tion. Said letter included the following request: "Since I am sure that you are very familiar with this case I expect that you will be able to notify me of your decision and the rationale for such a decision by February 29, 1972." (See Plaintiff's Exhibit A).

8. On or about March 6, 1972, Plaintiff Aspin received a letter dated March 1, 1972, from a Mr. Robert W. Berry, General Counsel, Department of the Army. (Plaintiff's Exhibit B). In rejecting Plaintiff Aspin's request for a copy of the Peers Commission report, Mr. Berry stated, *inter alia*:

"You may rest assured that our decision to withhold the documents in question was reached only after weighing carefully the strong policy reasons for public release which you and other interested persons have expressed from time to time. For the present, however, our position is to withhold the report from the public . . . I hope you will be satisfied that the Army's position is based upon what we perceive to be the best interests of all concerned. . . ."

9. Plaintiffs have not received the material requested from Defendants.

10. Plaintiffs have exhausted the administrative remedies by which they could have obtained the withheld reports.

11. Plaintiffs have a right to inspect and copy the requested documents pursuant to 5 U.S.C. § 552(a)(3). Defendants are improperly withholding the material contrary to statute, contrary to the intent and policy of the Freedom of Information Act as expressed by Congress in enacting the law, by the President in approving it, and by the Attorney General's memorandum on the public information section of the Administrative Procedure Act (June, 1967) which advised all government agencies, inter alia, that the policy of the Act required ". . . that disclosure be the general rule, not the exception . . . (and) that there be a change in government policy and attitude." (pp. ii-iv)

12. The public information section of the Administrative Procedure Act, 5 U.S.C. § 552 (a)(3), further provides that in any legal action brought pursuant thereto "the burden is on the agency to sustain its action" in refusing disclosure. Plaintiffs do not believe that Defendants have met this burden, nor have in any way justified their withholding.

13. The public information section of the Administrative Procedure Act, 5 U.S.C. 552 (a)(3) also provides that proceedings under this Act, with certain exceptions, "take precedence on the docket over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way."

WHEREFORE, Plaintiffs pray that this Court:

(i) issue a preliminary and final injunction directing Defendants to cease from withholding from Plaintiffs the report entitled: "Department of the Army Review of the Preliminary Investigations into the My-lai Incident", commonly referred to as the "Peers Commission Report".

(ii) order Defendants to make available to Plaintiffs, or their designated representative or representatives, for inspection and copy the report in question;

(iii) direct that this cause receive the precedence in hearing and trial and expedited treatment required by statute; and

(iv) for such other and further relief as this Court deems just and proper.

BENNY L. KASS,
Attorney for Plaintiffs.

Dated: April 3, 1972

SENATE—*Wednesday, April 5, 1972*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

O Thou Creator Spirit, we thank Thee for the resurrection of springtime and for the symphony of beauty all about us. We thank Thee for the beauty of color and motion, for the beauty of sound and silence, and for the beauty of day and night.

Create in us, O Lord, an inner beauty, in harmony with the splendor of the world about us. Take from our common life the discord which separates man from man and man from God. Make our lives incandescent with Thy presence that in selfless service to the Nation we may be instruments for the making of a new world of justice, peace, and brotherhood which sets forward Thy kingdom on earth as it is in heaven. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, April 4, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

TRIBUTE BY FOUR FRIENDS TO THE LATE BILL LAWRENCE, OUTSTANDING JOURNALIST

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD remarks at the National Press Club by four friends of the late Bill Lawrence, an outstanding journalist who died on the campaign trail in New Hampshire while on assignment for ABC. The thoughts are of former Chief Justice Earl Warren; Elmer W. Lower, president of ABC News; Warren Rogers, president of the National Press Club; and Arthur Krock, former Washington bureau chief of the New York Times, longtime associate of Bill Lawrence while he was covering politics for that newspaper.

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

IN APPRECIATION OF BILL LAWRENCE, 1916–1972

CHIEF JUSTICE EARL WARREN

If Bill Lawrence had known of our determination to have a memorial service for him in this setting, I am sure he would have approved. To Bill, these quarters of the National Press Club were sacred halls, and in the membership of the club are those with whom he shared the most thrilling and rewarding experiences of his life.

This room and the people here are reminiscent of his world-wide treks reporting the poignancy of war and other human crises that make both the news of the day and world history.

He would not want us to attribute perfection to him, and we shall not try because, like the rest of us, he was subject to common infirmities of human nature.

He knew all the moves in journalism, but on one occasion, at least, he could not find his way home from a night baseball game in old Griffith Park. As the crowd moved out after the game, he and my daughter, Virginia, whom he had taken there, fell into a sidewalk excavation. And Bill phoned me from George Washington Hospital to say that she was there with a broken leg. He neglected to tell me—but I suppose he could be pardoned for that because he might think I would know anyway—that the Senators lost the ball game, also.

He knew how to marshall all his reportorial talents for exciting trips to distant parts of the world, but sometimes he would forget his clothes.

Once when he was hurrying to Africa and was at our home before going to the airport, he suddenly discovered the only shirt he was taking with him was the one on his back, and my wife was obliged to expropriate some of mine for him.

With him, journalism was a passion. He not only believed the public has a right to know and to judge for themselves the events of the day, but he believed they must know if our institutions are to serve their true purpose.

It was to this cause that he dedicated his entire adult life of more than a third of a century. No journey was too long; no assignment too difficult; no danger to his health or safety too great if there was a job to be done. He worked to the bitter end not unmindful of the danger involved. Advised by his doctor and forewarned by a series of heart seizures, he knew that any unusual strain might mean the end.

It was not necessary for him to go to New Hampshire, but there were incidents there to be reported to the American people, and he went to that snow-bound state when he could well have remained here or comfortably in a warmer climate to the south.

He passed on, as any man of action would prefer, reading background material for his work, without a struggle and looking forward to whatever might develop.

As president of the National Press Club, he presided in this room and presented many important men of his time for discussion or world problems. He accepted that presidency as well as other journalistic honors which came to him, not for the honor they represented, but as further dedication to his profession. He made this room more meaningful as your presence here to honor his memory also enriches it.

If, at his insistence, this is not to be a solemn occasion, certainly it can be one of respect for that dedication, for his warm human qualities, and of appreciation for his friendship. I am sure he would not have denied us that privilege.

Our memory of Bill as a friend, a journalist, and as an American dedicated to the well-being of our country will remain with us always.

WARREN ROGERS

It is impossible for me, for you, for anybody who knew him to sentimentalize Bill Lawrence. We can only appreciate him. He was, by turn, mean and gentle, irascible and affectionate, tough-minded and romantic. In short, he was the complete practitioner of our trade—a professional newsman.

I remember Bill Lawrence best in an incident during his tenure as president of the National Press Club. He was arranging the Khrushchev lunch. It came out that the New York Herald Tribune would have only one seat. That left me out because a more senior member of the Trib bureau would pre-empt that seat, even though I was doing the personal color on Khrushchev.

I caught Bill sitting down in the taproom. I stood over him and bawled him out for doing that to me. I said it was a mean trick for a Times man to pull on a Trib man.

Uncharacteristically, Bill took it. He never said a word. Finally, he crooked his finger at me to bend over. I did. His mouth was in a crooked grin and his eyes twinkled. He whispered in my ear, "Shut up, you fool. I've had a ticket stashed for you from the beginning."

I felt about two inches high. We had already taken care of me even before I knew what it was I needed. And he had done it quietly, professionally. I might add that, very characteristically, he never let me forget the incident.

And so, when I think of Bill gone, I think of the epitaph on my wife's grave, where I, too, shall shortly lie. It is a quotation from Christina Rosetti, "Sing no sad songs for me."

ELMER W. LOWER

Last Monday I spoke by telephone to Bill Lawrence for the last time. He said he was going to New Hampshire to do his homework for our Primary Election coverage.

Bill had been confined to a sick bed for about ten days prior to that call. But he felt he had to go. He died in New Hampshire—on the job.

Bill had been in the news business for forty years. After four decades most players in this ball game are content to let a few of those line drives whip past them. They are satisfied to go after the pop flies and easy grounders.

Not Bill. He was too much of a newsman to let a big story go by without chasing it; especially a big political story.

I'm going to speak about Bill's professional career. If he wasn't perfect as a human being—and no one is—he was as close to perfect as we're likely to get as a reporter.

Bill shunned the elder stateman's role he deserved. He considered himself—first and last—a reporter. He was the best political reporter I knew in nearly four decades. I daresay he was the best political reporter any of us ever knew.

When it came to reporting, Bill was an impatient man. He couldn't wait to get to work. He quit the University of Nebraska to become a reporter for the Lincoln Star in 1932. In 1961 he quit the New York Times—after a distinguished twenty-year career—and joined ABC News because he felt the Times had left him out of a major story. And last week he quit a sick bed to go to New Hampshire.

When you read a list of the major stories Bill covered, it's hard to believe he was only fifty-six when he died. He had observed so much history first hand. His career mirrored the tumultuous times of the last forty years.

Bill made an impressive name for himself as a war correspondent in World War II and Korea and as a foreign correspondent. But it was reporting the rough-and-tumble American political scene that he loved best. He covered all of the presidential election campaigns between 1940 and 1968, except 1944 when he was overseas. 1972 would have been his eighth presidential campaign. He was as excited about reporting it as he must have been about that Willkie-Roosevelt race he covered thirty-two years ago in 1940 as an aggressive young reporter for the United Press.

Bill's dedication was total. In 1968, he collapsed the first night of the Republican Convention in Miami Beach and spent the rest of the Convention in an oxygen tent. Although he was still in frail health, he insisted on rejoining us for the Democratic Convention in Chicago.

He confessed to me a year later that a Chicago doctor kept him going each day with an assortment of medicines.

Bill was always on top of the big stories. Some said he was lucky, but those of us who worked with him knew that—like all great journalists—Bill made his own luck—made it by unyielding tenacity and by hard, determined work.

Sometimes, Bill's reports provoked controversy. When he reported on the liberation of the Maidanek Concentration Camp in Poland during World War II, his eyewitness account of the death factory was discounted by some as wartime propaganda. But the mass deaths were only too horribly true. When Bill reported that President-Elect John F. Kennedy would appoint his brother, Robert, Attorney General, his own newspaper ran an editorial suggesting Bill had been "had" by a trial balloon. And when, in 1966, he forecast that President Lyndon B. Johnson would not seek re-election, he became a target for his colleagues' gibes. In both cases, Bill was spectacularly right.

Bill's personality helped him in his work. He possessed a gruff honesty. He could be trusted. Everyone knew that. He became the good friend of dozens of important leaders —the movers and shakers whose politics ran the spectrum. Only rabid extremists found Bill's undoctrinaire attitudes and irreverent wit hard to take.

Bill's wit was as impartial as his reporting. He could deflate his own pretensions with barbs as deft as those he used on the pretensions of the great and would-be great.

We called him our National Affairs Editor. To Bill, national affairs were politics, thoroughbred racing's Triple Crown, professional football's Superbowl, any football game Nebraska happened to be playing, and what he insisted on calling the World Serious.

The 1969 World Series pleased Bill more than any other sports event he covered—because the Mets won.

The Mets were come-from-behind underdogs. And Bill was always a partisan of the underdog or the minority. He was a big man who never got too big to stand up for the little man.

Last year Bill went back to his high school in Lincoln, Nebraska, to deliver the commencement address. He returned from his home town proud and impressed—not because he had been asked to speak, but because both the Senior Class President and the Valedictorian were minority group members.

Bill Lawrence was proud to be a reporter. When he received his coveted Peabody Award in 1965, he viewed it as more than a personal honor. "They've recognized the poor bastards who stand out in the cold and snow and rain and cover the news," he told me. (Bill was plagued by a lot of cold and snow and rain in his forty years.)

If there was anything else that pleased him as much as that honor, I think it probably was his book.

Bill took a six-month leave of absence last year to write it. Its title sums up not only his career but also our times—"Six Presidents, Too Many Wars."

Bill didn't live to see publication of the book. It won't be in bookstores until next month. But his excitement about his memoirs was contagious. Many of us received blow-by-blow accounts from him on the researching, writing, editing and even the printing of the book. Just a few weeks ago he was proudly showing the book jacket all around our New York offices.

I'd like to quote briefly from his book.

It opens this way: "By 1972, I had been a reporter for forty years, spent eleven terms at the White House with six presidents, and, in between, reported on entirely too many wars.

"It has been an exciting, exhilarating experience for a boy from Nebraska, roaming the world in peace and war and, somehow, getting involved personally in the news.

"I've had a grandstand seat on history, and while some of it has been grim, especially in wartime, it has for the most part been a lot of fun."

Bill closes the book by quoting Senator Barry Goldwater, who said: "I have never known Bill to be vicious. I've never known him to take off on anybody. I have no qualms at all about an interview by him because I know he's going to report what I said, not what he thinks I said."

Bill then wrote. "I could not have hoped for a better epitaph to cap my journalistic career."

I can't either.

All of us here today honor the career of a great political reporter who called them like he saw them.

ARTHUR KROCK

The Psalmists, the Prophets and the Apostles had at least one thought in common—that when death comes in the full flood of achievement it is, as Isaiah put it, "Swallowed up in victory."

This was so strikingly demonstrated in the circumstances surrounding the death of Bill Lawrence that inevitably it has been the theme of the elegies delivered here today.

Yet, despite the fact that Bill died as he wished—engaged in the profession he adored and which made him famous—an enduring sadness must intrude. For he still had so much to give of the rugged reporting by which the people were enlightened in the ways of the political system under which they live. And we were ready with praise for his latest triumph—an autobiography of the highest quality.

But, though I never heard Bill quote Christina Rosetti, we know from what Paul Porter has told us that she spoke for him when she wrote: "When I am dead . . . sing no sad songs for me."

Accordingly, I shall speak of him as the friend and colleague I knew, respected, delighted in and dearly loved. This unforgettable association with one of the great reporters of our time—though it was like having a yearling tiger for a pet—continued after we ceased to be comembers of the Washington Bureau of The New York Times.

The last time I saw Bill he was, as usual, trying to maintain in journalism the honesty he brought to it, the determination that it should never allow itself to be misused by government.

"A high official who declined to be identified"—so runs the jargon which reflects one of the problems of our trade—had just inspired a news report that IF—as our intelligence services suspected—India planned to invade West Pakistan, and the Soviet Union did not do more to restrain India than currently appeared, President Nixon might cancel his plan to go to Moscow.

Bill telephoned me to ask if I would comment for ABC on this example of the use of the press, knowing full well what my comment would be.

Presently he arrived with his bewildering team of electricians, cameras and helpers; the apparatus was set up, and the interview began. It consisted of his question: "Do you think the press should allow an anonymous

source to sue it in this way in a matter of such delicacy and international importance?" and of my answer: "It definitely should not be a party to such flagrant abuse." At which Bill, saying, "Thank you," signaled his Frankenstein monsters to pack up.

He knew what he wanted—and got it.

One more recollection:

Three of us were having a drink one day in a most distinguished residence: Bill and I and a President of the United States. Though off-the-record, the President fuzzed one of those gut-probings for the facts that were Bill's glorious trademark.

"Now listen here," burst out Bill. And, just as the President's ears began to turn red, he added, "Sir."

So Bill, if you have been able to endure this loving memorial, I venture to say to you: "Now listen here . . . Sir."

HEALTH CARE IN PHILADELPHIA

Mr. SCOTT. Mr. President, a group of leading Philadelphia physicians recently established a medical clinic in the city which provides residents with reasonably priced health care so as to help alleviate the crowded conditions in area hospitals. The group, headed by Dr. Raymond E. Silk, is seeking to open, in as many of the depressed neighborhoods as possible, clinics that provide comprehensive medical care to people in all income brackets. They also decided to provide medical care to those who cannot afford to pay for it. It is their feeling that those patients who cannot afford an office visit should not be deprived of good medical care, because an ounce of prevention for these underprivileged individuals can prevent serious illnesses at a later date.

The first facility to be established by Dr. Silk is the West Philadelphia Out-Patient Clinic at 49th and Baltimore Avenues in Philadelphia. Physicians at the clinic will be available for every major branch of medicine. Consultations are available between specialists to insure excellent care of the patients. The outpatient diagnostic services are limitless. The disabled members are entitled to specialists' evaluations to aid their recovery. Certain difficult cases, that have not been treated successfully by family physicians, may be referred to their medical team for correct diagnosis and proper treatment. Clinic facilities include allergy, arthritis, cardiac, podiatry, dental, diabetic, ear, nose and throat, eye, gynecology, medical, orthopedic, prenatal, rectal, skin diseases, surgery, urology, and X-ray, as well as physical therapy.

Mr. President, there is no question but that the reorganization for the delivery of health care services has to be done. In recent years, a new method of delivering health services has achieved growing respect. This new approach has two essential attributes. First, it brings together a comprehensive range of medical services in a single organization so that a patient is assured of continuous access to all of them. Second, it provides needed services for a fixed contract fee which is paid in advance by all subscribers. At the present time, Dr. Silk's West Philadelphia group has two unions that have a prepaid plan with them which, basically, is a modified health maintenance organization.

In President Nixon's special health message to Congress in February 1971, entitled "Building a National Health Strategy," he mentioned that such an organization has a variety of forms, names, and sponsors. One of the strengths of Dr. Silk's program, the embodiment of this new concept, is its great flexibility.

At the West Philadephia clinic, there is, basically, a health maintenance organization for some of the unions, and it is the clinic's intention to widen this for additional unions which will pay the clinic a prenegotiated and fixed periodic payment made on behalf of each patient and family unit enrolled in the plan. The clinic's physicians feel that they can provide medical care at a lower cost and can, without question, prohibit, restrict, and try to prevent duplication of services which, at times, can be very expensive.

The comprehensive health maintenance and treatment services that are available to people attending the West Philadelphia clinic include primary care and emergency care. At the present time, acute inpatient hospital care has been provided for at two institutions and inpatient care for chronic and disabling conditions is also available. Dr. Silk hopes to open such a clinic, or service, in South Philadelphia, North Philadelphia, Kensington, and any other area of the city that has such a need.

Dr. Silk has formulated plans for building a new hospital that would be made available for needy patients. He is not satisfied that the cost per day in the city's larger established institutions ranges from $95 to $125 for a semiprivate room. The hospital which Dr. Silk owns, the Broad Street Hospital Medical Center in Philadelphia, can provide medical care for approximately $50 per day in a semiprivate room, a tremendous savings. With the new facility which Dr. Silk has in mind, his group could maintain low medical costs, in fact, much lower than those of the teaching institutions, and provide a significant amount of care.

In the vicinity of the West Philadelphia clinic, Dr. Silk hopes to open a "soft" drug center called Action. This will be for the management and treatment of patients on "soft" drugs, and will place more emphasis on prevention. Additional Action centers will be located in North Philadelphia and center city.

Dr. Silk also intends to open, in the near future, a methadone maintenance clinic. The goal of this program, as with any narcotic drug treatment program, should be detoxification with residential facilities as a therapeutic community concept to keep the individual drug free. However, such broad programs command only limited facilities at this time; as such, the methadone maintenance program provides another alternative, one which is less complex.

Mr. President, I want to congratulate Dr. Silk and his able associates on their bold and far-reaching programs. They have demonstrated the tremendous capabilities of our Nation's private health care system and have done an exemplary job without a great deal of Government intenvention. Dr. Silk deserves the commendation and highest praise of all Americans who believe, as I do, that good health care is one of this Nation's top priority items.

FREEDOM FOR BYELORUSSIA

Mr. SCOTT. Mr. President, 54 years ago, on March 25, 1918, a struggle for freedom began in Byelorussia. This small nation, nestled between the Soviet Union and the Baltic States, planted a seed of nationalism when they proclaimed their independence from czarist Russia on that glorious 25th day of March. That seed is still growing and will continue to grow until Byelorussia breaks out of the Communist grip.

Not enough can be said for the courageous population of this nation and the Byelorussian Americans who work constantly to make sure the free world does not forget their brethren. The heritage of these United States further points out that America should never forget the plight of a people deprived of all social, political, and economic freedom.

May the hope for freedom live long in Byelorussia and may we all pray for liberty to become a reality for these people.

COMMITTEE SERVICE

Mr. SCOTT. Mr. President, under the provision of Senate Resolution 382, 90th Congress, creating a Commission on Arts and Antiquities of the U.S. Senate, the ranking minority member of Rules and Administration is a member of that Commission.

Recent action by the Republican Committee on Committees appointed Senator MARLOW COOK, ranking member of Rules and Administration. By virtue of this action, Senator COOK becomes a member of the Commission on Arts and Antiquities vice Senator TED STEVENS.

PRESIDENT NIXON'S WELFARE REFORM PROPOSALS

Mr. SCOTT. Mr. President, John G. Veneman, Under Secretary of Health, Education, and Welfare, recently made a statement on the President's welfare reform proposal and the "Children's March for Survival" which I believe deserves the attention of my colleagues.

I ask unanimous consent that Under Secretary Veneman's statement as well as a thoughtful editorial from the New York Times on this subject be printed in the RECORD.

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

STATEMENT BY JOHN G. VENEMAN

Behind all the kites and balloons at tomorrow's welfare march lies a special interest.

It is the special interest of a few men whose private ambitions seem to depend on the continuation of poverty in America.

The legislation these pied pipers of poverty have enticed school children to march against would, at one stroke of a pen, wipe out half of all the poverty in our country.

These men say that they oppose the President's welfare reform bill because it is not enough.

What they are opposing is a bill that would invest more money into helping people escape poverty than has ever before been proposed in a single piece of social legislation—$6.5 billion.

They say "We demand more"—$70 billion more—a figure that would cost the taxpaying families of the Nation an average of $2,000 more a year.

Their proposal hasn't the chance of a snowflake in the Sahara of ever passing Congress—and they know it.

Yet Senator Harris of Oklahoma stood on the steps of the Capitol yesterday and boasted:

"I think we can kill welfare reform this year."

The bill that he wants killed would provide $200 a month to a welfare mother in Mississippi who now receives only $60 a month to feed and clothe her children.

Are Senator Harris or George Wiley representing the best interests of that mother and those children?

That same bill would, for the first time, provide wage supplements to the parents of five million children of America's working poor—and enable those families to continue working and living in dignity at a livable income.

Are these children and these parents being honestly represented by those who want this bill killed?

And what about the crippled and retarded children who would benefit? Or the lonely children waiting for adoption who would also benefit from H.R. 1?

And who represents the disabled on Social Security who would receive Medicare coverage at no cost if H.R. 1 becomes law?

Or the blind, the aged and the disabled whose public assistance would be raised by $2 billion?

What do the pied pipers of poverty offer all of these people in exchange for the benefits they will not get if the President's welfare reform bill does not pass?

They do not offer bread.

They offer circuses.

I hope that people of good will and good sense will reply, loud and clear, to that cynical offer.

WELFARE MIDDLE WAY

President Nixon has again come strongly to the support of his welfare reform program, the Family Assistance Plan. After suggesting last summer that the wage-price freeze somehow made it desirable to postpone the effective date of the plan, Mr. Nixon in a special message to Congress yesterday reiterated his conviction that reform of the ramshackle welfare system is imperative.

Unfortunately, the President gave little hint of his willingness to accept strengthening amendments to F.A.P. He may have calculated that his more extreme critics such as the National Welfare Rights Organization are sure to antagonize so many voters—and members of Congress—as to make it unnecessary for him to compromise.

The "Children's March for Survival" which these organizations sponsored in Washington last Saturday was a dubious venture on every ground. The demonstrators may feel as the march slogan proclaimed that "Nixon Doesn't Care," but adults who do care about the emotional security of small children hardly prove their own concern by involving youngsters in a huge demonstration in which several hundred became separated from their parents.

As a practical effort in lobbying the march's political and propaganda impact was almost certainly negative. Congress is simply not going to provide a minimum annual income of $6,500 for every family of four. In city halls and state capitals, the overwhelming political problem is to prevent unwise, inhumane cutbacks in existing programs as welfare costs steadily rise. Those who agitate for utopian solutions are not helping poor people.

Yet substantial improvements in the Administration's welfare bill are necessary and possible. The proposed minimum income of $2,400 for a family of four is too low. Whatever level is finally agreed upon, no recipient should get less than the benefits he or she is now getting. There should be coverage for childless couples and for single individuals. The work requirements should be revised to exempt mothers with preschool children.

Senator Ribicoff, Connecticut Democrat, is sponsoring amendments to the Administration bill which would attain these objectives. There is already considerable support in the Senate for the essential principles of the Administration bill—coverage for the working poor, a minimum income, uniform level of support across the nation. A lobbying effort in behalf of the Ribicoff amendments would be worthwhile and constructive. Verbal fireworks and protest marches for unattainable goals are not going to pay anyone's rent or brighten any child's life.

(The remarks Mr. SCOTT made at this point on the introduction of S. 3452 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

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

THE WAR POWERS ACT

Mr. ROBERT C. BYRD. Mr. President, I rise today to express my support of the War Powers Act, S. 2956. The purpose of this act is to fulfill the intent of the framers of the Constitution of the United States, and to 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.

I believe that legislation of this nature is vital to the national interest. It is needed at this time to reestablish a constitutional balance between the executive and the legislative branches with respect to the use of the Armed Forces in hostile situations.

This act is not intended to encroach upon the recognized powers of the President, as Commander in Chief, to conduct hostilities authorized by the Congress, to respond to attacks or the threat of attacks on the United States, to repel attacks or forestall the imminent threat of attacks against U.S. Armed Forces, or to rescue endangered citizens and American nationals located in foreign countries.

The legislation constitutes an effort to confirm and codify the intent of the framers of the Constitution with respect to the war power. In my judgment, this legislation is needed to prevent the involvement of our country in future Vietnams. Its enactment would be prospective and would not have any bearing on the present war in Indochina. That war is fait accompli and the President is rapidly deescalating the American effort there. Vietnam, however, has proved the futility and the unwisdom of going to war without the clear-cut prior support of the American people, and the fundamental issue involved in this bill is that we insure that this country never again will participate with blood and treasure in a foreign war without such clear-cut prior support of the American people.

WAR POWERS OF CONGRESS

The war powers of Congress are enumerated in article I, section 8 of the Constitution. They are as follows:

> The Congress shall have power . . . to provide for the common defense; to declare war . . .; to raise and support armies; to provide and maintain a navy; to make rules for the government and regulation of the land and naval forces; to provide for calling forth the militia to . . . repel invasions; to provide for organizing, arming, and disciplining the militia; to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the government of the United States, or in any department or office thereof.

The list of powers which I have quoted from the Constitution is detailed, lucid, and comprehensive.

WAR POWERS OF THE PRESIDENT

The war powers of the President are set forth in article II, section 2, of the Constitution:

> The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States.

The foregoing cryptic statement constitutes the sum total of the Presidential war power delineated in the Constitution. It would be appropriate, however, to add the first sentence of article II, section 1:

> The executive power shall be vested in a President of the United States of America.

THE INTENT OF THE FRAMERS

It is, to me, indubitably clear, from the foregoing constitutional passages, that the framers of that great document were neither uncertain nor ambiguous about where they wished to vest the authority to initiate war. That authority was vested in the legislative branch, and in the legislative alone.

The Founding Fathers had been much dismayed by the power of the British Crown to commit Great Britain to war, and the absence of extended debate over the war powers, during the Constitutional Convention, testifies to the near unanimity as to where that authority was intended to be placed. Only one delegate, Pierce Butler of South Carolina, favored vesting the war power in the President.

Congress was to "declare" war. The President, as Commander in Chief, was to respond to sudden attacks and to conduct war once it had started. The President was to command the Armed Forces once they were committed to action.

Alexander Hamilton's statement in Federalist 69 is worth noting:

> The President is to be commander in chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the

military and naval forces, as first General and Admiral of the Confederacy, while that of the British king extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature.

Jefferson put it metaphorically to Madison in 1789:

We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay.

In the early years of the Republic, Presidents acknowledged and carefully respected the war power of Congress. President Madison said that the question of "opposing force to force" was one "which the Constitution wisely confided to the legislative department of the Government."

President Buchanan said that the executive government of this country "Cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks."

Daniel Webster, while serving as Secretary of State, said:

The war making power in this Government rests entirely in Congress; . . . the President can authorize belligerent operations only in the cases expressly provided for in the Constitution and the laws.

Abraham Lincoln expressed his viewpoint on the matter as follows:

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.

TRANSFER OF THE WAR POWER TO THE EXECUTIVE

It is in the perspective of American history since World War II that the war powers bill must be considered as necessary legislation. Only since the Second World War have American Presidents claimed, and exercised, the power to commit the Armed Forces to full-scale and extended warfare overseas without prior congressional authorization. Such Presidential actions have reached their furthest extension in the case of Vietnam. Congress bears a heavy burden of responsibility for seeing that such an assertion of power is not legitimized in the future. We should be under no illusions as to the consequences of our failure to act now.

The handwriting on the wall can be seen from the comments of the Department of State in 1969, when the national commitments resolution was pending:

As Commander-in-Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

The same assumptions of executive warmaking authority have been expressed from time to time in comments of the Department of State during the past two decades, so my remarks are not to be interpreted as being critical of the present administration alone. As a matter of fact, Congress is not faultless in view of its passive acquiescence in the unwarranted expansion of Presidential power. Such usurpation of power has, undoubtedly, more often been unintentional than deliberate, the major cause of the unhinging of the checks and balances in the war power equation having been the impact of three decades of almost uninterrupted crisis in foreign policy.

In time of emergency there is a natural tendency to fall in line behind the leadership of the President. In this constant state of emergency, our country found itself drawn little by little and deeper and deeper into the vortex of Vietnam. Who could have foreseen in 1961 or 1962 or 1963 or even 1964 that this inch-by-inch, day-by-day, deepening involvement would ultimately take 549,000 American fighting men to Vietnam?

CONGRESS MUST REASSERT ITS WAR POWERS

We must do all that we can, against the background of the difficult and costly lessons of the past, to prevent history from repeating itself. This bill, if enacted, will not constitute a catholicon. If the country is to be continually at war, or in crisis, or on the verge of war, or in small-scale, partial or surrogate war, the force of events must lead inevitably toward Executive domination despite any legislative roadblocks that may be placed in the Executive's way. But the adoption of this bill would help to restore the confidence of the American people in the processes of their Government, particularly as they relate to the vital and overriding questions of war and peace. I do not say the bill is perfect. I hope it can be improved, and I shall support any amendments which will improve it. But the fact remains that congressional inertia and quiescence can no longer be tolerated when it comes to the commitment of American forces abroad.

The war powers of Congress, as specificated in the Constitution, can no longer be permitted to atrophy. The constitutional authority to initiate war has never vested in the President, but has always remained where it was reposed in the beginning—in the Congress. Yet, the actual power to initiate war, as distinguished from the constitutional authority, has, practically speaking, shifted since World War II from Congress to the Executive. This power of Congress must be reasserted in no uncertain terms if the constitutional balance between the legislative and the Executive is to be restored.

Most Americans trust the President—the one now in office or any other. I trust Mr. Nixon to do what he thinks is best for our country. I trusted President Johnson and President Kennedy and President Eisenhower and President Truman in this regard. But when it comes to committing our country's men and resources to a foreign war, only the people's representatives in the legislative branch should make that decision. It should be a collective decision, not the decision of one man, regardless of how much confidence we have in that man.

Confidence—

Said Jefferson—

is everywhere the parent of despotism—free government is founded in jealousy; . . . it is jealousy and not confidence which prescribes limited constitutions to bind down those we are obliged to trust with power. . . . In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution . . .

EXPLANATION OF THE BILL

Mr. President, the constitutional basis for this bill is found in article I, section 8 of the Constitution, which I have quoted.

The essential purpose of the bill, therefore, is to reconfirm and to define with precision the constitutional authority of Congress to exercise its constitutional war powers with respect to "undeclared" wars and the way in which this authority relates to the constitutional responsibilities of the President as Commander-in-Chief. The bill is in no way intended to encroach upon, alter or detract from the constitutional powers of the President, in his capacity as Commander in Chief, to conduct hostilities authorized by Congress, to repel attacks or the imminent threat of attacks upon the United States or its Armed Forces, and to rescue endangered American citizens and nationals in foreign countries.

Section 3 of the bill defines the emergency conditions in which, in the absence of a declaration of war by Congress, the Armed Forces of the United States may be introduced in hostilities, or in situations where imminent involvement in hostilities is indicated by circumstances.

The conditions under which the President may make such emergency use of the Armed Forces, defined with a view to reconciling modern conditions of warfare and politics with the intent of the framers of the Constitution, are as follows:

(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;

(2) to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack;

(3) 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; but the President shall make every effort to terminate such a threat without using the Armed Forces of the United States, and shall, where possible, obtain the consent of the government of such coun-

try before using the Armed Forces of the United States to protect citizens and nationals of the United States being evacuated from such country; or

(4) pursuant to specific statutory authorization, but authority to introduce the Armed Forces of the United States in hostilities or in any such situation shall not be inferred (A) from any provision of law hereafter enacted, including any provision contained in any appropriation Act, unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in such situation and specifically exempts the introduction of such Armed Forces from compliance with the provisions of this Act, or (B) from any treaty hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of the Armed Forces of the United States in hostilities or in such situation and specifically exempting the introduction of such Armed Forces from compliance with the provisions of this Act. Specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such Armed Forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities. No treaty in force at the time of the enactment of this Act shall be construed as specific statutory authorization for, or a specific exemption permitting, the introduction of the Armed Forces of the United State in hostilities or in any such situation, within the meaning of this clause (4); and no provision of law in force at the time of the enactment of this Act shall be so construed unless such provision specifically authorizes the introduction of such Armed Forces in hostilities or in any such situation.

One of the most important provisions of the bill is Subsection (4) of Section 3. This subsection sets forth the criteria, by means of which the Congress can "pursuant to specific statutory authorization" give the President advance authority to take emergency action. Authority which might be granted in advance to the President under Subsection (4) differs from the authority which the President has in Subsections (1), (2) and (3). The emergency authorities specified in the first three subsections of Section 3 are recognized to be authority which the President enjoys in his independent Constitutional office as President/Commander-in-Chief. In codifying this independent emergency authority of the President, the Congress is exercising its own Constitutional power: "To make all laws which shall be necessary and proper for carrying into execution—all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

It was thought essential to specify—in Subsection 4 of Section 3—that no treaty, existing or future, may be construed as authorizing use of the armed forces without implementing legislation. The treaty-making power has been held not to extend so far as to authorize what the Constitution forbids. This limitation is properly construed in the Committee's view, as preventing the President and the Senate from exercising by treaty a power vested elsewhere by the Constitution. The President and the Senate could not, for instance, use the treaty power to abridge the Bill of Rights; nor, in the Committee's view, can a treaty be used to abridge the war-declaring power, which is vested not in the Senate alone but in both Houses of Congress. The framers of the Constitution considered and rejected the possibility of vesting in the Senate alone the power to declare war. That power was deliberately vested in the Congress as a whole; a decision to initiate war must be made by both the Senate and House of Representatives and cannot, therefore, be made by treaty. None of our existing treaties in any case require automatic military action.

It is also specified in Subsection (4) that specific statutory authorization is required for the assignment of members of the Armed Forces of the United States to participate in combat-related military activities of the regular or irregular forces of any foreign country—the purpose here being to prevent secret, unauthorized military support activities.

Section 4 of the bill specifies that any emergency use of the armed forces shall be reported promptly in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances and authority under which action was being taken and its projected scope. The President would be further required to make periodic reports on any military action outside of the United States, and in no event less often than every six months.

The heart and core of the bill—the provision which will give substance and weight to the Congressional war power—is Section 5, which provides that the use of the armed forces under any of the emergency conditions spelled out in Section 3 shall not be sustained for a period beyond thirty days unless Congress adopts legislation specifically authorizing the continued use of the armed forces. The intended effect of Section 5 is to impose a prior and unalterable restriction on the emergency use of the armed forces by the President. Emergency use of the armed forces by the President—under Section 3—would be undertaken with full knowledge on his part that the operation could be continued beyond a thirty-day period only with the specific authorization of Congress. The President would thereby stand forewarned against any emergency use of the armed forces that did not conform with the law and that he did not feel confident would command the support of majorities of both Houses of Congress.

Section 6 complements the restriction spelled out in Section 5 by specifying that Congress may terminate a military operation prior to the end of the thirty-day period by act or joint resolution.

Section 7 spells out mandatory procedures for expeditious action within the Committees and on the floor of both Houses of Congress with respect to any legislation authorizing a continuation of the use of the armed forces beyond the thirty-day period of the President's emergency powers or beyond a period authorized by Congress under Section 3 (4). The purpose of this section is to eliminate the risk of dilatory tactics to prevent or delay a Congressional decision with respect to the use of the armed forces. However, the accelerated procedures would not apply to advance requests for authorizations under Subsection (4) of Section 3 of the bill.

Section 8 contains a separability clause, specifying that, if any provision of the bill should be held invalid, the remainder would not be affected thereby.

Section 9 specifies that the bill would take effect on the date of its enactment but would not apply to hostilities in which the Armed Forces of the United States were involved prior thereto. The effect of this provision would be to exempt current military operations in Indochina from the application of the war powers bill.

CONGRESSIONAL AUTHORIZATION IS NOT OBSOLETE

We live in an age when declarations of war are obsolete, but I cannot accept the contention supported by some that because declarations of war are obsolete, so also, is the authority of Congress to authorize—or refuse to authorize—the initiation of war. The transfer from Congress to the Executive of the actual power—as distinguished from the constitutional authority—to initiate war has been one of the most remarkable and, to my mind, unfortunate, developments in the constitutional history of the United States. As I stated previously, we, in the Congress, bear a heavy burden of the responsibility for this metamorphosis.

I cannot conceive of circumstances in which the United States will play the role of aggressor in any war in which we may find ourselves involved in the future. Nor am I under any illusions as to the shocking suddenness that will attend any nuclear attack of which this country is the target. In any such eventuality, which I devoutly hope will never occur, protocol, constitutional power, and authority will be meaningless. But unless and until the minds of men and nations are substantially uplifted, we will continue to live in a world where armed conflict of a less cataclysmic nature is a constant threat. It behooves us, therefore, as a nation, to accept reality, and to be ever mindful of our own security, while striving always to use every means in our power to further the cause of international amity and peaceful human progress.

It is my firm opinion that an essential element of our national security, and a significant manifestation of our national prudence, lies in the willingness of the Legislature, of which we are a part, to reassume the powers and authority to initiate, or refuse to initiate, any foreign wars in which this Nation may be involved in the future. This is not merely a prerogative—it is a bounden duty. I shall vote for the passage of S. 2956, and I urge my colleagues to join me in fulfilling our Constitutional obligations to the people we represent.

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

Mr. ROBERT C. BYRD. I am delighted to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I commend the distinguished Senator from West Virginia for the remarks he has just made and for his support of the legislation which will again soon be pending.

References have been made to the Southeast Asian Treaty, during the course of this debate and before. Reference has also been made to the fact that I was one of the signatories to that treaty. That is correct. I was a signatory, along with the late Secretary of State, John Foster Dulles, and the late Senator from New Jersey, H. Alexander Smith.

I must say with some degree of pride that, while I never had much confidence in the Southeast Asian Treaty—sometimes known as the Manila Treaty and collectively referred to as SEATO—I was responsible for inserting in that treaty the phrase "due constitutional process." I did so because I wanted to make sure that Congress would have a say in anything which appeared inherent in the meaning and definition of the Southeast Asian Treaty. That is only one of the reasons why I am supporting the pending legislation.

"Due constitutional process" does not mean that the President—any President—has the right on his own initiative to engage this country in war except under certain limited and unusual circumstances. The Constitution gives the Congress the right to declare war.

In my many years in the Congress and in positions of responsibility, I have never been informed beforehand on what the Executive was going to do. But I have been told after the decision had been made, when it was too late to do anything except to protest. That protest, on the basis of what had been done to date, clearly does not go very far.

So, I am delighted that this measure is before the Senate and that Congress is once again trying to reassert its constitutional role in this particular area.

Mr. President, I ask unanimous consent that an editorial published in the Commonweal under date of March 31, 1972, entitled "War Power" and an editorial entitled "The Authority To Wage War" which was published in the Boston Globe of March 14, 1972, be printed in the RECORD.

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

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.

THE AUTHORITY TO WAGE WAR

The objections of Secretary of State Rogers to a Senate Foreign Relations Committee proposal carefully defining the circumstances under which Presidents may commit the nation to war without a declaration by Congress are perhaps understandable from the perspective of what are called "President's men." The fact is that Mr. Rogers has been joined by several other "President's men," including George Ball, Undersecretary of State in the Johnson Administration, Eugene Rostow, Arthur Schlesinger Jr. and others.

Neither Presidents nor the men around them happily surrender any of the powers that have accrued to Presidents over the years—accruing sometimes by accident, sometimes because they are strong while the congressional leadership is weak, and usually because, as George Reedy, press secretary to former President Johnson, has written, the trappings and sycophancy with which the Presidency is surrounded convince all but the most down-to-earth occupants of the office that they above all others know what is best for the nation.

In the case of the proposed War Powers Act, drafted by Sen. Jacob K. Javits (R-N.Y.) and unanimously endorsed by the Foreign Relations Committee to resolve the constitutional question of undeclared wars, the stated objection is that the proposal is too rigid, that it does not and cannot provide for the unforeseeable contingencies with which the nation might be faced at any time, especially in the nuclear age.

If this were so, the objection would be a compelling one. But it is not so. The bill lists four specific categories of situations in which the President would be empowered to take immediate action without consent of Congress: to repel an attack or the imminent threat of attack upon the United States; to repel or forestall an attack upon U.S. armed forces located outside the country; to rescue U.S. citizens threatened abroad; and in pursuance "of specific statutory authorization."

If there can be any legitimate objection to these provisos, it would have to be that they are not restrictive enough, rather than that they are too restrictive. The definition, for example, of "an imminent threat" could be too broad to leave to the exclusive judgments of Presidents, who, as Sen. Javits has said, "can and do shoot from the hip," as in the case of Vietnam after a reported attack on two U.S. warships in the Tonkin Gulf.

At any rate, it is hard to see how the President's hands would be tied in any situation which might require immediate action. The Executive Department's objections result from the requirement that a President, having taken emergency action, must thereafter make a full report to Congress and obtain its affirmation within 30 days or terminate the action, whatever it may be. The Javits bill contains strict provisions against filibuster or other delay. White House objections are hard to understand.

"The War Powers Act," as Sen Javits concedes, "cannot create national wisdom where there is none. But it can assure 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."

Sen. Javits is amply supported by the facts. Historian Henry Steele Commager has pointed out that "Presidents, in the last 20 years or so, have thrown caution and constitutional scruples to the wind, as it were, and ventured on their own authority into military operations that were in fact acts of war" in Vietnam, Laos, Cambodia, Latin America, Cuba and elsewhere:

"The unlimited power of the Executive in foreign relations is no longer justified as an emergency power but is asserted to be a normal and almost routine exercise of executive authority . . . President Johnson asserted he did not need the Tonkin Gulf Resolution to justify his bombardment of North Vietnam, for he said he already had that . . .

President Nixon's Attorney General asserted that the President's authority to invade Cambodia 'must be conceded even by those who read executive authority narrowly' . . . Presidents act under 'the Nixon doctrine' . . . 'to contain Communism' . . . to protect 'vital interests' 9000 miles away or 'to fulfill commitments' that are somehow never made clear."

The Javits bill will be debated as soon as congressional decks can be cleared for it. Its passage over White House opposition will not be easy. But it is the nation's only assurance against another Vietnam.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of routine morning business with each Senator being limited to 3 minutes.

QUORUM CALL

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

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

SOUTHEAST ASIA

Mr. GRAVEL. Mr. President, I wish to make a few brief comments on the situation that exists today in Southeast Asia. I also wish to comment on statements made by the present administration as to those events, and to comment on the activity that has taken place in Paris with reference to the refusal of our Government to sit down and go ahead with discussions with the North Vietnamese.

I think this a very tragic situation and part of a tactic to try to isolate North Vietnam, and is related to the President's trip to Peking and his proposed trip to Moscow. The hope is that this will cause them to waver in their resolve to do what they feel is necessary to bring about peace. I think that is wrong. There is always something to be gained by talking. I think the administration made a tragic error in pursuing this tactic, which can only lead to a total collapse of negotiations. I hope our Government will sit down and, regardless of the degree of patience required, continue to talk, even if negotiations may not be fruitful in the beginning. There is more to be gained by talking than there is by killing.

On the subject of killing, I understand that a Member of this body, and it was reported in the press, made the suggestion that we should bomb Haiphong and Hanoi. This proposal comes with the increased activity in Vietnam which brought the war again to the front pages of the newspapers. Interest is now focused not on the increased number of American deaths, because supposedly we wound down the war and we are extricating ourselves, but on the problem of Vietnamization—whether South Vietnam can defend itself. Obviously, it is too soon to say with assurance what happened, because even our intelligence community does not know what is happening. But thus far there has not been a good account given by the troops of South Vietnam. The Vietnams, North and South, have relatively the same population. South Vietnam has a little larger military establishment than North Vietnam; certainly it has a larger air force. Nonetheless, they continue to retreat in the face of the North Vietnamese. This can lead to only one conclusion: they do not want to fight for the government they have.

The question we arrive at quickly is, What will our Government do? Obviously, it is a civil war between the Vietnamese people. We have given the South air cover. This air cover apparently is not enough. What will our Government do now? Will it increase the air cover and increase the use of U.S. ground troops? The President has this power, because he has the troops and he can escalate the ground war. Or will he get out entirely, as many of us advocate? I wish it would be the latter, but that will not be the case. I think we will see an escalation of the bombing—not an escalation of bombing of military forces, but an escalation of bombing of the civilian areas which, I think, underscores the total immorality of our bombing program.

The Governments of North Vietnam, South Vietnam, Laos, and Cambodia do not represent a threat to the American Government. The only two nations that could be a threat to us are the Soviet Union and possibly, to a considerably lesser degree, the People's Republic of China.

The President has gone to China and he has banqueted, supped, and toasted with the Chinese Communists, at the same time we are killing Vietnamese Communists. The President will now go to Moscow, sit down, and banquet with those Communists. How can we morally sustain ourselves when our Chief Executive is banqueting with the leaders of countries which can be a threat to us, and waging war against a country which is no possible threat to us? The argument that we are trying to give the South Vietnamese a chance for self-determination is specious, because that is a dictatorship. That was proven last October 11 in the elections, and there is no reason that we should spend our tax money and human resources for a dictatorship.

We are endorsing a dictatorship there. It is a civil war. Why not hold to the principle we hold so dear, self-determination, and let the people of Indochina determine the type government they want? We have honored obligations that were not there and we should get out.

I would caution this administration that the possible use of accelerated bombing or tactical nuclear warheads would be anathema to this Nation's desire for peace, and would cast us in a light in this century that we could never outlive.

I would hope the advice the President is receiving, and will receive, on possible escalation of bombing and possible use of nuclear warheads would be turned down, because this would only bring about a moral disaster.

Mr. President, I ask unanimous consent to have printed in the RECORD certain articles that focus attention on the situation that exists today inside East Asia.

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

[From the Washington Post, Apr. 5, 1972]

HANOI SIGNALS CIVILIAN UPRISING

(By Victor Zorza)

In his last public statement before the Hanoi offensive, President Nixon said that if the South Vietnamese lines do not "break" under attacks from the North, "it will be the final proof that Vietnamization has succeeded." Therefore, if the lines do break, the converse would presumably be true, and Mr. Nixon would have to concede that Vietnamization has indeed failed.

If he did concede any such thing, his policy would be in ruins, and his chances of reelection much reduced. Therefore, as soon as the unexpected strength of the North Vietnamese offensive revealed itself, the administration began to wriggle out of its previously self-confident posture.

After the first assurances that the South Vietnamese themselves "can cope with the enemy threat," official spokesmen decided that "it is too early to judge the ability of the South Vietnamese to meet this." But if they are not able to "meet" it, Mr. Nixon will have to eat his words, and so will those who provided him with the wrong information.

The experts have led the administration to believe that the Communists might perhaps be capable of a few spectacular fireworks displays to catch the headlines, but no more than that. These analyses take no account of the political factors which, as the Communists themselves have always stressed, are as important in their strategic planning as are the military.

If these factors had been given their rightful place in the official analysis, special importance would have been attached to the recent emphasis in Hanoi on the key role of the cities in the final uprising that should mark the end of the war.

Pham Van Dong, the North Vietnamese premier, spoke of the coming political struggle in the cities. Another politburo warhorse, Truong Chinh, said that this would "seriously shake the enemy right in his den," and that it would be coordinated with the military struggle—that is, evidently, with the coming offensive.

General Vo Nguyen Giap, the commander-in-chief, made it clear that final success in the war would depend on civilian participation in the fighting alongside the regular army. A Vietcong broadcast said that the urban struggle would develop into a revolutionary movement which, in "coordination" with other attacks, would overthrow the Thieu regime.

Official analysts tend to dismiss such signs on the ground that they have seen them all before. They claim that the Vietcong do not have the military organization to mount a serious challenge to the regime. But the Communists have had plenty of time to rebuild their strength since their 1968 Tet disaster.

Once again, overconfident military and political intelligence in the field appears, as has happened so often in this war, to lead to misjudgments in Washington. In February, the intelligence experts told the White House to expect a Tet offensive when the political signs were clearly against it. When the Tet offensive did not come, senior American officials let it be known in Saigon that they expected the big push to come in the late spring or summer, in order to affect the United States election.

They were still sticking to that view last week, in spite of indications, which coincided with the arrival of a Soviet military delegation in Hanoi, that the North Vietnamese had decided to strike before the dry season was over—that is, almost immediately.

They now say that they had expected it all along. But when the blow did fall, U.S. Ambassador in Saigon Ellsworth Bunker was visiting his wife in Nepal. The U.S. commander in Vietnam, Gen. Creighton Abrams, was out of the country. A key sector of the Demilitarized Zone was held by a newly formed, unseasoned division. Two aircraft carriers had to be rushed back to Vietnamese waters.

If the signs from Hanoi are read correctly now, they will show that the Communists are saying to Mr. Nixon: Make us an offer that will persuade us before the election to hold back the general uprising which could play havoc with your chances for a second term.

[From the Washington Post, Mar. 26, 1972]

THE UNITED STATES GIVES POSITION ON SUSPENDING PARIS TALKS

(From the remarks by Ambassador William J. Porter at the Paris peace talks on March 23.)

Unfortunately, there is no "give" in your position, no readiness on your side to listen to anything except what you call a "positive response" to your ultimatums, meaning a complete acceptance of everything you propose . . .

The absurdity of this attitude, in the light of your moral, military and political failures, is apparent to all who look at the Vietnam problem in detail. Among those who do, as you know, are an increasing number of young men of North Vietnam who are beginning to weight the failures of your policies and their cost . . .

In matters governed by international convention—I refer specifically to prisoners of war—you prefer the status of outlaws rather than abiding by the convention you signed. You reject our efforts here, and the efforts of others elsewhere, to persuade you to live up to your legal obligations. You pursue the vain hope that you can use the prisoners in your hands to extract political and military advantage, that you can achieve your goals by exerting a particularly abhorrent form of blackmail. Only your most hardened professional apologists continue to excuse your conduct in that domain . . . Indeed, you have acted in a manner which has made a great many people wonder whether you would dishonor any additional commitments you might make in the future as readily as you have dishonored those you have made in the past . . .

As you know, President Nixon, at the request of the Congress, has declared next week as a week of national concern for our men held prisoner by you and your associates. It would be a mockery of our concern for them were we to sit in this room with you and listen to more of your blackmail and distortions to the effect that the prisoner of war issue is an "imaginary problem." Therefore, our side does not agree to a meeting next week.

As for meetings in the weeks that follow, we believe it would be preferable to await some sign from you that you are disposed to engage in meaningful exchanges on the various points raised in your and our proposals . . .

[From the Washington Post, Apr. 1, 1972]

NIXON SCORES ON HANOI

(By Murrey Marder)

If scoring points really matters, the Nixon administration has succeeded in badly outmaneuvering North Vietnam and the Vietcong in the propaganda struggle in Paris.

With the return to Washington this week of chief negotiator William J. Porter for "consultations" of unspecified duration, the United States has completed what President Nixon has called a new pattern of actions "to break the filibuster."

To arouse the Paris talks now from a coma deeper than any the conference has experienced since the first encounter in May 1968, the United States has laid down the condition that the Communist side must first convince Washington that it has bonafide "intentions" to engage in "serious discussion."

Perhaps what is most interesting about this near-abortion of the Paris talks is not so much that it has happened, but that the happening has been greeted with a yawn by most people in the United States.

What this shows is that the American public has passed the numbness point of caring who proposes what formula for ending the war. All that matters is whether the war continues or ends. If the Nixon administration could extend national numbness with the war to that issue also—the war's existence—it would have a massive political accomplishment.

The Nixon administration has demonstrated that it can achieve almost anything short of that goal. It has proved, with remarkable public opinion "conditioning" skill, an ability to mold press and public attention that the Johnson administration never dreamed of attaining.

How many can now remember that two months ago, on Jan. 25, President Nixon said he was disclosing the record on 30 months of secret talks, by Henry Kissinger in Paris, "to try to break the deadlock in the negotiations?" Said Mr. Nixon, "Just as secret negotiations can sometimes break a public deadlock, public disclosure may help to break a secret deadlock."

Nothing, of course, happened. Nor was there any real expectation among experts in the administration that anything productive would happen. Breaking silence on the secret talks simply marked the end of an effort that failed.

But the Nixon administration accomplished two things by revealing the secret talks. The disclosure knocked the administration's domestic political critics off stride, at least temporarily, and it caused considerable confusion in North Vietnam. Hanoi's strategists were caught by surprise just before another blow was to fall—President Nixon's visit to China, which played on North Vietnam's suspicion of a sellout by one of its major allies.

Next, as Nixon administration strategists evidently calculated, Hanoi was reeling enough to be ripe for the next blow in Paris, the U.S. switch in the ground rules for holding the Paris talks.

Ambassador Porter in Paris, and other U.S. officials, long had urged an end to the automatic "assured propaganda forum" for the Communist side in the weekly Paris talks. President Nixon earlier authorized a progressive squeeze on this forum by skipping occasional meetings. Once the secret Kissinger-level talks were disclosed, the United States had a more plausible rationale for lopping off the ritualistic weekly talks: There could always be secret talks.

It was only "coincidence," U.S. officials maintain, that President Nixon happened to authorize that shift immediately before the return to Paris of the Vietcong's chief negotiator, Mrs. Nguyen Thi Binh, after a seven-month absence. But at least some officials smile when they say that. Mrs. Binh generally comes back to Paris with at least a new public wrinkle on Communist peace plans. Mrs. Binh is not foreclosed now from presenting any new offering at a resumed conference session—providing she can convince the U.S. side that she has something "serious" to offer.

On the scale of international maneuvering, the United States therefore now appears to have the Communist side clearly outpointed in Paris. Unfortunately, however, the outcome in Indochina, where the war goes on, is unlikely to be resolved on points.

U.S. ACTION IN LAOS BARED

(By Tammy Arbuckle)

VIENTIANE.—Americans have been flying helicopter gunships in combat areas in North Laos on certain occasions since the United States introduced a gunship program into Laos in late January, well informed American sources say.

But top U.S. Embassy officials here have been denying this American air crew participation is happening.

(The downing of an AC130 gunship by an enemy missile farther south in the Laos panhandle was announced today in Saigon. The crew of 14 is missing.)

Embassy officials say the helicopter gunship programs is flown by Thai "irregulars" and helicopters have been used solely for medical evacuation of Thai volunteer forces in Laos.

Informed American sources say, however, the Thais are "not doing a very good job and they have had a hard time up there and Americans have had to show them how, so there have been times when Americans have had to fly the choppers."

This correspondent's observations bear this in the early afternoon of February 20 at Ban Son, also known as Site 272 some 60 miles northeast of Vientiane, this reporter saw three Huey gunships take off in the direction of Long Cheng and the Plain of Jars. The Hueys were armed with door machineguns and twin rocket pods. Standing at close range as one ship took off this reporter saw the right door gunner was definitely American and other four crew members though partially obscured by gear and helmets also appeared to be Americans.

Through radio conversation and from U.S. and Meo officials this reporter learned the gunships were striking at Phou Teung in the southeast corner of the Plain of Jars to support the advance of Lao irregular force code-named "gumdrop."

CASUALTIES A PROBLEM

Conversations indicated the gunships were softening up Phou Teung to prepare for the Lao advance but in all fairness it must be admitted a problem also existed on evacuating wounded. Gumdrop had several wounded who could not be evacuated because of intense Communist groundfire and the strikes therefore may have been medivac oriented rather than assault oriented though with Americans on the gunships and picking up Lao, not Thais, it did not sound like it.

Informed American sources said the gunship program is controlled and advised by U.S. Army helicopter pilot Maj. Robert Moberg, a U.S. Army attache in the Vientiane army attaches office.

One American source said Moberg flew a control helicopter while gunships were operating but the control ship remained high and did not go down to participate in the action.

The gunships' crews are told they have no right to poke their noses into the running of the war here and at Long Cheng. Where the gunships operate has been mysteriously out of bounds to reporters for more than 10 days.

There is also the clandestine nature in which gunships were introduced. There was no announcement of such an addition being made to the airwar.

"OFF THE RECORD"

When this correspondent first saw the ships on February 20 U.S. officials put the matter "off the record" on grounds the ships had not yet been used and therefore the North Vietnamese did not know about them. They were a military secret.

Even after several strikes were made by

the gunships, officials did not want to go on record concerning their use and the program did not come to light till one gunship crashed in a thunderstorm near Vientiane in front of witnesses. All five crew members were killed and U.S. officials say they were Thais.

U.S. officials, however, promised to investigate who was flying the helicopters on Feb. 20 and as has happened in past they base their defense on ground rules as they read rather than as they are carried out in practice.

"I have read the language of orders applying to this program and Americans are forbidden to fly such missions," a U.S. embassy official said. "I categorically deny that Americans are flying on these missions," he said.

Such denials are not surprising because of what is involved. While the U.S. is ostensibly pulling out of Southeast Asia the war has been escalated in Laos by introducing gunships under the cover of medivac operations. That additional Americans should be introduced even temporarily to get the program going and be exposed to enemy fire makes it worse. That this escalation is in response to North Vietnamese escalation by introducing long-range artillery and tanks into North Laos does not really help. The gunships are not going to make an appreciable difference and there is danger of American officials are going too far in the game of tit for tat involving the U.S. more deeply.

[From the Washington Post, Mar. 24, 1972]

THAI-BASED U.S. OPERATIONS CLOSETED IN TIGHT SECRECY

(By Jack Foisie)

BANGKOK, March 22.—Thailand is gradually becoming the staging area for most American-directed ground operations in Indochina as U.S. troop withdrawals from Vietnam continue and the war and political situations in Cambodia and Laos become more tense.

This has resulted in increased sensitivity on the part of Thai and American officials alike concerning U.S. air bases in Thailand and the camps and bases involved in cross-border operations.

In answer to a newsman's request, U.S. officials disclosed that there are 245 U.S. military advisers in Thailand and 280 members of the U.S. Special Forces.

But other than outlining their acknowledged training and advising roles, the officials declined to go deeper into Thai-based American operations in the Indochina war.

Officially, the role of all American Green Berets is to "train the Thais to be trainers" in counterinsurgency warfare, teaching tactics to their own troops and to those of "third-country" armies—that is, Laotians and Cambodians.

But these same American officials acknowledge that there are numerous secret camps—they call them "ad hoc training areas"—at which Americans are placed. They will not discuss the American role in these camps.

It is known, however, that some are border camps fronting on Laos and Cambodia, manned by Thai soldiers and American Green Berets engaged in clandestine cross-border operations. Rebellious areas in Burma are also being penetrated from Thai-American camps in the western provinces of Thailand.

The participation of Thai army "volunteers" in Laos, as part of a Western-backed Royal Lao army, is now an established fact. More than 5,000 Thai troops, artillerymen and airmen are in action on foreign soil.

