, Richard G.
Walberg, Robert F.
Wangerin, Ronald R.
Wattenburger, Walter W., Jr.
Weaver, Donald E.
Webster, Kenneth A.
Weigman, Jay M.
Weintrub, Arnold
Weiss, Mitchell L.
Welch, Houston L., Jr.
Welch, Joseph R.
Weldon, Joseph D.
Wellborn, Earl E.
Welton, Robert G.
White, Robert F.
White, Robert R.
White, Thomas G., Jr.
Whitlow, George S., Jr.
Whitney, Clarence C.
Wiant, Mark C.
Wilkins, John M.
Williams, Harmon M.
Williams, John A., Jr
Williams, Kenneth T
Wilson, Alan F.
Wilson, Bruce B.
Wilson, Glynn R.
Winters, Robert D.
Wolf, Charles R.
Wooddell, John G.
Wooldridge, Clark E.
Wright, Darryl L.
Wright, Jack R.
Wright, John R.
Yeager, Robert D.
Yorio, Beniamino
Youel, Donald A.
Young, Charles F.
Young, Harold H.
Young, Stanford
Young, Stephen G.
Yusem, Stephen G.
Zeh, Thurber G., Jr.
Ziemann, Terry N.
Zimmerman, Richard .

The following-named lieutenant commanders of the line of the Navy for temporary promotion to the grade of commander, pursuant to title 10, United States Code, section 5787, while serving in, or ordered to, billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulations, subject to qualification therefor as provided by law:

LINE

Barron, Douglas W.
Derryberry, William D.
Farnham, David W.
McFerren, Robert W.
Nelson, Mark Van Voy
Sommer, Henry J., Jr.
Sullivan, Gerald F.

EXTENSIONS OF REMARKS

THE AMTRAK RECORD

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, April 4, 1972

Mr. METCALF. Mr. President, prior to Amtrak, I often said that it appeared to me the railroads had purposely reduced their service and discouraged public use of their lines in an effort to bring about abandonment of their responsibility in passenger service.

I supported the legislation establishing the National Passenger Corporation because we were told there was no other way to stop train discontinuances and because we were assured that a quasi-government corporation and Federal money would provide what the carriers had not provided—efficient and pleasant passenger service.

Regrettably, many of my constituents report that reality has fallen short of promise. Service is about as indifferent as before the carriers became operators