They are American-paid, but the Thai government has its own reason for making the "volunteers" available. The North Vietnamese army and its Communist Pathet Lao auxiliary are closer to the banks of the Mekong River than in past dry seasons, and the Mekong is Thailand's border.

Despite contrary evidence, both Thai and American officials continue to pretend that the volunteers sign up on their own. They are, in fact, regular Thai units led by their own officers and taking orders mostly from the U.S. Central Intelligence Agency.

One of the assembly areas for this trans-Mekong migration is the Thai army camp of Saritsena, outside the north central town of Phitsanulok. CIA-operated Air America transport planes fly the new men from there directly into Laos.

In the most recent explanation of the Thai presence in Laos, a U.S. State Department spokesman last week described the Thais as "local forces" eligible for U.S. support.

This definition is intended to avoid violating the congressional ban on recruiting and paying mercenaries for fighting in Laos and Cambodia.

Secrecy concerning military assignments in Thailand has reached the point that a visitor with a great deal of aplomb can stumble into a secret American camp and stay a while by pretending that he, also, is on mysterious assignment.

It happened this way, without a lie being told. The gate guard challenged: "Who are you?" The newsman assumed a serious, knowing look and replied: "Don't ask me!"

For emphasis he pressed a finger to his lips, "Oh," the guard said, impressed. "I understand." He opened the gate and directed the visitor to the command post.

Exotic code names also figure into the secrecy. "Peppergrinder" is the name of a big American-Thai logistical base, for weapons and supplies destined for allied forces in Laos.

Despite their various unpublicized roles, the American Special Forces in Thailand have declined from the high point of 369 in 1969. The reduction was made possible after the Thai field police assumed their own training. The U.S. advisory force also has been cut back by 25 per cent from its high point.

Other American military activities have offset the reduction.

ORDER FOR RECOGNITION OF SENATOR PACKWOOD ON FRIDAY, APRIL 7, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the joint leadership has been recognized at the convening of the Senate on Friday morning next, the distinguished Senator from Oregon (Mr. PACKWOOD) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

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

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

RECESS UNTIL 1 P.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

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

Thereupon, at 11:29 a.m, the Senate took a recess until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. STEVENSON).

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON INTELSAT—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. STEVENSON) 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 Commerce:

To the Congress of the United States:

In the relatively short span of seven years, communications by satellite has changed the world forever. We now live, in one very real sense, much closer to other peoples and to faraway events.

The fast-developing science of satellite communications must rate as one of the true marvels of the 20th century—a technological triumph that is bringing greater understanding to a world badly in need of closer ties and deeper insights.

As one might expect, the seven years since the launching of the first communications satellite, Early Bird, have been filled with important developments in this new field. The year 1971 was one of particular accomplishment, since it marked the completion of two years of multilateral negotiations which produced the governing instruments for the International Telecommunications Satellite Consortium. When the resulting Definitive Agreements come into force, possibly in 1972, that will signal the start of a new era for this highly successful organization.

It is my pleasure to report to the Congress on our activities and accomplishments in 1971 under the Communications Satellite Act of 1962. I am certain the Congress will share my fascination and satisfaction with the speed in which participation in satellite communications is spreading across the world as a new and constructive force among nations and peoples.

RICHARD NIXON.

THE WHITE HOUSE, *April 5, 1972.*

WAR POWERS ACT

Mr. TALMADGE. Mr. President, the single most important decision we as a Nation can make is the decision to go to war.

In our Nation's relatively short history of 196 years, the Armed Forces of the United States have been committed abroad on 174 separate occasions. Yet, the Congress has formally declared war only five times.

This means that for every war declared by the Congress, we have been involved militarily on over 30 other occasions solely at the direction of the President.

Our Nation has been at war for 15 of the past 22 years, and in the past 10 years alone Presidents have launched major

military interventions in seven different nations.

In short, Mr. President, since World War II, our Nation has become greatly overextended throughout the world, both militarily and economically, without any expressed congressional mandate.

The expansion of Presidential authority and the erosion of Congress role in foreign affairs generally, and in war policy specifically, have precipitated a constitutional imbalance of grave proportions.

The purpose of S. 2956, the so-called War Powers Act, is to restore that constitutional balance of responsibilities between the executive and legislative branches without hamstringing the President in the performance of his duties as Commander in Chief.

How does this legislation go about accomplishing this goal? Stated simply, it defines the circumstances in which the President, without prior congressional authorization, can unilaterally commit the Armed Forces of our Nation, and the circumstances in which prior congressional authorization is required before the President can act militarily.

The starting point, and rightly so, is the Constitution itself. The bill recognizes that the Constitution vests in the President the power, even in the absence of a congressional declaration of war, to use American forces to repel sudden attacks on U.S. territory or U.S. forces outside this country, and to protect U.S. nationals whose lives are endangered abroad. These so-called emergency powers have been exercised by various Presidents in the past. There is no question that this authority arises from the President's independent constitutional office as Commander in Chief.

The bill goes to great lengths to preserve and protect these constitutional prerogatives of the President. Recognizing that ours is a troublesome and perilous world, it further empowers him to use the Armed Forces to forestall the threat of a direct and imminent attack on this country or this country's forces abroad.

However, the bill clearly and unequivocally states that any other use of the Armed Forces by the President for any other purpose, in any other circumstances, is prohibited, unless specifically authorized by Congress by law in advance.

We want no more of this calling of American troops into action because of some vague treaty commitment or executive agreement.

Let us have no more of this implying or inferring after-the-fact approval of a Presidential war because of congressional passage of an appropriations bill providing supplies and ammunition to troops already in the field of battle.

Perhaps most importantly, Mr. President, the bill prescribes procedures by which the Congress may overrule the President's exercise of his emergency war powers.

Any commitment of U.S. forces initiated by the President under the emergency conditions outlined in the bill is limited to 30 days, unless Congress by specific legislation authorizes their continued use.

Moreover, if it disapproves of the President's action, Congress may pass legislation terminating the use of our forces before the 30-day period has expired.

In my judgment, these provisions are the essence of the bill. The President, any President, would stand forewarned against any emergency use of the Armed Forces that did not conform with the law and that would not command the support of the Congress.

Finally, Mr. President, in cosponsoring and supporting this legislation, my intention is not to criticize those Presidents whose administrations have spanned the Vietnam war. My desire is not to strip the Commander in Chief of his rights and responsibilities under the Constitution. Nor am I motivated by jealousy or animosity toward the executive branch.

In answering the question of why, after 196 years, a war powers bill is needed now, let me restate what I said at the outset: The single most important decision we as a nation can make is the decision to go to war. I strongly feel that we must make that decision as a nation. In the recent past, however, the President, acting virtually alone, has determined whether we followed a course of war or peace. This is not right. It is the people who should decide this course, through their elected representatives. The decision is too great for one man to make, no matter how thick his hide or how broad his shoulders.

The War Powers Act (S. 2956) is a step in the right direction toward restoring this authority and this responsibility to the people and creating a better and more effective partnership between the Congress and the executive branch in foreign affairs.

Mr. JAVITS. Mr. President, will the distinguished Senator from Georgia yield?

Mr. TALMADGE. I am delighted to yield to the distinguished Senator from New York.

Mr. JAVITS. I was very much honored when the Senator from Georgia became a cosponsor of the bill. I am really inspired to hear him speak as he has. Some idea has been sought to be disseminated that those who back the bill have some desire to restrain the power of the United States in terms of either its own security or its true mission in the world.

I deeply believe that the historic value of the support of the Senator from Georgia, the Senator from Mississippi, and others, who have been identified with the very highest efforts to maintain the competence of the United States in the security field, is a clear underwriting of the fact that I have no such design. I have consistently voted for an effective defense of this country—and always will. This is a design to strengthen rather than in any way to derogate from that security power. I cannot tell the Senator from Georgia the degree of strength which I feel that that position is given by adherence to this measure by the Senator from Georgia.

In addition, the South has had a great tradition of constitutionalism. I believe that that is exactly what we are asserting here.

Again, I am greatly fortified by the position taken by the distinguished Senator from Georgia.

Mr. TALMADGE. Mr. President, I thank my distinguished friend, the Senator from New York. I certainly do not want to weaken the military security of this country. On the contrary, I want to strengthen it.

I greatly fear that we are not as strong as we should be in the dangerous world in which we live at the present time. But there is a gray area in the Constitution of the United States that needs clarifying. The President of the United States clearly, under the Constitution of the United States, is the Commander in Chief of the Armed Forces of this country. The Constitution clearly gives to Congress, and to Congress alone, the power to declare war.

There is a gray area between the power of the Commander in Chief and the power of the Congress to declare war. That gray area needs resolving.

In my judgment the bill, as primarily sponsored by the distinguished Senator from New York, seeks to take a great step forward in eliminating that gray area.

When this country goes to war, it ought not to be as a result of the action of the executive branch alone. It ought not to be as a result of the action of the Congress alone. But it ought to be as a result of the concerted action of the executive branch, through the President of the United States, and the Congress. And under those conditions, I believe that if our country has to go to war again—and God forbid that it does—the people of this country would be united and they would be prepared to fight to a successful conclusion.

I hope we get in no further wars that we are backed into by the executive branch without Congress sharing in that action and carrying out its constitutional mandate and responsibility.

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

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

Mr. MANSFIELD. Mr. President, I want to commend the distinguished senior Senator from Georgia for his remarks and for the arguments he has just made.

He has emphasized that this is not an adversary proceeding against the President. It is an expression of intent to find an accommodation and partnership by which to bring about a restoration of some of the powers which the Congress has under the Constitution but which have been allowed to fall into disuse. It is not an effort to overshadow the President, but to work with him and, in so doing, to work with and for the best interests of the people and to avoid if at all possible, involvement in the type of conflicts in which we have been engaged in recent years and in which the Congress had little or no voice.

Mr. TALMADGE. Mr. President, I commented in my statement that this is a sharing of responsibility as provided in the Constitution.

I yield the floor, and I thank the dis-

tinguished majority leader, the distinguished majority whip, and the distinguished junior Senator from Arizona for yielding this time to me.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PUBLICATION ISSUED BY FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a Publication entitled "The Gas Supplies of Interstate Natural Gas Pipeline Companies, 1970" (with an accompanying document); to the Committee on Commerce.

REPORT ON OPERATION OF TRADE AGREEMENTS PROGRAM

A letter from the Chairman, U.S. Tariff Commission, transmitting, pursuant to law, the 21st report of that Commission on the operation of the trade agreements program (with an accompanying report); to the Committee on Finance.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Determination of Nonprofit Organizations' Eligibility For Reduced Postage Rates Should Be Improved", U.S. Postal Service, dated April 4, 1972 (with an accompanying report); to the Committee on Government Operations.

ENVIRONMENTAL IMPACT STATEMENT ON THE TRANSPORTATION REGULATORY MODERNIZATION ACT OF 1971

A letter from the General Counsel, Office of the Secretary of Transportation, transmitting, pursuant to law, a draft environmental impact statement on the Transportation Regulatory Modernization Act of 1971 (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION RELATING TO CERTAIN PRISONERS OF WAR AND MISSING FEDERAL EMPLOYEES

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to provide certain benefits for American civilian prisoners of war in Southeast Asia, for Federal employees in a missing status, and for other purposes (with accompanying papers); to the Committee on the Judiciary.

REPORT OF DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

A letter from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, his report for the fiscal year 1971 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON NATIONAL HIGHWAY NEEDS

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on National Highway Needs, for the year 1972 (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

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

"HOUSE CONCURRENT RESOLUTION No. 1074

"A concurrent resolution memorializing Congress to take appropriate measures to curb federal judicial power over public school litigation in regard to forced transportation of students to achieve racial balance or overcome racial imbalance; and directing distribution

"*Whereas*, it was ordained and established in Article III of the Constitution of the United States of America that the Supreme Court's appellate jurisdiction shall be subject to such exceptions and under such regulations as Congress shall make; and

"*Whereas*, under this existing provision in the framework of governing law of the country, Congress can except from the jurisdiction of the Supreme Court such subjects as it sees fit; and

"*Whereas*, under the existing provision in the Constitution, Congress can surely take appropriate measures to curb federal judicial power over public school litigation in regard to forced transportation of students to achieve racial balance or overcome racial imbalance; and

"*Whereas*, the time has come when it should be called to the attention of Congress, the members of the House, the members of the Senate and the people of this country, that Congress can presently, without awaiting any amendment of the Constitution, except appeals of questions concerning a public school system of any state or public school system of any political subdivision of any state from the appellate jurisdiction of the Supreme Court.

"Now, therefore, be it resolved by the House of Representatives of the 2nd session of the 33rd Oklahoma Legislature, the Senate concurring therein:

"Section 1. That the Congress of the United States of America be memorialized to take appropriate measures to curb federal judicial power over public school litigation in regard to forced transportation of students to achieve racial balance or overcome racial imbalance.

"Section 2. That duly authenticated copies of this Resolution be distributed to members of the House of Representatives and Senate, including the Oklahoma Congressional Delegation, and the President of the United States.

"Adopted by the House of Representatives the 28th day of March, 1972."

"Adopted by the Senate the 23rd day of March, 1972."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Agriculture and Forestry, with an amendment:

S. 1943. A bill to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes (Rept. No. 92–728).

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, without amendment:

S. 3068. A bill to amend the provisions of the Agricultural Adjustment Act of 1938, as amended, relating to the lease of tobacco acreage allotments and marketing quotas (Rept. No. 92–729).

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. SCOTT:

S. 3451. A bill for the relief of Crown Coat Front Co., Inc. Referred to the Committee on the Judiciary.

By Mr. SCOTT (for himself and Senator MCCLELLAN) (by request):

S. 3452. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S. 3453. A bill to authorize the crediting for certain purposes, of service performed as a member of the Senior Reserve Officers' Training Corps program, service as a midshipman at the U.S. Naval Academy, and service as a cadet at the U.S. Military Academy, U.S. Air Force Academy, or the U.S. Coast Guard Academy. Referred to the Committee on Veterans' Affairs.

By Mr. STEVENS:

S. 3454. A bill for the relief of United Contractors, a partnership consisting of James E. Ward, Elkan Morris, and Andrew J. Dickies. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3455. A bill to provide that time spent by individuals interned in places operated by the U.S. Government for U.S. citizens and nationals of Japanese ancestry shall be considered creditable service for purposes of civil service retirement. Referred to the Committee on Post Office and Civil Service.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT (for himself and Senator MCCLELLAN) (by request):

S. 3452. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees. Referred to the Committee on the Judiciary.

Mr. SCOTT. Mr. President, as the ranking Republican member of the Subcommittee on Patents, Trademarks and Copyrights, I introduce by request on behalf of myself and the senior Senator from Arkansas (Mr. MCCLELLAN) a bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees.

This legislation is being introduced at the request of the Department of Commerce and provides for three miscellaneous amendments to the Trademark Act of 1946, as amended.

Under section 13 of the Trademark Act, any person who believes that he would be damaged by the registration of a mark upon the principal register may oppose the same by filing an opposition within 30 days after the publication of the mark sought to be registered. Section 1 of this bill provides for automatic extension of the period of filing oppositions in trademark cases on request of a prospective opposer. No reasons for requesting a first extension would be required. Subsequent extensions could be granted if good cause is shown.

Section 21 of the Trademark Act requires that a party taking an appeal to the U.S. Court of Customs and Patent

Appeals must give notice to the Commissioner of Patents and file his reasons of appeal with the Patent Office. The requirement for filing "reasons of appeal" no longer serves a useful purpose and has occasionally deprived litigants of legal rights. Section 2 of the bill eliminates the statutory requirement for filing "reasons of appeal."

Section 35 of the present Trademark Act provides for the awarding of treble damages in appropriate circumstances in order to encourage the enforcement of trademark rights. The general rule in the U.S. judicial proceedings is that, absent specific authority by statute or contract, attorney fees are not recoverable in ordinary actions at law or in equity by either a successful plaintiff or defendant. Section 3 of the bill provides that attorney fees may be awarded to the prevailing party in actions under the Federal trademark laws, when equity justifies such awards. It would make a trademark owner's remedy complete in enforcing his mark against willful infringers, and would give defendants a remedy against unfounded suits.

By Mr. TOWER:

S. 3453. A bill to authorize the crediting, for certain purposes, of service performed as a member of the Senior Reserve Officers' Training Corps program, service as a midshipman at the U.S. Naval Academy, and service as a cadet at the U.S. Military Academy, U.S. Air Force Academy, or the U.S. Coast Guard Academy. Referred to the Committee on Veterans' Affairs.

Mr. TOWER. Mr. President, I am introducing today a bill to credit for pay and retirement purposes time performed as a member of the Senior ROTC program or as an academy cadet or midshipman. This bill is another in a series designed to increase the attractiveness of a military career, but it is also designed to eliminate an inequity that has inadvertently arisen.

Recently, I introduced a bill to establish Reserve enlistment and reenlistment bonuses with the hope that this measure would strengthen our declining Reserve component strengths. Those strengths had dropped 45,000 below the congressionally authorized floor as of December 1971. While that measure benefits enlisted men of the Armed Forces, the bill I introduce today is directed at the officer corps.

There are really two separate systems for raising officers for the Armed Forces, from college. The one with which we are most familiar, the Reserve Officers' Training Corps program, is utilized by the Army, Navy, and Air Force. The Marine Corps, however, has a special program called the platoon leaders course which is the prime source of their officers. College students are recruited early in their college careers and must normally serve two 6-week summer camps before commissioning.

Until last year members of the Platoon Leaders Course received no subsistence allowance. ROTC students were given $50 a month. To overcome this inequity, it was the practice of the Marine Corps to allow graduates of the PLC to count their service for pay and retirement purposes. The effects of this were to give these officers an approximate 2-year advantage in pay and to allow these officers to retire about 2 years earlier than their Army, Navy, and Air Force counterparts. These were considered sufficient incentive to overcome the lack of a subsistence allowance while in college.

However, last year Public Law 92–192 was passed. This gave both ROTC and PLC students a $100 monthly subsistence allowance, thus removing the original inequity but creating a new one. This bill will solve that problem by allowing ROTC students to count their years of service for basic pay and retirement purposes. It will additionally give service academy cadets and midshipmen the advantage of counting their years in the academies for these purposes. It is my belief, Mr. President, that this measure is essential to removing a pay inequity that was inadvertently created last session and it provides an additional incentive for officer procurement for the all-volunteer force.

By Mr. STEVENS:

S. 3454. A bill for the relief of United Contractors, a partnership consisting of James E. Ward, Elkan Morris, and Andrew J. Dickies. Referred to the Committee on the Judiciary.

Mr. STEVENS. Mr. President, on July 1, 1970, I introduced into the 91st Congress Senate bill 4052 providing for the relief of United Contractors, a partnership consisting of James E. Ward, Elkan Morris, and Andrew J. Dickies. Although the bill was not enacted during the 91st Congress, I still believe that it is a most worthy piece of legislation. Accordingly, I am resubmitting it today.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. KENNEDY, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 32, the Conversion Research, Education, and Assistance Act.

S. 2219

At the request of Mr. CRANSTON, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 2219, the Veterans' Administration Health Manpower Training Act of 1971.

S. 2354

At the request of Mr. CRANSTON, the Senator from New Jersey (Mr. CASE) was added as a cosponsor of S. 2354, the Veterans' Health Care Reform Act of 1971.

S. 2851

At the request of Mr. ALLOTT, the Senator from New York (Mr. BUCKLEY), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. STENNIS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 2851, a bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions.

S. 3010 AND S. 3193

At the request of Mr. NELSON, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 3010 and S. 3193, bills to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

S. 3291

At the request of Mr. PACKWOOD, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3291, a bill to eliminate the discriminatory tariffs on fish nets and netting which are not produced in the United States.

S. 3309

At the request of Mr. ROBERT C. BYRD (for Mr. BURDICK) the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 3309, a bill to reduce recidivism by providing community-centered programs of supervision and services for persons charged with offenses against the United States, and for other purposes.

S. 3351

At the request of Mr. BROCK, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 3351, a bill to establish a Council on International Economic Policy.

S. 3436

Mr. ALLOTT. Mr. President, I join today with the distinguished junior Senator from Utah (Mr. Moss) in sponsoring S. 3436, entitled an act to amend the Soil Conservation and Domestic Allotment Act and provide for a Four Corners Area program, introduced March 29, 1972. The bill is an effort to concentrate our attention upon the very real environmental problems that exist in the Four Corners Region. We who represent the Four Corners States are only too familiar with the problems of sediment and salinity as well as other pollutants in the streams and ponds of the Four Corners Area. This regional approach to solving the problems peculiar to this area is the logical avenue to pursue. It will arm the Soil Conservation Service with the authority to "tailor-make" needed solutions to regional environmental problems.

S. 3439

At the request of Mr. STEVENSON, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 3439, a bill to authorize expenditures to correct or compensate for substantial defects in section 203(b) FHA mortgaged homes.

SENATE CONCURRENT RESOLUTION 74—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE REPORT 92–634

(Referred to the Committee on Rules and Administration.)

Mr. WILLIAMS submitted the following concurrent resolution:

S. CON. RES. 74

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Labor and Public Welfare two thousand additional copies of Senate Report 92–634, entitled "Interim Report of Activities of the Private Welfare and Pension Plan Study, 1971", a report by its Subcommittee on Labor pursuant to section 4 of Senate Resolution 35, Ninety-second Congress.

SENATE RESOLUTION 290—SUBMISSION OF A RESOLUTION TO REFER A BILL TO THE CHIEF COMMISSIONER OF THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. SCOTT submitted the following resolution:

S. RES. 290

Resolved, That the bill (S. 3451) entitled "A bill for the relief of the Crown Coat Front Company, Inc., now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any legally or equitably due from the United States to the claimant.

EXTENSION OF THE ECONOMIC OPPORTUNITY ACT OF 1964—AMENDMENT

AMENDMENT NO. 1100

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. STEVENSON. Mr. President, I submit an amendment to S. 3193, a bill to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. President, 3 weeks ago President Nixon told a national radio and television audience that—

> It is time for us to make a national commitment to see that the schools in the central cities are upgraded so that the children who go there will have just as good a chance to get quality education as do the children who go to school in the suburbs.

Last week the Office of Education announced a 15-percent cutback for next fall's funding of one of the most successful Federal efforts to bridge the educational gap in urban America—Project Follow Through. Conceived in 1967 as a kindergarten-third grade followup to the comprehensive program approach of Project Headstart, Follow Through has proven its worth by producing students who have consistently maintained higher levels of academic achievement, lower dropout rates, and more positive attitudes toward learning than their counterparts in urban schools who have not been fortunate enough to participate in the Follow Through program.

The story of how 26 Follow Through programs are in danger of being terminated this fall is one of broken promises, budgetary miscalculations, and disordered national priorities. If we as a Nation are to make the "national commitment" about which the President spoke, programs like Follow Through must be expanded, not curtailed. The legislation I introduce today is designed to do just that. If these programs are allowed to die, "equal educational opportunity" and "national commitment" will be just so much empty rhetoric for the thousands of families who have already seen what Follow Through can do and the thousands more who could follow them. I trust the Congress will not allow this to happen.

Last year the administration requested $59 million for the fiscal year 1972 Follow Through program, some $9 million less than the $68 million for fiscal year 1971. The Office of Education explained at the time that its goal was to reduce Federal per pupil Follow Through costs through more efficient administration. There was to be no cut in the number of Follow Through programs. Although this was the administration's position in August of 1971, we are now told that the $9 million cutback for fiscal year 1972 funds, which will be used for the school year beginning in the fall of 1972, will necessitate a 15-percent cutback in Follow Through programs, including three in the State of Illinois. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of the 26 Follow Through programs being eliminated by the administration.

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

Effect of $9 Million Fiscal Year 1972 Budget Cutback of Follow Through—School Year 1972–73

The following cities are losing their Follow Through projects (also included is the amount for which they would have been programed in the coming school year in the absence of cuts):

Lincoln, Nebraska	$43,500
Chicago (Howland-Lathrop)	152,000
Dimmitt, Texas	218,400
Jefferson Parish, La	205,000
Philadelphia (Elverson)	144,000
Wood County, Wisconsin	75,000
Riverhead, New York	314,400
Philadelphia (Stevens)	60,000
Philadelphia (Waring)	176,000
Stuarts Point, California	18,700
Randolph County, West Virginia	225,690
Texarkana, Arkansas	250,000
Pittsfield, Massachusetts	236,520
Chicago (Ogden)	39,375
Lansing, Michigan	337,500
Prince Georges County, Maryland	190,485
Laurel, Delaware	230,280
El Monte, California	336,995
Vincennes, Indiana	119,850
DuVal County, Fla. (Jacksonville)	763,290
Leflore County, Mississippi	337,500
Fort Yates, North Dakota	136,800
Hillsboro County, Florida	447,603
Lamont, California	240,000
Great Falls, Montana	249,000
Waukegan, Illinois	347,650

Mr. STEVENSON. Mr. President, it was not stated last year, when this year's cuts were ordered, that some 26 programs would have to be terminated. As of today, there is no new Federal or cooperative Federal-State effort to take over where these programs have been ordered to leave off. The administration has changed its signals in midstream, and unless we in the Congress do something about it, the disadvantaged children now being served by 26 fully operative Follow Through programs throughout the country will bear the brunt of the administration's miscalculations.

The amendment I submit today would earmark $100 million of the funds authorized by the Economic Opportunity Amendments of 1972 for Follow Through programs in fiscal year 1972 and $100 million in fiscal year 1973. In fiscal year 1972, $70 million of this would be enough to save all current programs, while the additional $30 million would permit a modest expansion. As quality preschool programs grow, there must be parallel growth in complementary programs such as Follow Through.

Among the projects scheduled to be terminated at the end of this school year are three in Illinois, involving four separate schools, one of which the Office of Education has called one of the most innovative and successful Follow Through programs in the Nation. These cutbacks are among the greatest for any State in the Union. Many years of hard work went into developing the programs at the Ogden School in Chicago, at the Howland and Lathrop Schools in Chicago, at the Carman School in Waukegan, and at other schools across the Nation. Much remains to be done, but years of work could be tragically destroyed by abrupt program terminations.

We cannot abandon these children who are finally beginning to receive what has for too long been the object of an empty national commitment—a quality education. By providing the funds necessary to keep current Follow Through projects operative, we can insure that children who now benefit from this Federal aid are not made victims of insensitive and unwarranted budget cuts.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1103

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

ELIMINATION OF THE PART B PROGRAM FROM MEDICARE PROGRAM

Mr. WILLIAMS. Mr. President, the present program of health insurance for the aged, or medicare, as you know, is composed of two parts, parts A and B. Part A is a hospital insurance program which provides practically every person 65 and older with vital protection against the astronomically high costs of hospitalization and other forms of related institutional health care. Hospital insurance is currently financed by means of a special payroll tax, much in the same way as payroll taxes are used to pay for retirement, disability, and survivors' cash benefits under social security. Part B, known as the supplementary medical insurance program, affords the elderly an additional margin of needed protection against the high costs of physicians' and other medical services required by older people. This program is, as you know, voluntary. The aged elect to choose coverage under the program and pay 50 percent of the costs of program benefits and administration.

About 6 years ago, when medicare began, monthly premiums for supplementary medical insurance were only $3. The costs of protection under this program, protection which has remained largely unchanged, is now $5.60 a month.

On July 1 of this year, monthly premiums will rise to $5.80, nearly double the original costs of the program. The limited and fixed resources of more than 20 million older people will be reduced by a staggering $1.5 billion solely to finance the supplementary insurance program. The time has surely come, I am convinced, to examine our entire approach toward financing medical insurance protection for the country's millions of retired workers and their spouses.

I think it would be a sham for this Congress to act on increases in cash retirement benefits under social security on one hand, while allowing the Government to take back part of these increases in the form of higher monthly premium payments on the other. In my view, the part B premium now imposed on older enrollees should be eliminated altogether. First, it would provide an immediate measure of badly needed financial relief for an aged population that is already smarting severely under the intensifying pressures of inflation. And, second, elimination of premiums would remove any future monetary barriers which would serve to deter an older person from obtaining the protection afforded by the supplementary program.

To accomplish this reform in our social security system, I am introducing the following amendment which will eliminate the premiums for supplementary medical insurance.

The administration agrees that there is an urgent need to do away with part B premiums under medicare. But the President has asked the $1.5 billion represented by these premiums be financed through the hospital insurance payroll taxing mechanism. This means of financing part B benefits is, in my opinion, unnecessary and unjustified. It is wholly unfair to shift the burden of the costs of part B to an already burdensome and much too regressive tax levied on the salaries and wages of workers in this country. One-half of part B costs are now paid for from general revenues, and I see no reason why the entire cost cannot be financed in this matter.

Mr. President, when the social security legislation now in committee reaches the floor of the Senate, I hope a provision of the kind I have just described will be included in it. If not, it is my intention to support amendments that will achieve this objective.

AMENDMENT NO. 1104

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

Mr. NELSON. Mr. President, I am introducing an amendment to H.R. 1, the social security bill now before the Finance Committee, that would substantially increase the work incentives for welfare recipients.

Last Tuesday, in a message to the Congress, President Nixon had this to say about the present welfare system:

> Its shocking inequities continue to drain incentive from the many poor who work but who see some families making as much or more on welfare.

From the beginning, the desire to provide a greater work incentive has been one of the major motives behind the family assistance plan. In his message to Congress of August 11, 1969, in which he first presented this proposal, President Nixon declared:

> I propose a new approach that will make it more attractive to go to work than to go on welfare . . . For the first time, training and work opportunity with effective incentives would be given millions of families who would otherwise be locked into a welfare system for generations . . .

I support the President's goal. Nothing can contribute as much to the well-being and financial independence of the poor as jobs. Many of today's welfare recipients want to work. Under H.R. 1, coverage is extended to several million families whose heads are either already working, or who could work if employment were available. For all of these people, the welfare system should provide a strong incentive to seek—and hold—jobs.

Unfortunately, H.R. 1 does not meet this test. It does not live up to the Presidential rhetoric.

Here is how the bill would work. For every $1 earned by a welfare recipient—above $720—his welfare check is reduced 67 cents; at the same time, he must pay 5 cents in social security taxes. As a result, he keeps only 28 cents. Moreover, if he earns enough to pay income taxes, every additional dollar earned means 14 cents in income tax. In that event, the recipient ends up with 14 cents per dollar earned.

But that is not all. Most welfare recipients receive benefits from a variety of other programs—medicaid, public housing, et cetera—which also taper off as earnings rise. As a result it is quite possible for recipients to actually lose money from an additional $1 of earnings. As Senator LONG pointed out in his Senate speech of August 6, 1971:

> In many cases after one considers the increase in Social Security taxes paid, the loss of medicaid benefits, and especially if the family is enjoying the benefit of subsidized public housing, the family income would be reduced by more than 100 percent of every dollar that a father or mother proceeded to earn.

But even if this situation does not exist, the arithmetic is not very encouraging. A man who is paid the present legal minimum wage of $1.60 an hour and can keep only one-third of it is in effect working for 53 cents an hour. Not many people are prepared to do that.

Of course, a similar problem exists under current law. But as Alice Rivlin, former Assistant Secretary of Health, Education, and Welfare, and Joseph Pechman, director of economic studies at the Brookings Institution, testified before the Finance Committee in January:

> H.R. 1 gives significantly less incentive to welfare recipients . . . than present law.

The same conclusion has been arrived at in a study by Jodie Allen of the Urban Institute.

What it boils down to is this: The administration is trying to sell its welfare reform bill on the basis of a virtue which it patently does not possess.

It may be argued that although H.R. 1 provides little incentive to work, it will increase employment among welfare recipients because of the work requirement. This amounts to saying that we can accomplish through coercion what we are unwilling to try through economic incentives.

However, as Senator LONG has put it:

> The so-called work requirements are, in fact, a farce.

Work requirements have been in existence for at least 10 years under AFDC, and they have certainly not increased employment substantially among the AFDC population. If a welfare recipient is determined not to work, he can easily get himself fired after being placed on the job. As Roger Freeman of the Hoover Institution at Stanford University and one of the most outspoken opponents to H.R. 1, told the Finance Committee:

> There probably is only one way in which a man (or woman) can be made to find and take a job and keep it: *To make him want it.* No mandatory work requirement can make him do that . . .

A number of provisions contained in the Ribicoff amendment would improve work incentives. In particular, a credit should be provided for social security and income taxes paid by welfare recipients.

However, my amendment would go further. For the great majority of the working poor, it would provide a 50-percent tax rate—for every $1 earned, the welfare check would be reduced by only 50 cents, instead of 67 cents as in H.R. 1.

Specifically, this proposal would continue to disregard the first $720 of earnings. Over the next $1,000 of earnings, welfare benefits would be reduced 67 cents for every $1 of earnings, as in H.R. 1. However, for any additional earnings, benefits would be reduced by only 50 cents on the dollar. Table 1 compares this proposal with H.R. 1 for different earnings levels.

TABLE 1.—WELFARE BENEFITS AND TOTAL INCOME UNDER H.R. 1 AND UNDER THE NELSON AMENDMENT FOR A FAMILY OF 4 AT DIFFERENT EARNINGS LEVELS

	H.R. 1: $720 disregard 67 percent tax rate		Nelson proposal: $720 disregard 67 percent on next $1,000; 50 percent thereafter	
Earnings	Welfare benefit	Total income	Welfare benefit	Total income
0	$2,400	$2,400	$2,400	$2,400
$720	2,400	3,120	2,400	3,120
$1,720	1,733	3,453	1,733	3,453
$2,000	1,546	3,546	1,593	3,546
$3,000	873	3,873	1,093	4,093
$4,000	212	4,212	593	4,593
$4,500	-------	4,500	343	4,843
Break-even	4,320	-------	5,186	-------
Coverage	19,400,000	-------	24,400,000	-------
Cost	6,400,000,000	-------	7,400,000,000	-------

Admittedly this amendment would not improve the situation for those with very low earnings. However, these low earners already have a considerable work incentive as a result of the $720 disregard. Thus, a man earning $1,500 under H.R. 1 would have his welfare benefit reduced by only $520—his total income would increase by $9.80 as a result of his job.

The amendment would help those earning over $1,720, where help is most needed. These are the families that are most likely to become self-supporting through increased work effort.

Table II shows the distribution of families eligible for benefits under H.R.

1 by earning levels; 1.6 million, or about 43 percent of the total, have annual earnings under $360. These are primarily families headed by women with young children. Some of them will be able to find work if jobs and day care become available, but it is unrealistic to suppose that any large portion of them will become self-supporting in the near future.

At the other end, there are 1.4 million families with earnings over $1,720. These are largely families headed by a male who is working full time or part time, but whose earnings are not sufficient to remove the family from poverty. These are the families that are most likely to move out of poverty over time. These are the families that should be given the greatest inducement to increase their work effort and their wages. Yet under H.R. 1 these are the families that are faced with the highest work disincentive.

TABLE II.—DISTRIBUTION OF ELIGIBLE FAMILIES BY EARNINGS UNDER H.R. 1

Earnings:	*Eligible families*
Under $360	1,578,000
$361–$720	246,600
$721–$1,720	513,900
Above $1,720	1,375,700
Total	3,714,200

Source: Department of Health, Education and Welfare.

This amendment will add an estimated $1 billion to the cost of H.R. 1. This is no trifling sum. But consider the advantages:

To the extent that it encourages greater work effort, this approach will reduce the welfare caseload and welfare expenditures over time. As Governor Sargent of Massachusetts told the Finance Committee:

> High benefit reduction rates will surely encourage people to reduce their hours of work, and thereby increase their federal income payments. In this way, such high rates will encourage rather than discourage welfare dependency, and will be more expensive in the long run.

It will reduce the incentive for family breakup. Under H.R. 1, the incentive for an employed father to desert his family is less than under present law, but it is still considerable. If he deserts, the father can keep almost all his earnings while his family receives its welfare benefit. But if he remains with his family, the welfare benefit is reduced by two-thirds of his earnings above $720. By cutting the rate at which welfare benefits are reduced by earnings, this amendment decreases the employed father's incentive to desert.

The $1 billion would go to the "working poor." True, about 1 million additional families would receive welfare benefits. But these are not the people who have been pictured traditionally as "lazy" and "shiftless." Rather, these are hard-working families whose poverty results from the low wages of the breadwinner. As a matter of simple equity, these families should be allowed a higher income than families that do not work.

This proposal will tend to diminish cheating among recipients. The income maintenance studies sponsored by the Office of Economic Opportunity have shown that high tax rates tend to drive earnings underground—recipients do not report them.

In the Tax Reform Act of 1969, the Congress approved a maximum tax rate of 50 percent on earned income so as to diminish the incentive for wealthy taxpayers to seek out tax loopholes. Similar logic applies here.

Numerous witnesses before the Senate Finance Committee attacked the lack of work incentives in H.R. 1. Many—like Lucy Benson of the League of Women Voters—supported a 50-percent benefit reduction—or tax—rate. The case was put most succinctly by Alice Rivlin, former Assistant Secretary of HEW, and Joseph Pechman of the Brookings Institution:

> This is what we want to emphasize in this testimony—the bill does not make it worthwhile for people receiving welfare payments to hold jobs. The rate at which their earnings are "taxed" is too high. We believe that families receiving payments should be able to keep at least half of their earnings . . . If this Committee were to limit itself to one change in H.R. 1 . . . we believe the most important improvement that could be made would be to lower the marginal tax rate at least to 50 percent.

Mr. President, H.R. 1 has been presented to us as a program to solve the welfare problem by encouraging work and financial independence among the poor. Yet most of those who have studied the legislation are agreed that it provides little or no work incentive. Indeed, many experts argue that in this respect it is worse than present law.

My amendment may not represent the final solution to this problem. It may not go far enough. But it will help. It will lend some substance to the President's claims. The cost is high—$1 billion—but this is a small price to pay for a program that works. It would be tragic indeed if a few years from now the welfare crisis is back before us—unresolved, and out of control again—because we were not bold enough to pass a real reform in 1972.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 410

At the request of Mr. HART, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Amendment No. 410, intended to be proposed to the bill (S. 1478), a bill to amend the Federal Hazardous Substances Act.

AMENDMENT NO. 955

At the request of Mr. STEVENSON, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of Amendment No. 955, intended to be offered to the bill (H.R. 1), the Social Security Amendments of 1972.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON PRODUCTION AND STABILIZATION

Mr. CRANSTON. Mr. President, I wish to announce that the Subcommittee on Production and Stabilization of the Committee on Banking, Housing and Urban Affairs will hold hearings on S. 669, a bill to amend and extend the Defense Production Act of 1950, as amended and S. 1901, a bill to amend the Defense Production Act, as amended. These hearings will be held on April 12 and 13, 1972, beginning at 10 a.m. in Room 5302, New Senate Office Building.

Persons wishing to testify or to submit written statements in connection with these bills are requested to contact Mr. Reginald Barnes, Assistant Counsel, Senate Committee on Banking, Housing and Urban Affairs, Room 5300, New Senate Office Building, Washington, D.C., 20510, telephone 225–7391.

ANNOUNCEMENT OF HEARINGS ON S. 1430 TO ESTABLISH A DEPARTMENT OF COMMUNITY DEVELOPMENT

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Florida (Mr. CHILES), I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Committee on Government Operations for 10 a.m. on April 11 and 12, 1972, in room 3302, New Senate Office Building, on S. 1430—to establish a Department of Community Development. Those tentatively scheduled to testify are: April 11, 1972—Earl L. Butz, Secretary, Department of Agriculture, and James T. Lynn, Under Secretary, Department of Commerce; April 12, 1972—James M. Beggs, Under Secretary, Department of Transportation, Phillip V. Sanchez, Director, Office of Economic Opportunity, and Frank C. Carlucci, Associate Director, Office of Management and Budget.

NOTICE OF HEARING ON FORESTRY INCENTIVES ACT OF 1972

Mr. TALMADGE. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND) I hereby announce the Subcommittee on Environment, Soil Conservation, and Forestry of the Committee on Agriculture and Forestry will hold a hearing Monday, April 17, on S. 3105, the Forestry Incentives Act of 1972. The hearing will be 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.

ADDITIONAL STATEMENTS

NOTICE OF REPORTS REQUIRED BY SENATE RULES OF CONDUCT

Mr. STENNIS. Mr. President, early in this session, each Senator received a letter from me in my capacity as chairman of the Select Committee on Standards and Conduct reminding him of his responsibilities to file disclosure reports as required by the Senate Rules of Conduct. The letter included revised printed instructions and suggested forms for use in making these reports. A set of the instructions and the sample report forms also were sent to each administrative assistant and staff director with the thought that they would coordinate re-

quests for instructions and forms for other members of their staffs.

Rule 44 requires that each Senator, candidate for Senator, and employee who is paid by the Senate at a rate in excess of $15,000 a year must file a confidential personal disclosure with the Comptroller General and a public disclosure with the Secretary of the Senate. These filings must be made before May 15. Rule 41, which governs outside employment or professional practice by employees, requires that a report of such activity be made on May 15 and at certain other times.

It is my purpose, Mr. President, in making this announcement today to respond to those Senators who have asked me to remind them again of these reporting requirements.

The staff of the Select Committee on Standards and Conduct is available to assist Senators and employees in making these reports, and will make instructions and copies of suggested report forms available upon request.

TRIBUTE TO FORMER SENATOR LISTER HILL, OF ALABAMA

Mr. ALLEN. Mr. President, on Sunday, April 2, 1972, in its In Dixieland magazine section, the Birmingham News published an interesting article about Senator Lister Hill, whose decision to retire from the U.S. Senate led to my own presence today in this body.

During an illustrious 45-year career as a Member of Congress, 31 of which were in the Senate, Senator Hill set an outstanding record of legislative achievement. While he is more widely recognized for his legislation dealing with health, other programs he conceived, sponsored or helped guide to passage in Congress encompass a broad spectrum of governmental responsibilities.

Many Members of the Senate enjoyed a close association with Senator Hill.

I ask unanimous consent that the article from the Birmingham News ably written by its talented staff writer, Miss Anita Smith, be printed in the RECORD, so that all will know that Senator Hill is well and active in retirement at his home in Montgomery, Ala. He is greatly missed in the U.S. Senate by Senators on both sides of the aisle.

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

AMERICA'S HEALTH STATESMAN—AFTER 46 YEARS OF FIGHTING FOR BETTER HEALTH LEGISLATION, LISTER HILL IS ENJOYING RETIREMENT

(By Anita Smith)

The year was 1951. The scene was one of those political-talk sessions up on Washington's Capitol Hill. A well-known leader in the national health field walked up to President Harry Truman and complained politely but profusely that the Federal Bureau of the Budget wasn't releasing enough funds for health projects in the country.

Well-known for his outspoken talk, President Truman wasted no time in telling the complainer where he could find an ally for his health projects.

"Now look . . . there is a fellow up on the Hill whose name is Hill," said the President. "I served many years with him in the Senate. He doesn't pay any attention to Presidential budgets. He just busts them.

"No one can conduct a more successful raid on the Federal Treasury than Lister Hill."

Many others have agreed with President Truman. They have witnessed Lister Hill's well-known ability to conduct budget raids for the purposes of health causes in the nation. The man who came to be known as "America's health statesman" began his fight for health legislation as a member of the House of Representatives in the early 1920s. He continued his battles for health legislation when he moved over to the Senate in the 1930s. And during his 14 years as chairman of the two Senate committees having total jurisdiction over health appropriations, he guided to passage more than 80 major pieces of health legislation. Through his persistence and power, federal support for medical research alone rose from $125 million a year to some $2 billion a year under his chairmanship.

Today, the eloquent Lister Hill is far from the spotlight of the speaker's podium of the U.S. Senate, where he spent many an hour praising the legislation he sought and filibustering that which he abhored. He's far from the distinguished Washington offices where he drafted many a piece of legislation. And he's far from those endless piles of mail that poured in from people around the nation who wanted Lister Hill's help in getting a hospital for their small town, a research project to fight cancer, or a new center for mentally retarded children.

Instead, he's living a much quieter life with his wife Henrietta in a comfortable three-bedroom house in Montgomery, the town of his birth. He has just ended his third year of retirement from a 46-year career in Congress.

Lister Hill is 77 years old now, but still alert and active and still talking about health matters. He rattles off the names of the various health projects he endorsed as if the bills were passed yesterday.

When he hears that funds have been reduced or cut off for one of those projects, he shakes his head and says, "I'm not up there to fight for the money now. But if I were there, I'd fight 'em. We need money for health. There are just so many people suffering and dying."

With the pressures of public life no longer around to make endless demands on his time, Lister Hill has more hours to fill now with pastimes totally of his own choosing.

One of those pastimes is the joy of his life, reading. It's nothing unusual to see Sen. Hill seated in his green fabric upholstered chair in front of a window in his book-lined den, reading until 11 o'clock at night.

"He'll take hours to read a newspaper," said his wife Henrietta. "It seems to me that he reads every word . . . We've got so many newspapers and magazines that it has gotten to the point there's no place to put anything in the den."

No matter how late the senator stays up reading at night, he'll likely as not be up bright and early the next morning . . . to read his newspaper. "I've got to get up and see what's going on in the world," he smiles.

The retired senator spends hours, too, poring over the documents and letters that tell many of the tales of his 46 years in Congress.

His bedroom is covered with envelope after envelope of papers which record those pieces of legislation he championed—not just health legislation, but legislation for conservation, crop loans and insurance, TVA, waterway development, aid for military veterans and their dependents . . . And many, many others.

As he sits at his desk poring over these documents, the senator doesn't say that he's trying to write his memoirs. He just says, "I'm trying to get things together."

But much of what went on during those 46 years can't be found in any document. The cloak room talk, the late night caucuses, the behind-the-scenes maneuvering—those are things that are catalogued only in Lister Hill's memory.

"One of the biggest regrets of my life is that I didn't keep a diary," said the senator.

For more active pastimes these days, the retired senator walks for short distances. For many years, he took long walks. "I remember when we were in Washington, he used to walk as far as five miles," said Mrs. Hill. She said she'd go along and walk with him sometimes "but I'd get so tired I'd just sit down on somebody's curb and wait for him to come back by."

Now the senator has to take it a little easier when he walks, since he broke his hip in Oct. 1970 when he slipped in a darkened hotel room in New York one night.

From time to time, one can still see Sen. Hill at the airport, hopping a plane to attend a meeting in some other state.

And one can still see him in an office from time to time. He maintains an office in Montgomery's Post Office Building and spends a few hours there each week dictating answers to correspondence to his secretary. This office has a luxury of privacy and solitude he couldn't afford when he was in public office—no telephone.

Much of his time at the office is spent answering the requests for help he still gets in the mail. "You'd be surprised how many people still don't know I've retired and still write me or call me wanting me to do this or that," said Sen. Hill. "I write my colleagues in Congress from time to time to make a few suggestions."

When Sen. Hill was still in Congress and could convert his own suggestions into his own legislation, his four big health "pets" were preventive medicine, the building of hospitals and other health facilities, the training of health workers and medical research.

In the field of preventive medicine, Sen. Hill began the battle as early as the 1920s. As a member of the House of Representatives, he led the push for the Gorgas Memorial Institute of Tropical and Preventive Medicine, designed to conduct and encourage research in preventing and treating tropical diseases.

In the field of health facilities construction, Lister Hill etched his name permanently in the mind of America in 1946 by pushing through his most famous piece of legislation—the Hill-Burton Hospital and Health Center Construction Act. At the time the Hill-Burton bill was proposed, the nation was faced with a critical scarcity of hospital beds and other health facilities. Particularly in rural America, many people had to drive long distances to find a hospital bed in times of injury and illness when every second and every mile counted.

By the time the senator retired in 1969, the Hill-Burton program had provided federal matching funds for close to 400,000 desperately needed beds in some 10,000 hospitals, tuberculosis sanatoria, nursing homes, crippled children's clinics, rehabilitation centers and other facilities.

U.S. Sen. Mike Monroney of Oklahoma once said, "The Hill-Burton Hospital Act has done more to bring about the services of modern day medicine to more people than anything else Congress has ever done."

As for the training of health workers, Sen. Hill still expounds his feelings on this subject whenever health care is mentioned. In this interview, he said, "We've just got to have more doctors, more dentists, more nurses and other health personnel in this country." As evidence of his concern when he was in Congress, he pushed through such landmark health training programs as the Omnibus Health Act of 1956, the Health Professions Educational Assistance Act of 1963 and the Nurse Training Act of 1964.

And in medical research, it was Sen. Hill who after World War II sponsored the original bill to establish the now world-famous National Institute of Health (NIH) as the research arm of the U.S. Public Health Service. In 1955, when he assumed the chairmanship of the Senate's powerful appropriations subcommittee charged with health expenditures, the budget of NIH was only $81 million. But for years, Sen. Hill worked in close cooperation with his colleague in the House, the late John Fogarty, to change that. By the time he left Congress, the NIH appropriations had risen to well over $1 billion a year—making NIH the largest medical research enterprise in the world.

Add to all these measures numerous other Hill-sponsored health programs such as his measures to construct a nationwide network of community health centers, to establish facilities to aid the mentally retarded, to rehabilitate the disabled and the handicapped . . .

Although the bills passed, Lister Hill was not without political opposition. There were some who voiced their opinions loudly and clearly that the federal government should not get so financially committed to taking care of the nation's health.

But until this day, the senator passes off the opposition with a wave of his hand. "I went to Congress so long ago . . . at a time when the federal government had not yet become involved very much in health matters," he said. "But it was necessary for Congress to get involved. It just wasn't being done until we did it."

As the senator's successes in health legislation began to pile up, the torrents of praise poured in. One of Sen. Hill's colleagues said that no doctor in the entire history of medicine had matched the contribution of the senior senator from Alabama to the increasingly successful battle against disease and premature death.

Former President John F. Kennedy once called Sen. Hill "the outstanding congressional leader in the field of medical legislation in the nation today."

Former President Lyndon B. Johnson said, "There are millions of our people who are better off today, and millions who will be better off in the future, because of the fine work that you have done on health and welfare legislation."

And noted newsman and author William S. White wrote in Harper's Magazine in 1959, "Countless millions owe their lives to Lister Hill. He has done more for the public health than any American in history."

If one wonders what prompted Lister Hill to choose the nation's health as the subject for his legislative crusade, he has only to look at the senator's background for an answer. Sen. Hill's father was a well-known surgeon, Dr. L. L. Hill. The senator also is the cousin to five doctors and the brother-in-law to two others. He even is named for one of the world's all-time great men of medicine, famed British surgeon Lord Joseph Lister.

When Lord Joseph Lister was informed that the newborn son of Dr. L. L. Hill had been named for him, he wrote a letter wishing "a life of health, goodness and usefulness to my namesake."

Lister Hill feels that he indeed is enjoying that good, healthy life that Joseph Lister wished for him. During this interview, he walked down the long hallway and through the den of his home, reminiscing about the memories recalled to him by pictures, plaques and books along the walls.

One picture showed a beautiful Southern mansion in Columbus, Ga.—the home of some of Mrs. Hill's ancestors. It was in the house on Feb. 20, 1928, that Lister and Henrietta Hill were married.

The house is gone now. "And you know what's in its place? . . . A filling station," said the senator. Then, waving his hand, he laughed and said, "Now isn't that a hell of a note? A filling station."

Another picture reminded the senator of President Harry S. Truman. He chuckled in admiration, "Yes, I called President Truman 'Intestinal Fortitude'," said Sen. Hill. "He had guts, all right."

There were plaques and awards, too. By the time he retired, the senator had received honorary degrees from 14 colleges and universities, and well over 100 citations and plaques for his legislative victories, mostly awarded by health organiations.

A picture of the senator's father occupied a special place of honor. The senator beamed with pride. "He was the first American surgeon to successfully suture the human heart . . ." Sen. Hill talked of the small hospital that the late Dr. Hill founded in Montgomery, the same hospital where Dr. Hill delivered the first-born child of Sen. Hill. "The hospital is gone now . . . I think there's an office building in its place," said Sen. Hill.

Then, last but not least, the senator pointed to pictures of the five lights of his life—his grandchildren, the sons and daughters of his own son and daughter.

He finished his tour, settled into a chair in his den, rubbed his hands together thoughtfully, and said, "I thank the good Lord every night for the good life he's given me."

NORTH VIETNAM INVASION OF SOUTH VIETNAM

Mr. THURMOND. Mr. President, the current invasion of South Vietnam reaffirms my long-held belief that world communism, and the Soviet Union in particular, has not altered its goal to extend its philosophy by spilling the blood of friendly and nonaggressive people.

South Vietnam has never invaded North Vietnam, and military actions of its forces in the past decade have been defensive in nature. Today, the North Vietnamese Communists have ripped off the mask as insurgents and openly moved as aggressors across a broad front to acquire the land of their neighbor and brothers to the south.

It is also clear that this use of raw military power to seize the lands of another nation could not have been undertaken without massive military support from the Soviet Union. As they are now doing in Egypt, the Soviets continue to use third party countries to expand their control of the world's land and seas.

Too few American leaders have deplored this invasion of South Vietnam—a country whose people nor government covet the territory from which these attacks are being launched. It is inconceivable to me that some in high public office who have constantly criticized U.S. bombing north of the Vietnamese border fail to find fault with this Communist invasion of South Vietnam.

The reality of this situation tells us bluntly that our justifiable efforts at Vietnamization now face the acid test. Military men know that any well-planned and well-supported invasion will initially gain ground. However, the panic reports of the press in Vietnam may not tell the whole story. The South Vietnamese should not be written off until the smokes clears and the battle decisions have been more fully resolved. That period may involve many weeks.

In the meantime, it is my view that U.S. ground forces should not be committed but rather held in place to protect remaining American personnel in South Vietnam. However, in keeping with the Nixon doctrine, U.S. air and sea power should be applied in support of the South Vietnamese as they struggle to protect their homes and families from death and destruction.

As the events unfold in South Vietnam during the next few weeks and months, I trust these lessons will impress upon the American people that world communism threatens us so long as it threatens any peace-loving nation. To meet this challenge, we must realize that there cannot be peace without power. To that end I would hope there will be more support in Congress and among our people for a Military Establishment of sufficient size and quality to insure peace for our people and the hope of peace for other nations.

MISS SYLVIA PORTER: AMERICA'S FAVORITE ECONOMIC ADVISER

Mr. PERCY. Mr. President, I invite the attention of Senators to an article, published in the Wall Street Journal of March 25, describing the approach, working style, and personal background of Miss Sylvia F. Porter, one of the most widely read and best known columnists in the world.

As the Journal points out, Miss Porter got into the business of economics as a student at Hunter College in New York because of the effects of the depression on her own family—she wanted to find out exactly what was happening, and why. She has been telling Americans what, and why, for decades since she began writing for the New York Post in 1935. More important, Miss Porter gives us sound advice about what personal actions to take to protect or advance our own interests in response to economic events. This pragmatic, personalized approach is the reason why Miss Porter has been able to convert the often dull events of economics into interesting columns read by millions daily.

From my own personal experience I can attest that Miss Porter is entirely competent to fill the important advisory role in which she serves so many of us. She is exceptionally well informed, has a clear eye for fact as opposed to interpretation, and an unusual ability to convey her meaning in technical terms. At the same time, she is at home with even the most sophisticated economic concepts and analytic materials.

It is with great pleasure that I recommend this excellent article about this most distinguished jouralist, and ask unanimous consent that it be printed in the RECORD.

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

MISS PORTER'S SCHOOL: A COLUMNIST'S ADVICE WIELDS WIDE INFLUENCE COAST TO COAST

(By William R. Galeota)

As columnist Sylvia Porter might present the situation in her chatty second-person style:

You're a general-circulation syndicated writer who's been reporting for many years about an industry and often depending on the industry's executives for source material to help fill five columns a week.

One day you learn the industry is beset by problems that could shake its very foundations and send reverbations through the whole economy.

Thus your dilemma: Do you rush into print out of obligation to the public (your readers, after all)? Or, do you remain silent and hope the problem will be solved by the industry (your sources, after all)?

In fact, Sylvia Porter indicates she faced just such considerations a few years back as the paper-work plague began spreading through Wall Street. Last year, after the plague had felled a few brokerage firms and left a trail of red ink through many others, Miss Porter told her estimated 31 million readers she had had early information about the problems but didn't write about them for fear she might start panic.

The confession raised a lot of eyebrows. "If she really uncovered such a can of worms," says the business editor at an East Coast daily newspaper, "didn't she have an obligation to the public to launch an immediate fishing expedition?"

PRESERVING THE STRUCTURE

For her part, Miss Porter concedes that most newspaper reporters wouldn't agree with her motivation, but she asks rhetorically, "If you're going to be an analyst and a columnist on economic life, don't you think you have a responsibility not to bring the whole structure down?"

Whether Miss Porter wields enough power to wreck or save the economy remains in doubt, but her columns in 350 papers from the New York Post to the New Bern, N.C., Sun Journal have been known to send some ripples through segments of the economy. They have also made her one of the most famous working newspaperwomen in the country, and probably the richest.

A Treasury spokesman says her attacks on the low yields of savings bonds in 1969 and 1970 helped precipitate a flood of bond cash-ins. (Lately, with the decline of other interest rates, she's more favorably disposed toward savings bonds.) Consumer advocates also credit her columns with inducing reforms on such things as unit pricing of food items.

Former President Johnson, cognizant of her clout, once sought to forestall her criticism of a bulging federal budget by inviting her to the LBJ Ranch for an advance peek at the figures—without avail, as it turned out, because Miss Porter promptly blasted the budget as inflationary.

TRANSLATING ECONOMICS

The handsome, 58-year-old Miss Porter came by this impressive influence through diligent application to her grueling daily-column job for the past 20 years. Those readers who like her—and their numbers are legion—say she succeeds admirably in what she sets out to do: translate what she calls economic "baffle-gab" into English to educate and guide the consumer.

When she begins to discuss an esoteric subject like dollar devaluation, she literally starts at the beginning—by giving a dictionary definition of devaluation.

This basic approach has led some professional economists to sneer at her work as "economics by the eyedropper." But a member of an economics faculty, for example, applauds her ability to get the basics across without distortion. "She's not one of these medicine men of economics; you talk to her on a professional basis, and you agree or disagree on a professional basis." He calls her work "competent throughout" and compares it to a well-written bank newsletter.

But other professionals fault her for sounding too much like a banker, businessman or Wall Street analyst. They cite instances such as her failure to report the brokerage industry's back-office problems promptly and other cases where her columns are devoted to one executive's point of view, without advising her readers that contrary opinions exist.

Still, her basic success at the job of educating and guiding the consumer is evidenced by the praise she gets from some consumer groups. Says an official of Consumers Union, "Her economic philosophy is a very sound one, namely that an informed consumer is an asset in the marketplace. And she's tough when she has to be tough."

Another indicator of her success is the growing number of journalists who have joined the ranks of consumer economists in recent years. "The times have caught up with me," she says. "But there's plenty of room for all of us."

INSPIRATION FROM DEPRESSION

Her introduction to economics came in the school of hard knocks. Long Island born Sylvia Feldman was 12 years old when her physician father died. Four years later, when she was a freshman at New York's Hunter College, the stock-market crash of 1929 wiped out most remaining assets of her mother, who was speculating on 10% margin. Like many another family at the time, the Feldmans were forced to adjust to a new life-style known as stretching the dollar.

"The Depression left a giant blotch on a whole generation," she notes. "So I said, 'I'm going to find out why this is happening.'" She dropped plans to become a poet, switched her major to economics and began finding out why.

After graduating (magna cum laude and Phi Beta Kappa) from Hunter, she worked for a bond dealer, freelanced for financial publications and then, at the age of 22, tried to break into general journalism full time.

But in 1935 editors at most New York dailies and the Associated Press weren't ready for a female financial writer. The New York Post finally agreed to hire her only on two conditions: She would be paid on a space-rate basis, and she would write under the name of S. F. Porter to disguise her gender. (In her junior year in college she married Reed Porter, a banker, from whom she was divorced in 1941.)

In her early days on the job, Miss Porter sometimes found bankers would avoid talking to a woman reporter, so after press conferences she relied on second-hand information passed along by friendly male reporters.

WINNING HER WOMANHOOD

But then she swamped the Post with so much copy, she says, that the paper decided it would be cheaper to give her a regular salary. And in 1942 the Post finally conceded her femininity by switching her byline to Sylvia F. Porter. She began writing a regular column for the Post in 1942, and it became syndicated in 1947.

While her early work concentrated on heavier economic analyses, she gradually introduced articles giving readers detailed advice on such things as managing their money. "It wasn't a conscious decision," she says, "I just gradually arrived at a formula which says, 'Here is what is going on and here is what you can do to protect yourself.'"

The new format eventually boosted her column's readership far beyond what it would have been otherwise, she figures. "If I can get the readers on Monday by telling them how to save 20% on clothes, the chances are they'll still be with me on Wednesday when I tackle the dollar," she suggests.

So now, in a typical week recently, her readers learned that:

A major bank feels the best way for an individual to succeed in Wall Street is to avoid looking for "dream" growth stocks, and stick to basic industries.

President Nixon and Congressional leaders are proposing plans that would allow Americans currently not covered by pension plans to set up their own tax-deductible plans.

Now's the time to borrow money if you have to, as interest rates will climb when economic recovery boosts corporate demand for funds.

A new market in diamond futures is a "wild gamble" because the low margin involved means that a trader can double his money or lose it overnight.

PERSONALLY VIVID

She often employs vivid, descriptive images ("Deflation to cure inflation is like running over a man with a car and then, to apologize, backing up and running over him again") and personal-experience anecdotes (telling how her TV repairman advised her against paying for a repair warranty on her antiquated color-television set).

At work, Sylvia Porter is a blum of energy, and she is at work almost from the moment she arises, generally around 8 a.m., in her seven-room apartment on lower Fifth Avenue. She bids goodbye to her second husband, G. Sumner Collins, as he leaves for his job as promotion director for Hearst Newspapers. Then, after doing her daily exercises, she sits down to a weightwatching breakfast. (Her exercises and diet keep her quite trim.) At the breakfast table, she also begins devouring The New York Times, The Wall Street Journal and The American Banker, and then moves on to reading background material for her column of the day.

Her office, in a cramped corner of the 42nd Street suite of Publishers Hall Syndicate, serves mainly as a stopover between interviews. "My office is really in my head," she remarks as he pauses for a moment to take care of mail sorted out by her secretary. The mail, mostly publicity releases, all goes quickly into the waste basket. She keeps no background files, relying instead on quick phone calls to gather necessary statistics.

Her husband co-authors her weekly bond letter along with a Washington Star reporter. But for her column, her only staff is her secretary and a researcher, Lydia Radcliff, who lives hundreds of miles away in Vermont.

"I don't have to be surrounded with people," Miss Porter says. "If I need to see her, she can come down here." Miss Radcliff concurs, "We'ed only get in each other's hair if we were in the same office. She's a tremendously intense person. She thinks about three times as fast as she can talk. She's always firing memors to me saying, 'Do this now!' underlined three times."

Miss Porter's driving energy shows through at an interview, this one with George Johnston and James McCullough, executives of Scudder Stevens & Clark, the investment counseling firm, in the firm's Park Avenue offices.

CHARM BRACELETS AND LAMB CHOPS

At the lunch table, she flips off a dangling charm bracelet so she can jot down data with one hand while balancing a forkful of lamb chops with the other. She totes up the advisers' calculations of the supply and demand for stocks, and pauses to offer an observation on the changing supply of labor in New York—a plumber miraculously answered her call for help on a Sunday.

Then she gets to the question concerning her: "Well, what do you do with your widow and orphan? You've got to get her out of AT&T." The executives' answer provides her column's lead, which she writes and polishes in longhand before sitting down at a typewriter to produce the finished column.

This particular column advises her readers: "Do not buy stocks during this era unless you are confident that your return from each stock will be at least 6% a year. . . . Do not in fact settle for a return

per year of less than 9%" including dividends and capital gains.

The reason, she tells her readers, is that the investment firm thinks bonds and fixed-income securities will "provide increasing competition for a stock market likely to be held down by a continuing (big) supply of stock during the 1970s."

That viewpoint may not be revolutionary among Wall Street veterans, but Miss Porter figures it should help her readers. "I don't know how many of those readers are aware of the 9% thing. I do think the level of ignorance out there is pretty great. For that matter, I myself don't know how many of the stocks we own are over 9%."

One reason she doesn't know is that, in investing some of the $100,000 she earns annually, she and her husband use the suggestion she often gives her readers—if you don't have enough time to manage your money, get a professional.

Even so, she sometimes advises her investment adviser with ideas of her own. In the spring of 1970, for example, she told her readers that bond yields probably were peaking, and she bought some 9.35% bonds of New Jersey Telephone Co. Despite her subsequent fat capital gain on the issue, the highest coupon yield ever for a Bell System bond, she continues to hold onto the securities with a collector's passion.

One of her most astute predictions, however, never saw the light of print in her column and enriched her by only $1.86. Last June, at lunch with Yale economist Harry Wallich, Miss Porter argued that President Nixon would have to resort to wage and price controls to get out of his economic difficulties, but wouldn't dare do so until the steel talks were concluded. So she bet Mr. Wallich 600 German pfennigs to one that the President would announce controls during the week after steel talks—the week of the President's Aug. 15 announcement of controls, as it turned out.

"It was utterly implausible," says Mr. Wallich. But he paid off in bills, to the disappointment of Miss Porter, who wanted those 600 pfennig coins.

An interviewer who believes in doing her homework (she read a Scudder Stevens report and compared it with one a year earlier before interviewing the firm's executives), she has little time—and little inclination—to relax. She and her husband have a country place in New York's Westchester County, but she quickly gets restless there and frustrated by her golf game.

A favorite pastime is reading Sherlock Holmes books. She once stumped a group of Holmes aficionados at a party by showing up disguised as a Holmes character, Irene Adler.

Fascination with whodunits isn't so illogical for an interpreter of economic jargon. But if Sir Arthur Conan Doyle has Miss Porter's knack for simplification, his books might have become known as here's-how-he-dunits.

BIRMINGHAM, ALA., ALL AMERICA CITY

Mr. ALLEN. Mr. President, 10 years ago liberal publications throughout the North were using the State of Alabama and its largest city, Birmingham, as targets for their journalistic diatribes. Despite the unfair attacks and the abusive indignities heaped upon us, we Alabamians continue our efforts to overcome the problems that face us. Last year the city of Birmingham was presented an "All-America City" award by the National Municipal League and Look magazine, recognizing the great forward strides being made in my home State. On Tuesday, March 28, 1972, the New York Times published an article entitled "Birmingham Steers Into Mainstream U.S.A.," written by Roy Reed. This story describes the great across-the-board progress made in this fine Alabama commercial, cultural, and industrial center—the youngest of the world's great cities.

I invite Senators to visit Birmingham and all Alabama and see for themselves evidence on every hand of the progress that is taking place there. Citizens of Birmingham greet visitors with, "It's nice to have you in Birmingham." They mean it and they show that they do.

Mr. President, because it does project a picture of continuing progress and growth in Birmingham and the rest of Alabama, I ask unanimous consent that the Times article be printed in the RECORD.

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

PROUD BIRMINGHAM STEERS INTO MAINSTREAM, U.S.A.

(By Roy Reed)

BIRMINGHAM, ALA.—As it begins its second century, Birmingham has finally become sufficiently Americanized that Northerners who move here feel right at home. Some like it so well they refuse to leave.

"I've been here two and a half years and I wouldn't trade it for New York," John Woods, president of the First National Bank, said recently. He was an executive on the Chemical Bank of New York before moving here.

"We love it here," said Jane Lysinger, who moved here six years ago from Boston. Her husband, William R., recently turned down a transfer to his insurance company's home office at Hartford.

"About 50 per cent of the people we know here are from other places and they all feel the same way," she said.

SOME REMAIN UNSATISFIED

Some might find it hard to believe Mr. Woods and Mrs. Lysinger were speaking of "Bombingham," the police dog capital of the nation, the place that the Rev. Dr. Martin Luther King Jr. once called "the most segregated city in America," the city that 10 years ago was so ill-regarded that its businessmen and civic leaders were frequently snubbed when they went to other cities.

But it is true—Birmingham has changed. Just how much is not easy to measure; and some say that whatever the change, it is not enough, that some of the old rigidities of race, power and thought are still intact.

There are those here, too, who believe that this maligned city was never as different from the rest of the country as the country once thought. A nation that has accommodated the assassinations in Dallas, Memphis and Los Angeles and the mass killings in Detroit, Watts, Mylai and Attica, they say, has lost its right to feel superior to Birmingham.

"Except for the four girls being killed, Birmingham's trouble in 1962 was minor," Mayor George G. Seibels Jr. said the other day. "But that's history. What we're worried about now is where we're going."

Where Birmingham and its suburbs (population 731,668) seem to be going is straight into mainstream America.

Blacks are participating in city politics and most of the city's white political leaders are now considered racially progressive.

The downtown skyline is rising and sparkling. Beauty and quality are becoming more important.

A new spirit can be felt, partly because of newcomers who are slowly beginning to dilute the steel industry's power here. Other industries are moving in.

A MAJOR MEDICAL CENTER

The city is rapidly becoming a major medical center and, if the present trend continues, it could also become one of the South's leading centers of higher education.

Birmingham even has an expressway, at last. The first leg of $422 million worth of interstate highways for the metropolitan area was opened in 1970, years after other cities of similar size were crisscrossed with expressways.

As if to certify that Birmingham was finally catching up with the country, the National Municipal League and Look Magazine, just before the magazine went out of business, presented the city with an "All America City" award last year.

The most obvious change here during the last 10 years has been in racial matters.

The second black man was elected to the City Council last fall. Dr. Richard Arrington, a biochemist, won in a city-wide race although nearly 60 per cent of the city is white. He estimates that 8,000 of his 29,000 votes came from whites.

Elected with him were two white liberals, David Vann, a lawyer who was once a law clerk for the late Justice Hugo Black of the Supreme Court, and Angie Grooms Proctor, the daughter of a Federal judge who has written a number of anti-segregation school decisions. With a white moderate and a Negro already on the council, the city's governing body now has a 5-to-4 moderate-liberal majority.

One of the new council's first acts was to appoint the city's first black judge, Peter A. Hall, a long time civil rights lawyer. There was virtually no adverse public reaction.

Mayor Seibels, a Republican, was re-elected last fall with black support. He has tried, with more enthusiasm than success, to hire additional black policemen. Police Chief Jamie More, said to be an obstacle to the hiring of more blacks, resigned a few days ago.

After a series of black complaints against the police two years ago, the city's white leaders agreed to serious talks on a broad range of black grievances. Twenty-seven black and white leaders joined in a no-holds-barred discussion group called the community affairs committee. It still meets for breakfast every Monday.

One of the main changes the committee gets credit for is quietly doing away with the old separate lines of progression for black and white workers in the steel mills.

As in other southern cities, the young seem less concerned than their elders with racial differences. The students of the University of Alabama in Birmingham, which is 10 per cent black, recently elected a black student president.

Physically, Birmingham has never been beautiful except in pockets of rich, exclusive residential areas. It was gouged out of the mountains as a mining, smelter and railroad town and the scars have never quite healed.

The most distinguishing thing about the city in the past was the smoke from steel mills. It hung over the valley and darkened the uninspired squares of houses and low brick commercial buildings. The downtown area was laid out on a perfect grid, emphasizing its plainness.

No one seemed interested in building new buildings. During the late nineteen-fifties and early nineteen-sixties, the city went through an economic depression as the steel mills began to automate and lay off workers.

Now the look and smell of the place are changing. Twenty-three industrial plants were closed during a period of especially bad air pollution last fall. The big steel companies have since announced ambitious and expensive pollution abatement programs.

A building boom is under way. A convention hall that is the first part of a $35-million civic center has been finished, and two 30-story office buildings are being opened this

winter. They are the tallest buildings in town, rising almost as high as the big statue of Vulcan, the god of fire and metal-working, which looks down on the city from the top of Red Mountain.

It is reported that 180 companies looked at Birmingham last year and 25 decided to move or build branches here. Building permits show that the value of construction in the city increased from $52-million in 1968 to $110-million in 1971.

Plans for several million dollars worth of new hotels have been announced in recent months. The city's most famous old hotel, the Tutwiler, which once refused a room to the late Ralph Bunche, is bankrupt.

Perhaps the depth of the new pride here can be gauged more accurately in smaller projects designed mainly to make the city more livable.

For example, the city will spend $40,000 this spring to spruce up Kelly Ingram Park, the scene of most of the racial violence in the city in 1963.

The arts are increasingly well supported, too. The well-to-do now compete for $135 tickets to the annual Galaxy Ball to help maintain the Birmingham Symphony. And one day recently, the city art museum was showing paintings by Thomas Eakins, Andrew Wyeth and Winslow Homer.

One of the most far-reaching changes of the last decade, one already affecting almost every facet of the community from economics to taste, has been a phenomenal enlargement of the University of Alabama in Birmingham.

Dr. Joseph F. Volker, the school's president, remarked recently that Birmingham was once the only major Southern city without a university.

The university in Birmingham, once a few branches of the main campus at Tuscaloosa, was made autonomous in the mid-nineteen-sixties. It now has 8,000 students, 5,000 employes (second only to U.S. Steel's 12,000) and a budget of $68-million.

The University Medical Center, surrounded by private and semi-private clinics and hospitals, has become one of the nation's best known. It is especially well regarded for studies and treatment of the heart.

And on some 54 blocks obtained through urban renewal, the university is building $41-million worth of new facilities.

Some believe that Birmingham will eventually be known as an educational and medical center rather than as a steel town. In all, there are seven institutions of higher learning here, and they are growing and attracting out-of-state professionals who would not have given a thought to Birmingham 10 years ago.

A few years ago, Birmingham hired an out-of-state public relations firm to change its image. There now appears to be some danger that the city's leaders have swallowed their own propaganda.

During conversations recently with a large number of prominent citizens, only one white man, the Mayor, seemed really worried about the city's remaining problems.

The growing self-satisfaction here is illustrated by an apparent belief among most whites that Birmingham has practically solved its race problem.

Emory Jackson, managing editor of The Birmingham World, a black newspaper, said: "Going from zero to where we are, it looks good. But when you measure in terms of where we ought to be, it doesn't look so good."

For example, few whites seem to be aware that many blacks are still dissatisfied with the progress of school desegregation. After years of pressure from the Federal courts, the students of Birmingham—like those of many other larger cities—still live and attend classes largely in racial isolation.

The American Friends Service Committee says that 56 per cent of the city's 89 schools are more than 90 per cent black or white. It says the school board, which has one black member, continues to build schools in racially isolated places that will almost guarantee their being segregated.

The suburbs here become whiter each year. Birmingham lost 40,000 persons during the nineteen-sixties (down to 300,000) and most of them were whites moving to the suburbs.

The leadership euphoria extends beyond race. The same white leaders who believe that the race problem is substantially solved seem to be unquestionably committed to more skyscrapers and freeways, even though urban thinkers in cities that have plenty of both have begun to question the value of massive office buildings that attract more people to congested areas and of automobile facilities that subtract money from mass transit.

And only a few here are yet willing to assert themselves publicly against the absentee-owned steel companies, most of which have headquarters in the North.

Charles Morgan Jr., southern director of the American Civil Liberties Union, who was hounded out of Birmingham, where he grew up, several years ago because of his liberal racial utterances, told an audience of fellow Birminghamians recently, "We were a province of steel and to a large degree still are. Steel still has tremendous power in this city."

One way the industry has exercised its power over the years has been to keep the city's boundaries from expanding. The steel companies own large tracts of land that would be taxed more heavily if they were annexed to the city.

The most recent annexation attempt was defeated last year. Some leading citizens say that once again the steel interests were instrumental in the defeat. However, it may be noteworthy that steel's influence was wielded quietly. In the past, the industry campaigned openly; once a major company threatened to close if the city annexed its property.

Optimism fluorishes now in spite of the problems here. Mrs. David Roberts 3d, a liberal leader who has been appointed by Gov. George C. Wallace to head the Alabama State Council on the Arts, talked recently of the changes she has seen.

She has not received a threatening telephone call for several years, she said, and Mr. Wallace, who once had little use for Birmingham and its cultural leaders, has now publicly proclaimed it "the queen city of Alabama."

TRADE AND COOPERATION BETWEEN UNITED STATES AND MEXICO

Mr. FANNIN. Mr. President, in recent years there have been some significant developments in international trade and cooperation along the border between the United States and Mexico.

Factories which would have located abroad have been set up on the U.S. side of the border, and "twin plants" have been established on the Mexican side.

This program has been criticized by shortsighted union leaders.

It is obvious, however, that this program has been a boon to workers in both nations. The twin plants program is a success.

An article about the program was published in the March issue of the Latin American Digest, which is edited by Marvin Alisky, director of the Center for Latin American Studies at Arizona State University.

Mr. President, 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:

TRADE AND COOPERATION BETWEEN UNITED STATES AND MEXICO

Border Industries Increase U.S. Jobs—The AFL–CIO claims that U.S. assembly plants on the Mexican side of the border take jobs away from U.S. citizens. But a U.S. Department of Commerce report and a Harvard study indicate just the opposite: borderland plants increase both Mexican and U.S. job opportunities.

The U.S. Secretary of Commerce in January received a staff study of the relationship of U.S. investments in foreign countries to U.S. employment. On February 12 a summary of the staff report was made public.

Item 807 of the U.S. Tariff Schedule exempts duties on products of U.S. origin when imported into the U.S. as identifiable parts of an assembled article.

This tax break in recent years has prompted U.S. companies to open assembly plants in Mexico from Tijuana to Matamoros, allowing the assembly products to flow into border cities from San Diego to Brownsville.

The U.S. Tariff Commission found that if Congress in 1970 had yielded to pressures against the Mexican border industries, no increases in job opportunities for U.S. workers could have been expected.

Instead, there would have been a 200-million-dollar deterioration in the U.S. balance of trade, forcing various U.S. concerns to cut back, rather than expand operations domestically in 1971.

The Tariff Commission has reported to the Commerce Secretary that U.S. assembly plants across the Mexican border provide one additional job for a U.S. worker for each three jobs created for Mexican workers. Tariff Commissioners, in the Commerce Secretary's staff report, assert that should Item 807 be repealed, a net loss of jobs for U.S. citizens would result.

Backing up the Commerce Department, a study by Harvard economists in February concluded that U.S. labor actually profits from U.S.-owned and Mexican-staff plants across the Mexican border.

The Harvard study argues that without such U.S. investments in plants in Baja California, Sonora Chihuahua, Coahuila, and Tamaulipas, the parent corporations involved would have lost out to foreign competitors in their various product lines—musical instruments, electronic devices—both European and Japanese, and such loss of sales would have eliminated further assembly and sales jobs at branches of these corporations in the U.S. as the corporations began to reflect reductions in total sales.

Reacting to the Commerce and Harvard reports, in mid-February the Allen Bradley Company announced it will build a plant in Ciudad Juárez. Chihuahua, near El Paso, Texas. The plant will employ 100 by late 1972 and 400 in early 1973.

Bradley announced that the new Mexican plant "is not a matter of choice but is a matter of survival for our company." Without the new low-cost operation in Mexico, Bradley would have to curtail some operations inside the U.S. as foreign competitors continue to outsell Bradley at lower-production costs.

Ironically, the Bradley plant in Chihuahua, rather than reduce job opportunities for workers in the U.S., will help increase the corporation's yearly total sales and ability to maintain or increase jobs for U.S. Citizens.

McKinsey Management Consultants warn that the growth of multinational corporation operations along the border inside Mexico may reach a "socio-political pain threshold, at which point vigorous damaging local reaction may occur."

Implications of the McKinsey study include

regional U.S.-Mexican management-labor conferences involving California and Baja California, Arizona-New Mexico and Sonora, Texas and Chihuahua-Coahuila-Tamaulipas. If uncertainties can be cleared up among U.S. and Mexican organized labor and political leaders, the border industrialization programs can avoid political arguments.

ADDRESS BY SECRETARY OF COMMERCE PETERSON

Mr. BAKER. Mr. President, yesterday at the National Press Club, the new Secretary of Commerce, Hon. Peter G. Peterson, delivered what was, in my judgment, an unusually thoughtful and hopeful address.

Perhaps the hallmark of the speech is its air of realism. During any political season, there is a natural temptation to oversimplify what is, of course, an extraordinarily complex and constantly changing world. Secretary Peterson clearly knows what it is we are up against. It is equally clear that he has no intention of being overwhelmed by it. The country is fortunate to have a man of Mr. Peterson's calibre in the Cabinet.

I ask unanimous consent that his April 4 address be printed in the RECORD.

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

ADDRESS BY THE HONORABLE PETER G. PETERSON, U.S. SECRETARY OF COMMERCE

Today I'd like to talk with you about the future, in particular our economic future—and some things the Commerce Department may be doing to make us a more prosperous, employed, competitive and, perhaps, even a more fufilled people.

A couple of years ago, Alvin Toffler's book, *Future Shock* was very much in vogue. Its thesis, of course, was that the rate of change in our society is so swift that both individuals and institutions are unable to cope with it. The result is future shock which Toffler defines as "the stress, both physical and psychological, that arises from an overload of the human organism's . . . adaptive system and its decision-making processes. . . ."

One of our problems, I believe, is that we are so bombarded by the events of today that we have no time to think about tomorrow—though I realize I am taking some risk in making that point before an audience which is responsible in large measure for the bombardment.

Charles Kettering, the great automotive pioneer once said that "we should all be concerned about the future, because we will have to spend the rest of our lives there".

Of all our institutions, government is one that has special difficulty in focusing on the future for it is bound by elections to a very regular, short-term timetable. In order to survive, any government has to think a great deal about the next election. And that leaves precious little time for thinking about the next generation.

Our problem, I think, is that most of us still expect problems to hold still while we try to solve them. We still do not appreciate what it really means to be residents of the "State of Flux". We have not been thinking far enough ahead. We stand in line for tickets on a train that has left the station.

A great newsman from my home area of Chicago, Ben Hecht, once put it this way: "Time", he said, "is like a circus, always packing up and moving away." And the challenge of keeping up with time is not simply a matter of predicting where it is going and organizing some elaborate welcoming ceremony in the hope it will choose to settle down. Rather, our challenge is to move on with time—to travel light enough so that wherever it goes we can pack up and tag along. And that means we must get rid of the heavy baggage we bring with us from the past.

John McDonald, a 19th century Canadian Prime Minister, was once asked the secret of his political success. His simple answer: "I thought a little ahead." We, too, must think a little ahead if we are to rise above the *threat* of *future shock* and get about the *task* of *future shaping*.

For example, for a long time the central motivations of our economy came solely from internal competition. One American business competed against another American business. As far as the economy as a whole was concerned, however, there was very little real competition from the outside world. As President Nixon has put it, we were running against the clock—like Paavo Nurmi. Perhaps this spring we should say we were a little like the UCLA basketball team that people often say faces its stiffest competition from its own freshman squad.

The result of all this was that we almost forgot that there was a game going on in the international arena. We were not even very careful about keeping score. We collected very few statistics, we sent out very few scouts, we studied no game films of our opponents. And in the absence of stiff competition, we even grew a little fat and lazy. The competition today is lean, hard, and talented.

Thus, at Commerce, we are now exploring ways that we can begin a much more systematic method of collecting information on our competitors abroad. The federal bureaucracy, I've found, tends to produce tons of data but only ounces of analysis as to what it means. We are now engaged in an effort to try to get a very comprehensive look at the competitive position of the U.S.—in our technological position, in our new plant and equipment investments, in tax incentives, in share of export markets, in raw materials, and so forth. I propose such a competitive intelligence system on the grounds that diagnosis should usually precede the cure.

Another new reality which will affect our long-range future is the interrelated nature of the problems we confront and the interdependent quality of their solutions. It is no longer enough to address one part of a problem with the confidence that others are addressing other parts of the problem and that the various solutions will eventually converge.

More than that, the time and energy and resources we apply in any one place are not available at another place. To decide to do any one thing in a finite world is to *trade off* the opportunity to do something else. In short, the problems we face today are "systems problems" and they demand a "systems approach" to their solution.

Our energy situation, for example, includes the entire web of social, economic, political, scientific and technological factors. It is not just a security problem, or a scientific one, or an economic one, or a balance of payments, or an environmental one: it is all of these, and probably more, interacting.

It is a root problem of our society, but we have not yet fully grasped the nature of the alternatives open to us and the consequences of those alternatives for our national future.

The fact is that decisions which are made primarily for *tax* reasons or for *security* reasons or for *environmental* reasons or for *transport* reasons, and which affect business generally, all have an enormous impact on our ability to supply sufficient energy. The problem is that the *immediate* considerations in *each* of these related fields always seem more important than energy considerations which will not be felt for another few years. History suggests that only when there is a brownout—or some other dramatic event—can the people who make energy their *primary* business get the attention of those who make *tax* policy or *security* policy or *environmental* policy or *transportation* policy their primary business. No wonder many say the nation has developed a crisis mentality and is engulfed by crisis rhetoric.

As the President's energy message has made clear, as a nation we failed to anticipate and adequately plan for the present national energy crisis—and this is a problem with which Commerce and others in the Administration are already deeply involved in a major Domestic Council effort. The problem caught up with the country faster than expected. The U.S. formerly had sufficient energy reserves to meet almost all of its needs and sustain economic growth. In fact, this abundant supply of low cost energy has provided the base for much of our industrial might.

There are a variety of broad options for dealing with this energy crisis.

Should we restrict energy demand? How? Perhaps more relevant, whose demand? For what products and services? At what costs to our economy?

Or, should we stimulate domestic production? Of what energy reserves? How? By increasing prices? or tax incentives? or developing new energy sources? or tapping the continental shelves? (Which is why the next fiscal year, we will launch an intensified program of mapping our continental shelves.)

Or, should we increase imports? Of which products? From where? Transported how? Where?

Each of these options has different security implications, different competitive implications, different cost implications, different environmental implications—in short, different trade-offs, and undoubtedly different constituencies.

While we are not presently prepared to accept these projections without further study, we have heard it said by some that it will be necessary to import an estimated one-half to two-thirds of our daily oil requirements, to reach the total demand that has been projected for 1985. According to estimates prepared by the Maritime Administration at the Department of Commerce, this would require a U.S. tanker fleet as large as the present world tanker fleet of 160 million deadweight tons to transport this fuel to the United States by 1985. To accommodate larger tankers, and achieve the necessary reduced shipping costs, the country will need to develop deepwater port facilities—which it presently lacks, and which in some cases have been opposed for political or environmental reasons.

These facilities will be difficult and costly to obtain since, in most instances, we have reached the economic and practical limit of dredging existing harbors. The answer could be constructing one or more ocean terminals in U.S. coastal waters. As you know, the oil industry is now going north and south to build refining and trans-shipment facilities in Canada and the Caribbean.

You may ask why it is so important that supertankers be employed in the transport of our petroleum imports. To put this in perspective, it is important to realize that almost three-quarters of the free world's oil reserves are in the Middle East and, therefore, any oil import in the future is likely to come from this area. Because of its great distance from the U.S., transportation costs for this oil will become a significant part of the ultimate cost to the U.S. consumer. If the oil continues to be transported in the average size tanker that now calls at our Atlantic and Gulf ports, a ship somewhat less than 50,000 deadweight tons in size, the annual transportation cost would be approximately 60% more than if it were transported in ships at least five times this size, and these have become standard in world trade. And even with the full utilization of

the lower cost supertanker, transportation would represent some 30% of the landed costs of the imported oil.

As I have indicated, because of this cost difference, the large ships are being projected for transportation to the Bahamas and Canada. In doing so, we are exporting refining capacity and jobs from the U.S. and contributing further to the balance of payments problem.

Let's review the progression I cited in discussing the energy crisis: our needs may require increased imports, but we cannot import without more and bigger tankers, and we cannot use bigger tankers without adequate ports, and we can't have ports until we solve a lot of related environmental and political problems.

Because a problem such as this is so interrelated, the Department of Commerce cannot either be a one-cause advocate: the cause of business exclusively. This is why I strongly support not only the Domestic Council concept and, as you might expect from my previous incarnation, the Council on International Economic Policy. This is why I also strongly support the President's proposed reorganization plan: melding into a new Department of Economic Affairs the functions of commerce, labor, and transportation.

The fact that Cabinet Secretaries are seen as advocates for various constituent groups rather than general public servants is particularly dangerous at a time when hard problems are so interrelated and their solutions interdependent.

To take another example, I suppose there is no systems problem that is more human or important than the problem of training our people for a world of work. What systems problems are likely to emerge in the future, or for that matter now?

By 1980 jobs will be needed for something close to 100 million Americans—a record number—up to 20 million more than at the beginning of the decade. The problem of finding jobs for this labor force will require both an economy growing at its full potential (which, in turn, means exploiting to the fullest our international opportunities) and, among other things, a much improved system of fitting manpower skills to job requirements and the new industries we expect to emerge.

The U.S. today is over-supplied with technical manpower for its defense and space requirements. Yet there are shortages of laboratory specialists, medical assistants, computer technicians, and maintenance personnel for other complex equipment. I am told that less than half of the available jobs have been filled in these specialties.

The mis-match of technical skills to opportunities, and what might be the current and perhaps continuing excess supply of college graduates, is compounded by an apparent shortage of appropriate vocational training in high schools and post high-school education and training. Some estimate that 8 of 10 in high schools should be receiving occupational skill training, yet less than one in four are receiving it—and much of this training is directed to past rather than anticipated needs in the labor force. Yet, our high schools and colleges (with nearly 40 percent of college-age young people now in colleges) are turning out many graduates in much the same way as always, on the presumption that society will need their skills.

If indeed it doesn't, we can logically look forward to future generations of angry young men and women. And, of course, unemployment will be significantly higher than it need be.

What should we be doing in terms of projecting tomorrow's manpower needs and its impact on education and training policies?

We must as part of this problem think through how and where in our government and our society, given our culture, our system—we should systematically project and think about this future.

While I have talked about the energy problem and the education and training problem, or perhaps I shall say the jobs problem, these are only illustrative of a class of future-oriented systems problems that cut across a variety of constituencies, disciplines—where the sum is larger than the parts.

Dean Acheson summed it up when he said "As a nation of short-term pragmatists accustomed to dealing with the future only when it becomes the present, we find it hard to regard the future trends as serious realities . . . to treat as real and urgent—as demanding action today—problems which appear critical at some future date."

According to popular notions, one of the chief culprits and most frequently cited examples of short sightedness has been the mindless march of technology. I don't want to minimize the adverse effects we have suffered from technlogy, but I have to conclude that it is a great force for good will as well as evil. Ever since our distant ancestors started playing with fire it has solved more problems than it has created.

What we have to do is to borrow a phrase from tin pan alley—to "accentuate the positive; eliminate the negative."

On the positive side, we must, as the Presdent has said "harness the discoveries of science in the service of man." Also on the positive side, we have to reap more economic benefit from our R&D dollars. We now spend $17 to $18 billion in government R&D—enormous sums spent on R&D that are several times the total research and development investment of our leading competitors abroad and almost 60% more than all of U.S. company sponsored R&D budgets in America. A certain mythology has developed that there has been vast industrial fallout from government R&D.

It is true that there are a number of outstanding examples of such manna. Nonetheless it is my starting view that the level of industrial fallout is simply inadequate in relation to the enormity of the investment and in relation to the payout to the U.S. competitive position.

This is the reason that the President, in his new technologies program, has provided money to the Department of Commerce for some major experiments on how this industrial fallout can be increased.

As a preliminary hypothesis I would suggest that there are two kinds of companies with regard to government R&D. I have a terrible habit of oversimplifying. I had a friend and critic in Chicago who used to say to me—"Peter, there are two kinds of people in this world, there are those who say there are two kinds of people and there are those who don't."

I will now proceed to tell you that there may well be two kinds of companies in America. There is one, it seems to me, which looks upon research contracts with government R&D as an end in themselves. They have developed a special mentality—they are a part of a special subculture—they see government R&D contracts as profitmaking opportunities measured solely by the profit in the contract itself. And by their own public statements, they have done poorly in creating commercial businesses.

There is a second type of company—some of America's best commercial companies, which have demonstrated their innovative ability to build industries, patents and jobs, who either do not get involved at all in government R&D or, if they do, usually not with their best people, not with the company's total resources. Why is this so? Well, I suspect one of the reasons is the patent policies of the government. In the risky entrepreneurial world of innovation, many of these companies have apparently concluded that what belongs to everybody, in fact, really belongs to nobody. They have learned many times that is what is everybody's job is really nobody's job. Thus, high on our agenda must be a whole new look at incentives for companies to commit their best technical people and some of their money and still repay the public interest, the public investment on that technology.

The President has asked the Department to explore incentives for private sector investment in R&D and new patent policies to insure that Government-held technology is put to work for the people who paid for it—the U.S. public.

We will have to ask ourselves some hard, and in some ways, new questions. How much economic value is inherent in the Nation's publicly paid for R&D? How successful have the agencies been in moving this technology to the market, creating jobs and increasing productivity?

I have asked the Patent Office to gather together in one place the answers to questions like the following: How many government patents have been licensed? How many have been used in commercial products?

While this study is still in its early stages, this much can already be told.

1. The overwhelming percentage of these patents have not been licensed to anyone.

2. Even among the licensed patents, the preponderant number have not found their way into commercial production.

3. Virtually all of these patents are offered on a non-exclusive royalty-free basis—to foreign partners; or if you don't mind, foreign competitors as well.

I believe we will also find, when we take a hard look at the Government's efforts at technology utilization for economic benefit, that the best success stories concern R&D projects designed originally with their potential for commercialization in mind. In short, one does not tend to find things he isn't looking for and the Government must find better ways to factor in at the outset commercial possibilities into Government technology strategy.

I would like to make one more point on this technology business, and to do it let me anecdotalize this a bit. Some of you know I spent a little time in the photographic business. It was always more than a little embarrassing to some of us in that field to remember that the two success stories—the two most important developments in the field of photography were those developed by Dr. Edwin Land—Polaroid—and those developed by Dr. Chester Carlson: Xerography. It has always been interesting to me that in both of these cases we had courageous, brilliant inventors, very small enterprises, who spent a lot of time trying to convince much larger firms in the industry that what they had was important and worthwhile and good. In our infinite and conventional wisdom, we persuaded ourselves that what they had wouldn't sell, couldn't sell, wouldn't work, etc. Several billion dollars later it's clear that the industry was wrong.

Now, this isn't to say that a lot of the innovative technology isn't done in the large "establishment" companies. It was rather to say, that given a budget restraint that we feel so deeply, it seemed like the logical starting point in terms of the "biggest bang for the buck" to start with the inventor and the small company. This is why one of the President's new *experimental* technology programs is to experiment with ways of bridging the gap between the inventor or the small business with a good idea and the market place.

As we wring the last drop of benefit out of our R&D expenditures, we must proceed with the vision that this is only half of our job. The other half is to assure that progress does not trample other values—that it does not impede our progress toward achieving a better quality of life. But, that's a subject for a whole talk, if not a treatise. Clearly, it's in the front of our minds and on our agenda for the national debates of the 70's.

What all this means to me is that we are facing a new world. We are facing more than an era of impressive new competition of goods from abroad. We are facing equally impressive competition of new ideas and new values at home.

It will not be enough, I am afraid, to say, we want more productivity—we want better use of technology—we want better thinking about our economic future—we want to win the economic competition of the 70's. For I think we will be asked win for what—win to what end? In the short run of course, there are pocketbook goals that have clear meaning to every American family—more jobs, more pay, more buying power. But in the long run, there are important questions. I think the new citizens of this country must know both that it matters and why it matters. They must know that it makes a difference.

A people must first possess, it seems to me, an active will to be the author of their own history—to have a new sense of purpose that is theirs.

A poet, John Ciardi once said, "It is easy enough to praise men for the courage of their convictions—I wish I could teach them the courage of their confusions." We cannot bring meaning to a confused world if we contend that the confusions do not exist. We should be perfectly clear about the fact that in some important ways we are a confused people.

Some of the same people who call for zero growth also call for major expansion of government programs in the quality of life. The Office of Management and Budget tells me if we just project the cost of existing quality of life programs and those that are now in the President's program—programs incidentally that many of these critics would suggest are completely inadequate—the costs of these programs alone will be about $75 billion more than they are today—by the year 1976.

It is no wonder that a professor, in recently talking about long-term side effects, defined side effects as "effects I don't want to think about".

From the very beginnings of our country the "boundless" nature of our resources has been critical in shaping our character. Tocqueville used this very word, "boundless," as a key to understanding America. The endless abundance of our country allowed us to believe in unlimited opportunity, it allowed us to dream impossible dreams. As the pioneers went westward they sang a song which said that "Uncle Sam is waiting to give us *all* a farm."

But now we are faced by a growing sense that there are limits to this abundance, that our economic expansion—like our geographic expansion—may be running out of room. To the degree that these are accurate assessments, they can affect not only our economic behavior but our way of looking at the world.

The pursuit of social justice, for example, can be a relatively uncontroversial thing when the pie of opportunity is growing ever larger. But the challenge becomes much more difficult when we come to believe the pie's growing more slowly or stops growing altogether, when the pressures mount for cutting some pieces smaller so that others can be bigger.

As a society, we have compounded our confusion by permitting ourselves to enjoy the luxury of polarized rhetoric—to become reconciled, as it were, with the irreconcilable. It is a form of contemporary cop-out to take rigid, ideological, even theological and always simplistic positions to what are, at their core, highly complex but equally pragmatic problems. Secretaries of Commerce are not the ultimate source of theologies, new or old, and I shall not try to do so.

But I would only say nothing may help lift the curtain over our confusion than for us to live in the *future—predict* it, *project* it and most certainly not be paralyzed about it—and, then as a people, decide what we want and what it is we are working for. We may well find that, as in so many things, this elusive thing we call national purpose will be found in our making the journey, rather than picking the destination.

THE FOSTER GRANDPARENTS PROGRAM: THE OLD WORKING WITH THE YOUNG

Mr. PERCY. Mr. President, I noted with interest in this morning's Washington Post, an article by Ivan G. Goldman entitled "Foster 'Gramps' Aid Retarded." The article comments favorably on what I consider one of our most successful Government programs, the Foster Grandparents program.

Simply described, the Foster Grandparents program brings together people who have love and attention to give with people who need such commodities. It allows retired people aged 60 and over to work 20 hours a week with disadvantaged children and to receive modest stipends for their work. The "grandparents" work in hospitals, correctional institutions, and day care centers.

People associated with the program seem almost unanimous in praising it. The project director for the program in Lincoln, Ill., Mr. Merle Ording, reports that at the Lincoln State School, where grandparents work with retarded children, the 1-to-1 relationship of grandparent-to-child has brought about tremendous improvements in the vocabularies and general behavior of the children, as well as in the physical and mental health of the grandparents. It has enabled older people to maintain their dignity and to stay off the welfare rolls. In the words of one participant:

If it had not been for this program, I wouldn't have been able to exist for the last several years.

Last spring, when the Senate was debating how much money to allocate for Foster Grandparents, I received many letters on the program and I remember vividly the enthusiasm and sincerity which came through in these letters.

At the White House Conference on Aging, President Nixon personally requested more money for Foster Grandparents, and in a true bipartisan effort Congress responded almost immediately in granting this request.

In April of last year, I introduced S. 1580, to increase the number of community service opportunities, such as those provided by the Foster Grandparents program. I believe very strongly that we should continue to work for the expansion of a program which obviously works so well.

Mr. President, I ask unanimous consent that Mr. Goldman's article be printed in the RECORD:

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

FOSTER "GRAMPS" AID RETARDED: LOVE IS THEIR MOST IMPORTANT PRODUCT

(By Ivan G. Goldman)

Wynn was too retarded to speak, but she laughed like any other 9-year-old being pushed toward morning clouds on a playground swing.

Providing the muscle was Douglas Furr, a retired railroad switchman, a kindly man fighting a child's melancholy at Great Oaks, a Maryland center for retarded children near Beltsville.

For despite such cheerful touches as brightly colored tops, smile posters, and funnyface balloons in the dormitories, Great Oaks is unmistakeably an institution. And the grounds can be a lonely place when the wind blows across the naked spring grass.

Furr, 66, is one of 36 persons employed by Prince George's County in the Foster Grandparent program, a federal project employing 4,400 persons in 40 states.

Financed nationwide with $25 million from the federal Action program, the 7-year-old program is designed to provide employment for low-income men and women over 60, and individual attention for institutionalized children. Each foster grandparent spends 20 hours a week divided betweeen two children, and receives $1.60 an hour to do it.

Action, a catch-all department that oversees such programs as the Peace Corps and Vista (Volunteers in Service to America), pays for 80 per cent of each local Foster Grandparent program.

Prince George's financed with $160,000, is the only jurisdiction in Maryland, Virginia, or the District to take advantage of the program, said an Action spokesman.

The county sends half of its foster grandparents to Great Oaks, and a half to the county day care center for retarded children in Lanham. It plans to hire 20 more oldsters this year to work at Edgemeade, a private institution for emotionally disturbed children, near Upper Marlboro, said L. W. Mahaffey, county program director.

Furr, 66, who was among the first foster grandparents hired by the county three years ago, says, "I can see where I'm doing these children some good.

"I didn't show up Good Friday, and they tell me Wynn and Paul (age 8) cried all day. You see, Saturday and Sunday they don't miss me, because they know I won't be here. Isn't that something?"

Furr, who has six grandchildren of his own, said his mornings at Great Oaks "are really . . . something good—a good way to pass the time. It gets monotonous sitting around the house all the time," he said, still pushing Wynn's swing.

Foster Grandparent is one of those few programs that seem to please everyone. County and federal officials, staff members at Great Oaks, the "grandparents," and the children, all sung its praise in their own way.

"These people (the grandparents) are receiving something from these children that you can't buy with cash," said Mahaffey. "The children make them feel needed, and the income helps them to be self-reliant.

"As for the children, they receive love and attention on a one-to-one basis. Some of them may not ever be able to learn. But they all learn to recognize that grandparent. Something is getting through. It exists there."

To be qualified, an enrollee must have an annual income of less than $2,000, pass a physical examination, and undergo a combined screening and orientation process lasting two weeks.

Mahaffey said that in many cases, the lunch grandparents receive at Great Oaks is their only meal of the day. The center also provides the transportation, and it has become a meeting place—a way of "socializing" for the grandparents, Mahaffey said.

The only drawback: "We have to watch out for overattachment on the part of the grandparents," said Mahaffey. "Once we had a grandparent who became so involved with her little girl that when the girl got sick, the grandmother felt sick also. In that case we gradually weaned her away from the child, and then assigned her to another."

Another time, Mahaffey said a woman grew depressed from seeing hopelessly retarded children day after day.

"She was a very genteel lady," he said. "She probably hadn't seen much suffering in her life. She became very depressed that this even had to be on earth." The woman was transferred to another county program—assigned as a semisocial worker to help other elderly people.

Although some children at Great Oaks have IQs below 35—placing them in a retarded category so low that many may never learn even to walk—grandparents tend to set goals, however, slight, for their charges.

Said Mary Smith, 75, of Fairmont Heights: "When I got Bryan, he's 7, a year ago, the first thing I wanted to do is toilet train him. It took us a whole year, but we did it."

Elizabeth Jennings, 81, of Cottage City, said her charge, Barry, 5, was very retarded, and she was uncertain at first whether she could set a goal for him. Finally, she decided to teach him how to unclench his fists, which he did, after many visits.

Her other charge, 6-year-old Sherry, was also severely retarded, and strapped in a wheelchair so she would not fall out.

"I'm trying to get Sherry to hold her head up," Mrs. Jennings said. "She always wants to sort of stoop like this. Come on, Sherry, you have such a pretty face, you don't want to hide it. Now give us a smile."

And Sherry smiled.

RULES OF PROCEDURE OF THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. MANSFIELD. Mr. President, at the request of the Senator from Florida (Mr. CHILES), I ask unanimous consent that, in accordance with section 133B of the Legislative Reorganization Act of 1946 as amended by the Legislative Reorganization Act of 1970, the rules of procedure of the Committee on Government Operations be printed in the RECORD.

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

RULES OF PROCEDURE ADOPTED BY THE COMMITTEE ON GOVERNMENT OPERATIONS, PURSUANT TO SECTION 133B OF THE LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED

RULE 1. MEETINGS AND MEETING PROCEDURES OTHER THAN HEARINGS

A. *Meeting dates.* The committee shall hold its regular meetings on the first Thursday of each month, when the Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite committee business. (Sec. 133(a), Legislative Reorganization Act of 1946, as amended.)

B. *Calling special committee meetings.* If at least three members of the committee desire the chairman to call a special meeting, they may file in the offices of the committee a written request therefor, addressed to the chairman. Immediately thereafter, the clerk of the committee shall notify the chairman of such request. If, within three calendar days after the filing of such request, the chairman fails to call the requested special meeting, which is to be held within several calendar days after the filing of such request, a majority of the committee members may file in the offices of the committee their written notice that a special committee meeting will be held, specifying the date and hour thereof, and the committee shall meet on that date and hour. Immediately upon the filing of such notice, the committee clerk shall notify all committee members that such special meeting will be held and inform them of its date and hour. If the chairman is not present at any regular, additional or special meeting, the ranking majority member present shall preside. (Sec. 133(a), Legislative Reorganization Act of 1946, as amended.)

C. *Meeting notices and agenda.* Written notices of committee meetings, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all committee members at least three days in advance of such meetings. In the event that unforeseen requirements of committee business prevent a three-day notice, the committee staff shall communicate such notice by telephone to members or appropriate staff assistants in their offices, and an agenda will be furnished prior to the meeting.

D. *Open business meetings.* Meetings for the transaction of committee business, shall be open to the public, except during executive sessions for marking up bills, for voting, or when the committee by majority vote orders an executive session. (Sec. 133(b), Legislative Reorganization Act of 1946, as amended.)

RULE 2. QUORUMS

A. *Reporting legislation.* Ten members of the committee shall constitute a quorum for reporting legislative measures or recommendations. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

B. *Transaction of routine business.* Six members of the committee shall constitute a quorum for the transaction of routine business. (Rule XXV, Sec. 5(a) Standing Rules of the Senate.)

C. *Taking sworn testimony.* Two members of the committee shall constitute a quorum for taking sworn testimony, provided, however, that one member of the committee shall constitute a quorum for such purposes, with the approval of the chairman and the ranking minority member of the committee, or their designees. (Rule XXV, Sec. 5(b), Standing Rules of the Senate.)

D. *Taking unsworn testimony.* One member of the committee shall constitute a quorum for taking unsworn testimony. (Sec. 133(d)(2), Legislative Reorganization Act of 1946, as amended.)

E. *Subcommittee quorums.* Subject to the provisions of sections 5(a) and 5(b) of Rule XXV of the Standing Rules of the Senate, and section 133(d) of the Legislative Reorganization Act as amended, the subcommittees of this committee are authorized to establish their own quorums for the transaction of business and the taking of sworn testimony.

F. *Proxies prohibited in establishment of a quorum.* Proxies shall not be considered for the establishment of a quorum.

RULE 3. VOTING

A. *Quorum required.* No vote may be taken by the committee, or any subcommittee there of, on any measure or matter unless a quorum, as prescribed in the preceding section, is actually present.

B. *Reporting legislation.* No measure or recommendation shall be reported from the committee unless a majority of the committee members are actually present, and the vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are actually present at the time the vote is taken. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

C. *Proxy voting.* Proxy voting shall be allowed on all measures and matters before the committee, or any subcommittees, thereof, except that, when the committee, or any subcommittee thereof, is voting to report a measure or recommendation, proxy votes shall be allowed solely for the purposes of recording a member's position on the pending question and then, only if the absent committee member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. All proxies shall be addressed to the chairman of the committee and filed with the chief clerk thereof, or to the chairman of the subcommittee and filed with the clerk, thereof, as the case may be. All proxies shall be in writing and shall contain sufficient reference to the pending matter as is necessary to identify it and to inform the committee as to how the member wishes his vote to be recorded thereon. (Sec. 133(d), Legislative Reorganization Act or 1946, as amended.)

D. *Announcement of vote.* (1) Whenever the committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee. (Sec. 133(d), Legislative Reorganization Act of 1946, as amended.)

(2) Whenever the committee by rollcall vote acts upon any measure or amendment thereto, other than reporting a measure or recommendation, the results thereof shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes vast in favor of and the votes cast in opposition to each such measure and amendment thereto by each member of the committee who was present at that meeting. (Sec. 133(b), Legislative Reorganization Act of 1946, as amended.)

(3) In any case in which a rollcall vote is announced, the tabulation of votes shall state separately the proxy votes recorded in favor of and in opposition to that measure, amendment thereto, or recommendation. (Sec. 133 (b) and (d), Legislative Reorganization Act of 1946, as amended.)

RULE 4. HEARINGS AND HEARING PROCEDURES

A. *Announcement of hearings.* The committee, or any subcommittee thereof, shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing, unless the committee, or subcommittee, determines that there is good cause to begin such hearing at an earlier date. (Sec. 133A(a), Legislative Reorganization Act of 1946, as amended.)

B. *Open hearings.* Each hearing conducted by the committee, or any subcommittee thereof, shall be open to the public unless the committee, or subcommittee, determines that the testimony to be taken at that hearing may (1) relate to a matter of national security, (2) tend to reflect adversely on the character or reputation of the witness or any other individual, or (3) divulge matters deemed confidential under other provisions of law or Government regulations. (Sec. 133 A(b), Legislative Reorganization Act of 1946, as amended.)

C. *Radio, television, and photography.* The committee, or any subcommittee thereof, may permit the proceedings of hearings which are open to the public to be photographed and broadcast by radio, television or both, subject to such conditions as the committee, or subcommittee, may impose. (Sec. 133A(b), Legislative Reorganization Act of 1946, as amended.)

D. *Advance statements of witnesses.* A witness appearing before the committee, or any subcommittee thereof, shall file a written statement of his proposed testimony at least one day prior to his appearance, unless this requirement is waived by the chairman and the ranking minority member, following their determination that there is good cause for failure of compliance. (Sec. 133A(c), Legislative Reorganization Act of 1946, as amended.)

E. *Minority witnesses.* In any hearings conducted by the committee, or any subcommittee thereof, the minority members of the committee shall be entitled, upon request to the chairman by a majority of the

minority, to call witnesses of their selection during at least one day of such hearings. (Sec. 133A(e), Legislative Reorganization Act of 1946, as amended.)

RULE 5. COMMITTEE REPORTS

A. *Timely filing.* When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time. (Sec. 133(c), Legislative Reorganization Act of 1946, as amended.)

B. *Supplemental, minority, and additional views.* A member of the committee who gives notice of his intention to file supplemental, minority or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the committee report may be filed and printed immediately without such views. (Sec. 133(e), Legislative Reorganization Act of 1946, as amended.)

C. *Draft reports of subcommittees.* All draft reports prepared by subcommittees of this committee on any measure or matter referred to it by the chairman, shall be in the form, style, and arrangement required to conform to the applicable provisions of the Standing Rules of the Senate, and shall be in accordance with the established practices followed by the committee. Upon completion of such draft reports, copies thereof shall be filed with the chief clerk of the committee at the earliest practicable time.

D. *Cost estimates in reports.* All committee reports, accompanying a bill or joint resolution of a public character reported by the committee, shall contain (1) an estimate, made by the committee, of the costs which would be incurred in carrying out the legislation for the then current fiscal year and for each of the next five fiscal years thereafter (or for the authorized duration of the proposed legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; or (3) a statement of the reasons for failure by the committee to comply with these requirements as impracticable, in the event of inability to comply therewith. (Sec. 252(a), Legislative Reorganization Act of 1970.)

RULE 6. SUBCOMMITTEES AND SUBCOMMITTEE PROCEDURES

A. *Regularly established subcommittees.* The committee shall have four regularly established subcommittees, as follows:

Permanent Subcommittee on Investigations
National Security and International Operations
Intergovernmental Relations
Executive Reorganization and Government Research

B. *Ad hoc subcommittees.* Following consultation with the ranking minority member, the chairman shall, from time to time, establish such ad hoc subcommittees as he deems necessary to expedite committee business.

C. *Subcommittee membership.* Following consultation with the majority members, and the ranking minority member, of the committee, the chairman shall announce selections for membership on the subcommittees referred to in paragraphs A and B, above.

D. *Subcommittee meetings and hearings.* Each subcommittee of this committee is authorized to establish meeting dates and adopt rules not inconsistent with the rules of the committee.

E. *Subcommittee budgets.* Each subcommittee of this committee, which requires authorization for the expenditure of funds for the conduct of inquiries and investigations, shall file with the chief clerk of the committee, not later than January 10 of that year, its request for funds for the 12-month period beginning on March 1 and extending through and including the last day in February of the following year. Each such request shall be submitted on the budget form prescribed by the Committee on Rules and Administration, and shall be accompanied by a written justification, addressed to the chairman of the committee, which shall include (1) a statement of the subcommittee's area of activities; (2) its accomplishments during the preceding year; and (3) a table showing a comparison between (*a*) the funds authorized for expenditure during the preceding year, (*b*) the funds actually expended during that year, (*c*) the amount requested for the current year, and (*d*) the number of professional and clerical staff members and consultants employed by the subcommittee during the preceding year and the number of such personnel requested for the current year. (Sec. 133(g), Legislative Reorganization Act of 1946, as amended.)

SOVIET ANALYST—A NEW FORTNIGHTLY NEWSLETTER

Mr. ALLOTT. Mr. President, I am delighted to be informed of the launching of a new publication which promises to be very useful to all citizens concerned about the continuing problem of coping with the Soviet Union.

This new publication is Soviet Analyst, a fortnightly newsletter published in London and edited by Messrs. Robert Conquest and Tibor Szamuely.

I am acquainted with Mr. Conquest, who is author of many works on the Soviet Union, including the monumental study of Stalinism, The Great Terror. He worked for 10 years in the British Diplomatic Service and the Foreign Office. He has held fellowships at the London School of Economics, and Columbia University's Russian Institute. He has testified before the Senate and has been helpful to those Senators who have consulted him.

I am not personally acquainted with Professor Szamuely but I am acquainted with some of his published works. Professor Szamuely has lived in the Soviet Union—indeed, served as a prisoner in one of the Kotlas labor camps. He has been vice rector of Budapest University, and he has taught in Ghana. Today he is a British citizen, and a lecturer at Reading University.

Mr. President, so that all Senators can appreciate the high quality of Soviet Analyst, I ask unanimous consent to have printed in the RECORD 11 articles from the first two issues.

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

RUSSIA AND OURSELVES

Our relations with the Soviet Union are are the centre of the whole refractory array of international problems before us, and thus of the future of the world. The depth and accuracy of our understanding of the Soviet Union is the crux of our correct handling of these problems. It is the purpose of Soviet Analyst to keep before its readers, regularly and continually, a clear view of the nature of the Soviet political culture, so different from our own; of the actions and the motivations of the Soviet leadership; and of the whole Soviet presence on the world scene.

Our editorial position is, of course, that of 'bourgeois democracy', 'bourgeois objectivity' and 'bourgeois morality', that of the traditional civic culture of the West.

The culture we will be dealing with is radically different in its whole history and beliefs. In Imperial Russia there was no tradition of mutual rights and obligations, but merely of the state and its servants or slaves.

The Westernizing element which had arisen by 1917 was virtually eradicated by the revolution, from which a despotism arose differing from Tsardom in its dedication to a messianic or utopian ideology. As Peter the Great and Catherine the Great had done, it sought the technological and military methods of the West, but excluded its political values. The Leninist theory of dictatorship imposed on a culture already deficient in civic content a system of ideas and of rules highly alien to Western conceptions. After fifty years a social stratum and interest, deriving power and legitimacy from these ideals, has become firmly established.

The relations between the two thoroughly dissimilar cultures, in fact, constitute the essence of the international scene.

The editors themselves with long experience of attending to and writing on Soviet affairs, have nevertheless felt the difficulty of keeping clear in their own minds the strange perspectives of that alien culture. As one of them remarked, while giving evidence to a committee of the United States Senate, 'an effort of the imagination, as well as of the intellect', is needed if one is not to find oneself making 'common sense' assumptions inapplicable to Soviet realities.

But if Western habits of mind make Soviet realities rather hard to grasp, it also seems to be the case that a tendency has arisen in the West to avoid contemplating the often raw and repellent difficulties at the centre of world problems. This may be natural enough. Years of coping with the facts, of endless vigilance, have taken their toll. There are many, it appears, who wish to be deceived, who desire the comfort of thinking that the situation cannot be as difficult as it looks, 'for how unpleasant if it were.'

Moreover, it is sometimes felt, or seems to be felt, that frank reporting and critical judgment of things Soviet is in some way harmful to international understanding. It is the common experience of almost all serious writers about these subjects that a parrot cry of 'Cold War' is raised, if only in limited and low-grade circles of the media, against comment unfriendly to Soviet officialdom.

After the Soviet invasion of Czechoslovakia in 1968, a number of commentators remarked that the Cold War had recommenced. They thought, that is to say, that the Soviet leaders had changed their policies for the worse. But, in fact, their policies had not changed. Events like the invasion only came as a surprise and shock, and seemed a new and disastrous phenomenon, to those who had let themselves become deluded about the whole question of Soviet motivations and policy. It is no part of the purpose of Soviet Analyst to overstate, let alone exacerbate, tensions. But, if reality is uncomfortable, it is nonetheless reality. And, plainly, any tendency in the West to see Russia in a delusive light may be comforting for the moment but may also be lethal in the long run. An international harmony based on the repression or distortion of information and opinion about the USSR unwelcome to the ruling party would be hollow, jerry-built and generally unreliable. The clearer the view we take about Russian affairs, the more firmly we express our own opinions, the better chance we have of attaining the greatest degree of international understanding possible today.

Though we take this critical view of the Soviet system, we do not mean in any way to misrepresent it. And we ask our Soviet and pro-Soviet subscribers (of whom a grati-

fyingly large number have already declared themselves) to draw our attention to any errors of fact which may elude our own vigilance.

The element of detente in present international relations is, as far as it goes, both genuine and valuable; but it is not based on any present Soviet acceptance of basic principles of permanent cooperation or of pacific orientation. It is ill-defined, variable and subject to instabilities. To exaggerate it is to do a disservice to peace, which cannot subsist on a basis of misunderstanding of fact and misconception of motive.

From our point of view, a detente based on clear and realistic appraisal of the facts and possibilities is seen as an immediate aim of Western policy. In the longer run, we would feel, a true world peace—as against this utilitarian and vigilant truce—can probably arise only as the result of an evolution of the Soviet system into a civic order. Friedrich Engels remarked nearly a century ago that as soon as Russia reached the level of genuine constitutional development, the traditional Russian policy of conquest is a thing of the past.

Meanwhile the principles of Soviet policy, both at home and abroad, have been in effect to deny the legitimacy of the mere existence of non-Communist (or deviant Communist) ideas or regimes. This has never been concealed. Or rather, while major ideological analysis by or on behalf of the Party leadership has always clearly asserted the principles involved, there has indeed been an accompanying smoke-screen of more liberal, tolerant and peaceable remarks by various sponsors of Soviet propaganda in the West. But (as Professor Hugh Seton-Watson has said) it seems a mistake to believe that 'What 200,000 Communist party officials, from Brezhnev down to the secretaries of party branches in factories or collective farms, tell their subjects is all camouflage: the *real* views of the Soviet leaders are what some nice guy from the Soviet delegation at the UN said over a quiet drink, or what an itinerant Midwestern scientist heard from some friendly academician in Novosibirsk.'

We do the Communist Party of the Soviet Union the justice of accepting that it believes what it says. The Soviet leadership really seek a world dominated by their system. They are really, in the long run, not prepared to accept a continuance of the Western and democratic order. It is only at a much lower level, that of deceptive propaganda, that any question arises of an end to this central intransigence.

This is a clear and understandable position. It is compatible with wishing to avoid nuclear war, and seeking a certain style of detente. But it is, all the same, one of a central and basic hostility to other forms of political life.

Mr. Brezhnev and other members of the Politburo have more than once made it clear that the Soviet conception of 'peaceful coexistence' is of a form of struggle against non-Communist concepts, that 'in the ideological field' no truce can apply. (The current persecutions of Soviet intellectuals who speak for civil liberty is, in one aspect, no more than part of a single campaign of irreconcilability towards the whole Western concept.)

Brezhnev's point is developed at length in the authoritative work *Peaceful Coexistence and the Revolutionary Process* by V. N. Yegorov, published in Moscow last year. Yegorov (who sees, for example, a violent Communist revolution in Britain as a tolerable possibility) goes out of his way to deny that the Soviet concept of 'peaceful coexistence' is even *'mainly'* favourable to the development of peaceful forms of socialist revolution outside Russia. On the contrary, it helps the intensification of the whole 'world revolutionary process', including 'non-peaceful forms of the struggle.'

'Peaceful coexistence,' he adds, 'by its very nature has always been a specific form of intense economic, political and ideological battle between countries having different social systems, in the international arena.' And he specifically denounces any 'rapprochement' between the two systems, or any 'mutual concessions' or 'convergence'.

Or, as another leading post-Khrushchev theoretician, Academician P. N. Fedoseyev, has put it: 'The struggle for the liberation of the working class has an international character, since the final solution of the problem *"kto-kogo."* ("who-whom?") in the confrontation between socialism and capitalism is possible only on an international scale.' (*Dialetics of the Contemporary Epoch*, Moscow 1966, p. 253).

As for the immediate scope of Soviet aims, Foreign Minister Gromyko asserted flatly in his speech to the Supreme Soviet in June 1968:

'The Soviet Union is a great power situated on two continents, Europe and Asia, but the range of our country's international interests is not determined by its geographical position alone . . . The Soviet people do not plead with anybody to be allowed to have their say in the solution of any question involving the maintenance of international peace, concerning the freedom and independence of the peoples and our country's extensive interests. This is our right, due to the Soviet Union's position as a great power. During any acute situation, however far away it appears from our country, the Soviet Union's reaction is to be expected in all capitals of the world.'

Current tendencies (commoner in some Western countries than in others) to burke the issues, to avoid the cold light of such reality, may appear to be an intellectual scandal, but also a moral one. In extenuation, it may be urged that the facts, or many of them, have not been readily available—or, at least, that they tend to reach the non-expert occasionally and episodically, giving time in between for the effect to be blurred or forgotten. In Soviet Analyst we mean to contribute, as far as we can, to filling this gap.

NATIONALITY PROBLEMS: LATVIA

Since 1917 nationalities policy has always been one of the main pre-occupations of the Soviet government. This is understandable: the USSR is the last of the great multi-national empires, with ethnic Great Russians comprising only a little over one half of the population. The stability of the state depends to no small degree upon its success in controlling and curbing the growth of national feeling among more than 100 divergent national groups.

Despite every effort, and contrary to much official propaganda, the CPSU has failed to find a satisfactory solution to the nationalities question. There is every indication that today the problems are more intractable than ever. National feeling is on the increase (partly under the influence of the world-wide decolonization of the last 20 years). On the other hand, the party can neither grant sufficiently far-reaching concessions to national sentiment nor revert to Stalin's policy of large-scale terror and mass deportations. This situation could only lead, and has led, to a general growth of resentment, ever more openly expressed. The recent arrests of "bourgeois nationalists"—many of them CP members—in the Ukraine and elsewhere illustrate the government's increasing difficulties.

For years the West knew hardly anything about nationality problems in the USSR. Very little information filtered out, apart from the exceptional case of Stalin's deportation of eight small nationalities, and the intermittent campaign of antisemitism. The outside world remained largely ignorant even of the widespread nationalist guerrilla movements of the immediate post-war years.

Today the position has radically changed, thanks to the flow of underground *samizdat* material, which includes such outstanding works as Ivan Dzyuba's *Internationalism or Russification?* Yet only a small fraction of this information has received the attention it deserves. In view of the crucial importance of the nationalities question Soviet Analyst intends to give it as wide a coverage as possible.

Almost all the recent *samizdat* revelations concerned developments in the Ukraine. Now, for the first time, a highly significant document has reached the West from Latvia (and received even partial coverage only in the *Daily Telegraph*): an appeal to the leaders of several Western Communist Parties from 17 Latvian Communists. The authors describe themselves as old party members, including some of pre-1940 standing. Since the appeal is—understandably, though unusually in recent *samizdat* practice—unsigned, it is impossible to verify their claim. However, the information contained in the appeal is undoubtedly authentic and could hardly be accessible to anyone outside the party *apparat*. It provides an unpredecentedly full picture of Soviet nationalities policy and of systematic Russification of one of the three Baltic republics annexed by the USSR in 1940.

The authors have taken this desperate step, they say, only after a number of Communists had suffered "repressions" for voicing their complaints to official party bodies, including the Central Committee in Moscow. They were driven to it because, after many years' loyal service, they had become convinced that Leninism was merely a screen for Russification, "that Great Russian chauvinism is the deliberate policy of the leadership of the CPSU, and that the forcible assimilation of the small nations of the USSR is regarded as one of the most urgent and important aims of state policy."

The forcible assimilation of Latvia began immediately after the end of German occupation in 1944–5, and was pursued with growing intensity until Stalin's death on the 5th March 1953. Then, for a brief moment, things seemed to change.

It has long been accepted by many Western scholars that Beria was the real initiator of the first and in some ways most far-reaching wave of de-Stalinization, immediately after the old dictator's death. Later the criminal indictment against Beria charged him with having attempted to "sow enmity and discord among the peoples of the USSR and, in the first place, to undermine the friendship of the peoples of the USSR with the great Russian people". This was a clear reference to a relaxation of Russifying policies introduced by Beria. Nothing more specific about the sudden change in the party line has ever been disclosed—until now, when the Appeal of the Seventeen supplies some of the missing information.

On the 22nd June 1953 the First Secretary of the Latvian CC Kalnberzin informed a Central Committee plenum of the decisions taken 10 days before by the Presidium of the CC CPSU, as follows:

"(1) All party and state organs are directed to correct fundamentally the situation in the national republics: *to put an end to the distortions of Soviet nationalities policy;*

(2) The training, development and large-scale promotion to leading posts of persons of the local nationality is to be organized; the practice of appointing cadres not from the local nationality is to be abrogated; the *nomenklatura* officials displaced from their jobs and unfamiliar with the local language are to be recalled to the disposal of the CC CPSU;

(3) Official business in the national republics is to be conducted in the local native tongue".

The Appeal correctly describes this document as unique in the last forty years of Soviet history.

Kalnberzin informed his colleagues that the Presidium had specifically criticized distortions of policy in Latvia. He referred to the fact that the proportion of Latvians among officials of the republican CC was 42 per cent, and among the secretaries of city and district party committees, 47 per cent. Not one of the departments of the Riga city party committee was headed by a Latvian, and only two of its 31 "instructors" were Latvian. The situation was even worse at lower levels: only 17 per cent of the secretaries of the republic's primary party organizations (cells) and 18 per cent of all Communists in Riga were Latvians.

But the new political line lasted only for a few days—until the fall of Beria at the end of June. The decision of the Presidium was never officially rescinded, yet shortly after the plenum Russification was further intensified. To this day it remains the basis of Soviet nationalities policy.

The Appeal defines two principal aims of this policy. The first is the mass settlement of Russians, as well as of brother-Slavs such as Ukrainians and Byelorussians, or the territory of Latvia (and the other two Baltic republics). This is achieved by a variety of methods. The first step (taken apparently in 1953) was the establishment of an Organizational Bureau of the CC CPSU for Latvia (a strictly extralegal body, the existence of which has never been disclosed). Within the Latvian Central Committee itself the key posts of Second Secretary and Secretary for Cadres have always been occupied by Russians, together with similar posts at lower levels, in particular those of personnel directors in all party, state and economic bodies.

The Appeal convincingly shows that one of the main motives behind the much-publicised industrialization of the Union republics is the impulse given thereby to further Russification. Numerous industrial enterprises have been built in Latvia without any economic justification (diesel, turbine, autoelectric instruments and meteorological instruments plants in Riga; a synthetic fibre plant in Daugavpils; the Plavinas hydroelectric power station on the river Daugava, etc.). The builders, workers and specialists for these plants were brought in from Russia, and their output is shipped to other parts of the Union. Several non-Latvian towns have been built up in the new industrial centres. Many of the republic's most important enterprises employ hardly any Latvians.

The growth of the Russian population of Latvia is also achieved by the location on its territory of large military garrisons, and by transforming almost the whole seashore into one vast all-union holiday resort. Almost all the indigenous population has left these parts.

Between 25 and 35 thousand outsiders arrive in Latvia annually for permanent settlement (a considerable figure for a land of 2.4 million people). Not surprisingly, in 1959 Latvians comprised 62 per cent, in 1970 only 57 per cent of the population of their country. They are already in a minority in their capital, Riga, where the proportion of Latvians in 1970 barely reached 40 per cent. After 30 years of Leninist nationalities policy Russians account for nearly one-third of the population of Latvia.

The second main aim of Soviet policy, according to the Appeal, is the Russification of Latvian life and the assimilation of the Latvian people. Here, too, a multiplicity of methods is applied. One each of the republic's two television and two radio programs is conducted exclusively in Russian while the second remains "mixed". In other words, about two-thirds of total broadcasting time is allocated to Russian. Half the periodicals appearing in Latvia are published in Russian. Official business in all republican, city and district organizations, as well as in all industrial enterprises, is conducted in Russian. Public meetings and conferences of all kinds—with a few exceptions—are also conducted in Russian. "There are many collectives with an absolute majority of Latvians, but if the collective has at least one Russian member he demands that the meeting be held in Russian and his demand is accepted; should it be refused the collective will be accused of nationalism."

Russian is rapidly taking over as the language of education and instruction, beginning from the kindergarten. Wide publicity is created for mixed Russian-Latvian marriages. Only four or five pre-Soviet Latvian writers have had their works republished—in contrast to the endless republication of the Russian classics.

No aspect of life is too insignificant to escape Russification. Latvian national dishes have been replaced by Russian recipes in the menus of all restaurants, cafes and cafeterias; the familiar national brands of cigarettes, sweets, etc. have likewise disappeared. National festivals have been abolished. Not one of Riga's six administrative districts bears a local name; they are called Lenin, Kirov, Moscow, Leningrad, October and Proletarian. Most of the streets have also acquired Russian names. Repertoires of Latvian professional and amateur theatres, orchestras, choirs, etc. do not receive approval unless they include Russian plays or songs.

The Russification of Latvia has not been carried out without resistance, even within the party. The Appeal lists 27 prominent officials removed from their posts and disgraced for "bourgeois nationalism" i.e. for attempting to defend some remnants of national identity. At their head is E. Berklavs, former Deputy Prime Minister of the Latvian Republic, who for some time led the resistance to forcible assimilation, and managed even to win a majority of the Bureau of the Latvian CC over to his side. Khrushchev personally arrived in Riga to take charge of the situation; Berklavs was dismissed from his posts and exiled from the republic.

Among the high-ranking Communist victims of the Soviet nationalities policy: the Chairman of the Presidium of the Latvian Supreme Soviet Ozolins; the Chairman of the Republican Trades Unions Council Pinksis; the Second Secretary of the Latvian CC Krumins; CC Secretary Bissenieks; First Secretary of the Riga city party committee Straujums; the editor of the Latvian party newspaper *Cina* Pizans; the republican Minister of Culture Kalpins; the First and Second Secretaries of the republican Komsomol, Ruskulis and Valters; the Chairman of the republican Commission of Party Control Plesums.

Today, after repeated purges, the top posts in the republic are occupied either by Latvians from Russia, who have spent most of their lives outside their country and hardly know the language—the First Party Secretary, the Prime Minister, the Chairman of the Presidium of the Supreme Soviet, the CC secretaries for propaganda and industry—or by Russians and Russified aliens; the two other secretaries of the CC and the Deputy Prime Minister.

Even worse than the position of the Latvians is that of the non-Russian national minorities living in the republic: Lithuanians, Estonians, Poles, Jews, etc.—nearly 14 per cent of the total population. Before the establishment of the Soviet regime they all had their own primary and secondary schools, they published books and periodicals in their own languages, ran their own theatres, clubs, choirs and similar institutions. Soviet nationalities policy has abolished all this; today minorities within a minority territory can use only the local language or, preferably, Russian. "Russians have everything in all the republics", concludes the Appeal, "the basic native populations have something in their own republics, the rest have nothing".

Such are the realities of the national question in the USSR. As the authors of the Appeal point out, the situation is identical in all the non-Russian parts of the country. They themselves would have very little hope even if the Western Communist Parties were to intervene on their behalf: the leaders of the CPSU "are unaccustomed to listening to the opinions of others. They act from positions of power and recognise only power". The outlook for the national republics looks bleak indeed. But it is also clear that the regime is creating vast reserves of future trouble.

The Tale of a Glove

Almost every Soviet statistical report on the fulfilment and over-fulfilment of the current plan contains, tucked away unobtrusively among the data showing constant growth of production, consumption and welfare, a brief phrase like this one (taken from the report on the fulfilment of the 1971 plan): "Despite the considerable increase in commodity circulation, the demand for certain goods such as fish, herring, vegetables, some types of woolen fabrics, clothes, footwear and kitchen utensils has not been fully met".

Outside observers often miss these little phrases completely, believing that they refer to esoteric items of conspicuous consumption. The absence of frills is even taken for a sign of virtue compared to our own consumer-oriented capitalist society. Yet from time to time the Soviet press spells out the precise nature of the missing goods and the extent of the shortages. *Pravda* has just devoted two stories to one such, fairly typical case. They provide a useful insight into everyday life in the USSR.

On the 16th January *Pravda* recounted the sad tale of A. D. Nikontov from Voronezh. Mr. Nikontov had been wounded in the hand during the war and experiences a certain sensitivity to cold (the average January temperature in Voronezh is –10 degrees C.). Beginning from last July Mr. Nikontov regularly visited every shop in Voronezh (a city of 660 thousand) in search of a pair of gloves. No luck: everywhere the shop assistants gave him the same reasonable reply, "If there had been gloves we'd have bought some ourselves". By the end of October Mr. Nikontov lost his patience and wrote to the Ministry of Trade of the Russian Republic asking for a pair of gloves via the State mail-delivery firm. Instead of sending him the gloves the deputy head of the ministerial department concerned, Comrade Pronichkin, forwarded Mr. Nikontov's letter to the head of the Voronezh Regional Trade Department, Comrade Sotnikov, with a covering note: "Kindly attend to this letter, taking into account all the circumstances described therein, and if possible render Comrade Nikontov assistance towards the purchase of a pair of gloves."

Comrade Sotnikov's deputy sent the letter on still further, to the director of the Voronezh City Administration for Consumer Goods Trade, Comrade Yevteev. The request was made more specific: "The Department of Trade asks you, upon arrival of the aforementioned gloves for sale, to inform Comrade A. D. Nikontov of this, and, exceptionally, to render him assistance towards their purchase".

Mr. Nikontov received no such notification. However, he proved indefatigable in tracking down his complaint from one office to another, until finally he learned that the necessary instructions had been issued to the local equivalent of Woolworths. There he met with a friendly welcome, was offered a choice of shoe-polish, putty, penknives and various other useful objects—but no gloves. The shop did not stock them.

Mr. Nikontov returned to the Department of Trade. This time his reception was markedly cooler: he had become a nuisance, he

was told, and no more assistance would be forthcoming. If he was so impatient to buy his precious gloves he would have to do it on his own.

Having told the story of Mr. Nikontov's misadventures, *Pravda* expressed its indignation. Not over the total absence of gloves for many months in one of the country's largest cities—apparently it found nothing unusual in that—but over the heartless bureaucratic treatment of an invalid of the Great Patriotic War: "Why, one asks, was it necessary to undertake months of correspondence, to involve so many organizations, merely, in the end, to pull wool over a person's eyes and to turn down his request?"

A good question. Five weeks later, on the 23rd February, *Pravda*, not without satisfaction, reported on the results of its intervention. Comrade Yevteev had received a reprimand, the director of the quasi-Woolworths a severe reprimand. The other participants had received corresponding punishments. The Voronezh Regional Department of Trade had "taken steps" to improve its investigations into customers' complaints and to inspect the commercial services available to invalids of the Patriotic War.

"The Ministry of Trade also informs us", concluded *Pravda*, "that the orders of commercial organizations for gloves are not fully met and that the demand cannot be satisfied. Measures are being taken towards increasing the production and the delivery of gloves to the trade network".

We are not told whether Mr. Nikontov finally managed to buy a pair of gloves.

Fictions and Fallacies

So many extravagant misunderstandings or misreportings of things Soviet still appear in the West and cannot in the nature of things be nailed every time by a letter to the offending periodical, that we propose to deal with them here in the hope of to some extent deterring this nuisance. We would welcome our readers letting us know of any especially egregious instances that come to their attention.

This time we note a few recent oddities from the world of scientific journalism:

(*a*) The *New Scientist* (2 December 1971) names and praises the Soviet Academician Vasili Emelyanov as one in a group including well known Western left-wingers, active in Stockholm in putting pressure for signing a SALT agreement on the stupid and recalcitrant governments of which they are subjects. Emelyanov, a member in good standing of the CPSU since 1919, winner of two Stalin Prizes, a government official in Stalin's time and more recently a member of Council of Ministers, has never criticised his masters. He is, in fact, their spokesman vis-a-vis his Stockholm friends rather than vice-versa. There are indeed Soviet atomic physicists (Emelyanov is a metallurgist) who have put what pressure they could on the Soviet government—Academician Sakharov, for example: but *he* does not get abroad. In fact, such travel is rather difficult Dr. Zhores Medvedev (who was himself prevented from travelling to deliver a scientific paper at a recent international meeting in Sheffield) tells us that there is only one passport actually in the possession of a Soviet private citizen—that of the poet Yevgeni Yevtushenko.

(*b*) Another British scientist (Dr. T. E. Allibone FRS) writes to *The Times* (11 February 1972) that unlike himself, Soviet Academician Peter Kapitza has a direct line to his authorities, and used it to get them to print a stamp commemorating Lord Rutherford. Good. Still, Kapitza has perhaps earned this privilege in a harder way than a British scientist might care to endure, being lured to Moscow from the Cavendish laboratories at Cambridge in 1934, and prevented (contrary to promises) from leaving for the next thirty years.

(*c*) A book, *The Siberians*, by anthropologist Farley Mowat, published last month, describes a visit to the Kolyma basin, formerly one of the largest and worst of Stalin's slave-labour zones. Mowat says that many prisoners died, of disease and lack of food due to inefficiency (though with no mention of the mass shootings by Major Garanin's squads; nor of mass death from 'penal diet' consciously imposed). But, he adds thousands escaped and merged with the civil population. In Stalinist (or current) conditions of documentation and 'vigilance' this is naturally impossible: and we are expressly told by the Soviet writer Varlam Shalamov that only *one* successful escape was known. Mowat has simply believed-what-someone-told-him, as so often. (It is also the case that though Mowat says that the number who died in the Kolyma camps cannot be known, it is not difficult to arrive at an estimate which cannot be far from the truth—about two million).

(*d*) *The Guardian* of 6 January 1972 headlined a report on a memorandum of the British Council for Social Responsibility in the Sciences on security methods in Ulster: "Methods of Interrogation 'Harsher than KGB's.'" The text was more restrained.

Peace and Eastern Europe

An idea behind some recent Western foreign policy moves seems to be that a line can be drawn in Europe between the Soviet and Western blocs, and agreement, détente, and general stability in the area be consolidated on that basis.

There is, of course, a certain fallacy in the notion that the Soviet Union would in any case regard a Western sphere as inviolable. Still, it can be argued that so long as Western power and morale on this side of the line are maintained, and all attempts to 'Finlandize' Western Europe resisted, a settlement of this sort would be advantageous, and even that an Ostpolitik so based *could* eventually lead to a more positive easing of international, and 'inter-ideological', tensions.

However, there is a hidden assumption here. Such a stability implies that Eastern Europe itself will remain reasonably calm. The opposite is the truth. And recent reports show that tensions within the Soviet bloc, far from easing, are becoming more and more dangerous.

First, of course, there is the problem of Rumania. Reports in some Western papers that the Rumanians have lately been making concessions to the Russians are unfounded, (as are similar rumours to the effect that Communist China has abandoned its interest in Eastern Europe, and in Rumania and Albania in particular.)

Mr. Ceaucescu, in fact, has understood the situation correctly. The only concession the Russians want is the overthrow of his regime. Nor is it seriously open to him to compromise by admitting pro-Soviet elements to his leadership: for that could only result in a progressive purge of himself and his supporters, on the Czechoslovak model. The now virtually confirmed execution of General Serb on charges of espionage for the Soviet Union, accompanied by the expulsion of the Soviet military attache, was a sharp lesson—closely resembling the similar execution by the Albanians of Admiral Sejko in 1964. As in Albania, this amounted to the suppression of a pro-Soviet plot. The Rumanians are reported to have purged 40 staff officers, and a number of important officials, including the Minister of Defence, and the Central Committee Secretary in charge of propaganda, have been demoted. At the same time a strong campaign of vigilance and indoctrination is proceeding in the Rumanian Communist Party, specifically against this type of treason. Moreover, Ceaucescu has understandably decided that his best policy is to sharpen, rather than disguise, differences with the Soviet Union over matters of foreign policy, and especially over China. Recent Rumanian approaches to the EEC, and the conduct of relations with West Germany on a basis quite uncoordinated with that of the Soviet Union, have been overshadowed by the reception of a Chinese military mission. Rumours have even been allowed to circulate, whether probable or not, that the Chinese have offered to provide the Rumanians with nuclear warheads.

A key move in the campaign not only against Rumania but for the re-establishment of strict Soviet control throughout the bloc, is the secret report by Vasil Bilak to the Central Committee of the Czechoslovak Communist Party, made on the 21 October 1971, whose content has recently become known in the West. He attacked the Rumanians for opposing their national interests to to the international obligations arising from the membership by their country of the socialist community', condemning their principle of 'sovereignty outside all class spirit', and failure in 'the struggle against opportunist deviation, against revisionism and nationalism in the international Communist movement.' This nationalism he detected in current Rumanian historical works, in the arts, and above all in the conduct of a foreign policy 'against the interests of a socialist community.'

Ceaucescu, during the visit of the Hungarian leader Janos Kadar at the end of February, firmly defended the Rumanian position and the possibility of 'differences of opinion'. In fact, actually during the visit, the official paper *Scinteia* (23 February 1972) warmly welcomed President Nixon's visit to China, which has been sharply condemned by the Russians. After Ceaucescu's ostentatious visit to China in June last year, it was a leading Hungarian Communist, Komocsin—the Party Secretary in charge of relations with the other Communist parties—who was put forward in both a speech in the National Assembly and an article in *Magyar Hirlap* (13 August) to attack the possibility of China forming an 'anti-Soviet axis' in the Balkans with Albania, Yugoslavia and Rumania.

In his report, Bilak also attacked Yugoslavia, largely for its foreign policy. And it is now learned that he also, to a lesser degree, criticised the leaderships in Poland, Hungary and East Germany. The Hungarians were (he said) repeating the errors made by the Czechoslovaks in 1966 and 1967—that is, attempting piecemeal economic reforms without realising that this 'centrifugal' conduct might lead to political disintergration. (Of East Germany he said that it would take 20 years for the economy and the party to recover from the 'sclerotic' rule of Ulbricht!) More importantly, he first condemned the Poles for excessive pliability and weakness towards the Church, and then said that Gierek's concession of "workers' committees" after last year's riots in the Baltic ports could lead to an 'anarcho-syndicalist' situation, rather than the improvements hoped for. (Qualms about Poland had already been expressed last year, in a little noted circular from the Party organisation in Moravska Ostrava dated 14 February 1971: in that region Poles crossing to and from the area of the Polish minority in Czechoslovakia were having a bad influence.)

Bilak's report is a call for the more effective re-Stalinisation of Eastern Europe on the Czech model. The question is, whether Bilak was put up to speak by the Soviet leadership. He has certainly, more than anyone else, played the part of Moscow's man over the last few years. It has been suggested, on the other hand, that he was acting to some extent on his own, as a known hardliner putting a case, and not necessarily imply-

ing full Soviet support. This might not necessarily be off his own bat: his Soviet links are said to be closest with Pyotr Shelest, First Secretary of the Ukranian Communist Party, and on most issues one of the most intransigent members of the Politburo. On the whole, though, it seems more likely that Bilak was acting as a fairly discreet mouthpiece for the Soviet leadership as a whole. (It will be remembered that during the invasion of August 1968 his daughter was on holiday in Cumberland and was kidnapped and taken either home or to Russia by Soviet security men—an action which shows their particular concern for Bilak.) A further point in favour of this view is that Bilak also uttered considerable criticisms of the Sudanese Communist Party (see below), in which the Czechoslovaks and he personally can have no direct interest whatever, and on which he must clearly have been speaking to a Moscow brief.

Bilak's report ranges wide, and indicates all the major trouble-spots of Eastern Europe. The mere existence of the Rumanian regime amounts, from the Soviet point of view, to a permanent temptation to break the peace. Yugoslavia has recently been the scene of a great purge of the Croatian party leadership, which was working for greater autonomy. Soviet agents have been in contact with anti-Communist nationalist elements in Croatia. And in the event of Tito's death there seems to be every prospect of a large-scale disintegration, of which the Russians would be ready to take advantage, possibly by force. A little less obvious, but in some ways even more dangerous, is the position in Poland.

It is generally agreed that Poland's economic and other problems have not after all been solved by the Gierek leadership. A further explosion within the next year or two seems highly probable. In March 1968, the demonstrations by students and intellectuals did not (as in 1956) rouse the working class; while in 1970 the fighting in the Baltic ports was purely by workers, and did not throw up or attach to itself a political or intellectual leadership. Next time it may be different. Moreover, a failure by the Gierek group would mean in effect that there was no further alternative party leadership capable of even promising with any hope of being believed that they could satisfy the working class. This is a formula for real trouble.

In fact, all in all, Eastern Europe remains a powder keg. Nor is there any question of Western influence calming down these fissiparous and rebellious tendencies, and achieving stability on the basis of the status quo.

For the reasons are absolutely fundamental. The Communist culture has simply not 'taken' in Eastern Europe. Most of these nations have not undergone, or have long since broken free, of the servile condition which the Russians have endured for 700 years. The demand for personal and national liberty is ineradicable. These countries are willing to live at peace with, and even in alliance with, the Soviet Union, and to admit Russia's supremacy in the area as a great power. If the Russian leadership would settle for that, then—and only then—could a 'spheres-of-influence policy be viable. But they have not done so and show no signs of wishing to do so. This is not an internal matter of the countries concerned, nor even of the Soviet block. It is a decisive factor for peace or otherwise in Europe.

Cruelty to Animals

For some months a correspondence on cruelty to animals has been going on in the Moscow *Literary Gazette*. The most recent contribution (16 February 1972) is a letter from Krasnodar in the North Caucasus, condemning the way in which dogs and cats are advertised for, at 65 and 35 kopeks respectively for experimental purposes, no questions asked.

There is in fact no Soviet law to prevent cruelty to animals. On the other hand, the question is on the face of it a wholly non-political one—that is, of the type admissible for debate. The present discussion started last September, with a long article by the biologist Dmitri Sukharev. He mentioned some horrifying cases of inhumanity actually published in research papers—for example, the throwing of rabbits into boiling water and pouring spirit over others and setting them alight. Sukharev pointed out that the cruel type of experiment mentioned was in any case entirely useless to science. He then noted that in England there are laws controlling excessive suffering under vivisection. Of course, 'One should not idealize English charity, traditionally merely a flowery disguise for hypocrisy. A community cannot excuse itself by its kindness to cats and dogs, when it is famous throughout the world for its cruelty to other nations.

The anti-Western angle soon prevailed. First, a letter to the paper from the British Anti-Vivisection Society was quoted, and sneered at as showing a 'ladylike' and extremist approach. And the question has since been extended to include the cruel experiments by doctors on human beings, performed by the Nazis during the war, and in Britain now. 'Where for example, newlyweds from poor families obtain the means for going on their honeymoons on condition that they allow themselves to be injected with various diseases' (*Literary Gazette*, 8 December 1971).

It was also pointed out (11 November 1971) that 'experiments on people, bringing these people to death and mutilation, are only possible in countries where the moral climate is darkened by force, wars, and mass repression against the dissenters . . . the activity of the British neocolonisers in Ulster cannot but influence the general atmosphere.'

Nevertheless, a number of the biologists and others who have written in are clearly attempting an improvement in the Soviet attitude to animals. There has as yet been little sign of legal action, but that may come. It seems unlikely, though, that they will then be allowed to divert their attention from Western medical and other malpractices to the chemical and physical tortures performed on dissidents in the Soviet 'psychiatric' hospitals.

Switch on the Sudan

The report by Bilak to the Czechoslovak Central Committee, referred to above, contains a most significant passage on recent events in the Sudan. As we have said, there is no real Czechoslovak interest in the matter, and we can certainly take it that Bilak is here speaking to a Soviet brief.

Bilak's thesis is that it was wrong of the Sudanese Communist Party to attempt a military coup against the Numeiry government, and the other Communist parties knew nothing about it. The Numeiry regime consisted of 'progressive officers' who had overthrown the previous 'feudal-upper bourgeois' government and should not have been opposed a l'outrance. The putsch was ill prepared, and supported neither by the army nor by the masses.

The repudiation and condemnation of unsuccessful attempts to seize power by foreign Communists is an old Soviet practice, dating from similar adventures in Europe in the 1920s. And, as so often, a switch from the earlier line that no coup had been planned, and that, on the contrary, the Sudanese Communists had been framed up by fascist officers, leaves those Western fellow travelers who swallowed it in the usual awkward position.

More important, this pronouncement seems to foreshadow a new line towards the Sudan, and the other Arab countries too. Bilak specifically condemns the Sudanese Communists for opposing Arab federation, as 'playing the pro-American game.' The defeat of the attempt to establish a full-scale Communist bridgehead at Khartoum has, in fact led (for the time being at least) to a further play of the 'united anti-imperialist front' card, and we are now evidently going to see an attempt to re-establish Egyptian, Libyan and Sudanese confidence in the Soviet Union's intentions. That may be a difficult task.

A Note on Soviet Oil

We here briefly consider one element in Soviet policy in the Middle East, of which we shall treat more fully in later issues.

Not so many years ago, we were asked to tremble at the thought of overdependence on Soviet oil, which, so it seemed to some, was going to disrupt markets in the western world. It should have been realised that world demand is rising fast, and that Soviet exportable surpluses were not large enough to constitute a menace, though of course they could and did make some inroads into particular markets, like that of Italy. Now the wheel has turned full circle. We hear of shortages of oil in the USSR, and Soviet policy in the Middle East is alleged to be influenced by a desire to assure herself of oil from this source.

Let us look at some facts. Soviet oil production has increased very rapidly, and oil is among the few sectors of the economy which has kept to its plan of schedules.

[In million tons]

	1960	1965	1970 Plan[1]	1970 Actual	1975 plan
Oil output	148.0	243.0	350.0	353.0	496.0
Oil exports[2]	33.2	64.4	.....	95.8	.....

[1] The 5-year plan (1966–70).
[2] Crude plus products.

The figures clearly show a rapid rise in oil consumption within the Soviet Union itself. Exports to the west have not been increasing fast in recent years, and this can only be due to lack of oil to sell, since we know that sales in such markets as Sweden have been below possibilities. The USSR has undertaken to supply oil to its own Comecon partners, it must supply its own needs, and, although western "hard" currency is urgently wanted, there has not been enough oil over to take full advantage of the market opportunities that exist.

This has largely been due to difficulties in developing new fields. The old Baku centre has long ceased to be a key centre of the oil industry. The Urals-Bashkir area replaced it. But now the great centre of expansion in the Tyumen' area of northwest Siberia (and to lesser extent also the northern and eastern fringes of the Caspian Sea). But Tyumen' is a difficult area to develop. It is sparsely populated, it has hardly any roads and inadequate railway, it has a harsh climate which interferes with construction and would-be migrants. Massive injections of social overhead capital are needed, people must be persuaded to go there and to stay, under conditions in which they are free not to go there, and free to leave once they get there. (Only a few weeks ago a Soviet journal informed us that of 100 assisted migrants to a part of West Siberia, 70 leave within a year of arrival). This oilfield is believed to be very rich indeed. Once it is fully operational, and the necessary pipelines are built, the comparative shortage of exportable oil might be overcome. Recent press reports speak of negotiations with the Japanese, designed (among other things) to secure help and

credits for Siberian development, with the USSR paying in Tyumen' oil, moved across Siberia through an immensely long pipeline, which will take a long time yet to complete. There would, of course, also be pipelines from Tyumen' to centres in the European parts of the USSR, linking up with the so-called "Friendship" pipelines stretching across the border into East Germany and Czechoslovakia, and might extend further west.

Does all this mean that the Soviet oil "invasion" forecast in the early sixties will become a reality in the late seventies?

Nothing is easier than to make mistakes in forecasting the riches of an oilfield. (Think of the number of times America was "threatened with the exhaustion of *her* oil reserves, but they keep finding more of it.) However, it seems that we should not change our views drastically The "dangers" of Soviet oil exports were exaggerated ten years ago, the "oil shortage" was exaggerated by some analyst in 1970. If Tyumen' develops as expected, the USSR should fulfill her five-year-plan for the oil industry, and no doubt this plan envisages a large rise in domestic utilization, and expansion of sales to both Eastern Europe and the capitalist world. This is unlikely to represent any major increase in the share of the USSR in world trade in oil, but clearly it does leave room for the possibility of a sizeable invasion of some one market. Let us, however, bear in mind that the impact of Soviet oil sales in a few countries was due largely to the fact that Soviet oil was (and is) kept out of some very large markets, of which Great Britain is one, impact is heightened if sales of a given quantity are concentrated in a few places. This concentration was not, however, intentional: the Soviet salesmen went to the countries from which they were not barred.

Anyhow, the view that the USSR is likely to become a net importer of oil cannot be sustained, it has no evidence whatever to support it. Less clear is the position of the Comecon countries taken together. Only Rumania among them is an oil producer. The others are large importers, and their consumption will certainly rise fast. Will the USSR be able to meet all their needs, and at the same time continue to be a supplier to western markets? It may be confidently stated that Soviet planners will not wish to forego the convertible currency earnings which oil brings them. Therefore it is possible that such countries as East Germany, Czechoslovakia and Poland may buy increasing quantities of Middle East oil. But there is no strong case for asserting that the Comecon countries taken together will be net importers of oil, and it seems at least as probable that Soviet exports will exceed the imports from non-Soviet sources of the smaller Comecon countries, especially if Rumania's contribution is taken into account.

So, in assessing Soviet policy in the Middle East, it seems wrong to lay stress on actual Soviet neeed for oil as a significant factor.

The Price of a Television Set

Soviet publications hardly ever print any hard facts about retail prices in the USSR. This sensitive area is touched upon only when the government decrees price reductions on some types of goods. One such rare revelation was made by the weekly *Nedelya* on the 6th February. Commenting on the reduction, from February 1st, in prices of TV sets, the paper stated that colour television sets, previously cost 850 rubles, would now sell at only 650 rubles—the equivalent of six months average wages for Soviet workers and employees—while black and white 59 cm. (23 inch) screen sets had come down from 420 to 320 rubles: a mere three months average wages. The paper further remarked that even at the old price levels "many families" already possessed two TV sets—one in their flat and another in the dacha. Hardly to be wondered at: people who can afford dachas can probably manage two television sets as well.

Fictions and Fallacies

A common recent attitude to events in the Soviet Union is to condemn or criticise them, but to say that they are not substantially different from what goes on in the Western democracies. In particular, there have been many items lately claiming that there is little difference between the Soviet and British or American treatment of dissenters.

For example:

(a) In the *New Statesman* (3 March 1972) Mr. Anthony Arblaster reviews Dr. Peter Reddaway's edition of the first eleven issues of the clandestine Soviet journal Chronicle of Current Events, *Uncensored Russia*. He argues that a similar book could be produced in England called *Uncensored Ulster*, consisting of material suppressed by the authorities. The comparison breaks down rather, when one considers that (i) The "suppression" in the British case consists of failure to show certain film on television, to print articles in particular newspapers, etc. while in the Russian case it is not a question of material critical of official activities not being given adequate coverage on television or in particular papers, but of it not being allowed at all: in Britain of course (as for example in the *New Statesman* itself) a continuous stream of material attacking the government, the army, and so on, appears quite legally. (ii) he compares "the denial of civil rights" in the Soviet Union with "their denial in the United Kingdom itself". The denial of civil rights with us consists of the internment of suspected gunmen; in the Soviet Union of the imprisonment of anyone publicly objecting to official policy in conditions of civil calm. There may be objections to the former. But the two things cannot be made comparable simply by using the same words about them. (iii) Similarly he compares the "manhandling of demonstrators in Red Square" with the "equally brutal treatment of protesters in Chicago, Paris or Belfast". The three western examples were of rioters or armed rebels attempting to overawe a party convention or overthrow a government. The action of the protesters in the Red Square was to raise a few placards. A comparison with even the Chicago riot should be of the rioters in Chimkent in 1967. There the police opened fire; the dead are estimated as anything up to 200; on its suppression three "ringleaders" were executed; their trial was not held in public; the evidence was not reported—and so on. (iv) Mr. Arblaster writes that "no fair-minded person can fail to notice that while Soviet dissenters are held up for our admiration . . . Western dissenters" are generally speaking condemned. Here again, a sleight of hand has been performed with the general word "dissenter". In the one case men expressing a deviant opinion: In the other, that small section of the huge number of freely writing dissentients from official policy who go, to put it mildly, rather further. Mr. Arblaster does indeed see that what the Russian dissenters long for is the commonplaces of orthodox Western liberalism" which he regards as silly of them. He finds it "depressing" that they do not seem to want anything more "radical" or "socialist". As a Czechoslovakian student recently wrote in the American progressive *Dissent*, the inhabitants of the Communist states have 'had their fill of Utopia". *Experientia docet.*

(b) Mr. Stuart Hood in the *Listener* (24 February 1972) also, though less recklessly, compares the trial of Pavel Litvinov and others with the Chicago Trial. Perhaps the differences are more striking. In addition to the incommensurability of the events leading to the trials, we may note (1) that the Chicago accused were all out of bail, (2) that their case was followed and favourably reported on by large sections of the American press, (3) that they were acquitted, (4) that they openly expressed their desire to overthrow the American government by any means whatever, (5) that the trial was public, (6) that the American courts do not resemble those of the USSR in, for example, the recent appointment of two secret police generals to the Soviet Supreme Court.

(c) Professor Alec Jenner, Professor of Psychiatry at Sheffield University, is reported (*Guardian*, 24 January 1972) as being wholly opposed to the internment of Soviet dissidents in mental hospitals. But, in all fairness, he points out that the Soviet concept of schizophrenia is much 'wider' than ours. The definition of madness is "terribly difficult," and society has often "used or misused the term with people who do not fit into acceptable patterns of behaviour." He gives as an example the fact that parents or teachers may say that a child taking cannabis is mentally ill in some way. Thus Russians, similarly, believe that anti-Soviet behaviour must be a sign of insanity. The difference, of course, is that a lay citizen saying that "You must be mad" is not the same as a government defining opposition as lunacy and carrying out the necessary seizure and certification of the victim.

(d) Dame Peggy Ashcroft in a letter to *The Times* (2 February, 1972) also complains of the brutality and hypocrisy of putting Soviet dissidents into mental homes. She mentions the legitimate complaints of people like herself against the jailing of oppositionists in Greece, Rhodesia, etc. (though not in Zanzibar, Cuba, etc.) but then goes on to speak of the apparently comparable "harassing" of young revolutionaries in England. Here, it is the *word* "harass" which appears to cover a very wide range of different actions.

Among the Dissidents

An unreported political trial

A highly significant Soviet political trial, thinly disguised as a common criminal case, has just gone completely unnoticed by Western news media. On the 14th February 1972 *Vechernyaya Moskva*, the Moscow evening newspaper, carried a short account of the trial of Mrs. Alisa Shokolskaya, accused of stealing hundreds of "antique" books from Moscow libraries with the aid of forged documents. Yet even the scanty details provided by *Vechernyaya Moskva* make it clear that this was no ordinary case of theft—if, indeed, Mrs. Shokolskaya's offence can be at all described as theft in any recognisable sense of the world.

Mrs. Shokolskaya is alleged to have obtained 1,233 books from the Lenin Library with "forged requisitions" from her employers, described as the Institute of Pedagogical Sciences. The books were then passed on to three leading Soviet intellectuals: Roy Medvedev, author of the massive study of Stalinism, *Let History Judge*, recently published in the USA and scheduled for publication in Britain on March 23, and twin brother of the famous geneticist Zhores Medvedev whose incarceration in a lunatic asylum in 1970 created a world-wide scandal; V. Y. Lakshin, the well-known literary critic and long-standing colleague of the late Alexander Tvardovsky; and V. P. Danilov, the eminent historian of collectivization, head of a research sector in the Institute of History in the Academy of Sciences. All three testified on Mrs. Shokolskaya's behalf. *Vechernyaya Moskva* remarked that they 'did not confine themselves to favourable character references'—whatever this rather ominous phrase

may imply. Roy Medvedev, says the newspaper, even attempted to 'blackmail' Mrs. Shokolskaya's director in front of the court. No details of this mystifying episode are supplied. Medvedev also stated that he was unaware that the books had been stolen. 'Strange', commented *Vechernyaya Moskva*.

The garbled newspaper account is nevertheless sufficient for a fairly definite picture of Mrs. Shokolskaya's true 'crime' to emerge. The term 'antique books' in Soviet parlance does not refer to *incunabula* or other rare editions: it applies to Soviet books which for some reason or another have been included in the official index of prohibited publications, or of 'out-of-date publications', as it is euphemistically called. Copies of such books are preserved in the 'special collections'—the *spetskhrany*—of select libraries; only authorized persons are allowed access to them, by special permit and for clearly stated specific reasons. Roy Medvedev's book is remarkable for its wealth of published sources, most of them inaccessible to the ordinary Soviet reader or to anyone conducting unofficial research.

It is quite clear that Mrs. Shokolskaya's crime lay in contravening Soviet censorship regulations with the purpose of assisting the valuable though unauthorized historical research of scholars like Roy Medvedev. In the USSR such a misdeed is far graver than common theft. So is the punishment: Alisa Shokolskaya was sentenced to *six years imprisonment*.

This case, which gives a particularly clear picture of the Soviet attitude to truth, and to the search for truth, attracted no attention in Britain, nor, apparently, elsewhere in the West. In itself it provides an answer to the question often put about the 'real' difference between Soviet and Western attitudes to unorthodox publication.

SOLZHENITSYN

Interest has been aroused in Soviet dissenting circles, as well as in Britain, by instructions sent by Alexander Solzhenitsyn through his legal representative in Switzerland, Dr. Heeb, to protest against the impending publication by Macmillan and Company of a biography of him, as a result of which Macmillan abandoned the project.

We now learn the origins of Solzhenitsyn's qualms about such biographies. It has come to his notice that the KGB, through a supposed friend of his, attempted to plant in the West an entirely false story, both damaging and dangerous to him. He fears that, however, innocently, unauthorised biographies appearing in the West (and the one in question was specifically based on conversations with his 'friends') may in one way or another harm him.

PLEA IN MITIGATION

A curious difference between the Soviet attitude and that of the West emerges in a description of the trial last year of the dissenter V. Kukui at Sverdlovsk. Kukui seems to have been the victim of a Moscow decision to make an example of at least one Jewish activist in each major city. However nothing could be found against him except the possession of writings of Jewish interest, and about Israel, (including material published in the Soviet Union itself, though in "antique" pre-Stalin times) : none of it, anyhow, of a type previously held to be criminal even under current draconic interpretations of an already draconic law. Kukui was sentenced to 3 years imprisonment, which he is now serving in the Novaya Liyaliya labour camp; a number of his letters to a friend who holds his power of attorney have been intercepted without notification, contrary to Soviet regulations, which at least provide that prisoners should be told that their letters have been suppressed.

However, an even more remarkable illustration of the nature of Soviet legal practice has now emerged. In a letter to the Supreme Court signed by Academician Andrei Sakharov and Dr. Valery Chalidze, the point is made that the defense attorney "having substantiated the conclusion that there was nothing criminal in the activities of V. Kukui, asked the court . . . to mitigate the punishment". We were reminded of the story, dating from Stalin's time, where one prisoner asked another,

"What did they give you?"

"15 years."

"What did you do?"

"Nothing."

"There must be some mistake. For nothing you only get ten years."

DECLINE OF U.S. EXPORTS

Mr. FANNIN. Mr. President, the Department of Commerce tells us that American exports declined 9.8 percent in February while imports increased by 3 percent.

Exports totaled $3.8 billion; imports $4.4 billion.

This, the statisticians tell us, means that our trade deficit increased by $278.8 million.

These figures are alarming because they demonstrate the continued deterioration of the ability of American industry to compete with other industrial nations.

There are two major reasons for this decline.

First, we have the unrealistic international trading agreements which allow foreign governments to give extraordinary aid to their export industries.

Second, and perhaps more important, we have the unrealistic wage rates imposed upon U.S. plants. The high wages imposed by unions have not brought prosperity to the American worker; the exorbitant wage increases have brought only inflation and a loss of jobs.

Mr. President, the situation has reached the point that leaders of many industries are asking for intervention by our Government.

The situation even is causing union officials to sit down with management to try to work out proposals to save our industries. These efforts are somewhat belated, and in some cases misdirected, but at least they are encouraging.

The only lasting solution, and the only one which will be fair to the American consumer, is for organized labor to start showing responsibility and restraint in bargaining. Increased wages must be allowed only when it is justified by increased productivity.

Mr. President, the business and financial editor of the Arizona Republic, Don G. Campbell, wrote an interesting column which appeared in his newspaper on March 12, 1972. I ask unanimous consent that the article be reprinted in the RECORD for the benefit of Senators who are concerned about the international trade problem.

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

PINCH OF LOW-COST IMPORTS DRIVES STEEL MEN TO PROTECTIONIST MOVES

The sound of the "Ouch" rings loudly across the land and no longer is there any question about whose ox is being gored.

It's labor's ox that is being gored, and the bellowing has reached ear-splitting proportions. It's a segment of the populace that is being pinched, and pinched badly, by foreign imports and, in the process, it has picked up an unaccustomed ally—a fellow-pinchee—with an equal amount of political clout: management.

And it is hardly a coincidence that the domestic steel industry is a prime mover in the attempt to get new legislation through Congress that is, by anyone's definition of the word, "protectionist" in nature. And while the effort to keep out imports is taking many forms, a major share of the lobbying is currently zeroed in on pending legislation amending the old "Buy American" Act of 1933.

How intense the pressure on Congress is destined to become was evident here this past week where a quiet group known as The Labor-Management Committee for Fair Foreign Competition met at Scottsdale's Doubletree Inn for a day-long strategy session.

Aptly named, the group is a blend of company executives and union officials representing the badly hit West Coast steel industry. Collectively and individually, the members of the committee feel their economic security sorely threatened by the influx of foreign (particularly Japanese) steel. And they are dead-right.

"Nationally," George Leonard of Northwest Steel Rolling Mills of Seattle, Wash., and a vice president of the committee, said in an interview, "imported steel has taken about 15 per cent of the market but, on the West Coast, it averages out to to about 35 per cent of the market, and in some places, like Seattle, a full 50 per cent of the market has been lost."

What this means in terms of American jobs, and lost tax revenues for Uncle Sam, gets up into some pretty impressive figures.

"We know for a fact that employment in the steel industry in the Seattle area is down about 30 per cent," said George Stender, the committee's president and an official with the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers. "In other West Coast cities the average drop is only about 15 per cent, but this is a deceptive figure since—on top of the layoffs—many of the plants are also on a four-day week."

Here in Phoenix, Larry C. Haines, president of Allison Steel Manufacturing Co., said, the firm utilizes 70,000 man-hours a month when in full production, but is currently operating on a 39,400 man-hours-a-month basis. The local company, a subsidiary of the Houston-based Marathon Manufacturing Co., is a producer of re-enforced steel bars, and fabricates and erects structural steel.

But the steel industry and labor aren't the only losers, Stender added. Uncle Sam also takes a beating since lost tax revenues are equal to about 35 per cent of the purchase price of all steel acquired from overseas.

There's no great mystery in all of this, of course. The big bugaboo is the spread between U.S. wage rates and foreign wage rates. The average American steel worker earns about $5 and $6 an hour and the wage rate in Japan's steel industry is $1 an hour.

In Phoenix, Haines added, the average steel worker makes roughly $4 an hour although other costs in the fabricating process (exclusive of the raw material in the steel) runs the cost of production up to about $8 per man-hour. And, in addition to Japanese and Italian steel, this Southwest market is also competing against highly sophisticated Mexican producers operating in a labor market where wages average $4.60 a day.

Translated into hard selling terms, this means that U.S.-made steel normally selling in the $200-a-ton range is competing against foreign steel selling anywhere from $40 to $50 a ton cheaper.

While the members of the Labor Management Committee for Fair Foreign Competition attending last week's meeting here back

away from the use of the word "protectionism" this is still basically, what the session was all about.

"The Buy American Act," Stender said, "was passed in 1933 and specified that the federal government should buy what it needs domestically unless it is unavailable or 'unreasonable' in price. 'Unreasonable' was interpreted as meaning that there was a 25 per cent or more price differential between the domestic and the foreign price."

Under President Eisenhower, however, the spread was lowered drastically—with the exception of defense-oriented items where the price differential was raised. Today, Stender said, everything is pegged at 6 per cent except defense items where the differential is 50 per cent.

This means that, under the "best and lowest" bid concept, the federal government can buy its needs overseas if an item selling for $100 domestically can be purchased from a foreign producer for $94. If it is defense oriented, of course, it MUST be purchased domestically unless the $100 items can be obtained overseas for $50 or less.

What the West Coast-oriented labor-management group is pressing for is a series of three legislative amendments to the Buy American Act that would: (1) establish equitable quotas on foreign imports; (2) require the individual states to follow the federal government's lead in buying domestically, and (3) raise the price-spread on all items to a flat 50 per cent.

It isn't merely that foreign labor costs are putting American labor at a disadvantage, members of the committee insisted. Our trading partners, they insist, are taking unfair advantage of us by subsidizing their own producers and using the U.S. as a gigantic "dumping ground"—encouraging their manufacturers to unload their goods here at prices that are far lower than their own prices at home, and absorbing the industry's losses. Japanese steel, for instance, sells for about $50 more a ton in Japan than it does in the United States.

"Protectionism?" Sure it is.

"Why should we lower our standard of living here?" a labor member of the committee asked rhetorically, and heatedly. "Isn't it better that they should raise their's?"

A NEW WAY OF HEARING

Mr. EAGLETON. Mr. President, an article published recently in the Washington Star has brought my attention to a new method which may prove to be a great help in overcoming the problems of the deaf.

This method is called infracode. Rather than use the ear as the path for hearing, infracode utilizes the sensitive nerve receptors in the skin. When an oscillator about the size of a wristwatch is placed on an area of the skin, vibrations are passed to the brain and are interpreted as sound.

Though the infracode method is new and is still being tested, there have been a number of encouraging results.

I am sure that Senators and those who deal professionally with the problems of the deaf will be interested in reading about infracode.

I ask unanimous consent that the article, entitled "A New Way of Hearing," be printed in the RECORD.

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

A NEW WAY OF HEARING

(By Judith Randal)

A new technique called Infra-Code may do for the deaf or partially deaf what Braille has done for the blind.

And, just as Braille makes use of the sense receptors in the skin, Infra-Code makes use of one of the body's least-appreciated collection of sense organs—the network of nerve receptors in the skin.

Pioneered at the University of Zagreb in Yugoslavia, the technique takes advantage of the fact that if normal conduction pathways are inoperative, others will take over if given a chance. Instead of trying to restore hearing by dealing with the structures of the ear, therefore, Infra-Code works by using an oscillator about the size of a man's wristwatch.

VIBRATING SENSATIONS

When placed on the skin and linked to a machine designed for the purpose, the oscillator causes the subject to have a different, but painless, vibrating sensation for every syllable spoken into a microphone. The vibrations in turn are passed along to the brain and interpreted as sound.

Once these individual pulses are imprinted on the nervous system, the patient continues to be able to pick them up and identify them even though he is not using the oscillator and does not hear them in the usual way.

Thus, after he has "learned" the word sounds through the oscillator, they become his.

The degree of success varies with such factors as the age and motivation of the subject and the duration and severity of his deafness, and some people continue to benefit from a hearing aid.

But of the same 200 who have been trained by the method in this country, almost all are in better contact with spoken language than before. They include some with nerve deafness who had been written off by doctors as beyond help, and a few deaf-mutes.

Infra-Code has been refined in this country by John S. Medaris, president of the Bethesda firm of that name. He has had the help of a Yugoslav physician, Dr. Arsen Stejnjajic, now on the staff of the Mt. Sinai Hospital in New York.

SOME TESTS DONE

Because almost anyone can easily learn to teach the technique and because large numbers of oscillators can be plugged into the basic unit, Medaris envisions its use in group situations so that several people can be rehabilitated at once.

He readily admits that doctors and audiologists consider his method unorthodox and unproved. For this reason, he is eager to have a recognized ear specialist or medical center subject it to rigorous trials.

The technique already has been evaluated for group use at the Western Pennsylvania School for the Deaf in Pittsburgh. In the test, 48 children from 3 to 5 years old were divided into two groups and half were taught to speak by conventional methods and half by Infra-Code.

So it became apparent that those trained with the oscillator were making far more progress in achieving clear, natural speech and at greater speed. So impressed were Pennsylvania educators that the state is considering substituting this method for long term special training, which would save its government $4,600 per year per child.

Another organization planning to use Infra-Code is the San Francisco Bay Hearing Society. The charge for lease of the equipment to them, as to other organizations, is $450 a month.

FREQUENCIES CHECKED

Meanwhile, word-of-mouth brings people of all ages from all over the nation to the Infra-Code Center in Besthesda.

Contrary to what many doctors believe, Medaris has found that even the totally deaf are sensitive to low sound frequencies. The first step toward rehabilitation, therefore, is an individual analysis, using the Infra-Code equipment, of the precise sound frequencies which the subject can and cannot hear.

Properly manipulated, says Medaris, sensitivity to low sounds can be exploited to help patients hear higher ones so that the totally deaf can be converted to being merely hard-of-hearing and the partially deaf can be made less so, even without wearing a mechanical aid.

No two cases of deafness are alike, of course, but the experience of Jimmy, a 13-year-old from a Kansas City, Kans., suburb is perhaps typical. A child with multiple handicaps, Jimmy has overcome most of the disabilities of cerebral palsy, but—despite ear surgery and two hearing aids—his speech was largely unintelligible when his adoptive mother brought him to Medaris a week ago.

Now, after two one-hour sessions daily for five days, he is still going to have to work on his enunciation, but much of what he says comes across loud and clear. He was beside himself with excitement Thursday night when, with his back to a window and without his hearing aids, he heard an ambulance siren scream outside.

During his training sessions, Jimmy wore the vibrator on his wrist and a headset whose only function was to block out any sound that might reach him through his ears.

His teacher, Janet Whitt, then gave him simple sentences through the microphone that is part of the Infra-Code equipment and asked him to repeat them, correcting his pronunciation whenever it wasn't quite right. Jimmy can lip-read, but he was able to respond correctly even when he couldn't see the teacher's face.

NOW USES TELEPHONE

Another of the people who say they have been helped by Infra-Code is Jeanette Perison, 22. Born totally deaf, she, too, is an expert lipreader, but before Infra-Code training, could not use the telephone. Now she can hear at distances up to 60 feet and is able to take phone messages at Microbiological Associates in Bethesda, where she works with laboratory animals.

Because Infra-Code structures and imprints messages in the brain, Medaris believes it also may be capable of helping people who are not deaf, but handicapped in other ways.

Many of the people with the form of mental retardation known as Mongolism, for example, speak poorly because of an over-sized tongue, one of the symptoms of the disorder. With the aid of Infra-Code, however, it may be possible to train at least some of them to overcome this barrier. Only one 30-year-old patient has been treated to date and only for an hour. But in this single trial, she learned to say distinctly, "My name is Marjorie."

And then there is Kenny, 17, who spoke normally until after an operation when he was four and has uttered nothing since except an incoherent babble. No one can predict whether Kenny, whom doctors say is schizophrenic, will ever speak again or dare to emerge from his private world.

But he was persuaded by Infra-Code last week to say "ba" instead of his usual "swa" or "swee," and when Janet Whitt asked him to put his hand in hers if he would like to come back, he did so immediately.

JOBS FOR VETERANS IN PRINCE GEORGES COUNTY, MD.

Mr. BEALL. Mr. President, all Senators are keenly aware of the distressing employment problems our veterans are now facing as they return from serving their country. These men, who have performed their duties with skill and dedication throughout the world, often at high personal sacrifice, possess the desire and ability to do an outstanding job in civilian pursuits, just as they did in the

military. All they lack is the opportunity.

I invite the attention of the Senate to the fine efforts of one jurisdiction, Prince Georges County, Md., in coping with this pressing problem. Cooperating with the county Jobs for Veterans Task Force, the Chamber of Commerce, and other service organizations, the local government, under the able direction of County Executive William W. Gullett, has devised a system that might well serve as a model for other communities near large cities, but with unique problems of their own.

The county has created an Office of Veterans' Affairs, manned by a staff of six, all new veterans themselves, designed to help returning servicemen find employment, job development, and proper placement. I commend Prince Georges County for this much-needed project, and ask unanimous consent that the article "Suburb's Unemployed Veterans Get Attention in Maryland," in the JFV Report of March 1972, be printed in the RECORD.

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

SUBURB'S UNEMPLOYED VETERANS GET ATTENTION IN MARYLAND

A relatively new "one-stop" service center for veterans in Prince George's County, Maryland, might well serve as a model for other communities adjacent to large cities but with specific problems of their own.

In this case, the large city is Washington, D.C., which, like other major towns, has had its suburbs burgeon with incredible speed in the last years.

Prince George's has been and still is largely a bedroom community for federal workers in the Nation's Capitol. But its rapid rise in population and the press of its own population for services has left the county government groping for ways to cope with problems springing up at every hand. And one of these is the problem of unemployment among the county's Vietnam era veterans.

Late last year, the members of the county's JFV task force, and the heads of service organizations, and the chamber of commerce, lent their support to an effort to lobby the county government for more effective service to the county's young crop of returning veterans.

They brought to the attention of County Commissioner William W. Gullett the fact that most of the county's veterans were forced to go to offices of the Veterans Administration in Washington or to local employment service units for benefits and job information.

The ride to Washington, they pointed out, was often a long one from distant points of the county, and was, in a sense, asking the Washington VA offices to take care of a Maryland problem. In addition, the rapid return of so many veterans had left state veterans employment representatives in local offices in Maryland at a loss in handling their increasing caseloads.

Mr. Gullett agreed that something should be done, and the timely arrival of Emergency Employment Act funds made it possible. In late November the county set up an Office of Veterans Affairs in a shopping center a few miles from the county's boundary with the District of Columbia.

From an original three, the staff has now grown to six, all of whom are paid by funds provided under the Emergency Employment Act. All are recently separated veterans or recent retirees from military service, and their salaries will be paid for by the county when EEA funds expire in July.

Essentially, the six staffers are helping to find veterans jobs, and they concentrate their efforts on job development and placement. Raymond Thomas, deputy director of the office, said that, despite the continuing softness in the job market, more and more employers are requesting that veterans get the first crack at the jobs they are offering.

While the new office restricts its job development efforts to employers in the county, its referrals run to employers throughout the Washington metropolitan area because the office is plugged into the area-wide job bank system. This note of cooperation between the county, the city government, and other suburban organs of government is significant when one considers the difficulty frequently encountered in trying to get different governmental units, particularly a city and its suburbs, to work together.

Staffers in the new veterans office also are supplied by forms from the Veterans Administration so that an ex-GI can apply for various kinds of benefits without having to make the trip to Washington to pick up forms.

RECENT FEDERAL COURT DECISION LIMITS REGULATORY AUTHORITY OF FEDERAL TRADE COMMISSION

Mr. COOPER. Mr. President, yesterday, a decision by the U.S. District Court for the District of Columbia held that the Federal Trade Commission lacked authority to make general industry-wide regulations defining unfair and deceptive trade practices.

In his written decision, Judge Aubrey E. Robinson held that a trade regulation rule promulgated by the Federal Trade Commission requiring octane ratings to be posted at all gasoline pumps was "null and void as it is in excess of the Federal Trade Commission's statutory authority." He went on to state that:

The Federal Trade Commission lacks the requisite statutory authority to issue Trade Regulation Rules.

In my testimony before the Senate Commerce Committee on April 2, 1965, concerning proposals dealing with cigarette labeling, one of the major points of my testimony was that the Federal Trade Commission did not have the statutory authority to promulgate industry-wide trade regulations for the labeling of cigarettes as related to health hazards without congressional authorization.

I do not know what the final decision, perhaps by the U.S. Supreme Court, will be in this issue. I do make the point that action by the FTC or other Federal agencies should be according to law under regulations made or authorized by Congress.

I ask unanimous consent that Judge Robinson's order and decision and a news report published in the New York Times of April 5, together with my statement before the Senate Commerce Committee in 1965, be printed in the RECORD.

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

[U.S. District Court for the District of Columbia, Civil Action No. 1180–71]

NATIONAL PETROLEUM REFINERS ASSOCIATION, ET AL., PLAINTIFFS, V. FEDERAL TRADE COMMISSION, ET AL., DEFENDANTS

ORDER

Upon consideration of Plaintiffs' and Defendants' motions for summary judgment filed February 1, 1972, and their respective briefs, it is this 4th day of April, 1972,

Ordered and adjudged, that for reasons set forth in an opinion filed herewith, the Federal Trade Commission's Trade Regulation Rule dated December 30, 1970, as revised on December 9, 1971, and published in the Federal Register on January 12, 1971, and published, as revised, on December 16, 1971, relating to the posting of octane numbers on gasoline pumps at service stations, is null and void as it is in excess of the Federal Trade Commission's statutory authority; and it is further,

Ordered and adjudged, that Plaintiffs' Motion For Summary Judgment be and hereby is *granted;* and it is further,

Ordered and adjudged, that Defendants' Motion For Summary Judgment be and hereby is *denied.*

OPINION

William Simon, Esq., J. Wallace Adair, Esq., Robert W. Steele, Esq., Roger C. Simmons, Esq., of Howrey, Simon, Baker & Murchison, Washington, D.C. for the Plaintiffs, National Petroleum Refiners Association, *et al.*

L. Patrick Gray, III, Assistant Attorney General, Harold H. Titus, Jr., United States Attorney, Harland F. Leathers, Attorney, Department of Justice, Stuart E. Schiffer, Attorney, Department of Justice, Ronald M. Dietrich, General Counsel, Federal Trade Commission, Harold D. Rhynedance, Jr., Assistant General Counsel, Federal Trade Commission, Alvin L. Berman, Attorney, James P. Timony, Attorney, and Nicholas S. Reynolds, Attorney, Federal Trade Commission, for the Defendants, Federal Trade Commission, *et al.*

This suit questions the authority of the Federal Trade Commission (FTC) to promulgate Trade Regulation Rules pursuant to 15 U.S.C. § 41 *et seq.* (1971). It is a case of "first impression," no other courts having directly considered the issue.[1]

The FTC announced, on July 30, 1969, that it intended to issue a Trade Regulation Rule declaring that failure to post octane numbers on gasoline pumps at service stations would be an "unfair method of competition" and a "deceptive practice," constituting a violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45 (1971) (hereinafter FTCA).[2] On December 30, 1970, the Commission issued such a Rule;[3] extended the effective date of the Rule on April 13, 1971 for the purpose of considering a revision thereof; withdrew the effective date[4] and proposed an alternative Rule on August 19, 1971;[5] and on December 9, 1971 issued a revised Rule in this respect that was to be effective March 15, 1972[6] but for a stay entered by this Court.

This Rule, in simple fashion, makes the failure to post octane numbers an "unfair method of competition" and an unfair or "deceptive act" or practice without the necessity of further proof. Plaintiffs here contend that the Commission lacks statutory authority to promulgate this Rule.

The Court need not consider the several other contentions raised by the Plaintiffs, for the answer reached here pretermits all other issues. For the reasons set forth below, that to this Court are persuasive, it is held that the FTC lacks the requisite statutory authority to issue Trade Regulation Rules.

Initially, one considers that the FTC is materially distinct from other administrative bodies. The FTC was created with the express purpose that it be a purely investigative body. This factor distinguishes the FTA from other agencies that are regulatory in nature. Recognizing that the FTC might serve a more vital function, Congress appended to FTC's investigatory powers, quasi-judicial authority to file complaints, hold hearings, afford due process and determine; based upon a finding of fact, whether viola-

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Footnotes at end of article.

tions of the FTCA had or were occurring. The determination having been made that a violation existed, the FTC was granted cease and desist power to correct and prevent there continuance. Judicial review of cease and desist orders was specifically provided for to the Courts of Appeals. These quasi-judicial powers are laid out separately in Section 5 of the FTCA.[7] The investigative powers of the FTC are expressed in Section 6 of the FTCA.[8]

There is only one reference in the FTCA that speaks to the issuance of rules and regulations. The FTC relies heavily upon its substance and it states:

The Commission shall also have power . . .

(g) From time to time to classify corporations and to make *rules and regulations* for the purpose of carrying out the provisions of sections 41–46 and 47–58 of this Title. (emphasis added)[9]

This clause is located in Section 6 of the FTCA where the investigative powers are conferred.

While the authority at issue may at first impression be thought to fall within this section; to issue rules and regulations concerning deceptive or unfair trade practices or competition; both the context of Section 6 (g) and the legislative history accompanying it demonstrate that this particular authority was not, nor has it been, granted.

The history of this section is clear. Section 6(g) of this Act was intended only as an authorization for internal rules of organization, practice, and procedure. The section was to insure that the FTC had the power to require reports from all corporations.[10] Section 6(g) of the FTCA originated in Section 7 of the House Bill of 1914 that conferred only investigative powers on the Commission.[11] This House Bill did not contain provisions analogous to Section 5 of the Statute, as enacted, that conferred adjudicative authority upon the FTC. This is because the House Bill considered the FTC as an investigative body. Thus, the rulemaking grant in Section 6(g) could only have been intended as an adjunct to the Commission's investigative powers. Supportive of this analysis is the fact that the Senate version of this FTCA made no provision whatever for the promulgation of rules and regulations in any context. Therefore, the only provision concerning rules and regulations that were considered by the Conference Committee and the Congress stem from the House Bill. The existence of Section 6(g) in this statute could only pertain to housekeeping or procedural matters, as under the House Bill, the Commission had no authority to prescribe unfair, deceptive, or anti-competitive business practices.[12] The House Bill conferred only investigative powers.

Notably, when the Senate Bill's provision enabling the Commission to institute adjudicative proceedings to prevent unfair methods of competition was added, there was no indication that Section 6(g) rulemaking authority was intended to extend to this new area affixed by the Senate Bill in such a way as to circumvent the extensive due process procedures expressly provided for in Section 5 of the FTCA. Despite several amendments to the Act, no indication of such an intent has since been expressed.

Significantly, Congress refused to amend its proposals on two separate occasions that would have granted the Commission the very rulemaking power it now seeks to exercise.[13] In addition to the provisions of Section 6(g), the Amendment offered by Congressman Lafferty urged that the Commission be given the power to "make, alter, or repeal regulations further defining more particularly unfair trade practices or unfair or oppressive competition."[14] Thus, when Sections 6(g) and 5 were first proposed, Congress felt that an explicit grant of legislative authority was necessary, other than 6(g), to grant substantive rulemaking powers to the FTC. This Congress consistently refused to permit.[15]

Section 6(g) has remained unchanged since 1914, and it is still located in Section 6 of the Act among the Commission's other investigative powers.[16] If Congress at any time had intended to confer upon the Commission the authority to prescribe substantive law in such a manner as to vitiate the substantial procedural safeguards specified in the Act itself, there certainly would be some reference to this extraordinary grant of power in the Act or the legislative history. The fact that there is none lends credence to the conclusion that the Commission has no substantive, legislative rulemaking authority under the FTCA.

It is important, also, to consider the fact that the FTC, for approximately 50 years from the passage of the FTCA, never asserted the authority it claims to have always possessed. This indicia points to the fact that the FTC knew it was not originally granted this rulemaking authority.

Another critical analytical factor is that where Congress intended to grant substantive rulemaking authority to the FTC, it has done so clearly and unequivocally.[17] In each of those instances Congress felt the need to specifically authorize the Commission to issue substantive rules.[18] These examples of specific authorization would be "a meaningless and superfluous legislative gesture" if the Commission had had the authority it now claims was given it in 1914.[19] The fact that Congress particularized the grant of substantive rulemaking power in these narrowly circumscribed statutes and yet did not do so with respect to the Federal Trade Commission Act, that deals, not with consumer labeling, but with "competition" generally in all its many aspects, makes clear that Congress did not intend the Commission to have such powers under the latter statute.

This conclusion is further substantiated by the history of the Flammable Fabrics Act. Unlike the Wool, the Fur, and the Textile Fiber Acts, the general rulemaking power granted the Commission in the Flammable Fabrics Act did not specify the subjects upon which rules could be issued, nor did it contain an express provision that a violation of rules promulgated would constitute a violation of the FTCA.[20] It provided only that the Commission could make, "such rules and regulations as may be necessary and proper for purposes of administration and enforcement of (the Act),"[21] *i.e.*, in language similar to that of Section 6(g) of the FTCA. In 1967, however, Congress amended the Flammable Fabrics Act[22] to specifically provide that the Commission could issue rules requiring the "maintenance of records relating to fabrics, related materials, and products" and the following language was added by Congress to that provision:

The violation of such rules and regulations shall be unlawful and shall be an unfair method of competition and an unfair and deceptive act or practice, in commerce, under the Federal Trade Commission Act.

The purpose of that amendment, according to the Report of the House Committee on Interstate and Foreign Commerce, was to "make the Flammable Fabrics Act more flexible by permitting flammability standards and other regulations to be issued under rulemaking procedures rather than having them fixed by law as is now the case."[23] The report explained further that, under the amended Flammable Fabrics Act, the Commission was authorized "to establish regulations for record keeping" and that "(v)iolation of any such regulation would be an unfair trade practice under the Federal Trade Commission Act."[24]

The original language of the Flammable Fabrics Act was *in para materia* to Section 6(g) of the FTCA.[25] Nevertheless, Congress felt the need to amend the statutes to give the Commission the power to include "provisions for maintenance of records relating to fabrics, related materials, and products," and the further need to amend the statutes to provide that violations of such rules would constitute a violation of Section 5.[26] Logic compels a similar need to spell out substantive rule-making authority in the case of Section 6(g) before such authority can be said to exist. Congress has not done so.[27] The Commission's claim of unlimited rulemaking power under the FTCA is, therefore, not only unsupported by anything in that Act itself, or its legislative history, but is also inconsistent with the history of other statutes entrusted to the Commission's administration by Congress.

The Federal Trade Commission further argues that the words rules and regulations in Section 6(g) are to be defined as they are in the Administrative Procedure Act (APA). "The whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy. . . ."[28] The Federal Trade Commission Act was passed in 1914. The APA was passed in 1946. It is inconceivable to this Court that those words, when written and considered by Congress in 1914, can have the same exact meaning as those words carry today via the 1946 APA. There exists no cross reference or other legal relationship between these words in their respective statutes. The APA gave a specialized construction to these words. Congress recognized this special meaning by amending the National Labor Relations Act, also passed before the APA, to read, "to make . . . in the manner prescribed by the Administrative Procedure Act, such rules and regulations as may be necessary to carry out the provisions of this subchapter."[29] Congress, however, did not make a similar amendment to the Federal Trade Commission Act. The inference, therefore, is that Congress did not expect the FTC to engage in substantive rulemaking in the manner prescribed by the APA. The rulemaking power in Section 6(g) of the FTCA remains unchanged by Congress to date, and conveys only the authority to make such rules and regulations in connection with its housekeeping chore and investigative responsibilities.

The Commission further contends that Section 5(a)(6) of the Act, that authorizes it to "prevent" unfair methods of competition, constitutes implied rulemaking power. In making this argument, the Commission ignores Section 5(b), the very next paragraph of the statute that requires the Commission to conduct adjudicative proceedings. General rules of statutory construction and the scheme of the FTCA itself demonstrate that the mandate of Section 5(a)(6) is to be carried out by means of adjudicative process specified in Section 5(b).[30] Moreover, the Supreme Court has expressly stated that the FTCA must "be read as an integrated whole."[31] Thus, the FTC's claim is patently untenable. If the legislative history of the Act will not permit the issuance of Trade Regulation Rules under the only section explicitly granting the Commission rulemaking authority, such sweeping authority cannot be based upon an implied grant of power in some other section of the Act or in the Act as a whole. In the face of an overwhelmingly contrary legislative history, there must be some basis for granting an agency unprecedented and far-reaching rulemaking power other than the claim of the agency itself that such power is necessary or desirable for its more efficient operation. The only support, however, for the Commission's novel

Footnotes at end of article.

theory of statutory construction is its own words. While the courts may have sustained imprecise grants of rulemaking power in some instances, they have never done so in the face of an overwhelmingly contrary legislative history, such as that of the Federal Trade Commission Act.[32]

The record amply reflects that the Commission itself has repeatedly admitted that it has no power to promulgate substantive rules of law[33] and Congress has implicitly rejected the efficacy of Commission Trade Regulation Rules by legislatively superseding them.[34]

Moreover, the Supreme Court has impliedly rejected the Commission's claim of rulemaking power, as have many of the legal commentators.[35]

The Court has considered fully all the other arguments put forth by the FTC in this suit. The sum total of their argument is a "bootstrap" operation, designed to conclude that the FTC possesses powers that it clearly does not have. The famous stricture of Mr. Justice Brandeis applies here:

"What the Government asks is not a construction of the statute, but, in effect, an enlargement of it by the court, so that what was omitted, presumably by inadvertence, may be included within its scope. To supply omissions transcends the judicial function.[36]"

It is therefore the conclusion of this Court, that for the above stated reasons, the statute (FTCA) does not confer upon the Federal Trade Commission the authority to promulgate Trade Regulation Rules that have the effect of substantive law.

Plaintiffs motion for Summary Judgment is hereby granted.

Defendants motion for Summary Judgment is hereby denied.

FOOTNOTES

[1] In two cases, courts have refused to enjoin the Commission from holding hearings looking toward the promulgation of Trade Regulation Rules holding that the proper procedure was to attack the rule after it issued. *Bristol-Meyers Co. v. Federal Trade Commission*, 1968 CCH Trade Cas. ¶ 72, 496, pp. 85, 677–78 (D.D.C. 1968), *rev'd in part and aff'd in part*, 424 F.2d 935 (D.C. Cir. 1970); *Lever Brothers v. Federal Trade Commission*, 325 F.Supp. 371 (D.Me. 1971).

[2] 34 F.R. 12449 (1969).

[3] 36 F.R. 354 (1971).

[4] 36 F.R. 7309 (1971).

[5] 36 F.R. 16120 (1971).

[6] 36 F.R. 23871 (1971).

[7] 15 U.S.C. § 45 (1971).

[8] 15 U.S.C. § 46 (1971).

[9] 15 U.S.C. § 46(g) (1971).

[10] Federal Trade Commission Bill, Comparative Print, S. Doc. No. 573, 63d Cong., 2d Sess., p. 14, 15 (1914); H.R. Rep. No. 533, 63d Cong., 2d Sess., p. 3 (1914); 51 Cong. Rec. 8845, 9047 (1914).

[11] H.R. 15613, 63d Cong., 2d Sess., Sec. 8 (1914).

[12] Having admitted that both the drafters in the House and the Senate had no intention of granting the Commission any rulemaking power, the Commission took the position that rule making authority was somehow mysteriously incorporated into the Conference Committee Report that was ultimately passed. Reasoning from this unsupported position, the Commission claimed that the House and Senate debates prior to the Conference Report were of no relevance to whether Congress intended to grant substantive rulemaking powers to the Commission.

In making this argument, the Commission ignores the fact that the legislative authority of a Conference Committee is limited to resolving differences between the two Houses. Such a Conference Committee cannot authorize new legislation that has not been submitted by one of the two Houses. *See Jefferson's Manual*, Section 546, which has governed House procedures since 1837. In short, the Conference Committee could not have given the FTC a power that was not included in the bill as it passed one of the Houses. *House Rule XXVIII* (3) (1971); *Rules and Manual of the United States Senate, Section 343* (1965). *See also* comments of Judge Covington, a member of the Conference Committee, 51 Cong. Rec. 14932 (Sept. 14, 1914); and the remarks of Congressman Sherley, 51 Cong. Rec. 14938 (Sept. 10, 1914).

[13] 51 Cong. Rec. 9047, 9049–50, 9056–57 (1914).

[14] H.R. Rep. 533, 63d Cong., 2d Sess., Part 3, p. 21 (1914).

[15] The amendment proposed by Congressman Lafferty that would have given the Commission the power to make, alter, or repeal regulations further defining more particularly unfair trade practices or unfair or oppressive competition also included the text of Section 6(g) within it. Thus, even in Congressman Lafferty's own view, Section 6(g) did not in and of itself confer the legislative rulemaking powers that the Commission now asserts it confers upon it. *See also* 51 Cong. Rec. 14,932 (1914) where Judge Covington, a member of the Conference Committee, who was called the "author of the bill," specifically stated in this regard: "The Federal Trade Commission will have no power to prescribe the methods of competition to be used in the future. In issuing its orders it will not be exercising power of a judicial nature . . ."; and 51 Cong. Rec. 14,928 (1914) where Congressman Sherley expressed the thought: "In other words, (the Trade Commission) exercises in no sense a legislative function such as is exercised by the Interstate Commerce Commission." Moreover, the evidence is overwhelming that Congress intended the Commission to act only upon Orders issued in specific proceedings after a complaint, hearings, and basis in fact established. 51 Cong. Rec. 14,928 (1914).

[16] 1951 *Annual Report of the Federal Trade Commission*, pp. 16–18 that states "the broad scope of the Commission's authority to investigate is indicated" by the powers conferred on the Commission in Section 6 of the Federal Trade Commission Act, specifically including the rulemaking power of Section 6(g). Other annual reports also refer to the Commission's rulemaking power in an investigative context. *See, e.g.*, 1954, p. 12; 1955, p. 9; 1956, p. 9; and 1957, p. 8; all Annual Reports of the Federal Trade Commission.

[17] Wool Products Labeling Act, 15 U.S.C. §§ 68–68j (1971); Textile Fiber Products Identification Act, 15 U.S.C. §§ 70–70k (1971); Fur Products Labeling Act, 15 U.S.C. §§ 69–69j (1971); Flammable Fabrics Act, 15 U.S.C. §§ 1191–1200 (1971); and the Fair Packaging and Labeling Act, 15 U.S.C. §§ 1451–61 (1971).

[18] This is consistent with the Congressional belief in 1914 that a separate provision from Section 6(g) was necessary to grant the FTC substantive rulemaking authority.

[19] R. Burris and H. Teter, *Antitrust: Rulemaking v. Adjudication in the FTC*, 54 Georgetown L.J. 1106, 1125 (1965).

[20] *Compare* 15 U.S.C. § 1192 (1964) *with* 15 U.S.C. § 68a, 15 U.S.C. § 69a (a), (b), (c), and 15 U.S.C. § 70a (a), (b), (c) (1964).

[21] 15 U.S.C. § 1194(c) (1971).

[22] *Id.* at 5.

[23] H.R. Rep. No. 972, 90th Cong., 1st Sess., p. 1 (1967).

[24] *Id.* at 5.

[25] 67 Stat. 112 (1953).

[26] 81 Stat. 570 (1967).

[27] *See Textile and Apparel Group, American Importers Ass'n* v. *Federal Trade Commission*, 410 F. 2d 1052 (D.C. Cir.), *cert. denied*, 396 U.S. 910 (1969); *Federal Trade Commission* v. *B. F. Goodrich Co.*, 242 F. 2d 31 (D.C. Cir. 1957) which indicates that broad power to promulgate trade regulation rules does not exist beyond the narrower grants of rulemaking authority given by the Congress.

[28] 5 U.S.C. § 551(4) (1971).

[29] 29 U.S.C. § 156 (1971).

[30] Section 5 remained a single unitary provision without separate, designated subsections throughout the House and Senate consideration of the measure. Today's lettering of Section 5 paragraphs resulted from the 1952 McGuire Act, a development 38 years after the original passage of the statute and completely unrelated to the question here under consideration.

[31] *United States* v. *Morton Salt Co.*, 338 U.S. 632, 650 (1950).

[32] This factor readily distinguishes cases such as *National Broadcasting Co. v. United States*, 319 U.S. 190 (1943) where neither the statutory scheme nor the legislative history of that Act clearly negated an implied grant of legislative power to the Federal Communications Commission and that statute was intended to authorize an agency to broadly regulate a specific, narrow segment of industry; *United States v. Oregon*, 366 U.S. 643, 648 (1961); *United States v. Public Utilities Comm. of Calif.*, 345 U.S. 295 (1953); *Schweaman Bros. v. Calvert Distillers Corp.*, 341 U.S. 384 (1951); *Paific Coast European Conf. v. Federal Maritime Comm.*, 376 F. 2d 785 (D.C. Cir. 1967). *See also* Weston, *Deceptive Advertising and the Federal Trade Commission: Decline of Caveat Emptor*, 24 *Fed. Bar J.* 548, 570–71 (1964) where it is stated:

To support is theory (of implied power), the FTC cites Supreme Court decisions involving the S. E. C. under the Public Utility Holding Co. Act, and the F. C. C. and the F. P. C. as authority for the proposition that an administrative agency has the choice to use either adjudication or rulemaking procedure to make 'substantive' rules. These cases, however, involve agencies with not only express power to issue 'legislative' rules but also with far more pervasive regulatory jurisdiction over the specialized industries involved. It may be that some agencies vested with both adjudicatory and legislative rulemaking powers have a choice of which procedure to use. But it is not at all clear that an adjudicatory agency specifically denied 'legislative' rulemaking power can use legislative type hearings to make 'substantive' rules other than merely 'interpretative' rules that are open to full-scale judicial review.

Testimony by former Federal Trade Commission Chairman Paul Rand Dixon before a Senate Subcommittee, *Hearings before the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary*, 88th Cong., 1st Sess. 169–70 (Oct. 31, 1963).

[33] *Hearings before the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary*, 88th Cong., 1st Sess. 169–70 (Oct. 31, 1963); *Hearings before the Subcommittee on Antitrust and Monopoly of the Senate Committee on the Judiciary*, 88th Cong., 1st Sess. 281 (March 20, 1963); *Hearings before the Senate Committee on Commerce*, 91st Cong., 1st and 2d Sess., p. 9 (Dec. 17, 1969); *Hearings before the House Subcommittee on Commerce and Finance of the Interstate and Foreign Commerce Committee*, 91st Cong., 2d Sess., p. 54, 76–77 (Feb. 4, 1970). *See also* Title II of S. 986, 92d Cong., 2d Sess. § 206 (1972), currently pending in Congress, where Section 206 of that Bill would amend Section 6(g) of the FTCA to authorize the Commission to define with specificity through legislative rules those acts or practices which are unfair or deceptive to consumers and in violation of Section 5(a)(1) of the FTCA. It is noteworthy, here, that almost sixty years after the passage of the original Act that the Commission claims implicitly granted it authority to promulgate

rules to regulate all otherwise non-regulated industries, the Senate found the grant of such authority so far reaching and so inherently capable of abuse that it retained a sixty day veto over any use of that power in their proposed Bill. It is further significant that Congress has still not passed this legislation giving the Commission rule-making authority. *See,* Cong. Rec., Nov. 8, 1971, Daily Ed., p. S 17828, and statements of Senator Hruska at, *Id.*, p. 17857; Senator Cotton, *Id.* at S 17873; and Senator Cooper, *Id.* at S 17884.

[34] The Trade Regulation Rule relating to unsolicited mailing of credit cards (16 C.F.C. 415) was superseded by express provisions in the Truth-in-Lending Act (15 U.S.C. §§ 1642–44, *et seq.* (1971); The Rule relating to the prevention of unfair or deceptive advertising in labeling of cigarettes (29 F.R. 12626, 15570) was preempted by the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §§ 1331 *et seq.* (1971); and the proposed Rule relating to shipment of unordered merchandise (16 C.F.R. 427) was superseded by express provisions of the Postal Reorganization Act, 39 U.S.C. § 3009 (1971).

[35] *Federal Trade Commission v. Colgate Palmolive Co.*, 380 U.S. 374, 385 (1965); *Addison v. Holly Hill Fruit Products, Inc.*, 322 U.S. 607, 617–618 (1944); *Schechter Poultry Corp. v. United States*, 295 U.S. 495, 532–33 (1935); *Federal Trade Commission v. Raladam Co.*, 283 U.S. 643, 648 (1931); *Federal Trade Commission v. Gratz*, 253 U.S. 421, 427 (1920). *See* Comment, 113 *U. PA. L. Rev.* 303, 304–05 (1964); Shapiro, *The Choice of Rulemaking or Adjudication in the FTC*, 54 *Georgetown L. J.* 1106 (1965); Weston, *Deceptive Advertising and the Federal Trade Commission: Decline of Caveat Emptor*, 24 *Fed. Bar J.* 548 (1964). *But see*, Wegman, *Cigarette and Health: A Legal Analysis* 51 Cornell L. Q. 678, 741 (1966); Elman, *Rulemaking Procedures in the FTC's Enforcement of the Merger Law*, 78 Harv. L. Rev. 385 (1964).

[36] *Iselin v. United States*, 270 U.S. 245, 251 (1926).

[From the New York Times, April 5, 1972]

COURT CURBS FTC AUTHORITY ON DECEPTIVE TRADE PRACTICES

(By John D. Morris)

WASHINGTON, April 4.—A Federal district judge dealt a heavy blow today to the Federal Trade Commission's consumer protection program by holding that the commission lacked authority to make rules defining unfair and deceptive trade practices.

The decision, if upheld on appeal, would severely hamper the commission's ability to proceed against industrywide practices that it believed were violations of the F.T.C. act.

It could still issue complaints and cease-and-desist orders on a case-by-case basis but would have to establish in each case that a particular act or practice violated the law.

This has not been necessary when industrywide regulations, called trade regulation rules, have defined the acts and practices in advance as violations.

Today's opinion was issued by Judge Aubrey E. Robinson Jr. of the United States District Court for the District of Columbia in nullifying a pending trade regulation rule requiring octane ratings to be posted on gasoline pumps.

"NULL AND VOID"

The regulation, which was to have become effective March 15, had been stayed pending Judge Robinson's decision on a suit by 34 refiners and two trade associations challenging the commission's authority to issue it.

The judge called the regulation "null and void as it is in excess of the Federal Trade Commission's statutory authority."

Further, he held, "the F.T.C. lacks the requisite statutory authority to issue trade regulation rules."

The refiners' suit was the first court test of the commission's authority to issue such regulations, although it had been doing so for about 10 years.

In two cases, courts have refused to prohibit the commission from conducting hearings looking toward the promulgation of trade regulation rules. However, they did not make a determination of the commission's authority, holding that the proper procedure was to attack the rules after they had been issued.

"UNFAIR METHOD"

In the regulation invalidated by Judge Robinson, the commission declared that the failure to post octane rating at gasoline stations was an "unfair method of competition" and a "deceptive practice."

Unfair methods of competition and deceptive private practices are prohibited by Section 5 of the F.T.C. Act, but the act does not define them.

The regulation was designed to give motorists a reliable benchmank for determining the antiknock quality of various brands and grades of gasoline. The octane number is important to consumers because each engine needs gasoline with a number high enough to prevent knocking, but it is a waste of money to buy a more expensive grade with a higher-than-necessary rating.

The commission's staff has estimated that the average motorist pays $50 to $75 a year for unnecessarily high-octane gasoline.

Judge Robinson said in his opinion that the legislative history of the F.T.C. Act of 1914 contradicted the commission's contention that the act gave it implied authority to issue substantive rules.

"Significantly," he said, "Congress refused to amend its proposals on two separate occasions that would have granted the commission the very rule-making power it now seeks to exercise."

As "another critical analytical factor," he said, when Congress intended to grant substantive rule-making authority to the commission it did so "clearly and unequivocally." He noted in particular the specific rule-making authority contained in the Flammables Fabrics Act, which the commission enforces.

"The commission's claim of unlimited rule-making power under the F.T.C. Act is, therefore, not only unsupported by anything in the act itself, or its legislative history, but is also inconsistent with the history of other statutes entrusted to the commission's administration by Congress," the judge held.

"The court," he said, "has considered fully all the other arguments put forth by the F.T.C. in this suit. The sum total of their argument is a 'bootstrap' operation, designed to conclude that the F.T.C. possesses powers that it clearly does not have."

LABELING AND ADVERTISING OF CIGARETTES

Mr. MORTON. Mr. President, during our Senate Commerce Committee hearing last Friday, April 2, on the cigarette labeling legislation, my distinguished colleague from Kentucky [Mr. COOPER] presented what I consider to be an outstanding challenge of the authority of the Federal Trade Commission to impose any so-called trade regulation rule with regard to labeling and advertising in relation to the hazards of smoking.

His legal and perceptive reasoning was of such high interest to committee members that I felt other Senators would find considerable food for thought in his remarks.

Therefore, Mr. President, I ask unanimous consent that his statement before the Commerce Committee and attachments mentioned therein be printed in the RECORD.

STATEMENT OF SENATOR JOHN SHERMAN COOPER, BEFORE THE SENATE COMMITTEE ON COMMERCE, APRIL 2, 1965

Mr. Chairman and members of the committee, I thank the committee for this opportunity to present my views on the bills before you, and on the general proposition of regulating the labeling and advertising of cigarettes. I know that this committee is giving thorough consideration to this question, its relationship to health and to the tobacco industry, and to the very important issue of the claim of authority by the Federal Trade Commission to extend its powers further than has ever been done before.

I have read several times the Surgeon General's report, "Smoking and Health," and I do not derogate its importance. I say this as one who is a representative of Kentucky—the second largest producer of tobacco in the United States, and the largest producer of burley tobacco—with 200,000 farmers engaged in the production of burley, dark air cured and dark fired tobacco, representing an annual value of $300 million. And, of course, the total value of the industry to Kentucky's economy is much larger—considering the manufacture, warehousing, transportation, and all aspects of the tobacco industry.

Having read the Surgeon General's report several times, and, as I said, recognizing its importance, nevertheless, I say to the committee that the report does not confer upon the Federal Trade Commission any powers that have not been authorized to it by the Congress.

I have read the statement of the Federal Trade Commission in which it attempts to justify, and I use the word "justify" advisedly, the basis and purpose upon which it proposes its "trade regulation rule for the prevention of unfair or deceptive advertising and labeling of cigarettes in relation to the health hazards of smoking." As you know so well, the rule was promulgated by the Commission on June 22, 1964, and is intended to become effective on July 1, 1965. From my study of the statement of the Federal Trade Commission and the testimony given by Chairman Dixon before the House Committee on Commerce and this committee, it is my judgment that the FTC is without authority to promulgate a rule such as it has proposed with respect to cigarettes.

I believe there is a serious question as to whether the FTC has authority to promulgate any general trade regulation. I make this statement upon several grounds. The authority is not specified in the statutes. The Commission, after the enactment of the statute in 1914, did not claim the authority to promulgate trade regulations until 1962—48 years later—and had limited itself to trade practice rules which are designed as guides to industry. Further, Congress, found that it was necessary to grant the FTC specific authority to promulgate trade regulation rules in the cases, among others, of the Wool Products Labeling Act of 1939, the Fur Products Labeling Act of 1951, and the Fiber Products Identification Act of 1953. I will not press this issue further, but I raise the question for the committee's legal inquiry and consideration about the authority of the FTC to promulgate a general trade regulation rule.

Now I want to speak specifically concerning the authority of the FTC to regulate labeling or advertising of cigarettes. And I repeat my earlier statement that, significant as the report of the Surgeon General is, the report does not provide any authority to the FTC. A study of the statement of the FTC attempting to justify its rule, discloses that the FTC makes a labored and contradictory argument.

The statement, as Chairman Dixon testified before this committee, essentially bases

the authority of the FTC on the findings of the Surgeon General's report. Chairman Dixon said:

"The reasons justifying such a rule, as more fully explained in the statement of basis and purpose, are basically twofold. First, there is a concensus of medical and scientific opinion that cigarette smoking is a significant cause of certain grave diseases and contributes substantially to mortality from those diseases and to the overall death rate. These were the findings of the Surgeon General's blue-ribbon Advisory Committee on Smoking and Health. These findings are authoritative, reliable, and stand essentially unchallenged. They provide a compelling basis for prompt and effective governmental remedial action."

I am not here to attempt to argue on my part about the findings of the advisory committee, because they are scientific and technical, but I do challenge the statement of Chairman Dixon that "these findings are authoritative, reliable, and stand essentially unchallenged." The report was not based upon original research, but primarily upon a review and evaluation of research conducted prior to the appointment of the committee, and data previously accumulated. The element of causality which is of ultimate importance, was admitted by the report to be based upon statistical association and a combination of factors, rather than the identification of any incriminating component of cigarettes or any finding of the direct affect of any component upon the health of an individual. But most important, it cannot be said, as the chairman claimed, that the report has not been challenged. There is a substantial body of scientific and medical opinion which holds views contrary to that of the report—and the FTC knows that this is correct.

The effect of the ruling which the FTC is attempting to promulgate is to establish as a matter of substantive law that the report of the advisory committee is complete, correct, and unchallenged. The advisory committee itself did not go that far. It has conceded that additional research is needed. To give an example, a few days after the publication of the report, I raised several questions with Dr. Luther Terry regarding the effectiveness of filters, as it had been reported that the committee had found that filters had no value. In response to a letter written by me to him, he said the advisory committee made no judgments as to the effect of adding filters to cigarettes, and further that the committee felt that the development of better filters or more selective filters is a promising avenue for further development. I ask that the letters be made a part of my testimony.

This one instance, among others, indicates the position of the committee that further research is needed. And yet, the FTC adopts the position that the report is complete, conclusive, and unchallenged. If the rule should be maintained, any advertiser would be denied any opportunity to question the basic finding of the Commission. He would be limited to denying that he had advertised in a manner prohibited by the Commission. The statement of the FTC accompanying the rule does not substantiate its claim of legal authority to make such a broad finding. The FTC admits that it does not rely on sections 12–15 as a basis for the substantive prohibitions in its rule. Sections 12 to 15 deal with foods, drugs, devices, or cosmetics, and provide for injunctive relief where there is immediate possibility of danger to human life, health, or safety. The case of *FTC* v. *Liggett and Myers Tobacco Company*, cited on page 22 of the FTC report, held that cigarettes are not subject to the food and drug section. Therefore, the FTC's authority must be limited to section 5 of the act, which I quote:

"SEC. 5. (a)(1). Unfair methods of competition in commerce and unfair or deceptive acts or practices in commerce are hereby declared unlawful."

Undoubtedly, the Commission has authority concerning affirmative misrepresentations and deceptive half-truths which induce a significant number of purchasers to choose a particular product, including cigarettes. But the claim of authority of the FTC to regulate the advertising of cigarettes is not based upon its claim that there are any affirmative misrepresentations about cigarettes, or upon deceptive half-truths or that there are any false statements. The cases cited in support of its claims that cigarette advertising represents half-truths has no application at all.

The FTC is reduced to making its case upon the ground that as advertisers claim that a particular cigarette is pleasurable, or socially acceptable, that it is an inducement to smoke, and consequently the advertiser should be required to balance its inducement by stating the health injuries alleged to be consequent on smoking. It claims that the failure to do so is the unfair and deceptive practice which provides it with the authority to regulate.

But on page 95 of the FTC report, it makes this correct statement:

"First, in stating that the Trade Commission Act imposes special requirements with respect to the advertising of such producers we do not, of course, imply that the Commission has been given by Congress a general jurisdiction to protect health and safety of consumers. The Commission's responsibility is not to control or prevent the sale or use of dangerous products, but to insure that the advertising of such products is not unfair and does not deceive." In the face of this correct statement, the Commission is attempting to use an authority which it admits it does not possess—"a general jurisdiction to protect the health and safety of consumers." And with respect to its claim that the advertising of cigarettes—indicating their qualities are pleasurable or socially acceptable—is unfair or deceptive, the Commission has been asserting for 10 years that such advertising is proper. The guides adopted by the Commission "for the use of its staff in the evaluation of cigarette advertising" contain the following notice: "(a) Nothing contained in these guides are intended to prohibit the use of any representation, claim, or illustration relating solely to taste, flavor, or enjoyment."

Let me summarize the claim of authority of the Federal Trade Commission as I understand it from a study of its own report. First, it would arrogate to itself the authority to determine that the Surgeon General's report is conclusive and unchallenged. This is obviously incorrect, and it is an assertion of larger findings and scientific competence that that of the advisory committee. Second, having made this large claim, it now proposed to issue a rule giving to this incorrect statement the force of substantive law. Third, it would then proceed to control labeling and advertising as hazardous to health, not under the Food and Drug section of the Trade Commission Act, under which it admits it has no specific authority, and against its own admission that it has no general authority to do so. Fourth, it asserts its authority under the principle of section 5, claiming that advertising of the pleasurable use of cigarettes and so forth is deceptive or unfair. It does this, although for 10 years it has maintained in its Cigarette Advertising Guide that such advertising is not prohibited. Fifth, the larger consequences of confirming the claim of the authority of the FTC are these—in the future, if this precedent is confirmed, it would mean that the FTC could, on its own judgment, determine that any product might be hazardous to health and thus be permitted to censor advertising.

I want to make it clear that I do not question the power of the Congress to give this broad authority to the FTC if it desires to do so. Also, I do not question the authority of the Congress to enact such legislation as it determines is proper in connection with the labeling and advertisement of cigarettes. And this is the determination that the committee will make. I do suggest that the committee should halt this claim of authority by the FTC by preemption, at least until it determines whether it desires to give the FTC a broad authority which, as I have said, would not be limited to cigarettes but could be extended to any other product.

Finally, I would suggest that if the committee in its wisdom determines to act with respect to labeling any warning statement it imposes should be a truthful one. The proposals of the FTC are not correct and not fair. In my judgment, it would be a statement something on this order: "The Advisory Committee to the Surgeon General has found that smoking is a hazard to health, but there is a substantial scientific and medical opinion to the contrary." Considering the unsettled situation and that research is going forward, I would support the labeling of cigarette packages in a fair but correct manner.

I ask permission of the committee to amplify my statement.

U.S. SENATE,
January 13, 1964.

Dr. LUTHER L. TERRY,
Surgeon General, Public Health Service, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. TERRY: The report on "Smoking and Health," and the press conference Saturday, January 11, by the advisory committee to the Surgeon General, appear to be widely interpreted as having included a finding that cigarette filters have no effect. On the contrary:

1. Is it not correct that the advisory committee made no judgment as to the effect of adding filters to cigarettes?

2. Do I understand correctly that the committee made no finding on filters because it believed it had insufficient evidence from animal experiments, clinical studies, or population studies—the three kinds of evidence it considered—on which to base any finding as to the effect of the various types of filters?

3. To the extent that a filter removes tar, nicotine, and the gaseous elements of cigarette smoke, is it not reasonable to assume that the effects of the filter will be similar to the effects reported by the committee of smoking fewer cigarettes?

4. Does not the limited discussion of a new-type filter, on page 61 of the report, suggest that the advisory committee believes that the development of selective filters may have significance in terms of reducing the hazards to health the committee believes it has found?

5. Would not standardied research on the effectiveness and selectivity of filters, as well as additional research on the components of smoke, be desirable?

Because the report of your advisory committee is the subject of wide and general interest, it will be helpful to have your answers, at least to the first question, as quickly as possible.

Sincerely,

JOHN SHERMAN COOPER.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE,
Washington, D.C.

Hon. JOHN SHERMAN COOPER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR COOPER: This is in response to your letter of January 13 which poses certain questions as to the advisory com-

mittee's views on cigarette filters. Certainly, it is erroneous to conclude that cigarette filters have no effect. As noted in the committee's report, filters in common use do remove a variable portion of the tars and nicotine. Your specific questions and our replies will follow:

1. Is it not correct that the advisory committee made no judgment as to the effect of adding filters to cigarettes?

Answer. Yes.

2. Do I understand correctly that the committee made no finding on filters because it believed it had insufficient evidence from animal experiments, clinical studies, or population studies—the three kinds of evidence it considered—on which to base any findings as to the effect of the various types of filters?

Answer. Yes.

3. To the extent that a filter removes tar, nicotine, and the gaseous elements of cigarette smoke, is it not reasonable to assume that the effects of the filter will be similar to the effects reported by the committee of smoking fewer cigarettes?

Answer. A categorical answer to this question is difficult. The best I could do would be to answer yes—perhaps, or yes—probably. A part of the problem here is whether the filter in addition to removing tar, nicotine or other elements of cigarette smoke might also lead to different levels of cigarette consumption and different amounts of inhalation, etc. Another difficulty is that we do not know all of the substances which different filters do or do not remove. Since we do not yet know all of the substances in tobacco smoke which have adverse health effects, a given filter might permit the selective passage of hazard substances, as well as selectively removing others.

4. Does not the limited discussion of a new-type filter, on page 61 of the report, suggest that the advisory committee believes that the development of selective filters may have significance in terms of reducing the hazards to health the committee believes it has found?

Answer. Yes. The committee felt that the development of better filters or more selective filters is a promising avenue for further development.

5. Would not standardized research on the effectiveness and selectivity of filters, as well as additional research on the components of smoke be desirable?

Answer. Yes, unquestionably.

I hope these responses will be of assistance.

Sincerely yours,

LUTHER L. TERRY,
Surgeon General.

THE VIETNAM OFFENSIVE

Mr. KENNEDY. Mr. President, nothing more brutally demonstrates the moral and military bankruptcy of the President's policy on Vietnam than the horror of the new offensive at the DMZ. The decision to send in our bombers to rain down massive new death and destruction on the people of Vietnam is a clear confession, if any new confession were needed, that the cruel and revolting policy of Vietnamization is a failure, a bald pretext to keep President Thieu in power.

After all the talk of peace, we are no closer to peace in 1972 than we were at the time of the Tet offensive in 1968. Four years of promises to end the war, and still the war goes on. When will the President learn that he cannot bring peace by making war? When will he learn that he will never get our prisoners back so long as American bombs are raining down on the people of Vietnam? When will he learn that it is not enough to promise peace, that he also must deliver peace?

It is wrong, terribly wrong, to debate the current offensive in terms of how Vietnamization should be tested, or whether or not there should be American air support. I am against any test of Vietnamization at all because it means a test carried out with human lives, with the lives of men and women and children. I do not believe that anyone in America or Vietnam has the moral right to demand a test like that.

Is this to be the result of our decade of involvement in Vietnam? Is this what the policy of Vietnamization and our support of President Thieu have brought us to—a final fight to the death between North and South Vietnam? By some cruel distortion, our leaders seem willing to let the war become a spectator sport, with the American people watching the slaughter on television, as though we were Romans watching gladiators in the arena.

I reject that role for America, and I think that the American people reject it. Instead, we must end the war, and the only way we can end it is through negotiations, not Vietnamization.

It is no coincidence that the escalation of the war on the battlefield is being accompanied by our boycott of the peace table in Paris. Three weeks ago, on the very day that President Nixon was criticizing American labor leaders for walking off the job on the Pay Board, he was ordering Ambassador Porter to walk off the job at the peace talks in Paris. Just as our policy on the battlefield has been a failure, so our policy in Paris is a failure.

By breaking off the peace talks, we broke off any hope for peace. We delivered a clear invitation to the Vietcong and North Vietnamese to escalate the violence. Perhaps we shall never know whether this long anticipated new offensive would have materialized had we chosen to stay at the peace table last month. The President claims that he is keeping all his options open, but he seems to have forgotten how he so recently foreclosed the most important option of all, the option of peace at the conference table, the only place where peace will ever be achieved.

And now, because of the flagrant and tragic failures in our policy, more American bombs are being dropped and more American fliers are being taken prisoner. Because of these failures, the people of Vietnam will have to pay for this new and much more terrible escalation. They will pay with the blood of thousands of soldiers and innocent civilians. They will pay with the devastation of their cities and villages. They will pay with countless families streaming into new refugee camps to escape the murderous impact of the fighting.

To me, the policy we ought to have is a simple one. Let us have a test of negotiations, not a test of Vietnamization. Let us go back to the peace table in Paris. Let us make a genuine effort to end the killing now.

I call on the President to demonstrate to the American people that he wants peace. I urge him, now, publicly, to call for an immediate cease-fire in the DMZ. I urge him to announce that America is going back to the peace table in Paris tomorrow, to seek an immediate end to the war. Let us discuss the plans already on the table. Let us develop new plans. Let us explore every possible avenue. But above all, let us stop this insane new round of killing, and end this unconscionable and interminable war.

MINERAL POLICY

Mr. ALLOTT. Mr. President, on March 16, in Dallas, the Assistant Secretary of the Interior for Mineral Resources and my good friend, Hollis Dole, addressed the Institute of Petroleum Exploration and Economics.

The title of his address was "Mineral Policy—the Art of the Possible." It should be required reading for all citizens concerned—as all citizens should be—about the problems implicit in the premise which Secretary Dole accepts:

We face demands for immense quantities of minerals of all kinds over the foreseeable future.

As Secretary Dole says:

This is particularly true of fuel minerals, which must furnish virtually all our energy until well into the next century at least.

Secretary Dole's address demonstrates his command of this complicated and crucial subject.

I am convinced that the "energy crisis" unlike so many of the trumped-up crises" we hear so much about, is real and dangerous and growing. I urge all Senators to give their attention to this crisis, and to begin by examining Secretary Dole's address. I ask unanimous consent that the address be printed in the RECORD.

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

REMARKS OF HON. HOLLIS M. DOLE

One of the first things we are taught about poetry is that the subject of a poem is something different from its theme. This is true of much of our communication, and it is no less true of what I have to say today.

My subject is policy: my theme is politics—the vague, complex, chancy, non-linear, frequently non-rational process which a human community uses to determine what its goals are and how to go about attaining them. In the next few minutes I shall talk about some of the relationships between this political process and the satisfaction of mineral requirements which inclined me to give my remarks the title of "Mineral Policy—The Art of the Possible."

Since I'm not debating any zero-growth advocates on this occasion, I'm simply going to state as one of the "givens" the premise that we face demands for immense quantities of minerals of all kinds over the foreseeable future. This is particularly true of fuel minerals, which must furnish virtually all our energy until well into the next Century at least. Obtaining adequate, dependable, and hopefully low-cost supplies of these minerals becomes the basic objective of minerals policy.

In pursuit of this objective, we have adopted certain public policies addressed to min-

eral imports, public land use, taxes, conservation, direct subsidies, stockpiling, production, anti-trust, and research and development—all in an effort to coax, encourage, cajole, and otherwise induce the private sector to take the actions required to make these desired mineral commodities available. And along with these policies specifically addressed to minerals are others, adopted with other purposes in mind, but which impinge, lightly or heavily, upon the production and use of minerals. Environmental policy is a conspicuous recent example. Human health and safety is another. Foreign policy another. To some degree, perhaps as many as half a hundred discrete influences deserving to be called government policy exert some effect upon the operations that have to do with mineral supply and demand.

The pulling and hauling that goes on between these varied and often conflicting aims; the maneuvering, the bargaining, and the trade-offs that finally materialize over specific issues, form the broth in which our mineral policies are steeped, and they often come out with quite a different flavor and smell than the cook intended them to have. Thus, policy states what our actions should be; politics determines what they are.

Most of the pulling and hauling to which I refer focuses upon the cost element, and most of our present difficulties stem from our past unwillingness to pay the full cost of the other objectives we seek. Too often these objectives have been compromised by a mindset that has failed to recognize that no matter how closely you try to control the market for something, it always remains a free market in this important sense: in the end you get only what you pay for; and if you don't pay enough, you don't get enough. Our policy toward natural gas pricing at the wellhead is a classic illustration of how we traded adequacy and security of supply for the objective of low cost—and were rewarded for our penuriousness by having to pay higher prices anyway.

A distinguishing feature of our natural gas pricing policy is that it was originated by the Judiciary, not the Executive. It arose, as you all know, out of the Supreme Court's 1954 decision that the Federal Government, ostensibly to protect the consumer against excessive gas prices, had the responsibility for setting wellhead prices for gas sold in interstate commerce. The Federal Power Commission was assigned this task by the Court, and over the years the Commission strove to establish sales prices that would cover the true cost of finding and producing the gas, and provide a fair return to the producer, at a fair price to the consumer.

This turned out to be an impossible assignment. The price set by the Commission did *not* reflect the costs incurred by producers, and predictably the producers found better uses for their money than investing it in exploration and drilling for gas after 1961. In time, this cutback in exploration activity showed up in reduced additions to reserves, in falling reserve-to-production ratios, and finally in the actual pipeline curtailments in gas deliveries we are now seeing. Even the attempts of the present Commission to reach more realistic prices have not been able to reverse the downswing in exploration effort. The present outlook is for gas deliverability to peak out in the 1974–1975 period, followed by a marked and steady decline over the foreseeable future.

This prospect has given rise to efforts of the most urgent sort on the part of gas pipelines and distributors to bolster their dwindling supplies of domestic gas with imports of LNG or feedstocks for the manufacture of synthetic gas. These imported supplements are to come from the same unstable overseas sources that have given us concern for the security of our oil supply, and because of the logistics involved they are far more vulnerable to interruption. The system-entry prices we are looking at trend upward from a dollar per million Btu, and in no case can these increments be expected to fill the gap now opening between demand and domestic supply.

Ironically, the effects of this failure in our domestic gas supply will fall with particular force upon the Northeastern consumer, who was the special object of the Commission's solicitude for so many years. For it is the Northeastern consumer who is served by the interstate pipelines who were prevented from paying the true market price for gas as the intrastate buyers were able to do. And it is the interstate pipelines and their distributors who are now in curtailment, and who are negotiating so earnestly for supplementary supplies at five times the wellhead price of domestic natural gas. Thus, the consumer is put in a no-win situation; as the load factor drops on the highly-leveraged pipelines which serve him the cost of his service must inevitably rise; but the steadily increasing share of imported or synthetic gas in the stream will eventually cost him even more. To this must be added the belated price increases at the wellhead which will be necessary to revive the interest of producers in gas exploration. The latter can be quite substantial and still not approach the cost of the foreign supplements: the current average wellhead price in Southern Louisiana could be tripled, and the gas still deliver in New York at less than the minimum prices estimated for gas of overseas origin. Notwithstanding their relatively modest impact, however, these increments will still add to the consumer's bill.

Our experience with oil import policy also reflects our reluctance to pay the full cost of realizing our professed objectives. We determined in 1959 that an adequate and secure supply of petroleum was a proper national concern. It has now become obvious that over the intervening years we have forfeited a large part of our oil security: we are presently three million barrels a day short of being able to produce our full requirements; and we shall be dependent upon outside sources to meet 36% of our oil needs by 1975. The attractiveness of foreign oil prices has been heavily eroded by the events of the past two years. And we are now beginning to see that the term "adequacy"—even when applied to Middle East oil—may need some qualifications. To me, the price increases we have seen are significant not for what they are, but for what they say about a production philosophy that may be taking form within the minds and the councils of those who rule the oil exporting nations. Such a philosophy may for the soundest of reasons determine that oil is the ultimate hedge in a world trading system that is adrift for want of a standard of value; that it is better to hold black gold in one's own ground than yellow gold in someone else's; and that in these circumstances it may no longer be in a nation's interest to maximize production of an exhaustible resource which may be its only counter at the game table.

Should the production of the Middle East and North Africa be cartelized in this manner, the economic opportunities and expansion of consuming nations may come to be regulated not by their own needs and expectations, but by the rate at which the oil exporting countries consent to make their oil available.

It was to avoid just such developments as I have noted that we determined in 1959 that it was necessary to restrict oil imports to insure that most of our demand was met by domestic production which we could count on and control. Domestic producers were accordingly given a protected market in the expectation that they would thus be encouraged to find and develop the oil reserves that would be needed to keep this market satisfied. There was another *quid pro quo* involved, reflected in the oil import proclamation itself, to the effect that domestic producers, having been given this preferred status, would not take advantage of it by unduly raising prices. The sanction, implied but never stated, was the use of oil imports to prevent an unwanted rise in domestic oil prices. This price-for-protection bargain virtually immobilized the price of crude oil for a decade in the face of strongly rising costs—expressed not only in the price of oil country goods and labor, but much more significantly, in rapidly diminishing returns per unit of drilling. In theory, the price of domestic crude oil bore no relation to the world price; in practice the political realities linked the two so firmly that it was impossible for domestic prices to offset the steadily rising cost of find and producing oil in the United States. Responding to this, producers became extremely selective in their prospecting, forsaking the historic onshore provinces, and concentrating on the relatively untapped areas in Alaska, the continental shelf, and the deeper basins onshore.

Considering the rank uncertainties involved in petroleum exploration, I consider that the domestic producers have done astonishingly well. They have found a great amount of oil, and but for the inhibiting influences I shall presently discuss, I am confident that they would by now have found a great deal more. In toto, the crude oil reserve-to-production ratio at the end of 1970 was 11.7 to 1, which in other times and circumstances would have been considered very satisfactory. The fact that one fourth of these reserves is presently unreachable must not be charged against those who found them but against those whose efforts have prevented them from being brought to market. The North Slope oil, by the way, will cost the Nation far less than an equivalent volume of Middle East oil—a savings of $15 to $17 billion is involved—and requires no outflow of dollar exchange. I do not mean to imply here that these efforts of producers here provided all the oil we require; it is quite obvious that a much greater search is needed to restore some semblance of balance to our oil supply. I do maintain that the industry has been both diligent and successful, under the protection of the oil import control program, in finding oil on the new and promising lands that were made available to it.

Which brings me to my final topic today.

We have the good fortune to inhabit a country that is enormously rich in mineral resources, and no less than an Act of Congress declares that it is our national policy to encourage private enterprise to develop these resources—including mineral fuels—for the Nation's use. This law, the Mining and Minerals Policy Act of 1970, is a model of clarity and brevity: it is less than a page in length, and its purpose is to provide a sound, domestic minerals resource base and an industry able and willing to make these minerals available to the economy.

Now the first requirement for minerals exploration and development is access to areas where mineral deposits might reasonably be expected to occur. It happens that most of the mineralized lands in the country lie in the public domain so the obligation to provide access is a particluar concern of the Federal Government. Over many years we have enacted numerous laws which speak to this matter of mineral access, including the Mining Law of 1872 and the Outer Continental Shelf Lands Act of 1953. We have published regulations to prescribe how operations on these lands shall be conducted, and we have developed leasing programs to assure that

they are made available for development in a timely and orderly manner. We have maintained an extensive surveying and mapping service to point out the general areas where deposits of particular minerals might be found. We have developed and published a vast amount of geological information to aid those interested in exploring for minerals in every part of the country. From time to time we have awarded subsidies in the form of loans, bonuses, purchase guarantees, or favorable tax rates, all designed to motivate prospectors to enter and develop the mineral resources of both private and public lands.

And they were indeed so motivated, and their efforts produced the base upon which we were able to build an industrial economy that last year provided a trillion dollars worth of goods and services to those who were lucky enough to share its bounty.

Now once again we are witnessing the interaction between policy and politics. In the face of an acknowledged, growing shortage of natural gas and a rapidly growing dependence upon foreign sources for oil, a group of environmentalists was successful in preventing the leasing of 360,000 acres of prime prospective oil and gas tracts in the Outer Continental Shelf off Louisiana last December. Other militant groups have brought the development of oil discoveries made in the Santa Barbara Channel to a dead halt, despite the fact that the West Coast is dependent upon outside sources for half its oil. Even the suggestion that the Department of the Interior was considering leasing tracts on the OCS off the Atlantic Coast brought forth a storm of opposition from activists in the Coastal States. The development of the fifth largest oil field in the world has been stymied for more than two years by the efforts of various groups seeking to deny its developers the access to Federal lands they require for a pipeline to bring the oil to a shipping terminal in southern Alaska.

Thus the historic policy of mineral access, which for more than a century has provided the basis for our phenomenal industrial growth, is being upset by the politics of a newly recognized public concern: environmentalism. The process has been greatly facilitated by certain court decisions and laws which compel courts and regulatory commissions to entertain the claims of those who previously had no standing before these bodies, and who could not heretofore have qualified as legal parties at interest. As an example, the suit against the Department in the Louisiana lease sale case was brought by three environmentalist groups whose headquarters are in San Francisco and New York, and heard in a court 1,200 miles from the physical site of the controversy. The people of southern Louisiana, whose jobs, income and general economic well-being were directly involved, were not represented in the court, yet no one can deny that they were "parties at interest" in the most literal sense of the term.

We are thus witnessing the rise of a new class of absentee landlords, who assert the power to control the economic affairs of distant areas in which they have no interest other than a professed concern for the environment. The opposition to the Alaskan pipeline does not come from the people of Alaska, but from the urban elite of the Lower 48. Yet it is the people of Alaska who must contend with an 18% unemployment rate, with the enormous problem of providing decent care and opportunities for their Native population, with financing necessary programs that are unsupportable on their present tax base, and who look upon the revenues from their oil production as the only way out of their difficulties. The enfranchisement of the professional adversary as a potential intervenor in any action involving the development of natural resources anywhere in the United States has consequences we can only begin to envisage. It is something totally new to our experience. It means that the would-be developer of a mineral property must now reckon with the power of some remote dissident to enjoin him from all action pending the outcome of a lengthy court trial whi. he may eventually win, but at a shattering cost in money, time, and lost opportunities. The possibilities it provides for the delay and frustration of vitally needed resource development are endless.

I have used these three examples to show how elusive are the goals of policy, and how readily they may be subverted by the politics of our society. Yet it is no less true that the outlook is for more government involvement in the affairs of the mineral industries rather than less. I think we all must concede that. And this means that we have no choice but to deal with the inherent clumsiness, the rigidity and the irrationalities of the political process in ways which still permit the private sector to do its job effectively. Education of the public is part of it. Active political participation is part of it, at every level. The development and strengthening of these associations among groups who recognize the importance of mineral resources in their daily lives is part of it: producers, their suppliers, labor unions, commercial clubs, taxpayers organizations—even consumer groups. Is it not conceivable that those with a concern for the Nation's economy and the continued flow of the goods and services it provides might unite in a common cause of their own?

These are all legitimate means for the attainment of the needs of the various constituencies in an open society. They have been used by others with telling effect. They can, and should, be used by those who are obliged not only to provide the minerals the Nation needs, but to secure public consent to do so. For in the last analysis, it is only through the political process that irrationalities can be dispelled and mistakes corrected, and the way made straight for constructive action. And it is the patient, daily attention to this process that will in the end provide validity for my thesis that mineral policy is in truth, the art of the possible.

THE OCCUPATIONAL HEALTH AND SAFETY ACT

Mr. TOWER. Mr. President, on February 29, the Senator from Nebraska (Mr. CURTIS) introduced the Occupational Health and Safety Amendments of 1972. Senators HRUSKA, BAKER, DOLE, HANSEN, PEARSON, and I have joined him in sponsoring this measure.

The Occupational Health and Safety Act, Public Law 91-596, was enacted into law in the waning days of the 91st Congress. In the 14 months since its enactment, the act has turned out to be a real problem for many Americans who are trying to the best of their ability to comply with the many hundreds of regulations that have since been promulgated.

The Occupational Health and Safety Act Amendments of 1972, S. 3262, is a responsible proposal aimed at achieving an equitable policy of occupational safety.

Mr. President, no doubt some of the problems we now face concerning the act would never have surfaced if the Senate had adopted the Dominick amendment proposed as a substitute to vest the authority of promulgating safety and health standards in a presidentially appointed five-member board. This amendment, which I strongly supported, was tabled by two votes. As the act was passed, the Secretary of Labor is given the power to set and enforce safety standards.

I am sure that every Senator and Representative has received a great amount of mail on the arbitrary manner in which the act is being implemented. On my visits to Texas, I have talked to many emloyers faced with the problem of meeting the regulations of this act.

The defects in the law and the manner in which it is being administered are easily recognizable. While S. 3262 includes 13 different amendments to the current law, a great many of these amendments relate to the same types of defects that create an impossible situation insofar as ability to comply is concerned.

I would like to discuss some of the remedies envisioned by the bill we have proposed. The bill would exempt from the act small businesses and farms that employ 25 or less people. This same exemption has been applied to the Equal Employment Opportunities Act. This is a crucial section of the bill because the Occupational Health and Safety Act is frustrating the orderly activities of small businessmen and farmers. I regret that this subject was not considered when the act was passed in 1970. The hearings in the Senate Labor and Public Welfare Committee centered around the separate views of organized labor and big business.

It is the small businessman and farmer who are facing the tremendous task of complying with the act. To begin with, the Labor Department has not made any distinctions between large and small businesses. Yet, it is easily discernible that problems of small business and what we have labeled as big business are totally different. The corner grocery store or small town radio repairman has little in common with our larger corporations whose interests are national and, in some cases, international. It is unrealistic to apply the same standards to both small and large business operations.

Many small businessmen have contacted me concerning the problems they have had in complying with the Occupational Health and Safety Act. Some have told me that the act is threatening the very existence of their business.

I think it is fair to assume that the same Federal interest does not exist when talking about the small businessman as compared with larger businesses and corporations. The need for occupational health and safety legislation is present in the large factory or business environment where much of the work is done with large machinery and where there is a high turnover rate with employers, because of the size of their operation, unable to have a close relationship with employers.

This is to be contrasted with the small business environment. In this situation there exists an everyday relationship between employer and employee. The small businessman has an interest in keeping his employee turnover at a minimum and therefore will go out of his way to make sure that safety conditions are adequate and remain adequate. In most instances, good health and safety condi-

tions in a small business environment work to the personal advantage of both the employer and the employee since they work side by side very often.

I could direct myself to a number of regulations now being enforced that are proving detrimental to small business and have no effect upon health and safety conditions. For instance, section 1910.22(b)(2) states that—

Permanent aisles and passageways shall be appropriately marked.

I cannot see the relationship between health and safety and this regulation when it pertains to department, hardware or drugstores.

Section 1910.22(d) requires the posting of design loads approved by building officials. This regulation is being enforced even though many Texas communities made up exclusively of small businesses do not have building officials. Furthermore, many of those that employ building officials have stated that these officials have never made such designations in the past and do not feel qualified to analyze this question.

Section 1910.22(a) relates to the maintenance of sanitary conditions in places of employment. I have no quarrel with this regulation on its face. However, the broad language employed has allowed for arbitrary enforcement. There are businesses across this country that by their nature may not appear to be perfectly clean on a 24-hour basis. Yet, I have been informed by many Texans that Labor Department inspectors have given out citations under this section, because the inspectors happened to walk into the factory at a particular time in the day when, due to the type of production, the area was not in the best condition. The inspector handed out a citation although had he entered the establishment an hour or two later, the Government requirement would have been met.

Section 1910.141(c) of the act deals with toilet facilities. Taking into consideration the fact that local political subdivisions are governed by some type of ordinance for health and sanitation purposes, I think that this section is completely irrelevant to the national objective at least insofar as it relates to small businesses. A constituent of mine wrote me about the fact that he was given a citation for not having a toilet facility for his female employees. This small businessman with about 10 employees had one female employee, yet the Federal Government was forcing him to build another facility in order to meet the needs of this one secretary who had never complained about the facility previously.

The amendment exempting businesses with less than 25 employees also would reach our small farmers. This is most important to them as they are likewise finding it increasingly difficult to comply with safety standards under the act. Farmers face the task of complying with regulations that in many instances were composed for manufacturing and industry. Furthermore, like the small businessman, the small farmer cannot be expected to face the same safety problems as those faced by the large corporation farmer. Besides being unable to comprehend many standards that are irrelevant to his small farming operation, he also cannot be expected to become an instant expert on the Federal Register's safety regulations at a time when the nature of the small farmer's place in our society is being jeopardized.

Mr. President, other Members of Congress have addressed themselves specifically to the specific regulations of the Occupational Health and Safety Act that have placed an undue burden on small businesses and farmers. It is also important to recall that the administration's original bill on this matter exempted the small businessman and farmer. Yet, because these groups were not adequately represented at the hearings on the bill their interests were, for the most part, neglected.

This act has completely taken these people, which make up the backbone of our economy, by complete surprise. Considering the fact that most of the regulations were promulgated without going through the normal rulemaking procedures that would have allowed for the possibility that their interests could have been represented before the enforcement stage and because of the fact that compliance under current circumstances has proved to be impossible, I think that small businessmen and farmers should be exempted from the act. This exemption should be permanent unless and until the regulations are redesigned to take into consideration the practical problems that have arisen.

Another provision of the 1972 amendments would amend section 6 of the Occupational Health and Safety Act to require that the Secretary of Labor evaluate all of the regulations, distinguish the various facets of a given general form of business, and determine if the rule should apply to each facet. Obviously, some requirements which are entirely reasonable and proper for a form of business of "hazardous nature" would prove to be most oppressive when applied to a "nonhazardous" facet. Such a distinction is not possible under the current statute.

A good example of such a duality might be found in the construction industry—"heavy construction" versus "light residential construction." Activities in light residential construction, which includes remodeling and decorating activities, are different from those activities which are associated with heavy construction. The work is different in that it is smaller in scope, in the number of employees on a given job, and the scale of activities necessary to complete the construction. By definition, light residential construction is limited to structures no more than three stories high without elevators. Working on a structure of this size must be viewed as being different from working on a structure 30 stories high.

I firmly believe that the requirements promulgated to provide such working conditions should be tempered in accordance with the segment of the industry involved. Certainly, the differences between "heavy construction" and "light residential construction" or homebuilding are sufficient to warrant the development of separate standards for the latter.

Mr. President, I think it is clear from the tone of my remarks that my intent in sponsoring this legislation is to bring needed reform to our national health and safety effort. This reform is vitally needed from a procedural as well as a substantive viewpoint. Procedurally, the 1972 amendments would provide safeguards to employers who are now facing difficulty in complying with the nonemergency standards or national consensus standards which have been promulgated without going through the usual rulemaking procedures embodied in the Administrative Procedures Act. These national consensus standards were intended to serve as a base for more up-to-date regulations. However, practically speaking, employers are being forced to comply with them and in many instances suffer penalties and violations without knowing their content or being afforded the opportunity to contest the regulation in a judicial setting. This is certainly contrary to the legislative scheme envisioned by the Occupational Health and Safety Act, and in my mind, is certainly not fostering the type of Government-private sector cooperation that is needed if our goal of effective health and safety conditions is to become a reality.

With this in mind, the 1972 amendments seek to correct many of the deficiencies that would not be present if the rulemaking procedure was adopted across the board. One provision in the 1972 amendments would allow an employer to waive a penalty handed out under a national consensus standard unless the employer received a copy of the requirement in question and was given 30 days to comply or request administrative review. Another provision of the bill would require the Secretary to provide technical assistance to employers with less than 100 employees so that compliance with the law could be effectuated on a much smoother basis.

Mr. President, I am sure that many public officials will say that the Occupational Health and Safety Act is still in its experiment stage and that eventually the problems it now has will be ironed out. Of course, this is a conclusory statement and has little or no relation to the evidence presented. I do not believe that the current problems will be ironed out until legislative reform is enacted, since it is obvious that the Labor Department cannot improve the current situation by administrative action. This legislation is of national significance and for that reason deserves continual observation by the Congress. We should not allow Americans to suffer unequal and arbitrary treatment, hoping in the meantime that the current problems will somehow disappear. Unless we act immediately the difficulties will only spread to additional sectors and individuals within our economy.

HOFFA AND PRISONS

Mr. PERCY. Mr. President, prison is a place where common decency and

basic humanity are strangers to the inmates. The people whom society puts behind bars are those whom it wants to have out of its midst. Once they are gone from sight, society forgets about them. No one wants to trouble himself with what happens to those nameless men behind the gray walls.

On occasion, our complacency is shattered. Terrible scenes of death—Attica, for example—attract and hold the attention of people for a little while: Then, that, too, is forgotten. We console ourselves with the thought that such instances are aberrations, that normally, the prisons are not so bad.

Prisoners are released from behind the walls, as 98 percent of all prisoners are, but few talk about their experiences. The ex-offender has a story to tell about what happened behind the walls, but few listen few care. This is not the case, however, with James Hoffa. He was a prisoner for 58 months at Lewisburg Federal Penitentiary. He is out now, and he has told his story, and will, I hope, continue to tell it, in very graphic and moving detail. All of us who are concerned with the problems of the prisoners should listen to what he has to say.

We cannot forget that one part of the cause of that rising crime rate lies within our prisons. If we could truly rehabilitate all who are now in prison, crime could be reduced significantly. I believe that if we are interested in breaking the back of crime, we should pay close attention to the words of those who return from the places that breed crime to such an alarming degree, particularly to a discerning and intelligent former inmate.

Mr. President, on April 2 the Washing Post featured an interview with Mr. Hoffa. In the interview, he recounts some of the nightmares he lived through while in prison, nightmares from which one never quite awakens. I hope that Senators will read the interview, not just because it is a picture of what happens in our prisons—but because it is what one man experienced while in a supposed institution of rehabilitation.

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:

HOFFA ON PRISONS: "ALL INDIVIDUALITY IS GONE"—TELLS OF EFFORT TO ADJUST

(James R. Hoffa, former head of the Teamsters Union, was released last December after serving 58 months of a prison term at Lewisburg Federal Penitentiary.)

(The following interview with Hoffa on his prison experiences was conducted by Al Stark of the Detroit News:)

"I was in my cell one day," says Jimmy Hoffa, "when an orderly was mopping the floor outside. The electric switch that unlocks the cells was thrown, because when the orderly finishes mopping the corridor he has to go into each cell and mop it out.

"He was in the corridor when the guy in the cell next to me jumped out and stabbed him 17 times. Just like that. It took seconds. Seventeen times.

"Well, I'll tell you what caused it. The orderly was the best sport—the best athlete—in the whole prison. The guy in the cell next to mine was always talking about how if the orderly wasn't around he would be the best athlete.

"The day before he had played handball with the orderly, and the orderly beat him again. What he was doing by stabbing him was getting rid of his competition. Then *he'd* be No. 1."

"As a matter of fact the orderly lived. He was in such great shape he survived."

Hoffa stops a moment.

"If you want to know what's wrong with prisons, you can start with this. Everybody is dumped together. The kid who stole a car or a kid who wrote a $40 bad check, dumped right with a psychotic like the one who stabbed the orderly, or the homo, or the rapist.

"Their attitude is, 'We've got you. What are you going to do about it?'"

Hoffa will testify Wednesday before a judiciary subcommittee headed by Sen. Marlow W. Cook, of Kentucky. He has an invitation, too, from a House committee, headed by Congressman Hamilton Fish Jr., of New York. He is scheduled to address lawyers in St. Louis and judges in Minnesota, and he says he's ready to go any place else where people want seriously to talk about prison reform.

Hoffa's own life in prison, the way he tells it, was a paradox.

He says he was far from pampered. He spent a long time in the A block, supposedly for the most violent prisoners. Then he spent a longer time in the mass dormitories, where 175 prisoners live together, where when prison rapes occur everybody does no more than wait for the screams to die down.

On the other hand, Hoffa was Hoffa—a famous man, a tough little guy.

"I didn't have any trouble with inmates," he says. "They knew who I was—and they knew I have as many friends as they have, so they caused me no trouble. Remember, too, I've dealt with all kinds of people in my life.

"The guards weren't any problem, either. One of them once came up and said he had a brother who was a Teamster, and the brother said you better take care of Hoffa because he's always taken care of me. Sometimes guards would come by and say 'so and so asked me to say hello'. And you know, the guards are unionized, too."

His companions among the inmates also were a paradoxical group.

There were Carmine DeSapio, former boss of Tammany Hall, in prison on a bribe conviction; Bobby Baker, the U.S. Senate's master-arranger; a mayor who got caught; an Army colonel; a major; some PhDs.

Hoffa is now 50 years old, and he shows his age in the grey on his temples and lines on his face.

But he is trim, and hard of body. "I worked out every day that I could in prison, in the gym or outside," he says. "I made it a point to exercise."

And he exudes energy—a peppery, even snarly sort of energy. He doesn't at all seem beaten down.

"I'll tell you," he says, a certain hard low snap to his voice.

"My body was in the prison, sure. But I never let my mind believe it. That cell is 7½ feet by 9 feet, and if you want to know what that's like you go home and spend the rest of the day in your biggest closet.

"But my mind was always somewhere else. I read books, and my mind wasn't in the cell. It was away somewhere in the books. And I wrote. And I had people send material for me to study."

Hoffa paused with the heat in which he said this. Then he said:

"Okay. How about the people in there who can't read? How about the people in there who don't have people outside to send them things?

"These are the guys who sit there and look at the walls and look at the ceiling.

Hoffa has ideas about prison reform.

Treat prisoners like human beings.

"Look" Hoffa says, "they broke laws and that's why they are there. But is that any reason to do everything to demoralize them?"

Most prison sentences are not life sentences; the prisoner presumably is one day going to return to free society, he says.

"But everything that happens to the inmate in prison reduces the chances of his making it on the outside. He's stripped of his personality and his individuality. He is treated as if he is nothing. He is put in cells that are too small with people he shouldn't be with.

"He has no dignity. His word is not taken as true on anything. And the result is, when his time is up, he has learned to hate everything and everyone."

The process of dehumanization often starts, Hoffa says, before the prisoner sees his prison cell.

A government car pulls up to the prison and out gets a marshal leading a prisoner in chains.

"Five to 10 pounds of chains!" Hoffa says. "On his arms, his legs and a chain belt around his waist. Standard procedure for transporting a prisoner. Are you going to take a kid who stole a car or a kid who cashed a bad check and chain him like that, display him like some animal?

"It's something he'll never forget!"

Once at the prison, Hoffa says, "he gets the prison haircut, high on the sides, and he gets the prison clothes—maybe new clothes and shoes, maybe used clothes and shoes, depending on what they've got. All individuality is gone. And they resent it.

"This is particularly important with the younger prisoners. I suggested to a lieutenant that they let prisoners bring their own trousers in and wear them in prison. Or circulate a Sears Roebuck catalogue and let the guys choose what trousers they want to buy for themselves.

"The lieutenant liked the idea, and he said he would take it upstairs. But it died. "Some of these things," Hoffa says, "just little things, would reduce a lot of tension, take off a lot of the pressure."

After the new inmate has his prison uniform and haircut, he joins the regular population.

"If he's been convicted of a violent crime," Hoffa says, "he goes to A block, which was meant to house the violent inmates. But, if the other parts of the prison are full, anybody might end up with those guys in A block.

"I was there more than two years. That's where that stabbing took place.

"Sometimes kids who've only stolen cars end up there for months.

"Often, if they're lucky, they get assigned to a dormitory. Lucky. Hah.

"There are 165 to 175 inmates in a dormitory. The beds are maybe only 18 inches apart. There are three showers, 2 urinals, two toilet stools for all those men.

"Now here you have that first offender in a prison dormitory for the first time, with all kinds of people, none of them he knows. There are homosexuals. There are rapists. Everything you can imagine.

"I think the single most important thing, to relieve pressure and tension in the prisons, would be to classify prisoners, by age and by offense.

"Get the young ones together. Keep the homos together, and away from the others. Keep the violent ones apart. Nothing would help more than this to relieve tension inside prisons.

"But that isn't done.

"Everybody is dumped together."

Hoffa thumps his desk.

"I'll tell you some things.

"A guy hears his wife is sick or she's been hurt in an accident. Or one of his kids. And he asks if he can go visit her in the hospital.

"Well, if his behavior record is good, they may say yes, he can go. But then they say he has to make a choice. He can have one visit. If he goes now, when she's hurt, that's it. If she dies, he has used up his chance and he won't be able to go to her funeral.

"When he goes, he has to pay the salary of the guard who escorts him and the mileage and expenses of the trip.

"And when he gets there, if he's done this, he may find the guard with him is one of those that makes him wear handcuffs to his own wife's funeral.

"Or take his own parole. A guy waits 10 years for a parole hearing, behaving in prison, trying to do the right thing. Finally he gets a hearing—not with the parole board, but with an examiner who gives him three minutes. Three minutes after 10 years!

"Then, a couple of months later, he gets a one-word reply. 'Denied.' No explanation, no nothing.

"Just 'denied'."

Official punishment in prison takes three forms: "There's the Hole, where they take your clothing and put you in a 7½-by-9 cell with the one window painted over so you can't see out and where they slide your food in through a slot in the door.

"Sometimes they take your mattress, and you've got two choices. The metal bed frame or the floor. Some guys are in there 30 or 60 days or more. And boy, let me tell you they hate everything when they come out of there.

"Then there's segregation. You spend all your time in a cell. They take your showers away. They don't let you shave. You don't see anyone.

"Or they take our good time away.

"You can work up good time by working well at the job they give you and generally behaving. Well, a guy starts to count his good time. He's got 100 days or 150 days, and those are days they'll take off his time. Those are days he'll get out early.

"A guy thinks of nothing but his good days.

"Then he's charged with breaking some prison rule, say some contraband in his cell.

"He goes before a board made up of prison officials—guards, lieutenants, captains. The guard who charges him tells the details. The inmate can tell his side in rebuttal, but he can't bring in evidence and he can't cross-examine.

"And he's going to be found guilty.

"They take 100 good days or 200, just like that, days this man has saved and saved and worked for. Just like that.

"I've had guards tell me they know this inmate or that inmate wasn't guilty. But do they speak up? No! And the reason—they tell you this openly—is that the guards have to back each other up.

"Now you wonder why there is tension in prisons, why the inmates become less than human beings?"

Hoffa looks out an unbarred window high in the office where our interview takes place, out over the city and the river.

"You're in the dormitory with those other 175 guys and some new kid, some young kid who just was brought in is going to get it. The dormitories are three stories, and the two guards are downstairs and outside.

"So one night a bunch of guys grab this new kid, haul him upstairs, put a knife to his throat and rape him.

"I've seen these kids. I've heard them scream. I've seen them afterward, and I can't describe the shock. I don't think mentally they'll ever get over it.

"The next day the rapists are sent to the Hole—and so is the kid who was the victim. They treat them both the same way. The rapists spend some time in the Hole, and then they come back to the same dormitory, where you know they'll do it again to some other kid.

"The kid who was victim? They sew him up and then they transfer him to some other prison to start over, 1,000 miles away where his family probably can't visit him.

"That's how they handle it.

"And you ask why the other inmates don't rescue the kid, why they don't gang up on the rapists and put them off.

"I'll tell you.

"You jump a rapist and you're fighting. That's against the rules. So you get locked up, too, just like them.

"And do you want to take a chance of losing that good time you've worked so hard for?

"So you sit there or lay there on your bunk, and pretty soon the screams are over."

Hoffa paused.

"But it's not only things like rapes and psychotic prisoners who will try to kill a guy who beats them at handball.

"It's other things, too.

"Medical treatment—the worst thing at Lewisburg was the fear of getting sick. I've seen guys worry so much about getting sick that they made themselves ill.

"You get a heart attack. The guy reading your cardiogram machine is an inmate who never has been trained. They put him into the hospital, probably because he had a little education, give him two days training or a week, and he's the guy reading your machine.

"Same with the guy who reads your x-ray. Or the dental technician.

"I'll tell you what happened with Carmine DeSapio (former boss of Tammany Hall politics in New York).

"He came to prison with all his pills and letters from doctors saying he had to take those pills. And he was really worried about his health.

"So first thing they do is to take all his pills away.

"Why? Don't ask me why. Probably because they didn't prescribe them. They run things. They don't want you dependent on anyone else." Every little thing they can do that strips the inmate of a little more personality, a little more dignity, they do."

Hoffa calls for an end to prison overcrowding (Lewisburg, he says, was built for 950 and now houses almost 1,600). He wants college-trained prison staffs. He wants more doctors and dentists. He wants better education for those who need it.

He wants prisons with enough room to segregate inmates by types of crimes or types of behavior. He wants inmates paid better for the work they do in prison.

All this costs money, money that will have to come from taxpayers. Most taxpayers have no firsthand knowledge of prison. And some hold the attitude that prison is meant to be punishment, and if it's a hard life the inmate brought it on himself.

"Well," Hoffa says, lips thin, "those people are going to have to realize that kind of system doesn't work. If they don't spend the money on prisons they are going to be spending a helluva lot more for more policemen, more judges, more prosecutors.

"Because what the prisons are turning out is nothing but trouble.

"I estimate that 15 per cent of the inmates I saw are going to be able to go back to society untarnished by prison, and you can identify those 15 per cent easily. They're the ones who have real associations on the outside, people who can help them.

"The other 85 per cent? Most of them have no one outside—half of them never get mail or visitors. They have no one to help them when they get outside. They aren't going to get decent jobs because they're ex-cons, and they aren't going to get any help from the prison officials. . . ."

"They are going to have nowhere to go and nothing to do that would make them at all fit for society, because they've been containerized all these years in a place where every little dignity they might have is stripped away. And they're going to be more trouble than when they went in."

TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, the Propeller Club of the United States at its 45th annual convention held in Tulsa, Okla., on October 13, 14, and 15, 1971, promulgated a number of position papers on issues they deem to be of particular importance. Position paper No. 15 was on the trans-Alaska pipeline from Prudhoe Bay to Valdez. I believe this subject is of sufficient importance to warrant my asking unanimous consent that it be printed in the RECORD. I respectfully invite the attention of Senators to this position paper of the Propeller Club of the United States.

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

TRANS-ALASKA PIPELINE FROM PRUDHOE BAY TO VALDEZ

BACKGROUND

At this time of extremely high unemployment, the benefits of the trans-Alaska oil pipeline to the welfare of the nation cannot be overlooked. With the uncertainties and hostilities that now exist in world relations, a policy of continued dependence on mideast and other world oil supplies would, under the circumstances, appear perilous. During the three years considered necessary for completion of the pipeline, it has been estimated that 5,000 to 10,000 new jobs will be created by the project. When the pipeline is completed and in operation, hundreds of men will be employed to operate and maintain it, and hundreds more will be put to work in the oil fields on the North Slope. Construction of the pipeline will also have a highly beneficial impact on the depressed shipbuilding and ship repair industry as well as on shipping, supply, construction and tool making, and many other industries throughout the West and the nation as a whole.

POSITION

The Propeller Club strongly supports the construction of the Alaska pipeline from Prudhoe Bay to Valdez for the transportation of Alaska Slope Crude Oil.

NUCLEAR ERRORS: THE END OF PRIVATE ELECTRIC UTILITIES?

Mr. GRAVEL. Mr. President, today the AEC's Atomic Safety and Licensing Board will start consideration of new danger warnings from an extraordinary source, namely a Westinghouse subcontractor for the Indian Point No. 2 nuclear powerplant. The plant is on the Hudson River about 25 miles north of New York City.

On March 14, Mr. H. K. Brill, who is president of the PECor Division of the Pennsylvania Engineering Co. in New Castle, wrote a five-page letter to the AEC's Director of Reactor Licensing, L. Manning Muntzing. In this letter, he urges that the operating license for Indian Point No. 2 "be positively withheld until the Commission can thoroughly examine the complete contract file and related final technical data of the structures and parts fabricated and shipped by our company in 1967 and 1968."

Mr. President, I ask unanimous consent that this letter be printed at the end of my remarks. In addition, I ask that the article entitled "Subcontractor

Denounces Indian Point A-Plant Work," from the front page of the New York Times of March 31, be printed following the letter.

DEVIATION AND DISTORTION PLAGUE IMPORTANT COMPONENTS

Among "the many problems" which Mr. Brill identifies in his letter are the steam-generator supports and the reactor support-ring:

Our company fabricated the steam-generator supports in accordance with the inadequate and incorrect Westinghouse drawings. Our staff observed in 1968 the steam-generators were delivered with serious deviations with respect to both size and form. As of December 1, 1971, there is a serious problem of plant safety because of the deviations of both the steam-generator supports and the out-of-tolerance steam-generators delivered by other suppliers.

Your attention is called to the inadequate, incomplete, and questionable design of the important reactor support-ring, one of the principal items of our contract. . . . There are a number of very serious deviations with respect to the fabrication of this important structure. . . . Our shop records conclusively indicate a serious problem of distortion during heat treatment of the welded assembly and subsequent problems of non-destructive testing. . . . As of December 1, 1971, we believe there are problems of this structure with respect to the safety of operation on Indian Point No. 2 plant for the design life of 30 years.

Mr. Brill concludes his letter by warning that—

In our opinion, these problems have a direct relation to the safety of the operation of the subject power plant for the AEC-licensed design life of 30 years.

REPERCUSSIONS ON PRIVATE ELECTRIC UTILITIES

If any of this is true, then Consolidated Edison may have been saved by the bell from inadvertently operating an unsafe plant. Con Ed has announced that it will now conduct its own investigation.

How many defective nuclear plants are already in licensed operation, like time bombs with an uncertain schedule?

How many fatal flaws have gone unrevealed, undetected, or covered up?

If a nuclear power calamity someday forces us to abandon a city and a few States, will American citizens and industries still tolerate private electric utilities at all? It is not hard to imagine widespread revulsion leading to public operation and ownership of all the electric utilities.

I believe that corporate prudence will guide investor-owned electric utilities away from nuclear fission.

THE CHOICE OF PRUDENT MANAGEMENT

Any nuclear plant which is ordered today will come into operation in 1980 at the earliest.

However, by 1980, or perhaps sooner, safe, clean gasified coal can be abundantly available, along with fuel-cell technology offering twice the efficiency of steam boilers.

In short, the utilites have lost their last excuse for subjecting their stockholders, their creditors, the regional economy, and the public, to an irresponsible nuclear gamble.

I do not exaggerate nuclear hazards. It is the safety propaganda which is exaggerated.

WARNING FROM FORMER AEC LAB DIRECTOR

The magnitude of the "peaceful atom" threat is described well by the former director of the AEC's Argonne National Laboratory, Dr. Albert V. Crewe. He reviews Glenn Seaborg's book, "Man and Atom," in the February 25 issue of Science magazine:

One emerges from reading the book with a distinct feeling of uneasiness. Each chapter reassures us of the inherent safety of the development described and explains the enormous care which is undoubtedly taken to protect the public. And it would be hard to find fault with any of these precautions. Yet one cannot help feeling that if all the things that are described in this book come to pass, then our lives and our health will depend upon three factors: the ability of the medical profession to make quantitative assessment of the hazards of radiation exposure, the ability of engineers to provide the necessary precautionary engineering, and finally overcoming the much more difficult problem of maintaining administrative controls that are not subject to the whims of international politics or capricious domestic exigencies.

Should any of these three lines of defense fail, then the entire population of the world could be in serious danger.

WARNING FROM 1970 NOBEL LAUREATE

The 1970 Nobel Laureate for Physics, Dr. Hannes Olof Alfven, has warned us in a forthcoming article:

We now approach the key issues. The reactor constructors claim that they have devoted more effort to safety problems than any other technologists have. This is true. From the beginning, they have paid very much attention to the safety, and they have made remarkably clever work in devising safety precautions.

This is perhaps pathetic, but it is not relevant. If a problem is too difficult to be solved, one can not claim that it is solved by referring to all the efforts made to solve it.

WARNING FROM A CURRENT AEC LAB DIRECTOR

The present Director of the AEC's Oak Ridge National Laboratory, Dr. Alvin Weinberg, has acknowledged in the December 1971 issue of Nuclear News that technical "deficiencies" in a radioactive or plutonium economy, if unremediable, "could mean catastrophe for the human race."

THE NUCLEAR POWER MORATORIUM BILL

Considering the stakes, it would be prudent for Members of Congress to look carefully at S. 3223, the nuclear power moratorium bill, which was introduced on February 23, 1972.

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

PENNSYLVANIA ENGINEERING CORP.,
New Castle, Pa., March 14, 1972.

Subject: Docket No. 50-247, Indian Point No. 2 Nuclear Power Plant, Consolidated Edison Co. of New York.

Mr. L. MANNING MUNTZING,
Director of Reactor Licensing,
U.S. Atomic Energy Commission,
Washington, D.C.

GENTLEMEN: This letter is forwarded to directly request the present "as built" engineering drawings of the design, manufacturing, assembly and installation of several Class I components of the subject nuclear power plant. It is realized a construction permit No. CP PR-21 was issued October 14, 1966 to Consolidated Edison Company for the construction of the 873MW(e) nuclear generating station. In addition, our staff has noted a recent press release No. 0186 dated October 20, 1971 of the Atomic Energy Commission stating that Consolidated Edison Company is permitted to commence fuel loading of the subject nuclear power plant but is prohibited from reaching a point of criticality or start up operation for commerical power generation.

Our company in December 1966 received from Pittsburgh Bridge & Iron preliminary "sketches" of several Class I structures of the subject power plant for purposes of bidding to fabricate these Class I structures and parts.

Pittsburgh Bridge & Iron had received in the latter part of 1966 these Westinghouse Electric Corporation "sketches" from United Engineers and Constructors of Philadelphia, Pennsylvania. United Engineers and Constructors were the architect engineer firm under contract with the Westinghouse Electric Corporation, Pittsburgh, Pennsylvania. The Consolidated Edison Company had contracted with the Westinghouse Electric Corporation for the complete Indian Point No. 2 nuclear generating station, ready for operation.

In January 1967 and the next three months additional Westinghouse Electric Corporation drawings were received by our company through the subject chain of subcontractors. Our company in turn submitted proposals to Pittsburgh Bridge & Iron Works to construct the various Class I items. In each case without exception the Westinghouse Electric Corporation drawings indicated both the design criteria and the choice of material for the important parts and assemblies. PB&I awarded a contract to our company on May 28, 1967, No. 13838.

On July 19, 1967 our company received from Pittsburgh Bridge & Iron two fundamentally important and essential contract documents covering (1) Specifications and (2) Special Conditions for the fabrication, assembly and test of the subject assemblies. This serious failure of not notifying our company of these basic contractual documents was the direct responsibility of Westinghouse Electric Corporation in that these documents were Westinghouse Electric Corporation documents as completed by their architect engineers, United Engineers & Constructors. The documents were dated December 12, 1966 and October 1, 1966 respectively.

It is essential to recognize the safety aspects of these Class I structures. The weldments and testing thereof of the parts and assembly could not be completed in accordance with standard commercial practices but were to be in accordance with special requirements of the American Welding Society. This included qualified welders and qualified welding procedures for the weldments.

In general the original Westinghouse Electric Corporation drawings for the structures and parts of our purchase order 13838 dated May 22, 1967 with Pittsburgh Bridge & Iron contained serious deficiencies. Dimensioning and tolerancing of the features of the parts were not in accordance with nationally accepted engineering standards; e.g., the ASA standards. The errors, omissions and incorrect features of the Westinghouse drawings included problems of positioning of the components and assemblies. The Westinghouse drawings did not indicate required engineering standards relating to the important standards of non destructive testing of the weldments.

The Westinghouse drawings indicated serious problems of assembly with parts and equipment furnished by other suppliers; e.g., the steam generators of the Indian Point No. 2 power plant. Our company fabricated the steam generator supports in accordance with the inadequate and incorrect Westinghouse drawings. Our staff observed in 1968 the steam generators were delivered with serious deviations with respect to both size and form. As of December 1, 1971 there is a serious

problem of plant safety because of the deviations of both the steam generator supports and the out of tolerance steam generators delivered by other suppliers.

Your attention is called to the inadequate, incomplete and questionable design of the important reactor support ring, one of the principal items of our contract 13838 with PB&I. This Class I structure was to be fabricated in accordance with a "sketch" identified as Westinghouse Electric Corporation No. 9321–F–1287 and finally a drawing marked Revision I dated February 1967. There are a number of very serious deviations with respect to the fabrication of this important structure. These deviations have not been recorded by our staff because we have not received, after repeated requests, the present "as built" Westinghouse Electric Corporation drawing 9321–F–1287, Rv. 4. Our shop records conclusively indicate a serious problem of distortion during heat treatment of the welded assembly and subsequent problems of nondestructive testing. It should be noted the Westinghouse Electric Corporation to date has not indicated an engineering standard of rejection or acceptance for the dye penetrant examination of this Class I structure. As of December 1, 1971 we believe there are problems of this structure with respect to the safety of operation of Indian Point No. 2 plant for the design life of 30 years.

Our staff is cognizant of the legal requirements stated in the Code of Federal Regulations, Title 10—Atomic Energy of the United States Government. Title 10—Atomic Energy is public law and is the expressed intent of the Congress of the United States in accordance with the Atomic Energy Act of 1946 as amended by the Act of 1954. There are additional numerous subsequent amendments as enacted by the several Congresses of the United States. There is the essential and important requirement of owners and operators of commercial nuclear power plants to assure the safety and well being of the citizens of the United States. The referenced paragraphs are detailed as follows—

a. Part 20—Standards for Protection Against Radiation. This part requires the Director of Reactor Licensing of the Atomic Energy Commission to assure that at all times the levels of radiation within the containment structure, the plant site and adjacent to the plant site for the design life of the plant to be within the stated precise and exact limits dosage of radiation of all types.

b. Part 50—Licensing of Production and Utilization Facilities. This section has direct application to the serious problems as of December 1, 1971 and of the Class I structures and parts of Indian Point No. 2 completed by our company under contract with Pittsburgh Bridge & Iron. In particular, your attention is called to Section 50.34, paragraph b, "The description should be based on the design criteria for the facility as a whole and for those major component parts which are essential to the safe operation of the facility, and are essential to the safe operation of the facility, and should be presented in sufficient detail to allow an evaluation of the adequacy of the various means proposed to minimize the probability of danger from radio activity to persons both on and off site." As of December 1, 1971 our company has not and cannot record the large number of deviations of the structure of purchase order 13838 because to date we have not received the so called "as built" drawings required to be on file with the Director of Reactor Licensing of the AE.

c. Your attention is called to Section 50.35 subparagraphs a, b, and c. In particular, subparagraph c states: "any construction permit will be subject to the limitation that a license authorizing operation of the facility will not be issued by the Commission until (1) the applicant has submitted to the Commission by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time, and (2) the Commission has found that the final design provides reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility in accordance with the requirements of the license and the regulations in this chapter."

d. Your attention is also called to Section 50.36, subparagraph b which states: "Appendix A is provided as a guide to the type of materials which the Commission would generally expect to be covered by the technical specifications." Your attention is called to Section 50.40, paragraph (a) which states: "the processes to be performed, the operating procedures, the facility and equipment, the use of the facility and other technical specifications, or the proposals in regard to any of the foregoing collectively provide reasonable assurance that the applicant will comply with the regulations in the chapter, including regulations in Part 20 and the health and safety of the public will not be endangered."

This letter is directed to the Atomic Energy Commission to suggest the proposed operating license for Indian Point No. 2 nuclear generating station, Buchanan, New York, of Consolidated Edison Company, New York, be positively withheld until the Commission can thoroughly examine the complete contract file and related final technical data of the structures and parts fabricated and shipped by our company in 1967 and 1968. In addition we request of the Director of Reactor Licensing the complete "present" file of Westinghouse Electric Corporation drawings of the structures and parts of our purchase order 13878 with PB&I.

Our company as of December 1, 1971 has not either marked or recorded on the applicable drawings the large number of deviations which occurred during the fabrication of the items. The principal problem is of course the Westinghouse Electric Corporation through its chain of subcontractors will not forward to us their file of present "as built" drawings.

It is not possible for the AEC to inspect these structures to assure safety of operation until the deviations are officially recorded by our company for these Class I structures.

Our staff will be pleased to meet with your staff to explain or clarify the serious problems outlined in this letter. We shall pursue all possible means for a resolution of the many problems of Indian Point No. 2 power plant. In our opinion these problems have a direct relation to the safety of the operation of the subject power plant for the AEC licensed design life of 30 years.

Very truly yours,

H. K. BRILL,
President, PECor Division.

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

SUBCONTRACTOR DENOUNCES INDIAN POINT A-PLANT WORK—CALLS ON AEC TO HOLD UP OPENING OF NO. 2 UNIT IN "SAFETY PROBLEM"

(By David Bird)

A subcontractor who has built a key part of Consolidated Edison's new nuclear power plant at Indian Point, N.Y., has asked the Atomic Energy Commission to withhold the licensing of the reactor because of "inadequate, incomplete and questionable design" of parts of the reactor that pose "a serious problem of plant safety."

The request was made by H. K. Brill, president of the PECor Division of the Pennsylvania Engineering Corporation of New Castle, Pa. Mr. Brill's company constructed the support mechanism for the reactor, which is being built for Con Edison by the Westinghouse Electric Corporation.

Westinghouse, in a statement yesterday, said the Brill charges were "totally untrue . . . and have no bearing on the licensing of the plant."

A spokesman for Westinghouse refused to comment on the specific technical charges detailed by Mr. Brill's five-page letter.

The complaint by Mr. Brill is expected to delay, and could even block, the opening of the plant—an opening that already has been delayed three years beyond schedule.

Mr. Brill outlined his objections in a letter to L. Manning Muntzing, the A.E.C.'s director of reactor licensing.

Asked about the letter which was dated March 14, a spokesman for the A.E.C. in Washington said only that the charges were "under investigation by our division of compliance."

Environmentalists, who have been attempting to delay the operation of nuclear plants until safety questions can be more fully resolved, praised the Brill letter.

LETTER CALLED "SIGNIFICANT"

Anthony Z. Roisman, a Washington lawyer who has been leading the battle against Indian Point and other nuclear plants, said yesterday that the letter was "the most significant piece of information that as come into this or any other nuclear-plant hearing."

Mr. Roisman said that the letter marked the first time that someone who was actually building a nuclear plant had come out and raised serious questions about its safety.

Up to now, he said, charges against nuclear plants have been dismissed "as the usual ranting-raving of uninformed citizens." But that charge, he said, cannot be made about Mr. Brill, who was directly involved in the construction.

Questions about the safety of the Indian Point plant had been raised earlier by the Pennsylvania Engineering Corporation in letters to Westinghouse and Con Edison. Westinghouse said in its statement yesterday that a review in 1969 and 1970 had "confirmed that there were no safety problems, and we are completely confident that all applicable Atomic Energy Commission safety standards were met."

CON ED PLANS INQUIRY

Con Edison said yesterday that Westinghouse had assured it then that the matter was only a "contract dispute."

A spokesman for the utility said that Con Edison would now conduct its own investigation.

Samuel W. Jensch, chairman of the Atomic Safety and Licensing Board, which has been conducting the hearings on the Indian Point plant, said he would ask interested parties for suggestions on what to do about the Brill charges when the hearings resume on April 5. The hearings are being held in the Springvale Inn, a home for the elderly in Croton-on-Hudson.

Mr. Roisman said he would ask for a complete reopening of the safety question, which proponents of the plant thought had been resolved after hearings that ran for more than a year. The inquiry had recently moved on to other environmental problems, such as fish kills and thermal pollution of the Hudson River that might be caused by the water used to cool the plant.

SERIES OF DIFFICULTIES

The Brill letter is the latest of a series of difficulties that have plagued the 873-megawatt plant, officially called Indian Point No. 2. Indian Point No. 1, a 265-megawatt pilot plant, has been operating on the site.

The new plant is completely built, but it cannot be operated until it receives an A.E.C. operating permit.

Last November a fire that caused damage estimated at $5-million swept through the plant. The damage has been repaired.

But then, when the plant was being tested recently, conservationists charged that there

had been massive fish kills as vast amounts of water were sucked inside for cooling purposes.

Henry L. Diamond, the state's Commissioner of Environmental Conservation, ordered the plant to halt its testing.

Yesterday Commissioner Diamond authorized the plant to resume testing, but only after the utility had agreed to reduce the water intake velocity and to install more efficient screening devices to prevent "irreversible harm to the fish life of the river."

The Commissioner also asked Attorney General Louis J. Lefktowitz to seek fines for previous fish kills caused by the Indian Point plant. Testimony at recent department hearings indicated that the utility might be liable for penalties as high as $1.6-million.

The charges on the safety of the reactor raised in the Brill letter centered on what were termed "serious deficiencies" in Westinghouse's drawings for the plant.

"Dimensioning and tolerancing of the features of the parts were not in accordance with nationally accepted engineering standards," Mr. Brill said in his letter.

"The Westinghouse drawings indicated serious problems of assembly with parts and equipment furnished by other suppliers."

"SERIOUS DEVIATIONS" REPORTED

"Our company fabricated the steam generator supports in accordance with the inadequate and incorrect Westinghouse drawings," the Brill letter went on. "Our staff observed in 1968 that steam generators were delivered with serious deviations with respect to both size and form.

"As of Dec. 7, 1971, there is a serious problem of plant safety because of the deviations of both the steam-generator supports and the out-of-tolerance steam generators delivered by other suppliers.

"Your attention is called to the inadequate, incomplete and questionable reactor support ring. Our shop records conclusively indicate a serious problem of distortion during heat treatment of the welded assembly."

Further delays in the opening of the Indian Point No. 2 plant could affect the reliability of New York's power supply. ConEdison has said it is counting on the capacity of the new plant to meet peak demands this summer.

BUSING OF SCHOOLCHILDREN

Mr. BROCK. Mr. President, for some months a number of us have been working very hard in an effort to correct the excesses of the lower courts in the matter of forced busing of our public schoolchildren for the purpose of achieving "racial balance." Increasingly, forced busing has been done in the name of carrying out Supreme Court decisions. Upon examination, however, it would seem that just the opposite has been decreed by the high court, and Federal courts have been usurping the role of the legislative branch in their interpretation of the law. I ask unanimous consent that an article from the Wall Street Journal entitled "Behind the Busing Fuss" be inserted in the RECORD at this point:

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

BEHIND THE BUSING FUSS

In pursuit of our conviction that it will be best if the courts themselves solve the "busing problem," we have been reading about trying to find some available rationale that will preserve some impetus toward racial justice without falling into the absurdities of racial quotas. We can report that such a rationale does exist, as extracts printed alongside testify.

The source comes as something of a surprise, though, being the unanimous Supreme Court decision in Swann v. Charlotte-Mecklenburg County Board of Education, the very case in which the court first backed the use of quotas and busing to dismantle previous dual school systems. As the administration weighs its position on busing, we hope it takes note of how careful the high court has been, how much room for maneuver it has left in the judicial process itself.

The rationale in these extracts is precisely what we, at least, have been looking for as a way out of the present impasse. It rejects racial quotas, though recognizing the prudence of starting any discussion of desegregation by looking at the existing racial balance. It does not flatly outlaw all-black or all-white schools. It preserves pressure toward dismantling dual school systems where they exist, but recognizes that there will come a point when that transgression will be atoned.

The implication is that with the South desegregating, we will with all deliberate speed, as it were, reach a point where the school systems in North and South will be on equal footing. Then the nation will be in position to repair to the great principle the first Justice Harlan offered in his dissent to the notorious Plessy v. Ferguson decision, that "our Constitution is color blind, and neither knows nor tolerates classes among citizens."

But if all this is already the law of the land, or at least the direction indicated by the most crucial Supreme Court decision since Brown v. Board of Education, what in the world can be behind all the fuss? There is a good answer to that question, which is one reason why Nathan Glazer's article in the current Commentary ought to be required reading for anyone who hopes to understand the current "busing" controversy.

Mr. Glazer, the Harvard sociologist and long-time student of ethnic amalgamation, reviews a great many aspects of the problem, one of the most revealing being what the lower courts have been doing since Charlotte-Mecklenburg. He quotes a San Francisco judge's ruling, for example, "that the ratio of black children to white children will then be and thereafter continue to be substantially the same in each school." He quotes a Detroit judge blaming segregation on blacks as well as whites because "blacks, like ethnic groups in the past, have tended to separate from the large group and associate together." The Detroit court ordered busing between the central city and suburbs to end such separation.

The fuss, in short, arises because these and other lower courts have been going far beyond anything the Supreme Court mandated; indeed, they have been ordering precisely the things the Charlotte-Mecklenburg decision told them the Constitution did not require. The lower court judges have not been waiting for the legislature or even for the Supreme Court itself; they have simply been writing their own social opinions into the Constitution.

Mr. Glazer has trenchant things to say about the "crude Americanizing and homogenizing" that make up the substance of those social opinions. What's wrong with blacks wanting to associate with blacks, for example? In fact, the chief American answer to ethnic diversity has been to allow each group to pick its own associations under cover of a color-blind law, and to open the way for advance through political bargaining. He finds it healthy and hopeful that blacks are winning bargaining power today.

Meanwhile, though, the law has reached such confusion that Mr. Glazer can pack into one sentence irony like this: "The promise of Brown is being realized. Black children may not be denied admittance to any school on account of their race (except for the cases in which the courts and federal officals insist that they are to be denied admittance to schools with a black majority simply because they are black)."

The Supreme Court can correct much of the confusion by starting to overrule lower court decisions that are excessive in the use of busing and especially quotas, by writing the sensible obiter dicta of the Charlotte-Mecklenburg decision into binding law. It would seem to us appropriate if the administration concluded that Justice Department intervention in current suits could help achieve this result, and might also help rein back the lower courts to the pace the high bench sets.

This, in fact, is a point that goes beyond busing and desegregation. Unquestionably the legal system now and then—as in the Brown decision—needs a way for the Supreme Court to put aside cold precedent and follow the feelings and opinions of its human members. Yet this freedom to write personal opinion into law can easily be abused even by Supreme Court Justices, and we can scarcely see how a meaningful legal system can long function if it is abused by every district court judge as well.

REGULATION OF FOREIGN FISHING FLEETS

Mr. STEVENS. Mr. President, on March 18, 1 week ago last Saturday, the Japanese fishing vessel *Kayo Maru*, No. 31, was observed by a Coast Guard long range, search aircraft 10 miles northwest of Cape Sarichef. The Japanese vessel was seen retrieving crab pots. The aircraft, from the Coast Guard Air Station at Kodiak, gave the vessel orders to stop, but the Japanese vessel continued retrieving pots and moved out to 12 miles from shore. The nearest Coast Guard vessel on patrol was the *Mellon*, based at Honolulu, and was 32 hours away. The aircraft had only 3 hours of fuel remaining and had to abandon the chase after dropping a message block to the vessel, warning it not to fish in contiguous waters.

The waters north of the island of Unimak, in this locality, have been designated a crab pot sanctuary in the United States-Japanese agreements. However, this right to crab pot fishing does not extend to the contiguous waters.

Today, in addition to the *Kayo Maru*, 32 other Japanese vessels are fishing for crab just off Unimak Island.

On April 3 the Coast Guard seized two Japanese fishing vessels for another violation of the U.S. contiguous fisheries zone near Kodiak. Fortunately the cutter *Mellon* was nearby, this time, and it was expected that they would be escorted into Kodiak on Tuesday.

When the king crab fishery in Alaska began to decline 4 years ago, fishermen and processors tried to turn to the snow crab as a substitute, but a gloomy picture faces us for 1972.

We are able to produce and process snow crab, but foreign competition, using methods not available to our fishermen, and cheap labor, has dampened prices, and consequently, sustained advances in production.

There are a total of 268 foreign fishing vessels off the Nation's shores in Alaska today.

One ship, the *Mellon*, is responsible for

the patrol of the Bering Sea, an area of 873,000 square miles, much of which is ringed by American shores. In that area, 48 Russian and 10 Japanese are fishing for ground fish and herring between St. Matthew Island and the Pribilofs. The 77 Russian and 139 Japanese are between the Pribilofs and Unimak Island in the Aleutians.

Seventeen Russian are trawling for shrimp near Sand Point.

Three Russian and three Japanese near Kodiak, and 10 Japanese in the waters between Dixon Entrance and Dry Bay, fish for black cod and perch.

The Coast Guard vessel *Confidence* arrived in Juneau this week to patrol this area. The *Storis*, which was scheduled for drydock, has been sent to Kodiak to assist the *Mellon* with the escort of the two Japanese vessels.

Ordinarily, a total of two vessels patrol a coastline greater than that of the entire contiguous United States for the protection of a fishery resource that equals or surpasses that of the remaining 49 States combined.

Mr. President, we must bring these foreign fishing fleets under effective regulation, and we must provide for adequate enforcement of our laws and foreign treaties.

ANOTHER TRANSPORTATION CRISIS

Mr. BELLMON. Mr. President, most of us here today are aware that within the next 60 days we may once again be called up to legislate a railroad settlement to avert another threatened transportation emergency. The President has appointed Emergency Boards in the United Transportation Union-Penn Central and United Sheet Metal Workers Union disputes, thereby postponing shutdowns for 2 months. But in all probability, Congress will be faced with the necessity of legislating another ad hoc solution or solutions at the end of the no-strike period.

The reason? Existing statutes are ineffective in preventing crippling transportation tie-ups, and Congress has so far failed to enact new and more effective laws. We could end the constant intervention by Congress by enacting S. 3232, introduced by Senator PACKWOOD, and of which I am a cosponsor. It is a farsighted and comprehensive bill that would take Congress out of this labor dispute settlement business once and for all.

An excellent editorial on this subject appeared in Saturday's Washington Post. I ask unanimous consent that it be printed in the RECORD.

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

CONGRESS, LABOR LAW, AND THE PENN CENTRAL

We have noted on previous occasions that the lackadaisical attitude of Congress toward the labor laws is rapidly turning it into the nation's No. 1 arbitrator. It won't legislate major reforms in the labor-management area when there isn't a major crisis somewhere in the country. And it will only pass measures to put a patch on the immediate problem when a crisis does exist. As a result, the country moves from one crisis to another in the transportation field with Congress having to step in each time. Now, on the horizon, is another one.

Everything is set, or so it seems, for a monumental battle this spring between railway labor and, of all things, the bankrupt Penn Central. The current contract between the railroad and the United Transportation Union expired last night and all the signs indicate that a new agreement will not be reached easily. Most observers think that later this year, after all the delaying options in the existing laws are used up, a strike is inevitable because the issue separating the two sides is so fundamental. And once the strike begins, Congress will be forced into another patchup job, this one with an election drawing near.

The issue in the Penn Central dispute is that old problem of the size of train crews. The trustees of the railroad say they will go to the mat on it because, they contend, the railroad can never be brought out of bankruptcy without a sharp cut in labor costs. The union contends that reducing the crew size will make railroad operations more dangerous, an argument management says is unsupported by the evidence. Involved in this dispute directly are about 6,000 freight train conductors and brakemen on the Penn Central and indirectly about 25,000 similar employees on other railroads. Both sides recognize that a victory for the Penn Central would result in identical demands by all other railroads when their contracts come up for renewal.

Regardless of the merits of this particular dispute, its existence points out the problems of the labor laws. There are mechanisms in those laws through which a strike can be postponed but nothing other than moral suasion in them to prevent a strike at the end of the postponements. There has been enough experience with the process in recent years to predict what will happen this spring. The devices for postponement will be invoked, an agreement will not be reached, a strike will be called, and Congress will rush into the breech in an effort to get the trains running before their absence ties up a substantial part of the nation's economy. How much better it would be if Congress would give up its role as the arbitrator of situations like this!

The best mechanism we have heard about to take Congress out of this labor dispute settlement business is the final offer selection procedure backed by the administration and being pushed in the Senate these days by Senator Packwood. It establishes at the end of the road of negotiation and mediation in major transportation disputes a procedure under which the final offer of each side is submitted to a board of arbitrators. That board must choose one offer or the other with no middle ground and its choice is binding on both sides. This arrangement, of course, is compulsory arbitration, something the unions and many managements have long opposed. But that, it seems to us, is a better arrangement than legislative arbitration which is what exists at the end of the road now. The public interest desperately needs to be inserted into the bargaining process in this particular industry and that is more likely to occur through this kind of arbitration board than through patchup jobs carried out by Congress, particularly in election years when the attraction of votes and contributions can play a major role in determining the size of the patch.

VOTING BY 18-YEAR-OLDS

Mr. BROCK. Mr. President, this is the first year in which 18-year-olds will vote in national elections, and interest has justifiably focused on their attitudes and opinions. A number of test elections have been held on campuses in various parts of the country and many more will be held in the months ahead. As chairman of the Congressional Advisory Board of the Young Voters for the President Committee, I have followed the results closely. They have shown thus far that President Nixon enjoys wide support among young people.

I have here the results of test elections held on 47 high school and college campuses. The large majority were sponsored and conducted by official organizations, such as student councils and student government associations. The others were handled by independent, nonpartisan groups. Polling was conducted in several different formats; in some cases in the form of primaries, in others as mock conventions, and in still others as general elections in which all candidates of both parties were pitted against each other. In 46 of these 47 test votes President Nixon was the winner, regardless of format.

This strong support for the President from young Americans reflects, I believe, a widespread appreciation of his record on matters of particular concern to young people—his record on the draft, on an all-volunteer military service, on the new lower voting age. On the campuses and in the voting booths young people are demonstrating their endorsement of that record.

For the most part, these test votes have been held in New Hampshire and Florida, the first two States to hold primaries. In Florida they were conducted at more than 30 colleges and universities under the auspices of the student government of Florida Technical University and were sanctioned by the State legislature. Statewide, the President received more votes and carried more campuses than any other candidate of either party. In New Hampshire he won all of the 10 test votes conducted at six high schools and four colleges.

As other polling takes place at other schools across the Nation, similar support from young people will be shown. In recent elections at the University of Wisconsin, Whitewater, and the University of Southern California, for example, the President received more votes than any other candidate.

These results confirm what many of us have already learned from visits to campuses and talks with young people in various parts of the country. And that is that young voters in the primaries to follow and, of course, the general election in November, are going to help substantially in providing President Nixon with an overwhelming victory.

Mr. President, I ask that the names of these 46 schools—where young people have demonstrated such strong support for the President—be printed in the RECORD.

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

LIST OF SCHOOLS SUPPORTING PRESIDENT

New Hampshire College.
New Hampshire Technical Institute.
Plymouth High School.
New England Aeronautical Institute.
Kearsarge High School.
Dover High School.

Plymouth State College.
Spaulding High School.
Keene High School.
Laconia High School.
Atlantic University.
Central Florida Community College.
Chippola Junior College.
Embry.
Florida Presbyterian College.
Palm Beach Atlantic College.
Lake Samter College.
St. Petersburgh Junior College.
St. Leo College.
Seminole Junior College.
Brevard Junior College.
Gential Campus.
Valecis Junior College.
Polk Community College.
North Florida Junior College.
Rollins College.
Hillsborough Community College.
Dale-Marby Campus.
Indian River Community College.
Brevard Junior College.
South Campus.
St. Petersburgh Junior College.
Florida Southern College.
Palm Beach Junior College.
Gulf Coast Community College.
Miami Dade College (North).
Daytona Beach Junior College.
Okaloosa—Walton Junior College.
Stetson University.
University of Miami.
Florida Technological University.
Barry College.
Florida Institute of Technology.
Hillsboro Community College.
Seminole Campus.
Pensacola Junior College.
Tallahassee Junior College.
Florida State College.
University of Wisconsin—Whitewater.
University of Southern California.

AMERICAN LEGION AWARD TO LOWELL THOMAS

Mr. STEVENS. Mr. President, the American Legion presented its National Commander's Public Relations Award to the distinguished broadcaster and journalist Lowell Thomas during the Legion's recent meeting in Washington.

The award, in recognition of Mr. Thomas' pioneering efforts as a broadcaster, lecturer, and newsman, was made by the national commander of the American Legion, John H. Geiger.

Mr. President, I ask unanimous consent that the presentation be printed in the RECORD.

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

PRESENTATION OF AWARD TO LOWELL THOMAS BY JOHN H. GEIGER, NATIONAL COMMANDER OF AMERICAN LEGION

"It is always a pleasure to attend this annual Public Relations luncheon which is one of the most significant activities during our annual Washington Conference.

"We consider this luncheon session important for two reasons.

"First, it gives us an opportunity to renew acquaintanceships with our friends in the Washington media who do so much to help us get the story of the American Legion to the American people.

"Secondly, it gives us an opportunity to honor a practitioner of the communications art—an individual in media related activities who we believe has made a significant contribution to the American way of life. This honor is in the form of the National Commander's Public Relations Award.

"This year's honoree defies precise fitting into any mold. His career has spanned such a wide variety of activities—that just to read his biography inspires awe in the reader. The list of his accomplishments and honors is equally inspiring.

"Reporter—Author—Lecturer—Editor, he is all of these things and more. He is the friendly radio voice remembered from our youth—a pioneer in the use of the electronic media to disseminate the news—and when television was ready, he was among the first to effectively utilize this new form of communication.

"He is a world traveler and explorer—having unlocked for America and the world, remote and breath-taking vistas few had ever seen before.

"He has been among those who have carried the film medium to its ultimate extension through cinerama.

"This great American was born in Ohio on April 6, 1892—and the far reaches of the world have been home to him ever since. He has achieved, if any man has, legendary status in his own time.

"It is my great honor and privilege to precent to you—Mr. Lowell Thomas—the American Legion National Commander's Public Relations Award for 1972. I believe the inscription on the plaque signifying the award is the best indicator of the high esteem your fellow Americans feel for you.

"It reads:

"The National Commander's Public Relations Award, presented to Lowell Thomas, Author—World Explorer—Commentator.

"In recognition of his pioneering efforts in the audio visual field as a commentator and lecturer on our world.

"He has introduced America and the world to the concept of 'instant history'—the sight and sound recording of events as they occur. He also has brought to the people of the world a greater understanding of diverse lands and cultures.

"His sense of the American ethic and his service to humanity are a source of inspiration to us all"

Congratulations, Mr. Thomas.

ENVIRONMENT AND POPULATION

Mr. PACKWOOD. Mr. President, on March 29, Russell Train, Chairman of the Council on Environmental Quality, spoke before the Los Angeles World Affairs Council on a matter of utmost concern to many of us here in the Senate, environment and population and their close interrelatedness. Chairman Train made some astute observations about the ability of mankind to coexist with the rest of nature on the planet earth, and some of the requirements which must be met if we are to successfully reach that goal.

Because of its timeliness and relevance, I ask unanimous consent that Chairman Train's address be printed in the RECORD.

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

REMARKS BY THE HONORABLE RUSSELL E. TRAIN

I am delighted to have this opportunity to address the World Affairs Council. Environmental problems are increasingly engaging the attention of nations throughout the world, and environmental cooperation among nations in rapidly becoming a major factor in international affairs. Environmental issues are gut issues that go to the heart of mankind's ability to survive in a world worth living in.

In 1968, just before the Nixon Administration took office, I chaired a conference on the subject of "Ecology and International Development." In welcoming the participating scientists to the conference, I made an observation which I will repeat in another context today:

"I suspect that a major reason ecology is so often ignored is not so much lack of expertise as the fact that an ecological awareness leads to the questioning of goals—and this is something few wish to do. The time has come when questions must be asked about the validity of development goals here and abroad . . ."

Since 1968 we have asked a great many questions, and more than ever before, Americans have become ecologically aware. As the President has observed, we now recognized that—

"At the heart of concern for the environment lies our concern for the human condition: for the welfare of man himself, now and in the future. As we look ahead to the end of this new decade of heightened environmental awareness, therefore, we should set ourselves a higher goal than merely remedying the damage wrought in decades past. We should strive for an environment that not only sustains life but enriches life, harmonizing the works of man and nature for the good of all."

This, of course, is the goal we shall pursue at the United Nations Conference on the Human Environment in Stockholm. As you know, all U.N. member nations have been invited to be represented at the Stockholm Conference this June to take stock, for the first time in history, of our international environmental condition. The success of this conference may well lie less in the specific agreements we come to there—although we expect some significant ones—than in the process of international dialogue and concern that Stockholm has brought about.

Over the past two years an unprecedented, high-level attention has suddenly been focused on the environment in nations across the world. Big and small, rich and poor, countries everywhere have had to decide first immediate and mundane issues—who will represent us, how will we select our delegation to the numerous preparatory meetings, larger issues have had to be addressed in various countries: What are our environmental problems? What are we doing to correct them? How are we organized to deal with them? How are other countries coping with their environmental problems?

During the past couple of years many countries have established a focal point of responsibility for the environment. Thus, significant reorganizations have taken place in Japan, Great Britain, Canada, France, Norway, and Australia, among others. Cabinet-level exchanges on the environment have occurred between the United States and Japan, and the United States and Canada, and heads of State now routinely include the environment on their agenda at international meetings.

Thus, the Stockholm Conference has served as an action-forcing mechanism, as we hoped it would. As world interest in the environment has grown, our expectations have also grown, and we now look forward to concrete agreements in several areas. We hope for an international convention on the control of ocean dumping, an area in which the United States has provided strong leadership, most notably in the Administration's proposed legislation which would severely curtail ocean dumping, legislation which has passed both houses of the Congress and is now in conference. We are also hopeful that the President's proposal for a World Heritage Trust, to provide international identification and uniform high standards of protection for areas of outstanding natural or cultural value, will be supported. I expect that some agreement on the establishment of institutional arrangements to conduct world environmental monitoring will be reached in Stockholm, and that a perma-

nent new unit will be created in the United Nations to provide policy guidance on environmental issues.

The United States has worked hard to make the Stockholm Conference, and the international environmental activity it symbolizes, a success. The President has proposed a fund of $100 million to support a five-year international environmental effort in several areas, and he has pledged the United States to contribute $40 million on a matching basis to that fund. In my travels and those of my fellow Council members, Mr. Cahn and Dr. MacDonald, we have tried to work out ways of overcoming the very real obstacles to success at Stockholm. One of these obstacles is the concern that exists in some countries about the extent to which environmental progress entails economic costs, and possible effects on growth.

The question whether we should continue to regard growth—of population, the economy and resource use—as the primary measure of our progress as a society is a very important one and I want to raise it with you today. This is an issue that is bigger than the Stockholm Conference, and bigger than any individual country. It is in many ways an issue for long-term consideration beyond Stockholm. There are some who say that it is an issue for affluent societies in their post-industrial period, that lesser developed countries, or even poor Americans, cannot yet indulge the thought that growth and economic development may have to be curtailed if we are to maintain an environment conducive to personal health and well-being.

Well, I would be among the first to sympathize with the argument that economic development is essential to the good life, and that a dynamic economy is necessary to many of the social and even environmental goals of people everywhere. I believe it is of the highest priority to achieve a level of full employment that will provide all Americans the opportunity for meaningful employment—the President's policies are firmly committed to this goal.

However, I cannot leave it at that, for as a public official responsible for advising the President and the Congress on environmental matters, I feel obliged to share my thoughts on an issue which deserves urgent attention in the United States and elsewhere. Therefore, I would like today to call for a national debate on the desirability of growth, and I would like to suggest five areas where reflection and research should be directed.

I am aware that no concept is more central to western civilization than continued growth, whether it be of population, the economy, or of technology. In the United States we have conquered a great wilderness and built the largest industrial machine in the history of the world. We have greatly increased our agricultural productivity, we have been responsible for technological miracles from computers to moon landings, and we have attained an unprecedented standard of living.

In a sense, we are driven by our own prosperity. Keynesian economics has shown us how to manipulate the economy to achieve maximum growth and employment. Most of us march to the tune "produce or perish" and this has helped make of Americans a nation of high achievers.

But with all of the benefits from continued economic growth, as a people we are beginning to question whether more is really better:

Communities from coast to coast are more and more willing to forego new industries to prevent pollution and impairment of the local environment. Public debate in States such as California, Colorado, Oregon, Florida and others has begun to question the desirability of growth. Delaware, a heavily industrialized eastern State, last year called a halt to heavy development of its coastal zone.

The President's Population Commission has recently reported that ". . . There is hardly any social problem confronting this Nation whose solution would be easier if our population were larger . . ." After two years of research, the Population Commission concluded that "no substantial benefits would result from continued growth of the Nation's population."

The Club of Rome, an international group of scientists and industrialists, has recently sponsored a project at MIT on *The Limits of Growth*. That study predicts that current population, resource use and other trends will end is disaster in the next century.

One need not accept the dire hypotheses and methods underlying some of the more extreme predictions to acknowledge the fundamental validity of the questions these various groups are asking. They are questions which touch upon public policy choices in several fields, and most particularly upon environmental policy.

First is the question of the size and distribution of our population. The President has referred to this issue as "one of the most serious challenges to human destiny in the last third of this century . . ." According to the Population Commission, in the year 2000 per capital income may be as much as 15 percent higher under the two-child per family, than under the three-child growth rate.

Moreover, the anticipated distribution of future population makes clear that under even the lower population growth projections we may have to make substantial sacrifices in the quality of our lives to accommodate large numbers of people in our urban regions. While about 70 percent of the U.S. population is now concentrated in metropolitan areas, 85 percent is expected to reside there in the year 2000. In that year, more than six out of every ten Americans will live in cities of one million or more compared to four out of ten who now live there, and 50 percent will live in the huge urban agglomeration along the East Coast and adjoining the Great Lakes. Another fifteen percent will live in the area reaching from about San Francisco to Los Angeles.

This distribution will demand that we change our lives, and perhaps our values, very significantly. We must learn to adjust to higher density living, learn to share our open spaces and public facilities with more and more people, increasingly forego use of the automobile in favor of public transportation, and give up some cherished habits of privacy and solitude.

These projected settlement patterns will have serious consequences for land use and pollution. Industrial activity, transportation, and the like will be highly concentrated in large metropolitan areas. Pollution control will be more difficult, and higher levels of abatement will be imperative. The encroachment on the countryside will make the preservation of areas of critical environmental concern, such as wetlands, flood plains and scenic areas, extremely difficult.

In the face of these inevitable adjustments, it is especially tragic to learn from the Population Commission that between the years 1966 and 1970, 15 percent of all births were unwanted and 44 percent were unplanned. Since 1967 the Uinted States has contributed more than $260 million in support of a worldwide program of population control and family planning activities. Although our population problems here at home may be less severe than those of some other nations, we can no longer deny that we have them. And so I think it is time to call upon every American to consider the implications of the future population growth and distribution that has been predicted for us as it affects his own choices and values.

The second question on which we should begin to focus scientific and popular attention concerns the carrying capacity of the earth itself. We must begin to ask ourselves whether food production will continue to be adequate for population increasing at exponential rates? Whether we will in time deplete certain resources and thereby bring an end to increased industrial production? And whether we can depend on technology and the market structure to allocate resources and continue to meet high levels of productive endeavor?

One group recently addressed these questions in Great Britain and concluded that the British population is twice as large as it should be for sustained resource use. Another group, as I have already mentioned, has developed a mathematical model which purports to show that continued population growth, resource depletion and pollution would have castastrophic consequences in the next century.

I offer no conclusive answers to this question. Since the time of Malthus few people have questioned the adequacy of resources to support growth and we should not be surprised if current efforts are somewhat primitive and unsophisticated. And above all, we should not allow cosmic issues to distract us from the societal housebreaking that modern man has so recently begun—the dirty job of cleansing the air and the waters of the wastes we have disposed in them.

Nevertheless, a thoughtful civilization would be foolish to dismiss lightly the grave considerations that are involved in the examination of the sufficiency of resources to support continued economic and population growth. And so I call for a national debate upon this question, and I suggest that we consider not only the adequacy of resources and the possible technological developments that may render productivity sustainable, but that we also inquire into the ability of our institutions to cope with change, to get food and goods to where people are, and to protect us from some of our own breakthroughs when, for example, a green revolution proves vulnerable to insects, or enhanced agricultural productivity causes farmers to inundate the cities in search of work.

The institutional questions are especially critical because we must look to government to anticipate change well before it occurs. For example, population tends to build on the previous generation, and increases can be built into the system. If all U.S. families henceforth had only two children, population would not level off for 70 years. Persistent pollutants even if stopped now would continue through the ecosystem for years. Hence, our traditional response to problems, generally when they become acute, is inadequate when we have to deal with long lag times.

A third and related issue concerns resource use and the ability of the market to allocate resources in the future. Most of the earth's resources are plentiful in total but their numbers are limited using current methods of extraction. As resources become scarce, their prices will go up and substitutes will be sought or new mining methods employed. Both of these will greatly increase the costs, and at some point in time, the question must be asked whether the devotion of significant amounts of money to this end will lessen the overall productive capacity of our economy. We must ask whether the market allocates long-term needs in an effective manner or whether prices only rise as a resource is close to depletion. Instead of dismissing these matters with an ideological reflex, we must apply careful analysis for it is by no means clear that the market place and technology will solve all of our problems in an even-handed manner.

A fourth issue on which I recommend national attention concerns technology. Can we rely upon technology to continue to in-

crease at the same rate as population, and if we can, what will be the side effects of technological progress? Acceleration of growth demands that new technology developments increase at least as rapidly as population growth. Yet we may create new problems as technologies are introduced without proper testing and analysis of their implications. These questions underscore the great need for technology assessment. Technology assessment should deal not only with hardware items like new energy technology and transportation technology, but should also explore the implications of monocultural agricultural systems, information technology and its impacts on privacy, and the like.

The issue we face here is how to develop technology in such a way as to make use of its benefits while at the same time anticipating potentially harmful side effects and taking those actions which reduce the risk of developing technology. The problem is particularly severe in that the side effects are often second or third order, their anticipation difficult, and the development of adequate safeguards complex.

A fifth issue I would pose to you is somewhat out of my area of responsibility, but is undoubtedly implied in much that I have said. That is the question of income distribution. If a policy of restrained growth were to be pursued, it is unreasonable to expect the poor to stay back while the wealthy settle in. Here at home, as well as in foreign countries, the tensions that threaten to tear apart the social order would be considerably reduced if economic circumstances were more equitable.

On the one hand, a growing economy produces a larger pie for all to share. If the pie is not increased there may be more competition for the same sized pie.

On the other hand, as the Population Commission has pointed out, reduced population growth, while it will lead to a lower GNP will lead to greater per capita income for all.

Perhaps the most perplexing problem facing any growth strategy is how to continue to maintain a high quality of life and meaningful employment opportunities without the continued burgeoning of the production of goods. The challenge will obviously entail improvements in services, education, the arts and recreation, and probably with greater amounts of leisure time. It may well be possible actually to lower production and yet maintain the same level of goods satisfaction through production of longer lived goods.

All of these questions suggest that we must improve our analytical techniques to understand the future. This means not only better projections of future trends, but a more profound understanding of the interrelationship among a wide variety of factors such as population, food, industrial growth, resources and pollution. We must improve our ability to assess technology all the way from personal conveniences to agricultural production to new energy sources and to new chemical products.

We must begin to understand the policy options before us. For example, if we understand better the impact of resource depletion and marketplace allocations, we can examine alternatives such as earlier substitution and recycling. Understanding population distribution, we can better devise our land use policies to meet tomorrow's problems. Understanding pollution trends will help us know when to change certain materials and products and how to develop better abatement technologies.

Above all, we need a national debate on growth. States and communities should begin to plan and discuss their short- and long-term alternatives for land use, population growth, and industrialization. (The President's National Land Use Policy legislation now pending in Congress would encourage the States to undertake a far more vigorous role in controlling land use and in giving direction to growth.) Federal agencies working with State and local governments should give these matters more attention and should provide greater research funds. Our academic institutions should begin to provide analyses and studies that give decision-makers a greater range of policy alternatives.

We can no longer escape our responsibilities. In the past we have acted as though our land, air, water and other resources were limitless. We have now learned from experience that this is not true. New analytical tools are beginning to give us a clue as to the potential for serious problems in the future if we do not develop policies and programs to deal with them now. If we do not think about the future, we have abdicated our most basic public and private responsibilities.

Personally, and as a father of teenage children, I should point out that I have been impressed by the way in which young people have challenged the smugness of our traditional assumptions about growth. Long before most of us, the young have identified the quality of life issue as separate and distinct from the quantity issue. Many young people have been saying in their concern for the under privileged, their openness to each other, their regard for nature and their disregard for accumulating goods, that another path toward happiness is possible. The question I wish to raise for national debate is whether it may not also be necessary.

We in the United States have a historic opportunity. The problems we face—poverty, pollution, the urban crisis—we share with all the world. Often, because we face them first, our solutions and our performance become the measure, mold the expectations, of what is possible.

It is the task of the national Administration to chart an orderly course through a confusing and disorderly time, to accommodate the need for institutional change as quickly as possible without wrecking what is essential and useful in our processes of government. We in this Administration are fully committeed to the reappraisal of the goals of technology and its consequences that is implicit in the environmental awareness, and I believe that as a people we are ready to ask some of the hard questions.

As we begin to ask them we will require not only sophistication, but also conciliation, moderation, and respect for each other's deeply felt wishes and desires. A posture of disciplined application to the business at hand is difficult to maintain in an atmosphere charged with passion as the coming debate is sure to be. But it is the only approach capable in the long run of achieving the broad goals and the better quality of life we seek.

THE BIRTH OF BANGLADESH

Mr. KENNEDY. Mr. President, the birth of Bangladesh is a saga of human courage and tragedy rarely witnessed in modern times. Millions of Bengalis perished in the violence of the Pakistan Army's repression last year, while millions more sought refuge in India, and countless thousands died of disease and malnutrition in the refugee camps. Today, because of this violence and dislocation, more millions face severe food shortages and famine.

Never has there been so massive a shift in population, In as short a span of time, as the flow of nearly 10 million refugees into India last year, and their spontaneous return this year to a free and independent Bangladesh. It is, and will likely remain, one of the great human migrations of the 20th century.

But although millions of men, women, and children found it necessary last year to flee their homes and their lands, in order to escape the genocidal violence of the Pakistan Army, most have now returned to Bangladesh, with hope and determination, to build a better future out of their destroyed lives and homes, because of the destruction and chaos caused by the civil war—because millions of people have been dislocated and economically ruined—the first year of Bangladesh will be more critical than for many new nations. For its first year will not only test whether its government survives, but also whether countless millions of its people survive hunger and disease.

Mr. President, to travel in Bangladesh today is to better understand the immensity of past tragedy, and to better comprehend the challenges which now face the Bengali people. Tragedy and triumph are everywhere present. One sees the tragedy in the massive devastation of the countryside, in the eyes of maimed children, in the whitened skeletons of mass graves, and in the faces of millions who must start life anew in the aftermath of a repression which created the most appalling tide of human misery in modern times.

The triumph can be seen in the joy of a people relieved that a nightmare of fear and violence has come to an end, and in the hope of a people who have courageously won a victory for self-determination and democratic principle. Dacca University—a primary target in the early days of the repression—reopened its doors just 2 months ago. More than 10,000 students are now registered. The vice chancellor and many of the students were among the refugees I visited in Eastern India last August.

In devastated Kushtia town—a district town some 90 miles northwest of Dacca near the Indian border—the rubble is now being cleared. And even though local resources are meager and the food and stocks very low, returning refugees have started to rebuild their shops and homes and lives. What is happening in Kushtia is fairly typical of what is happening all over Bangladesh. And if one doubts the remarkably fast and smooth return of the refugees, one needs only visit the Salt Lake refugee camp outside Calcutta, which I did on the day following my visit to Bangladesh. Last August this largest camp in India was filled with a teeming mass of humanity—some 300,000 Bengali refugees. In February, the Salt Lake camp was a ghost town, with little more than 10,000 people remaining—and they have now left for home.

I spoke with an Indian priest who succeeded reasonably well in running a medical center during the refugee influx. But he spoke of how only a few months ago he thought that the refugees would never return. He spoke of the despair that he and the other voluntary agency personnel felt in trying to battle an unending tide of refugees, disease, and squalor. But now he, too, has left, his work done. He has returned to his regular assignment with village health centers in rural India.

So, Mr. President, a visitor to Bangladesh today has the sense that things have

come nearly full circle—that a tragic story, which unfolded after the Pakistan Army's repression last March 25, has now come to an end—and the people of Bangladesh have now courageously and energetically turned to the task of building their new nation and rebuilding their broken lives. In a sense, the real story of Bangladesh is just beginning.

Much of the world has eagerly and promptly responded to the appeals of the Bangladesh Government for international assistance to help meet the immediate humanitarian needs of the Bengali people. The response of the U.S. Government, however, has been unconscionably lethargic and characterized by the awkward silence that has governed this administration's attitude towards the crisis in South Asia over the past year. Our national leadership persists in rationalizing its past policy of support for a shabby and shameful military regime which sought, but failed, to suppress a free election and the self-determination of the Bengali people. We readily provided military and diplomatic support to the military dictatorship of Pakistan last year, while today we have all but ignored the appeals of the government of Sheikh Mujibur Rahman for assistance in helping to feed and rehabilitate the refugees returning to Bangladesh.

Indeed, on February 2, representatives from the administration appeared before the Subcommittee on Refugees and sought to put a cloak of normality on conditions in Bangladesh, and bluntly told the subcommittee that "nothing"—including America's long failure to recognize Bangladesh—"is standing in the way of the movement of relief supplies."

They should have gone to Bangladesh. For their testimony then as well as their statements now run counter to the facts in the field. Congress and the American people were misled once again, and the best humanitarian instincts of the American people were betrayed by the failure of this administration to recognize and act upon the humanitarian crisis in Bangladesh over the past 3 months.

After speaking with Sheikh Mujib and officials of his government—after speakink with countless representatives of the voluntary agencies, the Red Cross and the United Nations—after speaking with the head of the American mission in Dacca and members of his staff—I have little doubt that our Government's failure to recognize Bangladesh has been the main stumbling block, paralyzing the new allocation or shipment of U.S. relief supplies and funds to Bangladesh. It made our consul general an official leper, unable to represent the American people in the initial humanitarian programs of the Bangladesh Government, the United Nations, and other international relief projects, especially those involving the needed distribution of food commodities under the Public Law 480 program. And it endangered the continued functioning of many valuable long-term U.S. humanitarian projects in Bangladesh such as the Cholera Research Laboratory—one of the world's finest cholera control organizations—due to the absence of bilateral programs. Moreover, the United States has traditionally supplied the largest share of food imports into Bangladesh under bilateral Public Law 480 programs, generating local funds that have been used for a variety of essential humanitarian and developmental projects. Today, that program is suspended, having waited months for the day of recognition.

During the subcommittee's hearing on February 2, the administration's witnesses said our Government was then poised to help Bangladesh, but that our commitments were simply awaiting an appeal from the United Nations. On February 16, that appeal was made by the Secretary-General on behalf of the United Nations Relief Organization in Dacca, and it was received by silence from the administration. A full month elapsed before our Government so much as even mentioned the problem, and many critical weeks passed before we actually committed funds, and then it has been only a token contribution.

Mr. President, over the last several months we have heard a great deal from administration spokesmen about how much the United States has contributed to humanitarian relief programs in South Asia and Bangladesh. We have been told that "all of us can be proud" of the administration's record in "giving generously and promptly" to the massive relief needs of the refugees and others in distress. But the actual record shows a more complicated story. A close analysis of the administration's list of contributions reveals that all too often they reflect nothing more than a transfer of earlier commitments from one account to another. Furthermore, after public inquiries by the Subcommittee on Refugees as to the actual amount of humanitarian aid delivered to the Bengali people over the past year, the administration was forced to admit on March 15 that $97 million of the $158 million worth of aid previously announced by the President was in fact canceled.

What pride, Mr. President, can there be in a record of nondeliveries, of recommitting old commitments, of bureaucratic delays and outright cancellations of congressionally authorized humanitarian assistance to Bangladesh? Whether it is doubletalk, incompetence, or both, the administration has a sorry record over the past year in responding to the human needs of the Bengali people. It has oversold and overannounced its aid programs. It has canceled and refused to expediously spend appropriated funds. And the record reveals a clear contrast between rhetoric and performance.

The time is long overdue for this administration to turn its priorities around in South Asia. Already we have heard, and the Congress has been informed, that the administration has resumed bilateral assistance to Pakistan. But what of the other nations of South Asia? What of Bangladesh whose needs are even more pressing? What of India, which carried nearly single-handedly a massive refugee burden created by the Pakistan military repression of last year? Why cannot this administration give the same sense of priority to the needs of all the peoples of South Asia? Are we to learn that our great Nation, with its long tradition of humanitarian service, will actually resume bilateral military assistance to Pakistan before it resumes bilateral food assistance to Bangladesh?

The record is clear that there remain today massive humanitarian needs in Bangladesh. The Congress has appropriated $200 million for Bangladesh relief needs, yet we read dispatches from the field that tell us that relief programs of the United Nations have been canceled or stymied because of the lack of significant American contributions. And so in desperation, the Bangladesh Government is turning instead to the Soviet Union. Should we be proud of the fact that the Russians are proving themselves to be more responsive and efficient in humanitarian assistance than the United States?

Mr. President, American policy in South Asia remains in a shambles. The latest pronouncement from the administration suggests that, aside from our begrudging and delayed recognition of Bangladesh, little else is being done to change our relations with South Asia. But we must change, Mr. President, if this administration is to remain true to America's tradition and ideals.

So let us begin anew in South Asia—let us start with Bangladesh. For more than most new nations, Bangladesh deserves the support and assistance of the American people—not simply for genuine humanitarian reasons, but for the sake of peace and stability in all of South Asia.

Mr. President, I ask unanimous consent to have printed in the RECORD a partial text of my report to the Subcommittee on Refugees on "The Birth of Bangladesh."

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

THE BIRTH OF BANGLADESH

(A report by Senator EDWARD M. KENNEDY)

INTRODUCTION

Nearly one year ago, on the night of March 25, 1971, systematic violence and political repression was unleashed upon the people of East Pakistan and the crisis that would change the map of South Asia forever, was set in motion. On April 1, 1971, one week later, the Subcommittee Chairman spoke on the Senate floor of the Subcommittee's growing concern for the plight of the East Bengali people caught in the violence of the Pakistan Army, as well as the direction and course of United States policy towards the crisis.

In the months that followed—as a tide of human misery engulfed the area, and as local violence escalated into open civil warfare—the plight of the people dislocated in East Bengal, now Bangladesh, and the nearly ten million refugees who fled into India, became matters of primary concern to the Subcommittee. In addition to a field study of the situation conducted in India last August by the Chairman, the Subcommittee has also held extensive consultations with experts in this country and overseas, as well as conducted five public hearings in Washington on June 28, July 22, September 30, October 4, 1971 and February 2, 1972.

As stated in the Chairman's first report to the Subcommittee,[1] these hearings and the field investigations have attempted to focus attention on the humanitarian problems within the region as well as offer the Subcommittee's help and suggestions in a diligent effort to find reasonable and humane solutions, to them. The Subcommittee recognizes again that progress has been made in at least meeting some of the humanitarian needs. But it regrets that whatever priority our own government has attached to those needs, has been measured more by the degree of Congressional and public pressure, than by an active moral or political concern at the highest levels of our national leadership.

The current field study was conducted in Bangladesh by the Chairman on February 14–16, at the invitation of the government of Sheikh Mujibur Rahman, Prime Minister of Bangladesh. The Chairman was accompanied by the Counsel to the Subcommittee, Dale S. de Haan, and Staff Consultant, Jerry M. Tinker, who arrived in Dacca February 10. In addition to consultations in Dacca with the Prime Minister, the President, the Foreign Minister, and other senior officials involved in the Bangladesh government's relief and reconstruction program, the Chairman also visited several refugee resettlement areas in the field. In Kushtia District, along the western border with India, the team observed conditions of returning refugees, traveled by jeep through the town to observe the extent of destruction and disruption of the rural transportation system, and spoke with local relief authorities. In Narayanganj, south of Dacca, the team visited the large grain silo and observed the problems involved in the food distribution system, visited hospitals where civilian war victims were being treated, and observed the congestion of the port facilities. In addition, the Chairman made an unannounced stop at the Adamjee Jute Mill outside Narayanganj to inspect the conditions of the minority Bihari community who have taken temporary shelter there.

In Dacca, the Chairman and other members of the team had extensive consultations with both government, nongovernment and international agency personnel serving in Bangladesh. The team visited the headquarters of the United Nations Relief Operation in Dacca (UNROD) for a formal briefing directed by Mr. Toni Hagen, Chief of the U.N. Mission. A separate meeting was held with the heads of many foreign voluntary agencies now working in Bangladesh, including the International Committee of the Red Cross, CARE, Catholic Relief Services, OXFAM, the Cholera Research Laboratory and Hospital, World Council of Churches, among others. Additionally, conversations were held with the U.S. Consul General, now Chief of the U.S. Mission in Dacca, Mr. Herbert Spivak, along with members of his staff.

After leaving Bangladesh, the team visited Calcutta briefly, meeting with Indian refugee relief officials and touring the Salt Lake Refugee camp outside Calcutta. Several days were also spent in New Delhi by Mr. deHaan and Mr. Tinker, to confer with Government of India officials and voluntary agency personnel who had worked with the Bangladesh refugees while they were in India.

Prior to visiting Bangladesh, the Chairman conferred in Geneva, Switzerland with officials of the United Nations, including the U.N. High Commissioner for Refugees and the heads of the specialized agencies. He also met with the President of the International Committee of the Red Cross and officials of the United States Mission in Geneva.

The tone and purpose of the team's visit to Bangladesh, and the hope of the Subcommittee in studying the relief and reconstruction needs of the Bengali people, was stated by the Chairman in his opening speech at Dacca University on February 14th:

"I have come to Bangladesh to bring you the prayers and hopes of millions of Americans. And I am proud to stand here at Dacca University—long the symbol and focus of the Bengali struggle for self-determination, and the first target of those who sought to repress that freedom.

"It is in the finest tradition of America to embrace the cause of freedom, wherever it may be found.

"The American people are proud to stand with those who struggle for liberty, for human dignity, and for the noblest aspirations of man.

"You know that while some governments do not yet recognize you, the people of the world *do* recognize you, and they recognize all you have accomplished here in the name of *freedom* from tyranny and oppression.

"We are brothers in liberty, and no man, no policy, no government can change that fact.

"I have come to Bangladesh as one who has tried to be with you in your struggle. A few months ago, in August, I walked among the living and the dying in your refugee camps in India.

"I saw children starving and families destroyed by the ravages of war. I hoped to come to Bangladesh as well, but I was turned away by the Government of West Pakistan, a military government afraid for the world to see inside its borders.

"I was troubled, as the world was troubled, by the suffering of your people. And now I rejoice, as the world rejoices, at the bright new chapter you have written in the history of liberty on earth. . . . The prayer of Bengal's great poet and philosopher has been answered:

"Where the mind is without fear," said Tagore,
"And the head is held high;
"Where knowledge is free . . .
"Into that heaven of freedom, my Father let my people awake."

"Freedom is yours and the future belongs to the people of a new Bengali nation.

"For generations to come, the story of Bangladesh will be a lesson to the world. The birth of the Bengali nation will be an inspiration to other people in other lands—a symbol to all who share your love of life and the spirit of your courage, but do not yet share your freedom.

"There are many parallels between the United States and Bangladesh.

"Two hundred years ago, in America, ten thousand miles from where we are today, there were other people who followed the star of freedom. Our beginning was no more auspicious than your own.

"Like you, a powerful and established government was determined to deny us freedom. Like you, our early leaders endured terrible adversity before their cause prevailed. Like you, once the new American nation was born, there were those who said that such a weak and impoverished country could not survive in the modern world. They thought our great experiment in freedom would surely fail.

"And yet, we confounded all their wisdom. We were poor in everything but hope and courage. We had no wealth, but we had resources far more valuable and important—we had people with the energy and commitment to make our nation strong, and leaders with the vision to see the way, and help the people build their future.

"The revolution in America did not end in 1776. It did not die with Washington and Jefferson. It lives today in our efforts to fulfill the goal of liberty and equality for all our citizens, black and white alike.

"And it lives as well in the hopes we share for those who are oppressed in other nations.

"That is why the struggle of the people of Bangladesh has deeply touched the conscience of America. It evokes the greatest memories of our past, and demonstrates that our love of freedom transcends all thought of race or color or religion or nationality.

"The people of America were with you in recent months, although our government was not. We are with you now in spirit, and the leaders of America will not be far behind.

"The real foreign policy of America is citizen to citizen, friend to friend, people to people—forging bonds of brotherhood that no tyranny can diminish. For in a sense, we are all Bengalis, we are all Americans, and we all share the great alliance of humanity. For those who doubt that freedom and self-determination are the most powerful forces at work in the world today, let them come to Bangladesh.

"I have come here to say that America cares. I have come to learn from the father of your country, Sheikh Mujibur Rahman. I have come to talk again with those who suffered so much in the refugee camps, and to ask what my fellow countrymen and I can do to ease the pain of those who have survived and have done so much to preserve freedom.

"If any words of an American can help to heal the wounds you have endured, to reconcile those who live among you and who now must live together, they are the words that Abraham Lincoln spoke a century ago, as we neared the end of our own great civil war.

"With malice toward none," said President Lincoln, "with charity for all; with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in; to bind up the nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just, and a lasting peace, among ourselves, and with all nations."

"In the spirit of the best in America, in spirit of our Constitution, and our Declaration of Independence, I salute your great new birth of freedom, and I say Joi Bangla—victory for the Nation of Bangladesh."

SUMMARY OF FINDINGS

Return of the refugees

1. The flow of the East Bengali refugees into India last year was without parallel in modern history. In little less than 200 days 9,774,140 people found it necessary to flee their homeland—to escape the repression and escalating violence of the Pakistan army—and take refuge in the crowded refugee camps of India. While two-thirds of the refugees found shelter in organized camps, the remainder camped along rural roads or lived with relatives or friends. From the beginning, the daily influx of refugees outpaced the best efforts of the Indian government and others to cope with the refugees' needs, and thousands died of exposure, diseases and malnutrition.

2. As unparalleled as was the tide of the refugees that flowed into India last year, the return movement during the past two months has been more astounding still. Officials, both of the United Nations and Indian government, as well as voluntary agency personnel, testify that between January 1, 1972 and February 11 alone—just 42 days—an estimated 7,780,000 refugees left Indian territory and returned to Bangladesh, or nearly 190,000 refugees each day. As of March 25th, nearly all of the remaining two million refugees in India had returned home. This spontaneous, mass movement of people far exceeded official plans and expectations for repatriation, and it dispelled fears

[1] *Crisis in South Asia*, A Report by Senator Edward M. Kennedy to the Subcommittee to Investigate Problems connected with Refugees and Escapees, Committee on the Judiciary, U.S. Senate (Washington, D.C. Government Printing Office, November 1, 1971).

in many quarters that some refugees, particularly Hindu families, would never return. Almost as proof of the horror of violence and repression which drove them from their lands and villages last year, as soon as that violence ended in December—as soon as the Pakistan army was no longer operating in the countryside—the refugees began trekking homeward.

3. Elaborate plans and schedules for the repatriation of the refugees were established by both the Indian and Bangladesh governments. On the Indian side, an organized schedule for truck transportation was provided in order to take the refugees to transit centers on the Bangladesh side of the border. Supplies of blankets, rice for two weeks, and some cash was distributed to each family. On the Bangladesh side, some 250 transit camps were established to receive and temporarily house their returning citizens. After registration—to provide evidence to local village authorities of the refugee's eligibility for housing grants, welfare assistance and other benefits that the government hopes to provide the returning refugees—transportation, where possible, and additional food supplies, were provided as the refugee families headed towards their villages. To quote an official report from the United Nations High Commissioner for Refugees' Special Mission in Dacca:

"The Indian and Bangladesh authorities, military as well as civilian, are executing their part of the repatriation operation in a most admirable manner, combining efficiency with humanitarian sympathy . . . The overwhelming determination and eagerness of the refugees to return home made many decide not to await their turn in the organized repatriation, but rather leave the camps in India on their own initiative . . ."

Relief needs

1. Although the refugees are returning with great hope, they are also returning with little more than one or two weeks' food supply, with no immediate means of subsistence, and to homes that have been destroyed. As a result, there are three urgent requirements for relief assistance in Bangladesh:

a. *food* until the refugees are self-supporting;

b. *housing* to replace destroyed homes; and

c. *financial assistance* until jobs or farming is possible.

2. The Bangladesh government has established a relief assistance program, but, given the disruption and serious shortages in the countryside, these plans often remain more a hope and an aspiration than a functioning program in the field. Where possible, Bangladesh authorities are providing returning refugees with six pounds of rice or wheat each week for adults, three pounds for children, and milk for infants, until the family is self-supporting again. In addition, cash grants of Rs. 30 ($4.00) are provided each family each week. For those whose homes were completely destroyed, local authorities are providing Rs. 100 ($13.50) towards rebuilding their houses, and Rs. 50 for homes partially destroyed.

3. Relief Committees have been established at all levels of local administration, even to the village "panchayat", or local village council. In addition to monitoring relief assistance, these committees have been charged with settling disputes over the share of last year's crop when it has been grown by neighbors on the refugees' land; normally it is split 50–50.

4. Because of serious food shortages in many areas, coupled with a crippled transportation system, the government's plan for food distribution simply is not being implemented as fast as it should, if at all in many areas, and food riots are predicted in several district towns. The food crisis that not affects many areas is already beginning to undermine the massive popularity and leadership of Sheikh Mujib, threatening to destroy the new possibilities for growth and stability.

5. To combat serious food shortages in these districts, external assistance is urgently required. The U.N. Relief Operation in Dacca (UNROD) estimates that the minimum monthly requirement of foreign imported foodgrains for "bare minimum emergency relief needs" is 200,000 tons. There is also an urgent need for 200,000 tons of housing materials before the monsoon begins in late April. Further agricultural commodities, medical supplies and other emergency relief items were estimated by UNROD at 300,000 tons, for a total import tonnage of 700,000 tons. This compares with a monthly actual maximum transport capacity of 400,000 tons which means, says UNROD, that "if 700,000 tons of emergency goods arrive in Bangladesh, the monthly pile-up in ports will be on the order of 300,000 tons and the ports will be totally clogged . . ."

Relief priorities

1. The relief needs for the returning refugees are food, housing, and financial assistance, but the requirements for distributing it, and making it available and useful are:

a. restoration and reconstruction of *transport* facilities; and

b. rehabilitation of *local production.*

2. After nine months of civil strife and war, the transport infrastructure of Bangladesh has been severely disrupted. Port facilities have been crippled. The transport and off-loading capability of Chittagong port, the major sea port, is down to 70,000 tons—just 22% of capacity. Rail transport has been restored in portions of Bangladesh, but this can only be slightly increased during the coming year because two large bridges, the Hardinge and Mekna bridges, were sabotaged by the Pakistan army in the last days of the conflict and will require nearly a year to repair. Road transport can be improved only if 2,000 metres of "bailey bridges" are built before the monsoon rains come, otherwise long-distance road transport will collapse. In addition, of the estimated 8,000 trucks available in the country prior to the conflict, only 1,000 remain operational.

3. Surface shipment of relief goods from abroad, either by governments or voluntary agencies, must be coordinated and their arrival phased, otherwise supplies will simply rot in the harbors. Highest priority should be given to improving the unloading facilities at the docks of Chittagong and Chalna; for example, all 62 fork lifts available in the ports in 1970 are now completely inoperable. More bailey bridges, trucks, rolling stock for the railway are important, and consideration should be given for an emergency airlift for certain single, critical items that might have a "multiplier" effect on improving the transportation infrastructure—such as fork lifts, port machinery, and other key transportation items.

4. Additional, emergency food imports to Bangladesh are clearly needed during the coming months prior to the boro rice crop in April. However, a program that will mean "food saturation" must be avoided. As an UNROD report states bluntly: "this is not the time for the richer nations to simply dump their surplus goods into Bangladesh" and consider relief needs met. Not only will the logistic system not absorb massive amounts of food, other critical import needs will go unmet. But thus far, international pledges of donor countries to the United Nations indicate that most funds are being pledged in kind, mostly food, while only a small portion has been offered in cash.

5. Only by rehabilitating local production can the need for imports from abroad be reduced—reduced even to the deficit levels of pre-1970 production. Priority should be given to restoring local production, and donor nations should be encouraged to donate to these programs, rather than to further importations of food or supplies that can be produced in Bangladesh. For example, the United Nations recommends that immediate efforts should be made to restore the fertilizer plant at Ghorasal, which had an annual capacity of 350,000 tons of fertilizer. Instead of offering cash or equipment to restore this plant, most nations simply offered imported fertilizer. Emergency imports are, of course, required, but not at the expense, nor at the delay, of restoring local production.

6. Less than one-third of industry is now operational in Bangladesh, due to monetary, credit or organizational problems, or the lack of raw materials. In some cases, equipment and machinery has been ransacked. According to UNROD statistics, unemployment affects approximately 75% of the labor force normally employed in industrial establishments. Cottage industries, which account for approximately 57% of the total employment in Bangladesh, have also been adversely affected, especially textiles. Rather than importing clothing from abroad, which many nations have offered, priority should be given to importing raw cotton in order to re-open both mechanized cotton mills as well as provide work for one million weavers.

Rehabilitation needs

1. Because there is an inevitable connection between immediate, emergency relief needs and longer-term rehabilitation and development requirements—because today's need of a bridge to haul food supplies to avoid famine. is also tomorrow's bridge for industrial use—it is important to identify some of the longer-term rehabilitation needs. At least three areas require attention now:

a. *revival of the economy,* requiring outside monetary support;

b. improvement of technical skills through *training programs;* and

c. support of *medical programs,* including birth control.

2. The revival of the economy depends on more than just the restoration of the transportation system, as critical as that now is. There is also an immediate need for monetary stability and support, which can come only with international participation. At the earliest date the admission of Bangladesh to the International Monetary Fund should be supported by the United States Government. In addition, bi-lateral U.S. assistance through the P.L. 480 program can assist the Bangladesh government in generating rupee funds to support emergency employment programs through public works projects.

3. An area of pressing need is the establishment of special training programs for the improvement of technical and organizational skills. Such programs could well be supported by voluntary agencies with long experience in establishing and conducting short-term specialized training programs.

4. Health Needs: Months of dislocation and large-scale refugee movement, of overcrowding, disrupted water supplies and sanitation systems, and malnutrition have served to make the population of Bangladesh extremely susceptible to epidemic diseases. There are three immediate health-related emergencies in Bangladesh today.

a. Cholera and other diarrheal diseases, traditionally the largest killers in East Bengal, must be combatted on an emergency basis. At present a cholera epidemic is raging in Comilla District, and the establishment of rural treatment centers for diarrheal and cholera symptoms should be given the highest priority.

b. Smallpox prevention should be a primary feature of health programs in Bangladesh. Historically, smallpox has struck Bangladesh in five-year cycles, the last being in 1967. Most medical authorities in the field fear another major smallpox epidemic has already begun, with a serious outbreak in the south western districts of Faridpur and

Bakarganj where refugees from Calcutta are returning.

c. There is an immediate need for public health surveillance programs. Since preventive and therapeutic services cannot be extended to the entire population, a system of disease surveillance should be established as an early warning signal of areas facing health emergencies. Such a system would also report on nutritional problems, particularly among children.

d. Normal personnel resources and institutional facilities for handling these health programs, such as the Cholera Research Laboratory, are currently without adequate funds or are in organizational chaos. To meet these health emergencies, outside funds are urgently required, as well as some outside personnel.

TABLE I.—MINIMAL REQUIREMENTS FOR RELIEF AND REHABILITATION: THE ABSOLUTE MINIMAL[1] REQUIREMENTS FOR 1972 FOR PREVENTING ANOTHER MAJOR DISASTER IN BANGLADESH ARE AS FOLLOWS—

	Value	Tonnage per month
1. Rehabilitation of 10,000,000 destitute people, duration of 6 months (this includes only 250,000 houses and a total food supply of 540,000 tons)	$80,000,000	190,000
2. Additional minimum food imports to add to a total of 1,500,000 tons per year (previously imported from Pakistan)	80,000,000	70,000
3. Additional wooden posts for strengthening the houses and corrugated iron sheets for a total of 800,000 houses (has to be imported until end of May)	41,000,000	30,000
4. Repair of major railway bridges	15,000,000	30,000
5. 6,000 feet of bailey bridges average length 200 feet	1,500,000	----------
6. Reestablishing of inland water transport system, Dacca, including ferries	13,000,000	----------
7. Reconstruction o f schools and their reequipment with furniture, teaching aids, and science equipment	6,000,000	----------
8. U.N. chartered vessels, 12 months	6,000,000	----------
9. Raw materials for industries, agricultural inputs, and implements and fishery equipment, POL, cement, etc.	200,000,000	110,000
	439,000,000	400,000

[1] Source: U.N. Relief Organization in Dacca, Feb. 18, 1972.

The Bihari problem

A critical problem facing the long-term stability of Bangladesh is the settlement of the minority problem—the integration or repatriation of some 1,500,000 Bihari Muslims now residing in Bangladesh. Although most of the Bihari community speaks Bengali and have the capacity to integrate themselves into Bengali society, until now they have had no incentive to do so while the Urdu-speaking West Pakistanis were in control. There is clearly a crisis of confidence in the Bangladesh government among most Biharis today, and they will need, and have been pledged protection by government security forces. As communal passions subside in the coming months, and if adequate protection and assistance can be given during this period, there is every prospect that most Biharis can eventually be reintegrated into society. For those who cannot—who do not speak Bengali, or have ties in West Pakistan—efforts at repatriation must be made, even though the Biharis now in West Pakistan have not been fully integrated.

U.S. assistance to Bangladesh

1. Despite brave words and frequent announcements of aid, this Administration's record in responding to the humanitarian needs of the people of Bangladesh shows a sad gap between promise and performance, between aid commitments and aid deliveries. For example, on February 9, 1972, the President stated in his Foreign Policy Message to Congress:

"We responded to the humanitarian emergency. . . . We committed . . . $158 million both through the United Nations and bilaterally for the 60–70 million people in East Pakistan to help avert famine and stem the further outflow of refugees."

However, earlier testimony by officials of the Administration revealed other, somewhat conflicting, assessments of the amount of U.S. aid extended to the people of East Bengal. In a statement before the Subcommittee on October 4, 1971, Deputy Administrator of A.I.D., Maurice Williams, testified that:

"The United States contributed $37 million . . . and United States voluntary agencies $1.8 million for cyclone assistance relief. Additional relief since the cyclone . . . the United States has provided $112 million. These funds are humanitarian relief funds to help suffering people, and this suffering has arisen out of a series of disasters that have been inflicted on East Pakistan. . . . The United States share is $150 million, and most of that in food . . ."

But, later, on February 2, 1972, Mr. Williams had to revise his figures downwards:

"The United States . . . supported the U.N. humanitarian relief effort in East Pakistan with resources of food, money, boats and trucks. *The United States actually delivered about $65 million in food and essential relief,* or over two-thirds of the $94.7 million the U.N. records as pledged by all countries. This does not count additional US contributions of food from earlier programs which arrived during mid-1971 and were crucial to the overall food situation"

2. With each passing week, the total amount of U.S. aid "actually delivered" and made available to the people of Bengal, has been revised downwards by Administration spokesmen. It now is clear that the "record of pride" that the President has spoken of to the American people is less than the $158 million total reported in the President's message to Congress. It is, in fact, more on the order of $40 million—or less than 38% of the announced total. On the basis of available data, from both the Subcommittee's investigation and preliminary reports from the General Accounting Office (GAO), the following facts describe the actual level of American assistance to Bangladesh:

a. Of the total of $109.1 million in aid commitments announced last year, some $91 million in aid contracts were cancelled, or never signed or not implemented.

b. Of the total of some $38.9 million committed by the Administration in December 1970 for cyclone relief, most was not implemented until one year later, and then less than 15% of the tonnage of food grains represented in these agreements were traced as actually having been "delivered".

c. In addition to the cyclone and so-called "civil strife aid" listed above, the U.S. sold to the Government of Pakistan on November 25, 1970, 722,000 tons of wheat valued at $42.7 million, as part of the normal P.L. 480 sales program. At least 208,000 tons of this food is still unaccounted for, and some 169,000 tons was in fact sent to Karachi, West Pakistan, and not to East Bengal.

3. Preliminary reports from the GAO suggest that these instances of delayed aid commitments, of cancelled aid contracts, and of unfulfilled and undelivered aid promises, are but a sample of the failure of American humanitarian aid to the people of Bangladesh. (The Subcommittee has requested the GAO to undertake a full-scale investigation of U.S. aid to East Pakistan, and their reports are expected to be filed with the Subcommittee soon.)

4. For fiscal year 1972 the Congress has appropriated $200 million for Bangladesh relief, but less than $70 million had been committed to date, and nearly half of this, or $27 million, has gone to pay old refugee debts in India, and not to aid the new nation of Bangladesh.

5. During the last three months of crisis in Bangladesh, the Administration has thus far committed (not necessarily "delivered") $113 million. This has been composed of $71 million in P.L. 480 food, $35 million in cash for the United Nations' program, and $7 million in cash for various volunteer agency programs. This leaves approximately $130 million remaining out of the $200 million appropriated by Congress. There is an obvious need to expend these resources now, when the need is the greatest, not later.

6. No information is available to explain the Administration's lethargy in expending already appropriated and authorized Congressional funds for Bangladesh.

CONCLUSION

Bangladesh is a reality today, not simply in the minds of the majority of the Bengali people, as at the time of the Subcommittee's last visit to the field in August, but now in the fact of a government that functions, controls territory, administers to the peoples' needs, and, most important of all, holds a popular mandate to govern. These are realities that should have commanded the recognition, as well as the respect, of the United States Government from the beginning.

However, as this report documents, there can also be little doubt as to the reality of the problems that the people and government of Bangladesh face today. Not probably in this century has as many disasters fallen upon a single nation as have swept over Bangladesh in just this past year—from the natural disaster of a cyclone-driven tidal wave that killed 300,000 people, to a monsoon flood that swept away crops and homes, to the man-made disaster of civil war, which was by far the worst of all. So the refugees that have returned from India to Bangladesh are not only returning to destroyed homes and lost crops; they are returning also to destroyed lives and a devastated land. Everywhere there is evidence of mass graves, the grim evidence of the violence and repression unleashed last March 25th by the Pakistan army. Hardly a single family has remained untouched by this violence, and few do not mourn for lost brothers or sisters or parents.

But as evident as are the tragedies and the challenges facing the people of Bangladesh, so, too, are the resilience and courage and determination of the Bengali people to face the difficult tasks ahead. They are far from the "international basket case" some would have us believe, and there are many hopeful signs amidst the tragedy of Bangladesh.

First, there is now a government and a political leadership which has near-universal support, a rare phenomenon in any country. The present government of Prime Minister Sheikh Mujibur Rahman can make nearly any emergency decision without the threat of crippling opposition. As a result, long overdue reforms can be made. Sheikh Mujib can redirect the administration, set priorities for social reform and economic reconstruction, and eliminate all non-essential imports—all steps which would have been difficult, if not impossible, for earlier governments of the region.

Second, because the Bengali society and economy is largely homogeneous and relatively egalitarian, there are few of the social and political schisms and tensions that tear at most nations in South Asia. As one observer has said, "the average income is low, but this is bearable when everyone else's is, too." In addition, there has been a collective experience which has brought the majority of the people even closer, the sole exception being the Bihari community, which has been discussed earlier. There is also a sense of euphoria at having fought and achieved independence, and a collective sigh of relief at having survived a year of looting, arrest, rape and death.

Third, the "green revolution" is still ahead for Bangladesh. The new high-yielding seeds are only now being introduced, and if fertil-

izer consumption can be increased, and if the potential for water control can be tapped, Bangladesh will greatly increase its agricultural capacity. According to most experts, this will likely permit it to achieve self-sufficiency in food production for the first time in decades.

The potential for agricultural development is particularly excellent now that the possibility exists for joint planning of water control with India. Dams in India can reduce floods during the monsoon and increase water availability during the dry season in winter. Renewed relations with India will have other benefits as well: access to the Calcutta market for agricultural commodities, especially jute; access to cheap Indian products, such as coal, limestone, other mineral resources Bangladesh does not have; and income from Indian transit fees between Calcutta and Assam and Tripura. In short, the economic and ecological unit of Bengal will again be whole.

Fourth, Bangladesh no longer must bear the burden of a huge military establishment, nor of providing foreign exchange for civic developments in West Pakistan. Formerly, Pakistan spent approximately three percent or more of its national income on military expenditures, a high figure for a poor country, and directly related to the anti-Indian bias of the Pakistan military. These resources can now be diverted to local developmental projects. And since Bangladesh earned over half of Pakistan's foreign exchange through the export of jute, and received directly or indirectly less than 40% in return, it should now have a relatively secure basis for earning foreign exchange.

Fifth, the government of Bangladesh can rely on a relatively well established and trained civil service. Since 1963, the administrative structure of East Pakistan was progressively staffed by Bengalis. In the districts, as well as in the provincial government in Dacca, most of the civil servants today in the Bangladesh government are the same people who have held these positions over the past several years. And one of the great administrative problems of the past—the centralization of all decision-making authority in West Pakistan, which crippled local initiative in East Bengal—has now been removed with independence.

Clearly, Bangladesh faces immense problems, and there can be little doubt that it is, and will likely be, a tragically poor nation, by world standards, for many years to come. But it is far from a hopeless area, and certainly not a "basket case." Bangladesh deserves American help, not simply because it needs it, but because it has a demonstrated ability to effectively use it to help its people help themselves.

Furthermore, the immediate relief and reconstruction needs of Bangladesh are certainly not of unmanagable proportions. The requirement of two million tons of foodgrains this year is substantial, but only a fraction of what the United States alone has shipped in past years under the P.L. 480 Program to other nations in South Asia. According to United Nations estimates, the probable cost of reviving public and private sectors of industry, fisheries and agriculture for one year in Bangladesh, will be approximately $312 million. Longer-term development projects would perhaps require another $200 million.

The Congress has already authorized and appropriated $200 million, an admirable initial contribution, and additional assistance can be provided through existing P.L. 480 funds and appropriations for fiscal year 1973. If the Administration will only move ahead, if it will only marshal available resources, our nation can in fact be proud of its contribution to the relief and reconstruction of Bangladesh. But the record to date has been a sorry one of delay and inefficiency, and suggests the need for continued public and Congressional pressure in order to close the gap between repeated Administration "announcements" of aid, and actual delivery, between rhetoric and performance. We can only expect other nations to contribute more to Bangladesh if *we* take the initiative and if *we* live up to our traditional leadership in humanitarian assistance.

As the world waits, as we delay, the danger signs mount in Bangladesh. Already many of the hopeful signs for change—many of the new possibilities for growth and stability—are being sabotaged simply because food and other essential relief supplies are not effectively and swiftly being distributed in the countryside. There is an increasing danger that the massive popularity and leadership of Sheikh Mujib may be undermined in certain districts simply because of the lack of food—food that the United States and the international community can easily supply on an emergency basis, by airlift, if necessary, to avoid the clogged and damaged harbors of Bangladesh.

The needs of Bangladesh are known, the resources are there to help, we need only an Administration that will act now, not later.

RECOMMENDATIONS

If nothing else, the force of historical inevitability is finally bringing our national leadership to recognize the diplomatic reality of Bangladesh—although American foreign policy seems to persist in failing to recognize other new realities in South Asia. But the failure of American policy in the region has not really been *when* diplomatic recognition would be offered, but *how*: begrudgingly, with missed opportunities, and a time-lag that has had a tragic impact upon the humanitarian assistance program in Bangladesh. Already, America's delay in responding to the immediate humanitarian needs of the Bengali people for food and relief supplies, is serving to undermine what progress the Government of Bangladesh has made in bringing peace and stability to the countryside. Further delay will only further contribute to the disaster.

To learn the lessons of Bangladesh—for America to resume its traditional leadership in responding to humanitarian needs—our government must finally turn its policy around in South Asia and begin to move on several fronts.

1. Resumption of Bi-lateral Relations with Bangladesh:

With diplomatic recognition our government must resume those productive bi-lateral relationships which we have had with the people of Bengal over the past two decades. A host of important American bi-lateral projects—from the excellent Cholera Research Laboratory to essential P.L. 480 funded programs—have all been seriously endangered during the long winter of this Administration's non-recognition of Bangladesh. The importance of our role in the new multilateral programs now being undertaken through the United Nations must not diminish the importance of our special bi-lateral assistance programs, such as the Cholera Research Laboratory in Dacca. A renegotiation of the P.L. 480 food-for-peace program would have advantages for both the government of Bangladesh as well as for the American aid program. Already, in the absence of funds generated by the P.L. 480 program—which have traditionally been used by U.S.A.I.D. to finance employment generating rural public works projects—the United Nations has received proposals for a U.N. "Food Bank" to work along similar lines. Whether bi-laterally, multi-laterally, or both, it is clear that there is an urgent need for a P.L. 480-type program in Bangladesh today.

2. Emergency Response Needed to Humanitarian Program:

The Administration has been unconscionably lethargic in its response to the emergency humanitarian needs of Bangladesh. For too many months our government has allowed the lack of recognition to stall our nation's ability to meaningfully contribute to the relief needs of the Bengali people. Relief requirements have been known for months, and funds have long been available—including $200 million appropriated by Congress. Yet little has been spent or ear-marked of this appropriation for Bangladesh.

Nothing should stand in the way of allocating that money—now, not later—and to respond on an emergency basis to the following relief needs of Bangladesh: food supplies, transportation equipment, and cash to support the importation of critically needed relief supplies.

Consideration should be given to funding a temporary emergency airlift of high-priority relief supplies and to support distribution programs within Bangladesh. For example, an airlift of such items as fork lifts, port machinery, and other key transportation items that serve to speed off-loading at ports would have a "multiplier" effect on the relief effort. A single fork-lift delivered immediately to Chittagong port would be more than worth its air freight costs in how much it would help unloading of relief supplies and food commodities now idly waiting on ships in the harbor.

3. Financial Support for the United Nations Program:

Our government should provide leadership in mobilizing further international support for the United Nations relief program in Bangladesh, organized now under the format of a special United Nations Relief Organization in Dacca (UNROD).

Although UNROD has made an important contribution to the initial, emergency relief needs of the Bengali people, and remains a useful channel for short-term humanitarian relief efforts, it must not be allowed to become the permanent U.N. organization in Bangladesh. If an unfortunate parallel to the United Nations Relief and Works Agency (UNRWA) in the Middle East is to be avoided, the international community must now look towards the evolution of UNROD into a regular U.N. office administering regular U.N. programs, such as UNICEF, WHO, FAO, UNDP, etc. The future of Bangladesh requires more than simple humanitarian assistance, and only a more permanent U.N. role can effectively contribute to longer term developmental objectives.

4. World Bank Support:

Our government should provide leadership in encouraging the admission of Bangladesh into the World Bank system, and should also express our willingness to join international arrangements to assist in the reconstruction and long-term development of Bangladesh. Only through support of such international institutions as the World Bank can Bangladesh begin to stabilize its economic relations with other nations and promote its trade in the international market.

5. Assistance to the Biharis:

The problem of the integration of the minority Bihari Muslim community in South Asia has been a source of instability and friction for a generation, both in Pakistan and East Bengal. It now poses one of the most severe tests for the new nation of Bangladesh, as well as for relations between the other nations in South Asia. The international community can assist the Bihari's by first, supporting the work of the International Committee of the Red Cross, which has been asked by the Government of Bangladesh to provide temporary relief to the Bihari community until the Government's program is fully operational. The Red Cross should also be asked to expand the purpose of its mission in Bangladesh to include the stationing of international observers to assist the Government in fulfilling its sincere pledge of protecting the Bihari community.

Secondly, our government should encourage and facilitate arrangements for a popu-

lation exchange, where possible, between Pakistan and Bangladesh of minority communities wishing to leave. Preliminary repatriation plans have been made by the representatives of the Secretary-General of the United Nations, and contacts established with all governments in South Asia. These constructive approaches should be actively supported by the United States.

6. Renewed Need for a Bureau of Humanitarian and Social Services:

An important lesson for the U.S. government from the experience of Bangladesh should be the recognition of the need for a continuing mechanism within the Department of State to give priority and coordination to U.N. humanitarian programs.

The President, in consultation with appropriate committees of the Congress, should issue an executive order establishing a Bureau of Social and Humanitarian Services within the Department of State. This Bureau should be headed by an Assistant Secretary of State. The time is long overdue to raise the level of responsibility and encourage stronger national leadership in international humanitarian and refugee affairs.

There continues to be no administrative unity among the various departments and bureaus of the executive branch which are presently concerned with refugee and humanitarian affairs. There is no single office to give guidance and impulse, no regularized decision making process, no ready mechanism to quickly evaluate and respond to frequent emergencies, no central office controlling and weighing over all allocations of resources, and little high-level interest and concern in the effective operation of the various humanitarian programs.

Nothing illustrates more the shortcomings in this significant area of public policy, than recent developments involving America's response to humanitarian needs in South Asia, the uncoordinated response to the human need produced by last year's earthquake in Peru, our ambivalent and tardy response to the massive human tragedy produced by the Nigerian civil war, and our early failure to anticipate and identify the very serious problems of displaced persons and civilian casualties in South Vietnam and Laos, which even today are not being accorded the priority they so rightly deserve.

NATIONAL WEEK OF CONCERN FOR POW/MIA'S

Mr. BROCK. Mr. President, marking one of the most moving and appropriate observations of the National Week of Concern for Prisoners of War/Missing in Action, Tennessee was one of the first States to validate legislation which will provide free tuition for the children of POW/MIA servicemen.

Introduced in the House by Representative Dale Engstrom and in the Senate by Senator Ray Albright, both from Hamilton County and my hometown of Chattanooga, the proposal received enthusiastic support from the Tennessee Legislature. Tennessee has some 63 families who have a member either held as prisoner of war or missing in action in Southeast Asia.

I want to commend Ray Albright, Dale Engstrom, and the entire Tennessee Legislature for making a real contribution to the welfare of our POW/MIA families during the second National Week of Concern for POW/MIA's.

EARTH WEEK

Mr. NELSON. Mr. President, our reports strongly indicate that Earth Week this year, April 17–23, will be even more widely observed than it was in 1971. The President has once again proclaimed this national environmental observance, and 45 Governors have proclaimed it or confirmed their intentions to do so. More than 100 mayors have already proclaimed Earth Week, and many schools and communities are planning Earth Week activities.

At the request of environmental and educational groups, I wrote articles last year and this year reporting Earth Week aims and activities. In view of the widespread interest in Earth Week once again, I ask unanimous consent that these articles be printed in the RECORD.

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

[From National Education Association Publications—1971]

EARTH DAY—FIRST STEP TOWARD SAVING OUR ENVIRONMENT

(By GAYLORD NELSON)

America is finally awakening to an environmental crisis that has already spread around the world. Only now are we beginning to realize that nowhere in this country is there a breath of unpolluted air, and that nowhere is there a lake or a river unaffected by the waste products of our society.

The first Earth Day, held on April 22, 1970, was a dramatic recognition on the part of the American people that the crisis exists and that it is everybody's problem and everybody's business to do something about it.

The participation was overwhelming, with some 10,000 high schools and grade schools, some 3,000 colleges and universities, and several thousand communities involved in programs and clean-up efforts.

One of the most heartening experiences of Earth Day was the quick and enthusiastic response of the nation's young people. Across the country, students from elementary school to college level joined hands to express their concern about the future of the world's physical environment.

In classrooms from Maine to California, schoolchildren focused their attention on environmental pollution by setting up room displays, presenting skits and puppet shows, and even composing songs warning of environmental danger. Some walked to school to note their concern about pollution from motor vehicles, while others took a hard look at their littered world and set out to beautify some part of it.

For example, third-grade pupils from San Francisco's Francis Scott Key School turned beachcomber to pick up beer cans, bottles, and other debris from a stretch of ocean beach.

In Ripon, Wisconsin, local merchants offered to pay schoolchildren a penny apiece for each discarded can they could collect from the countryside. The merchants expected to pay $100, but the children brought in so many cans that the total outlay was $250.54.

In Topeka, Kansas, and San Diego, California, young people avoided using automobiles and buses (major pollution sources) to get to school. Instead, they showed up on bicycles, on horseback, on roller skates and skateboards.

The widespread involvement and initiative of young people in Earth Day was a very heartening sign. As the new generation, they will inherit the pollution of the present. They have every right to start being concerned and involved now.

The next question is how can young people, as well as adults, establish Earth Day on a year-round basis?

The answer is for everyone to become a better citizen of the environment in two ways—by working with other people to accomplish anti-pollution goals, and by doing what he can to make the world a more decent place.

Young people can continue Earth Day activities in their schools and communities by establishing programs with definite goals and by working to solve the problems of their local environment.

The first step in such a program is to make an environmental inventory of the community, asking the questions: What are the sources of pollution in the lakes and rivers? What is the nature of the pollutants? What is the source of pollution in the air? What is the status of the local parks? Find out what can be done about each problem.

On those projects you can do something about, prepare a plan of action. Organize local groups—such as Boy Scout and Girl Scout troops, school classes or religious organizations—to work together.

For example, once you have found a dirty hillside, river bank, beach or roadside, inform the landowner that your group would like to clean it up. Be sure to tell the local newspapers, radio and television stations what you are doing.

Ask the city refuse collection department how to recycle the types of waste you expect to collect. Ask if any of the materials—such as aluminum cans, steel containers, paper, scrap iron—can be recycled and separate it into piles.

Sponsor assemblies at your school on pollution problems, and present programs at churches and synagogues and for community organizations such as the Chamber of Commerce, the Kiwanis Club, and the Lions Club.

Finally, help your community by finding projects your group can carry out. Plant flowers or trees in park areas and make sure there are trash containers in public places.

Earth Day, which soon became Earth Week, was an important first step in bringing Americans of all ages together in the fight to save the environment. But Earth Week should be celebrated every year, and a resolution calling for Earth Week to be proclaimed in the third week of every April was introduced at the National Governor's Conference last August.

You can help by writing to your Governor and asking him to proclaim the week in your home state. Write your Congressman too, and tell him you support a nationwide Earth Week.

Remembering Earth Week every year would help us measure our progress. In looking back at last year's projects, it would tell us if we are making headway in dealing with environmental problems. In looking forward, it would help us plan new projects to meet the most critical challenge facing mankind.

[From National Education Association Publications, 1972]

EARTH WEEK, 1972—APRIL 17–23

(By Senator GAYLORD NELSON)

Because of the overwhelming public concern peacefully expressed in Earth Day 1970 and Earth Week 1971, the environmental issue has now become a part of the national political dialogue, which was a prerequisite for achieving meaningful action on a broad scale.

However, actually solving our environmental problems is going to take decades, not just years, and will require a lasting commitment by all institutions and citizens.

Thus, Earth Week should be permanently established as a continuing educational effort—a time each year to renew the nation's environmental awareness and for local environmental inventories and reviews as well as special public and media reports.

This year, Earth Week can uniquely contribute to two special environmental needs:

Establishment of environmental education as an integral part of our schools and of environmental awareness as part of the daily community life;

Assurance that in the upcoming elections throughout the country, all candidates seriously address and take specific positions on the environmental issue.

The great burst of public creativity and enthusiasm from Earth Day 1970 and Earth Week 1971 has produced models for a new environmental citizenship and planted the seeds for a new environmental ethic.

An indication of the overwhelming interest in the environmental issue is that more than 3,500 applications have been filed for aid under the Environmental Education Act since the program was established in 1971.

Because the Administration has sought only a small share of the money Congress authorized in the Environmental Education Act, only a few projects have actually been funded. Strong public support is needed to more adequately fund this important Act which aims at stimulating environmental education pilot projects around the country.

In Ann Arbor, the University of Michigan has established a community garden to demonstrate for teacher workshops and school field courses a chemical-free alternative for the home-growing of flowers, vegetables, and lawns. It also provides access to a garden for people who can't have one of their own.

In Menlo Park, California, trained student teams will set up and promote the use of a waste recycling program in the community.

In San Benito County, California, a consumer's group will provide for disseminating environmental, social, and health information to a target population of Mexican-Americans.

In the Midwest, students from Wisconsin's Beloit College toured 75 secondary schools in the Mississippi River Basin in what they called an EnvironVan, bringing pollution control demonstrations, workshops, lectures, and field trips to more than 25,000 students.

In Manchester, N.H., an 18,000-acre swamp will be the focus of ecology instruction for local college and high school students.

In Pittsburgh, a citizens' ecology clearinghouse will train 20 high school students who will return to their classrooms with the knowledge, leadership techniques, and resources to develop a cadre of students to work for environmental improvements.

In Pontiac, Michigan, the board of education is building an alternative school for 2,000 students in the inner city, with environmental education emphasizing the day-to-day, large-city problems which are the immediate concerns of the students.

In the Washington, D.C., metropolitan area, what appeared to be the nation's first "environmental fair" was held for metropolitan area high school students at a regional shopping center, displaying for hundreds of thousands of citizens the results of such student projects as inventories of area pollution and demonstration of the impact of pollution on aquatic life.

The challenge now is to adapt these pilot efforts into permanent environmental education and citizenship programs in our schools and communities nationwide. Earth Week can be the launching point for such an effort.

And, Earth Week this year provides the opportunity for the environmentally concerned to more fully exercise their responsibilities in the political process.

The course of environmental programs will be strongly influenced for the next several years by positions political candidates at all levels take in the upcoming elections.

In 1968, not one of the presidential candidates saw the environmental issue as important enough to merit their serious attention. Just two years later, however, the President declared it as the issue of the 1970's, and public leaders at all levels were addressing environmental concerns.

As the nationwide environmental awakening has so dramatically shown, supporting strong environmental measures is not only good sense, but good politics and good economics.

If we started making a reasonable investment now in pollution control, the average American family would in a few years be realizing $200 in annual savings from a cleaner environment, according to a recent report.

This is the estimate of a National Wildlife Federation study based on current figures.

According to the Federation report:

Currently, air and water pollution cost each American family an average of $481 a year in damages. The total national damage bill is $28.9 billion a year.

By contrast, estimates are that a cleanup program would require $170 per year per family, $10.2 billion for the nation.

For this investment by all of us, the pollution damages would be reduced by some $22.2 billion, $370 per family.

The net savings would be $200 per family, $113 a year for air cleanup by 1976 and $87 a year for water cleanup by 1980, according to the National Wildlife Federation study.

By bringing about a more realistic balance sheet to measure costs and benefits, concern for environmental quality is becoming one of the most positive forces in American life today.

But where short-term gain, despite long-term consequences, is still the priority, the call to "wait a minute" on environmental measures still has a strong appeal.

As a dramatic example, strip mining operations carve up Appalachia at an accelerating pace, reaping immediate profit but destroying the region's economic future.

Similar examples can be found in almost every community in America, whether involving highway or airport locations, dams and reservoirs, pollution sources, the inner-city environment, scenic areas, recreation resources, noise levels, solid waste disposal, or building programs—or all these problems together.

Environmental action in the public interest on these key matters will depend on the continued public presence.

As an immediate public action priority in this election year, environmentally concerned individuals and groups should begin discussing environmental issues with all candidates for public office at all levels.

Earth Week in April provides every community a special time to determine its environmental issues and, through public forums, the candidates' specific environmental positions and plans. In this way, we can assure that the environment is a high priority election concern.

Finally, the nationwide review of environmental issues and our future needs provided by Earth Week should be especially useful in view of the United Nations Conference on the Human Environment scheduled for June in Stockholm.

In just two years, the environmental movement has blossomed from the peaceful nationwide demonstration of Earth Day 1970 to a global environmental conference.

We are taking the first big steps toward restoring harmony between ourselves and the fragile systems that support life on this planet.

We are beginning to adopt a perspective which views mankind as *of*, not *above*, his environment.

The challenge now is to translate this new view into a way of life, a joint effort by the citizens of all nations to restore and protect the integrity and livability of their environment.

ALASKA OIL PIPELINE BATTLE

Mr. STEVENS. Mr. President, the issues involved in the decision as whether to construct an oil pipeline across the State of Alaska, from the vast oil deposits at Prudhoe Bay to Valdez, vitally affect not only Alaskans, but every American.

The tremendous energy demands that will confront our Nation in a few years, at a time when we will be relying increasingly on foreign oil from the turbulent Middle East, make it mandatory that the Alaska pipeline be constructed without delay.

A report in the Congressional Quarterly of March 11 gives a comprehensive and unbiased report of these issues. I ask unanimous consent that the report be printed in the RECORD.

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

ALASKAN OIL: POWERFUL INTERESTS IN PIPELINE BATTLE

Two powerful coalitions of organized interests are grappling over an issue affecting the last great wilderness in the United States—Alaska. One of the richest oil strikes in American history touched off the controversy.

The battle lines are smudged but with exceptions shape up something like this: On one side are important elements of the oil industry and their allies in government and industry; on the other are environmental groups and their allies.

The division is complicated by costly company efforts to solve environmental objections, spurred by the virtual certainty of unprecedented government controls resulting from ceaseless prodding by environmental pressure groups.

Despite overlappings that obscure the line between the forces—such as financing of some environmentalists by their nominal opponents—a basic gap exists in this as in many other environmental disputes: Between those who give higher priority, on one side, to an energy crisis and, on the other, to an ecology crisis.

Both sides say their stance serves the public interest. Both possess strong political connections. Figures in both broad factions express hopes of reconciling differences, in spite of strong words exchanged in the recent past. Though working arrangements may emerge, political, economic and philosophical differences going beyond environmental topics render complete accord unlikely.

Immediately at stake is what industry sources say is the costliest private construction project ever—a proposed 48-inch pipeline to haul oil 789 miles south across Alaska. Estimated construction costs have swollen to well above $2-billion in three years of struggle.

Proponents say the oil is badly needed by the nation and cite benefits from development of Alaska's natural resources. They say the benefits far outweigh ecological risks which they pledge will be held to a minimum under close government supervision.

Opponents express unresolved fears of damage to the environment from construction of a pipeline carrying 170-degree oil across tundra and permafrost. They cite the possibility of pipeline breaks from earth settling or tremors, speak of potential oil spills from supertankers and have challenged in the past whether native rights were adequately protected. They also question whether alternatives have been sufficiently considered.

BROADER ISSUES

Some liken the situation to that prevailing in the early American West. Upon resolution of the pipeline dispute hinge at least in part broad questions of public policy. Some of these pertain to:

Development of huge new oil resources on

Alaska's icelocked North Slope at a time when the United States is relying increasingly on foreign oil, particularly from the turbulent Middle East during the next decade. (*Middle East pressures, Weekly Report p. 242*)

The opening to development or widespread use for business or recreation of the largely virgin lands of Alaska, one-fifth the area of the other 49 states put together and more than twice as big as Texas. Alaskan state officials make it plain they look to mineral income to develop and operate the nation's 49th state.

A test of the growing activism among lawyer groups that have sprung into existence to convert lobbying into a sophisticated triple threat operating in the judicial, executive and legislative arenas at federal, state and local levels.

This has carried over into a general election year which finds national and international environmentalists with strong support from tax-exempt foundations bucking heavily financed oil, shipping and financial interests. The dispute is inextricably bound up in politics.

David R. Brower, former Sierra Club executive whose three-year-old organization, Friends of the Earth, has been a prime foe of the pipeline to date, indicates he is ready to postpone Alaskan oil development for at least several years longer. "We must cut down on the use of fossil fuels," Brower said in January 1972. "We need a cooling of this drive for more energy."

A tax-exempt companion group formed by Brower when he founded the politically oriented Friends of the Earth is called the John Muir Institute for Environmental Studies. It was made possible by an $80,000 gift from Robert O. Anderson, chairman of Atlantic Richfield, one of the main oil companies seeking to develop Alaskan oil.

E. L. Patton, president of Alyeska Pipeline Service Company, the consortium proposing to build the pipeline, termed some charges by Brower and other environmentalists "balderdash" and another—that the Alaskan oil was destined for Japan—"plain foolishness" when Patton and Brower spoke on the same platform before the Pipe Line Contractors Association.

The Sierra Club, veteran of wilderness fights from the Redwoods to the Everglades and now shifted onto an international footing, says the story of Alaska "and of the pressures to extract the black gold that lies beneath it reflects nothing less than a test case of what the struggle to save this planet is all about."

Dispute Over New Law. In the middle of the Alaska oil controversy is the National Environmental Policy Act of 1969 (42 U.S.C. 4321). Largely the outgrowth of legislation proposed by Rep. John D. Dingell (D Mich.) and by Senators Henry M. Jackson (D Wash.) and Edmund S. Muskie (D Maine), both candidates for the 1972 Democratic nomination for President, it was virtually unopposed when enacted by Congress late in 1969 and was promptly signed by President Nixon—symbolically, as his first official act of the 1970s.

The law declares as national policy the safeguarding of the environment and requires that environmental impact must figure in government decision making. The law has been a primary tool of opponents to the Alaska pipeline as originally conceived.

As the formerly non-controversial law becomes more and more the legal basis for bitter environmental struggles over large stakes, attorneys on both sides say the legislation may have been a sleeper subject to court interpretation as granting powers which few members of Congress realized when they voted for it. One writer on environmental law likened the act's use in the Alaska pipeline case to the role once reserved for the Colt revolver: "the great equalizer."

Court rulings in the Alaska pipeline or others of the approximately 160 cases pending under the law may ultimately determine the extent to which the 1969 law established, as some suggest, a new judicial veto power over the executive branch based on an open-ended definition of environment.

"Life under the National Environmental Policy Act has approached chaos," the *Oil & Gas Journal* said editorially in 1972. Noting the proliferation of court suits filed under the act and resultant delays in major decisions from executive departments and agencies, the publication for the domestic oil industry said:

"Under this hopeless confusion, the environment is running the government."

ALASKA PIPELINE

An Atlantic Richfield Company well struck oil commercially on Alaska's North Slope in the summer of 1968. The major obstacle to large-scale development of the field was the difficulty of transporting the oil at economical cost from the frozen north to markets far to the south.

In October 1968, eight companies based in the United States, Canada and Great Britain set up the Trans-Alaska Pipeline System (TAPS) as a joint enterprise. The major participants, directly or through subsidiaries, were Atlantic Richfield, Humble Oil & Refining Company and British Petroleum. Humble is a subsidiary of Standard Oil Company (New Jersey), world's largest oil company.

The state of Alaska, which included 2 million acres of North Slope land in its selections for state ownership in compliance with the Alaska Statehood Act of 1959, auctioned leases Sept. 11, 1969, netting $900-million from oil companies.

By January 1972, about 15 billion barrels of proven reserves had been located on the Beaufort Sea, site of the Atlantic discovery. Of these, Atlantic Richfield's proven reserves were about 1.9 billion barrels. Some estimates are that Alaskan oil reserves may exceed 100 billion barrels, far beyond known U.S. reserves.

The oil companies applied for permits to build an access road and a four-foot pipeline to Valdez in south Alaska. Tankers would carry the oil from that point.

Opposition to the proposed pipeline soon crystalized. Opponents attacked on several fronts in the courts, Congress and administrative agencies. They opposed the building of a road—first step toward actual pipeline construction and toward opening up the Alaska interior—and pressed Alaskan native land ownership claims.

Various groups said the heated oil could melt the terrain along the pipeline, causing changes in a delicately balanced environment lacking the capability of regenerating itself because of climate. They said caribou migrations might be interfered with by fear of crossing the pipe where it was above ground. Ecologists have cited dangers of pollution from oil spills in Alaskan waters and in Washington's Puget Sound to which oil would be hauled. Some have challenged the need for the oil and suggested Japan would become the major recipient.

In a move which has held up the pipeline until at least 1972, three plaintiffs on April 13, 1970, won a preliminary injunction from U.S. District Court Judge George A. Hart Jr. in Washington, D.C.

The judge barred the secretary of the interior, who was then former Alaska Gov. Walter J. Hickel, from issuing a pipeline construction permit. Plaintiffs obtained the order on grounds that the Interior Department had not complied with the National Environmental Policy Act of 1969 by filing a detailed statement on environmental impact of the pipeline proposal and of possible alternatives.

The injunction obtained by the Wilderness Society, Friends of the Earth and the Environmental Defense Fund Inc. of New York continues in effect until Hickel's successor, Secretary of Interior Rogers C. B. Morton, publishes a final environmental impact statement. The statement has been postponed several times.

Alyeska Formation. Trans-Alaska Pipeline System was succeeded by the Alyeska Pipeline Service Company, the formation of which was announced Aug. 28, 1970, at Houston, where Humble Oil has its home office. The group was set up to build and operate the pipeline, with original owners retaining their interests. It was headed by Edward L. Patton, former manager of a new oil refinery complex opened by Humble near San Francisco Bay.

It was Humble that conducted a multi-million-dollar exploration of possible tanker routes from the Arctic in 1969, during which the icebreaker S.S. Manhattan became the first commercial ship to make a round trip through the Northwest Passage. Humble also has studied the feasibility of building a new pipeline across the United States from Puget Sound to the East Coast.

Alyeska has sought in various ways to counter the claims of its foes. For example, it published a full-page advertisement in *The New York Times* Jan. 19, 1971, giving assurances concerning the pipeline and the environment. "Geology and engineering are our areas of basic competence," the ad said. After discussing some of the questions involved, Alyeska said:

"On this you have our pledge: The environmental disturbances will be avoided where possible, held to a minimum where unavoidable and restored to the fullest practicable extent. And we can assure you that the pipeline will be the most carefully engineered and constructed crude oil pipeline in the world."

PIPELINE INTERESTS

Major proponents of an Alaska pipeline and the opening of the Alaskan frontier to development include:

Oil and gas interests.

The state of Alaska, admitted to the Union in 1959.

Shipping, and lumber and other natural resources interests.

In addition to business and financial interests, there also are those motivated by considerations of national security and the desire to develop domestic oil as insurance against excessive reliance on foreign oil. Without referring to Alaskan oil, Adm. Elmo R. Zumwalt, chief of naval operations, told the Senate Armed Services Committee Feb. 22, 1972, that "the potential for coercion of the U.S." when the United States imports about half its petroleum perhaps by 1985 "is ominous when one considers the measures the Soviets are taking to improve their navy."

OIL COMPANIES

The original oil consortium that formed Trans-Alaska Pipeline System consisted of:

Amerada Hess Corporation; Atlantic Pipe Line Company, a subsidiary of Atlantic Richfield Company; B. P. Pipe Line Company, a subsidiary of B. P. Alaska Inc.; Home Pipe Line Company, a subsidiary of Home Oil Company of Canada which later sold its interest; Humble Pipe Line Company, a subsidiary of Humble Oil & Refining Company, which in turn is a subsidiary of Standard Oil Company (New Jersey); Mobil Pipe Line Company, a subsidiary of Mobil Oil Company; Phillips Petroleum Company, and Union Oil Company of California.

Corporate officials, with some of the directorships or other positions they have held—within the period 1970–72 unless specified—included:

Amerada Hess Corporation.

Chairman and chief executive officer: Robert O. Anderson, director, American Petroleum Institute (API).

Chairman, executive committee: Leon Hess.

President: A. T. Jacobson, director, API.

Atlantic Richfield Company.

Chairman and chief executive officer: Robert O. Anderson, director, Chase Manhattan Bank; director, Chase Manhattan Corporation, a one-bank holding company; director, Pan American World Airways Inc.; director, Columbia Broadcasting System Inc.; director, Smith Kline & French Laboratories; chairman, Diamond A Cattle Company; director, API; chairman, Aspen Institute for Humanistic Studies; director, Resources for the Future; vice chairman, John F. Kennedy Center for the Performing Arts; member, finance committee, Nixon for President, 1967–68; Republican national committeeman, New Mexico, 1968—.

Vice chairman: Rollin Eckis, director, API.

President: Thornton F. Bradshaw, director, Atlas Chemical Industries Inc.; director, National Industrial Conference Board; director, Foreign Policy Association; director, API.

Directors include:

Courtlandt S. Gross, president, 1956–61, and chairman of board, 1961–67, Lockheed Aircraft Corporation, now chairman of Lockheed finance committee and director; director, Smith Kline & French Laboratories; director, Girard Company.

Robert S. Ingersoll, chairman and director, Borg-Warner Corporation; trustee, Aspen Institute for Humanistic Studies; confirmed Feb. 25, 1972, as U.S. Ambassador to Japan.

Ellmore C. Patterson, chairman and chief executive officer, Morgan Guaranty Trust Company of New York; chairman and chief executive officer, J. P. Morgan & Company Inc., a holding company; director, Atchison, Topeka & Santa Fe (AT&SF) Railway; trustee, Carnegie Endowment for International Peace; trustee, Alfred P. Sloan Foundation.

Kendrick R. Wilson Jr., chairman of board, Avco Corporation, a conglomerate.

Humble Oil & Refining Company, subsidiary of Standard Oil Company (New Jersey).

Chairman and chief executive officer: M. A. Wright, various posts with Standard Oil (New Jersey) culminating in executive vice president, 1960–66, when he took the top post with Humble; president, 1966–67, and chairman of board, 1967–68, U.S. Chamber of Commerce; director, National Wildlife Federation.

Vice chairman: Charles F. Jones, director, National Science Foundation.

President: T. D. Barrow.

Standard Oil Company (New Jersey)

Chairman of board, chairman of executive committee and chief executive officer: John K. Jamieson. Canadian-born, moved to United United in 1958, naturalized in 1964; executive vice president and director, Humble Oil Refining Company, 1962–63; president, Humble, 1963–64; executive vice president, Standard Oil (New Jersey), 1964-65; president, Standard Oil (New Jersey), 1965–69; chairman, 1969—; director, Chase Manhattan Bank; director, Chase Manhattan Corporation.

President: Milo M. Brisco, director, First National City Bank, New York City; director, First National City Corporation; member, New York Urban Coalition, 1967—.

Directors include:

Bert S. Cross, chairman of finance committee and director, Minnesota Mining & Manufacturing Company; chairman, National Industrial Pollution Control Council.

W. H. Franklin, president and director, Caterpillar Tractor Company.

T. Vincent Learson, chairman and chief executive officer, International Business Machines Corporation (IBM); director, Carborundum Company.

Donald S. MacNaughton, chairman and chief executive officer, Prudential Insurance Company of America; on policy council, Common Cause.

Mobil Oil Corporation.

Chairman and chief executive officer: Rawleigh Warner Jr., director, API; director, Time Inc.; director, Caterpillar Tractor Company; director, Bedford Stuyvesant Development & Service Corporation.

Directors include:

Grayson L. Kirk, president emeritus, Columbia University; finance committee and director, IBM Corporation; director, Council on Foreign Relations.

Lewis A. Lapham, vice chairman and director, Bankers Trust Company; president and director, Bankers Trust New York Corporation; director, H. J. Heinz Company; director, Tri-Continental Corporation; president of Grace Lines Inc., 1953–59.

George C. McGhee, various ambassadorial posts with State Department plus assistant secretary for Near Eastern, South Asian and African affairs, 1949–51; chairman, policy planning council and counselor, State Department, 1961; under secretary of state for political affairs, 1961–63; special assistant to chairman of Urban Coalition, 1969–70; director, Aspen Institute for Humanistic Studies.

Albert L. Williams, chairman of finance committee, member of executive committee and director, IBM Corp.; director, First National City Bank; director, General Foods Corporation; director, Eli Lilly & Company; director, GM Corporation; trustee, Alfred P. Sloan Foundation.

Phillips Petroleum Company.

Chairman of board and chief executive officer: W. W. Keeler, head of at least 10 Phillips enterprises in various countries; special consultant to secretary of interior, 1961; chairman, National Petroleum Council, advisory group to Interior Department, 1971.

Chairman, executive committee: William C. Douce.

Deputy chairman: John M. Houchin, vice president, American Independent Oil Company; director, API.

President: William F. Martin, director, American Independent Oil Company.

Directors include:

Clark M. Clifford, secretary of defense, 1968–69, whose firm Clifford, Warnke, Glass, McIlwain & Finney registered in 1970 to lobby for Avco Corporation "in support of adequate appropriations for mineral resources research." (*1970 Almanac p. 1218*)

A. F. Mayne, president and director, A. F. Mayne & Associates Ltd., Montreal; director, Kennecott Copper Corporation.

William Piel Jr., partner, Sullivan & Cromwell, New York City.

William I. Spencer, president and director, First National City Bank; president and director, First National City Corporation; director, United Aircraft Corporation; president and director, First National City Foundation; director, Sears, Roebuck & Company; director, Bedford Stuyvesant Development and Service Corporation.

W. Clarke Wescoe, executive vice president (for medical affairs) and director, Sterling Drug Inc.; president and chief executive officer, Winthrop Laboratories, a division of Sterling Drug Inc.; director, Hallmark Cards Inc.

Union Oil Company of California.

President and chief executive officer: Fred L. Hartley, director, North American Rockwell Corporation; chairman, Union Oil Company of Canada Ltd.; vice president and director, California State Chamber of Commerce; director, DiGiorgio Corporation.

Directors include:

Robert DiGiorgio, chairman and chief executive officer, DiGiorgio Corporation, San Francisco, dealing in lumber, food, wholesale groceries, drugs, recreational vehicles, etc.; director, Bankamerica Corporation; member of executive committee, Bank of America N.T. & S.A.; director, Foremost-McKesson Inc.; director, AT&SF Railway.

Prentis C. Hale, chairman, Broadway-Hale Stores Inc.; director, Bank of America N.T. & S.A.; director, Foremost-McKesson Inc.; director, AT&SF Railway.

R. O. Hunt, director, Crown Zellerbach Corporation (formerly its chairman and chief executive officer).

Henry T. Mudd, chairman and chief executive officer, Cyprus Mines Corporation; vice chairman, Marcona Corporation; director, United California Bank; director, Southern Pacific Company; chairman, Pima Mining Company; director, North American Rockwell Corporation.

Charles B. Thornton, chairman and chief executive officer, Litton Industries Inc.; director, MCA Inc.; director, United California Bank; member of exectuive committee and director, Cyprus Mines Corporation; member of finance committee and director, Trans World Airlines Inc.

STATE OF ALASKA

State officials have pushed for approval of the pipeline project. Four days after Earth Day 1970, which focused national attention on environmental issues, more than 100 Alaskan businessmen accompanied Gov. Keith Miller to Washington to lobby for prompt approval of the pipeline and road permits.

Eric E. Wohlforth, revenue commissioner for the state, said in a speech Feb. 4, 1972, that the state's pipeline position stems partly from the view "that Alaska's economic future is deeply wedded to the public conveyance of petroleum throughout the state. . . .

"Any final assessment of the economic potential of the state must start with a realization of one basic fact. To an extent greater than any other state, Alaska owns its sub-surface resources. With development of those resources we can and will share in the monetary gain which their ultimate sale will represent. Thus, unlike other oil and gas states, our state revenues need not be derived only from taxation of the resources but also from the participation in their development."

Wohlforth said passage of the native claims legislation in 1971 was a "giant step" toward developing Alaska's resources, adding:

"The battles which will be faced over the issue of 'lock up Alaska forever' as proposed by some environmentalists versus the state's desire for 'sound development' are similar to those which Alaskans faced during the natural disaster of the earthquake of 1964 and the Fairbanks flood of 1967."

MARITIME

Secretary of Commerce Maurice H. Stans, just before resigning in mid-February 1972 to head President Nixon's election campaign funds drive as he had in 1968, addressed a dinner sponsored by the National Maritime Council.

Stans, who was budget director when Alaska became a state, said the proposed Alaska pipeline "offers perhaps the greatest single opportunity for new cargoes and new jobs that the American fleet has ever had." (*The Washington Lobby, CQ paperback book, 1971, p. 75*)

"A fleet of some 30 new supertankers would be needed to carry North Slope oil from southern Alaska to the West Coast, and constructing them would pump an estimated $1-billion through the shipbuilding industry into the economy," Stans said.

He said the environmental dangers were recognized, but that "when the minimized risks are weighed against the great need for the pipeline and its potential benefits, I am certain that it must be built."

PIPELINE OPPONENTS

Opposition to the Alaska pipeline draws recruits from pre-pipeline battles over the Alaska wilderness. Many participants are active to varying degrees on environmental fronts elsewhere, involving such issues as offshore oil drilling, the supersonic transport, auto exhaust fumes, tanker or refinery pollution, power plants and thermal pollution, nuclear testing, waste disposal, auto safety and consumer affairs.

Groups gravitating around environment as their focus include those operating largely as pressure and public opinion organizations and lawyer task force groups. Supporting these are foundations, some former government officials and miscellaneous elements from among student, antiwar, civil rights and consumer activists. Other allies have included members of Congress and federal officials, as well as Alaskan native factions. Ties are sometimes tenuous but real.

Among groups whose activities have tended to hold up the pipeline development on one basis or another, with some of the participants' associations, are:

Sierra Club. Long a pressure group in the environmental field, the club underwent a change in management and expanded its membership in the 1970s. Executive Director Michael McCloskey said the group's membership doubled in 2½ years to 140,000 at the start of 1972.

"Our size gives us a powerful voice in the halls of Congress and in dealing with government agencies across the country," McCloskey wrote in the club's *Bulletin*. "Our chance of prevailing is proportional to the strength we can amass."

The club in 1971 fought the supersonic transport, the Amchitka nuclear test, timber cutting in national forests and what it contended was lack of adequate environmental protection in the Alaska Native Claims Act.

The Sierra Club engages in grass roots pressure campaigns which have relied heavily on book publication. Book editor John G. Mitchell has said several books "had a profound influence on the outcome of crucial issues." One, called *Oil on Ice*, dealt with the Alaska oil situation and was sent to members of Congress as the club's first "Battlebook."

President Raymond Sherwin says growing numbers of legislators have become sensitive to environmental problems through club efforts but adds: "However, to be effective we must be in their offices and committee rooms when crucial decisions are being made."

The Sierra Club Foundation supports the non-legislative activities of the Sierra Club, including legal action conducted by the Sierra Club Legal Defense Fund which had about 60 court suits in progress in mid-1971.

Two of the Sierra Club's attorneys are James Watt Moorman, director of the Sierra Club Legal Defense Fund, and David Sive. Moorman is secretary of the Center for Law and Social Policy. Sive, who was executive director of the Committee on Natural Resources, New York State Constitutional Convention, in 1967, is a partner in Winer, Neuberger & Sive, New York City. He is secretary of the John Muir Institute for Environmental Affairs and is on the executive committee of Friends of the Earth. Sive was an attorney for the Committee for Nuclear Responsibility, which with other groups unsuccessfully sought to prevent the Amchitka underground test off Alaska Nov. 6, 1971.

Center for Law and Social Policy. Three of the six attorneys who brought the injunction suit which blocked the Alaska pipeline pending a final environmental impact study were connected with the Center for Law and Social Policy. It was incorporated Nov. 14, 1968, and has received extensive foundation funding including grants from the Ford Foundation, Stern Fund, Meyer Fund and Rockefeller Brothers Fund, whose chairman, Laurance S. Rockefeller, was a director of the Natural Resources Defense Council founded at Princeton in March 1970 to fight conservation cases.

Initial directors of the center were Arthur J. Goldberg, chairman, Charles R. Halpern, Richard B. Sobol and Bruce J. Terris. Leadership as of the annual report filed April 6, 1971, included:

Chairman of board: Goldberg, secretary of labor, 1961–62; associate justice of the Supreme Court, 1962–65; U.S. ambassador to the United Nations, 1965–68.

Vice chairman: David F. Cavers, president of the Council on Law Related Studies at Cambridge, Mass.; Mitchell Rogovin of Arnold & Porter, assistant attorney general (tax division), 1966–69. Rogovin also was treasurer for the center.

Secretary: James W. Moorman, who with Halpern and Dennis M. Flannery of the center participated in the injunction suit filed by Wilderness Society, Friends of the Earth and the Environmental Defense Fund.

Trustees include Stewart L. Udall, secretary of the Interior (D-Ariz.), 1961–69; J. Lee Rankin, Office of Corporation Counsel, New York City, U.S. solicitor general, 1956–61, chief counsel, Warren Commission, 1963–64; Ramsey Clark, attorney general, 1967–68, chairman of national advisory council to American Civil Liberties Union, 1969–; and Mrs. Marian W. Edelman, Washington Research Project.

Goldberg, Clark and their New York law firm Paul, Weiss, Goldberg, Rifkind, Wharton & Garrison registered July 18, 1969, to lobby for the Alaska Federation of Natives on land claims legislation. They testified on the group's behalf Aug. 7, 1969, before the Senate Interior and Insular Affairs Committee. (*1969 Almanac p. 1129, 544*)

Congress cleared the Alaska Native Claims Settlement Act (HR 10367—PL 92–203) Dec. 14, 1971, granting Alaska's estimated 53,000 natives $462.5-million in grants, $500-million from state and federal mineral revenues and ownership claims to 40 million of Alaska's 365 million acres.

Another lobbyist for the Alaska Federation of Natives was Claude J. Desautels Associates, which registered April 28, 1971. Desautels was executive assistant to Rep. Wayne N. Aspinall (D-Col.) 1949–61; congressional liaison for Presidents Kennedy and Johnson, 1961–65; executive assistant to the postmaster general, 1965–68. Aspinall, Chairman of the House Interior and Insular Affairs Committee, was a sponsor of the Alaska Native Claims Settlement Act and urged passage in the final form, noting he had worked on native claims since 1951. Rep. John P. Saylor (R-Pa.), ranking Republican on the Interior Committee, told the House Dec. 14, 1971, that if the same formula had been applied for all Indian tribes in the United States, "there has never been enough money in the U.S. Treasury to pay their claims." (*Weekly Report p. 130, 1971 Weekly Report p. 2657, 1141*)

Of Alaska's 365 million acres, about 95 percent were under federal control in March 1972. When pending land selections authorized by Congress are completed, about 60 percent of Alaska will be under some form of federal control.

The right-of-way for the proposed Alaska pipeline from the North Slope to Valdez has been reserved under Interior Department supervision. All Alaska public lands are frozen under department authority until March 17, 1972.

Udall is one of the three directors of both the Overview Foundation Inc., a non-profit environmental consulting group, and the Overview Corporation environmental consultants. The president and treasurer of both organizations, headquartered across from the Executive Office Building, is Henry L. Kimelman, in 1972 the national finance chairman for Sen. George McGovern's (D.-S.D.) campaign for the Democratic presidential nomination. Kimelman ranked third ($24,306.50) among McGovern's contributors as made public Feb. 28, 1972.

Friends of the Earth. The Friends of the Earth was among plaintiffs in the pipeline-blocking case filed in April 1970 against Alyeska. David R. Brower, longtime chief officer of the Sierra Club forced out in a leadership fight, in September 1969 announced formation of the Friends of the Earth, its subsidiary League of Conservation Voters and the John Muir Institute for Environmental Studies. The Friends of the Earth and the institute are internationally based.

Brower is president of the Friends of the Earth and vice president of the institute, founded with financial help from Atlantic Richfield Chairman Robert O. Anderson. The institute's president is Max Linn of Albuquerque, N.M., public relations director for Sandia Laboratories, a key nuclear installation. Linn also was named a vice president of Friends of the Earth, along with Stewart M. Ogilvy of Yonkers, N.Y. Attorney David Sive, on the Friends of the Earth executive committee, was appointed secretary of the John Muir Institute.

The Friends of the Earth registered in 1970 as a congressional lobby organization "to promote legislation to preserve, restore and encourage rational use of the ecosphere." Executive director Gary A. Soucie, also formerly with the Sierra Club, is a registered lobbyist for Friends of the Earth.

In 1970, the Friends of the Earth won 11 of the 12 House races and one of the three Senate contests in which it took part. Among those it successfully backed was Sen. Philip A. Hart (D.-Mich.), chairman of the Senate Commerce Energy, Natural Resources and Environment Subcommittee. (*Details, The Washington Lobby, p. 45, 101*)

OTHER ENVIRONMENTAL GROUPS

Among the many other environment-oriented groups that have shown varying degrees and types of involvement in Alaskan issues are:

Conservation Foundation. Incorporated in 1948 in New York, the foundation moved to Washington in 1965. Not a membership group, it is financed by grants and gifts from foundations, organizations and individuals and is a non-profit organization to which contributions are deductible for income tax purposes. Donors have included the Ford Foundation.

Sydney Howe, the foundation's president, and two members of Congress—Sen. Gaylord Nelson (D Wis.) and Rep. Paul N. McCloskey Jr. (R Calif.), in 1972 opposing Richard M. Nixon for the Republican presidential nomination—incorporated Environmental Teach-In Inc., which was the guiding force behind Earth Day which focused attention on the environment April 22, 1970. Staff members of the Conservation Foundation helped plan the program and set up the Teach-In office.

Russell E. Train, past president of the Conservation Foundation, held the number two post in the Interior Department as under secretary during preliminary moves in 1969 on the Alaska pipeline permit and now is chairman of the Council on Environmental Quality established by the National Environmental Policy Act of 1969.

An annual report filed with the Foundation Center in August 1971 showed among trustees as of Dec. 31, 1970:

Chairman: Samuel H. Ordway Jr., a lawyer, vice president of the Conservation Foundation, 1948–61; president, 1961–65; chairman, 1969—. He served on the U.S. Civil Service Commission, 1937–39.

Vice chairman: William H. Whyte, a writer who was assistant managing editor of *Fortune* magazine, 1951–59.

Eugene R. Black, president and chairman, International Bank for Reconstruction and Development, 1949–62; director, International Telephone & Telegraph Corporation; director, *New York Times;* director, Chase International Investment Corporation; chairman of John F. Kennedy Library; director, Boise Cascade Corporation; chairman, Overseas Development Council; chairman, Council of Economic Advisers of state of New York.

Ernest Brooks Jr., president of Old Dominion Foundation, New York City.

Mrs. Edgar M. Cullman, whose husband is president of General Cigar Company.

Gilbert M. Grosvenor, associate editor, *National Geographic.*

S. Dillon Ripley, secretary, Smithsonian Institution.

The foundation's consulting council included Donald E. Nicoll, aide to Sen. Edmund S. Muskie (D Maine); Dr. Michael F. Brewer, vice president of Resources for the Future, and Joseph L. Sax of the University of Michigan, chairman of the American Bar Association's Committee on Public Lands and Waters and a trustee of the Center for Law and Social Policy.

The Conservation Foundation opposed granting of the pipeline authority on the basis of the Interior Department's first impact statement, contending it did not ensure environmental protection. Howe said the foundation in 1972 considered it important that alternative routes across Canada be fully considered, with Canadian participation.

OUTLOOK

The next move on the Alaska pipeline is up to Secretary of Interior Morton, former Republican national chairman and U.S. representative (R Md. 1963–69). Both sides expect him to grant the permit, but that may be far from the end of it.

The Interior Department Feb. 24, 1972, issued two documents—making a total of 12 studies on Alaska pipeline impact released so far—on stipulations concerning the pipeline if approved and on findings of possible tanker oil spills.

The department said the stipulations would be "the most stringent and comprehensive set of terms and conditions dealing with environmental protection ever attached to the granting of a permit to use public lands."

Once Morton issues the environmental impact statement required by the National Environmental Policy Act, the Council on Environmental Quality headed by Train has 30 days to review it and make recommendations to the President. Plaintiffs who obtained the earlier injunction can challenge granting of the permit in court. Appeals could go all the way to the Supreme Court and consume all of 1972 or longer.

Meanwhile, participants on both sides have noted increasing attention given environmental considerations by all parties. Morton made his position clear before the National Petroleum Council Feb. 10, 1972. He said that from the contention of past years an essential fact has emerged:

"We recognize at last that there is an interlocking bond between the quality of the environment and energy demands in sustaining large numbers of people at decent levels of comfort and well-being."

Noting the steps that can be taken to conserve resources, Morton said that nevertheless "we still face the enormous backlog of unsatisfied needs that can only be met by increasing higher levels of energy and of productivity. . . .

"One thing the extremists in environmental groups do not understand is that these necessary jobs to enhance the quality of life can be accomplished through the use of energy and more energy directed by an ever escalating plateau of technology."

Regardless of the eventual outcome of the Alaska pipeline struggle, it appears likely to take its place as one more in a continuing series of confrontations waged around environment and involving many of the same participants.

CONCLUSION OF ROUTINE 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 report.

The legislative clerk read as follows:

Calendar No. 577 (S. 2956), a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

The Senate continued the consideration of the bill.

WAR POWERS CONTRADICTIONS

Mr. GOLDWATER. Mr. President, 20 years ago, Prof. Henry Steele Commager, whose testimony is heavily relied upon by the authors of war powers legislation, attacked critics of Executive power as "unregenerate isolationists." When some political leaders of my party were challenging President Truman's decision to send American soldiers to Korea without congressional authorization and when a proposal was introduced in Congress seeking to prevent such deployments from ever occurring again without prior congressional approval, Professor Commager ridiculed these ideas as having "no support in law or in history." In two articles published in the Times magazine, Professor Commager charged that the assault upon the executive power was a dangerous attack on the integrity of our constitutional system which, if persisted in, may result in the "substitution of a parliamentary system of government for our presidential system."

The legislation which Professor Commager criticized was a close predecessor of the one before us today. As Professor Commager described it in his article, the legislation "centered upon the right of the President to commit American forces to danger points outside the boundaries of the United States without prior congressional authorization." He argued "that the overwhelming weight of authority supports Presidential discretion in this field." He assured us that the constitutional issue was not a new one, but had arisen and been settled in one administration after another, and in the courts as well, with always the same result. Professor Commager stated that "a century and a half of interpretation, a century and a half of tradition, practice, and custom," provides us not merely with precedents, but with guidance, to the conclusion that Presidential discretion in the conduct of foreign relations had served us well and was firmly based on the constitutional document.

He quoted from a great President and a learned student of foreign relations, John Quincy Adams, who, in his eulogy on Madison, said:

> However startled we may be at the idea that the Executive Chief Magistrate has the power of involving the nation in war, even without consulting Congress, an experience of fifty years has proved that in numberless cases he has and must have exercised the power.

Professor Commager goes on to summarize the numerous instances in which American Presidents have sent U.S. troops abroad on their own authority without any prior declaration of war by Congress. Some counts would put these Presidential commitments at 150, although my own research indicates that they total around 196. As Professor Commager describes in his article, all of these Presidential acts involved the danger of war. "Congressmen protested, from time to time," he writes, "but on no occasion did Congress repudiate Presidential power or even refuse to sustain it by such appropriations as were required."

Mr. President, I disgress from my prepared remarks to comment briefly on some of the remarks made just recently by my friend, the distinguished senior Senator from Georgia.

Nearly every cosponsor of this War Powers Act has had an opportunity—not once, not twice, but many times—during the conduct of the Vietnam war to have expressed an opinion against that war by having voted against appropriations, authorizations, the Gulf of Tonkin Joint Resolution, and the SEATO Treaty.

Never was a resolution offered on this floor to my memory that in any way condemned the President. I am not being critical on this point, because I do not believe that any Congress, once having seen this country committed to war or any intervention by the President, would ever try to undercut the President at that point. But we have had our chances. And I point out that the Constitution and the rules of the Senate gives us these chances and these opportunities. But we have never taken advantage of them.

Thus, Mr. President, did Professor Commager defend on constitutional grounds the authority of President Truman to commit American soldiers to a major land war in Korea without congressional authorization. It is with this in mind, that I believe the Senate should evaluate Professor Commager's testimony before the Senate Foreign Relations Committee in 1971. I think that we should balance the doctrinaire assertion by Professor Commager now that the war powers bill is constitutional with his conclusion in 1951 that similar legislation was an example of "congressional usurpation."

But Professor Commager is not the only witness relied upon in support of the war powers bill who has taken a completely opposite stance in the past. One year before his testimony at the Foreign Relations Committee, Prof. Alexander Bickel confided to a House committee exploring the same legislation that "Codification seems to me difficult, heavily prone to error, quite possibly dangerous, and unnecessary." Washington attorney, William D. Rogers, remarked at the same hearing:

> I think the Javits proposal requiring the President in effect to get out if Congress did not act within 30 days is dangerous.

McGeorge Bundy warned the members of the House committee that—

> No single rule is likely to meet all our needs, and in particular, I think it is dangerous to try to deal with the future by legislating against the past.

Let me repeat, all these statements were made by individuals whose testimony is used in support of the bill.

In 1971, advocates of the war powers bill raised new doubts about the wisdom of their own legislation. One statement, inserted in the record of the hearings as support for Senator JAVITS' bill, comes from Judge Philip C. Jessup of the Council on Foreign Relations, who wrote what he described as an "unhelpful note." Judge Jessup observed that in his opinion "a fundamental difficulty arises from the fact that the concept of 'declaration of war' which was current when the Constitution was framed . . . is now an outmoded concept." Judge Jessup added:

Because of my belief about the lack of real legal relevance of the declaration in these times, I would hesitate to tie new legislation so tightly to the "declaration of war" clause of the Constitution.

In other words, Mr. President, Judge Jessup expressed serious doubts about the legal relevance of the principal peg on which the Foreign Relations Committee claims constitutional authority to codify the war powers.

Professor Bickel apparently has not lost all of his reservations about the legislation, because he testified last year:

I don't think the President can be deprived of his power to respond to an imminent threat of attack—as well as to the attack itself—on the United States or on troops of the United States lawfully stationed wherever they may be, nor I believe can he be deprived of the power to continue to see to the safety of our troops once they are engaged, even if a statutory 30-day period has expired.

Mr. President, I might add, that Professor Bickel was the only professor of law who testified before the committee in support of the general constitutionality of the war powers bill. So when the sole legal authority who is relied on by the committee testifies that he does not believe a time limit can be imposed on the power of the President to respond to an imminent threat as well as to an attack itself, I think the committee is treading on very weak ground in reporting a bill which includes a provision that is directly contrary to what one of their major witnesses told them could be validly done.

Another matter of concern was raised when Senator JAVITS revealed in a question to me at the hearing that the 30-day restriction on emergency military actions might pressure a President to go all out by resorting to nuclear war during the short period of time allowed him since there is nothing in his bill that stops the President from doing that.

McGeorge Bundy also verified before the committee a contention I have made that in some situations the war powers measure might aggravate a crisis rather than calm it. Speaking of the Cuban missile event, he testified that—

If there had been a national debate over what to do about those missiles we might easily have had a much more dangerous reaction that in fact we had.

And yet this is exactly what the war powers bill would cause. Just at the time when a crisis is likely to be at a pitch of public excitement is when the legislation requires that Congress must vote on whether or not to sustain U.S. involvement in the hostility.

I can see that day arriving if this legislation is passed and approved by the President. In some situations, I can hear the networks talking against the war. I can see the large eastern press talking against involvement. I can see Congress bowing to political pressure, in many cases over their wisdom, to make sure they are not going to be castigated by the media or the press. I do not say this in a derogatory way. It is a matter of fact that most of the media we listen to and see would follow this course and they would certainly support this bill, and I think they would be opposed to any action of the President regardless of what it might entail.

On the other hand, if the war powers bill had been in effect at the time of the Cuban missile crisis, Congress would have been required to act swiftly on the matter of continuing the naval blockade of Cuba before the 30-day emergency authorization had expired. One can easily suppose in the setting of the time—with enemy missiles being aimed at cities holding 80 million American citizens, with reports arriving of attacks on American reconnaissance planes, and with the killing of an American pilot over Cuba—that a majority in Congress would have favored an allout bombardment of Cuba or even an invasion.

Those who believe Congress is the ultimate haven of peace and love might thumb through Robert Kennedy's short book on the 1962 missile crisis where he writes that his brother's conference with the leaders of Congress "was the most difficult meeting." The late Senator Kennedy reports that many congressional leaders "felt the President should take more forceful action, a military attack or invasion, and that the blockade was far too weak a response."

And so, is it not possible, Mr. President, that Congress might, when confronted with dramatic pressure for making a swift decision, vote in favor of a military attack far beyond anything the President wished? We might remember that historians generally concur that it "was the War Hawks—Members of Congress all—who aggressively sought the War of 1812," and that in 1898 it was "the press and Congress" who pressured President McKinley into requesting a declaration of war against Spain.

In this regard, Mr. President, I should observe that if Congress acts as I have described in order to steer our Nation into broader hostilities than the President believes prudent, the authors of the war powers bill will leave him no exit. This is the logical end to which the rigid and doctrinaire constitutional claims of the sponsors of the legislation will take them.

For their whole argument on behalf of the power of Congress to pass legislation making rules regarding military hostilities is based upon their contention that the President must faithfully carry out the military policies passed by Congress. A legal brief on the war powers bill inserted by Senator JAVITS into the hearings record on his bill flatly declares that—

The President as Commander in Chief was intended to be the executive arm of Congress, carrying out its policy directives in the prosecution of military hostilities.

This legal brief, which is a part of the legislative history explaining the purposes of the primary author of the pending legislation, also asserts that—

Congress has the right to legislate concerning the initiation of war and the President has no right to contravene such legislation.

Mr. President, these unqualified doctrines, which stand as the legal support for the war powers bill, mean that Congress not only has the power to restrict the President's action, but also the power to order the President into taking whatever military conduct it chooses. If the President is subject at all times to the directives of Congress, as the sponsors argue, this is the absurd result to which their arguments lead. And if the President should veto any continuing authorization which proposes to expand U.S. participation in a hostility, the same legal concept would dictate that he has thereby terminated all authority for sustaining our involvement in the military hostility, placing him in an awful dilemma. Furthermore, Congress could override the President's veto under this legal reasoning.

Mr. President, this ramification is not the only way in which the war powers measure might bring about a military confrontation, not avoid it. As Secretary of State Rogers testified:

To circumscribe presidential ability to act in emergency situations—or even to appear to weaken it—

I think that is a very, very important statement—

would run the grave risk of miscalculation by a potential enemy regarding the ability of the United States to act in a crisis.

I might add to the word "ability," the "desire" of the United States to act in a crisis—

This might embolden such a nation to provoke crises or take other actions which undermine international peace and security.

Dr. James MacGregor Burns, a Pulitzer Prize historian, takes the same view. Dr. Burns testified at the 1970 war powers hearing that any legislation which would encumber the President's ability to respond and adjust to changing world situations, as he determines proper, will remove the one essential ingredient preventing world war III—flexibility. Dr. Burns warned that imposing artificial restrictions on Executive discretion "may not lead to peace but to war, as foreign adversaries estimate that the United States will not respond to a threat to world peace because of legislative restrictions on the Executive."

I repeat, Mr. President, that this is probably one of the most important points that can be made against this type of legislation. Certainly, no one can argue with the intent. All of us want to see peace. All of us want to see each branch of the Government acting in its own con-

stitutional way. I think we are doing that today. But when we broadcast to the world that this Congress does not have faith in the President of the United States, or the next Congress does not have faith in the President of the United States, to assume his constitutional role as Commander in Chief and the chief framer of foreign policy, I can see our allies around the world doubting us, leaving us.

In fact, we already see in the world today the beginning of a realinement. We are beginning to see some of our historic friends looking to the potential enemy when they have doubts as to whether or not we will respond. I have to say ashamedly that some of the remarks made on the floor of Congress—in both Houses—have given those people the right to believe that, come a test, the people of the United States, the U.S. Congress, do not have the courage to measure up to the responsibilities that they have assumed in making treaties with people around the world.

The same warning was sounded by former Under Secretary of State George Ball, who testified that the neutrality acts adopted in the aftermath of World War I "very probably" impeded the United States from taking firm steps which would have averted World War II. The great problem which Mr. Ball sees in the pending bill is that it is impossible to prophesy all the situations in which the President may need to act without advance congressional approval. In his words:

> The lesson one learns from the active practice of foreign policy is how often and at what critical times the totally unexpected event occurs to dominate and transform the scene.

For this reason, Mr. Ball sees the war powers bill as representing "an attempt to do what the Founding Fathers felt they were not wise enough to do," that is, to anticipate at any given moment the unlimited variations which the future is capable of presenting.

Mr. President, I have addressed myself mainly to some of the contradictions which the advocates of war powers legislation themselves have raised about the bill. I also have very grave concerns about the constitutionality of the legislation and will discuss these doubts further, probably tomorrow.

For now, I would only add, that the questions which proponents of the legislation have expressed in the past should serve as further reason for our taking a great deal more time on the bill. Why, the matter is so complex I understand the Foreign Relations Committee took 2 months, from December 7, when the bill was ordered reported, to February 9, when the report was filed, to obtain agreement by the committee members on the language of its report on the bill. If the committee itself required 2 months to prepare its report, surely the Senate as a body should be allowed an ample time in which to examine the bill.

Mr. President, in the Washington Evening Star is a very fine column by Mr. David Lawrence entitled "Danger in War-Powers Legislation." I think to sum up Mr. Lawrence's thought on this matter would be to sum up what I said before—that one of my major concerns with this legislation—and I have many, but one of the major ones—is wrapped up in what our allies and our potential enemies might think this country is getting into. Mr. Lawrence says, in the second paragraph of his article:

> If there had been a strong Western alliance which included the United States, there might have not been a World War I or II. In both instances, the assumption was that the American people were advocates of isolationism and would not participate.

Mr. President, I do not charge the authors of the bill with being isolationists. I know all of them personally. I know some of them had extremely honorable service with the military in World War II and Korea. But I can remember the days in the 1920's and the 1930's, and I can remember the wonderful feeling that was over all of us that the United States would never go to war again. We had become an isolationist country. We had no Army, we had very little Navy, we had practically no Air Force. We trained in Louisiana with cardboard tanks and wooden guns. We knew nothing at all about strategic air warfare and tactical air warfare. We had, in fact, become so isolated from the rest of the world that we honestly believed that Hitler was no threat to the peace of the world and that Mussolini carried no threat to the peace of the world anywhere.

I can remember those days, and I can remember what a comfortable feeling it was; and I can remember what a terrible, shocking feeling we had on the morning of December 7 when Pearl Harbor was attacked, when we knew this country was not prepared for war.

Mr. President, whether we like to think of it or not, the same kind of feeling is wrapped up in this legislation that permeated the feeling of the people of this country, that permeated the Congress, and, to a degree, that even permeated our military, who had become mesmerized to a great extent by the feeling of isolationism in those days. We believed in Fortress America. We believed what George Washington said in his Farewell Address that we should live with our friends but keep the hedges high. And then the hedges were torn down in a short while.

I know, from my travels around the world—and they have been extensive lately—and I know from my visits with people around the world that precisely this kind of thinking is going on in the minds of the leaders in the world: Where will the United States be? Where will we sit if imminent danger occurs, imminent danger to any of our allies to whom we have made commitments? Where will we be ourselves if the enemy knows that, no matter what the President does by way of going to war to answer any attack on the United States or on American citizens abroad or on the American military abroad, within 30 days, or even less, the Congress—not particularly noted for expertise for decisions in military affairs, but noted for expertise in detecting through their extended antennae the feelings of the people—might say to the President, "You have to quit this," and the President has to do that under the terms of this legislation?

I understand that this fear that I carry is shared by some others and that the measure is not shockproof. I understand the authors may start amending it.

Mr. President, they may amend it to doomsday, but it will never be a proper piece of legislation for this Congress to consider.

So that my colleagues may have the benefit of reading the article by Mr. David Lawrence, I ask unanimous consent that it be printed at the conclusion of my remarks, and these are my concluding remarks.

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

DANGER IN WAR-POWERS LEGISLATION

(By David Lawrence)

The biggest question mark around the world today is whether the United States is going to repeat history—weaken its military position abroad and give the impression that it will not help to prevent another world war.

If there had been a strong Western alliance which included the United States, there might have not been a World War I or II. In both instances, the assumption was that the American people were advocates of isolationism and would not participate.

What is happening in Congress, as various members sponsor legislation declaring the executive branch shall have authority to commit military forces for only 30 days and must get congressional permission for continuance of operations beyond that, is being taken to mean that the foreign policy of the United States hereafter will not be regarded abroad as enduring.

As long as the employment of military force by major powers can at any moment upset the peace of the world, the United States must do its planning through use of bases in other countries and by dispersing its submarines carrying Polaris missiles, utilizing foreign ports where they are available.

The Germans were convinced that the United States would not enter World War I or II. When they read the American press, they noted that elections were being won in 1916 and 1940 by denouncing any involvement in the war then in progress and by promises of candidates for the presidency to "keep out of war."

There are still those in Congress who think that the United States can stay out of Europe and Asia altogether or that use of military forces should be authorized merely when the other side has begun a war against us. Military men, however, say that wars can be prevented only by having an army, navy and air force distributed in strategic locations and in such size that potential enemies will not dare to take chances and start a war against the United States.

If an adversary thinks that the Congress will have to give its consent for American action in any critical situation around the world, there will be built up a feeling that the United States will no longer be of assistance to smaller countries and will be reluctant to furnish aid even to larger ones.

While the Constitution stipulates that Congress shall have the power "to declare war," it doesn't give either the Senate or the House the right to conduct foreign policy. This is a delicate task and requires secrecy in planning and in carrying out programs for cooperation with various allies.

If the consent of Congress were required for the presence of American military forces in a friendly country for possible help in certain emergencies involving a broad-gauged

policy of protecting American interests and preventing a larger war, the United States would find itself blocked in its dealings with allied nations.

This becomes even more serious if senators insist that the President should have only 30 days in which to conduct a military operation. What is overlooked is that the planning and stationing of armed forces in different parts of the world must take place a long time before any emergency develops.

The prospects are that a third world war is much more likely if it is definitely established that the United States cannot make and commit itself to the necessary preparations with allied countries. Plans for military operations would have to be submitted to Congress in advance in order to be able to get congressional approval and assure allied nations that assistance would be continuous and would not be interrupted by any action of Congress.

There are many other problems that could arise. This is why the State Department and the Department of Defense are emphatic in their statements that the proposals to interfere with the operations of the chief executive in conducting foreign policy can only result in more difficulties. They insist that America's position could be weakened in the world with respect to treaties it has signed and agreements it has made with its allies in the past.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. BENTSEN. Mr. President, I have the honor of being a cosponsor of S. 2956, which I think is one of the most important pieces of legislation that will be considered during this session of the Senate, particularly because it deals with the very awesome problem and responsibility of when and how and why this Nation goes to war.

I think all of us see some evidence of how far the Chief Executive has gone in exercising responsibilities that really lie with the Congress when we see a distinguished and eminent statesman like the Senator from Arizona, who can make such a sincere plea, questioning the validity of a bill such as this, which I think once again restores the balance of power.

As I rise to speak in support of this bill, my thoughts turn to the people of Texas who sent me here to represent them. My thoughts turn also to the Constitution, which I have solemnly pledged to uphold.

When the American people go to the polls to elect their Senators and Representatives, they make their decisions in the full knowledge and assurance that these elected representatives will have in their hands the power of determining when, and where, and under what conditions this Nation will go to war.

When the American people go to the polls to elect a President, they cast their ballots in the full knowledge that the candidate they choose will be Commander in Chief of the Armed Forces, and that they will have to trust his judgment to act prudently, responsibly, and expeditiously in situations involving our national defense.

This in itself is an awesome responsibility.

Let me say again, this is no ploy to try to attack a President, this one or any past one, or to try to put the finger of blame on this particular military engagement or any past one. But the greater responsibility of committing our entire nation to armed conflict—with all its global implications—is too awesome to vest in any one man, however trusted he may be, however clear his mandate.

The framers of our Constitution perceived this. And so they made wise provisions for distributing that responsibility among the Members of Congress, who represent the broad geographical reaches of this country as well as the broad range of political and socioeconomic views in this diversified Nation.

The balance of power that is one of the miracles of this carefully phrased document is emphasized in article 1, section 8, which specifies that the Congress shall have the power to declare war.

This is not a responsibility that can be transferred, nor a prerogative that can be waived without denying the very foundation of our system of government.

But we in the Congress must use our keenest vision to perceive the realities of the world situation and deal with them courageously and forthrightly—just as our founders did in their time.

With all their wisdom, they could not envision the newborn nation of the 18th century transformed to a mighty world power in the 20th century.

That is what we have tried to provide for in this piece of legislation. We tried to adapt this fundamental principle of the division of powers so that the mechanics of the decision would fit the Nation of today. Nor could the founders of this Nation foresee this age of instant communication and nuclear umbrellas, of swiftly shifting alliances and delicate balances in the international power structure.

These are the realities that command our attention today.

The judgments we make, the actions we take—or fail to take—in the light of these realities can determine not just the survival of our small corner of this planet, but the planet itself.

It is not beyond the reach of our imaginations to envision a capricious act by a megalomaniac or an irrational power that could produce world chaos. We are keenly aware of the possibility that our Commander in Chief may have to use the full power of his office to act in an emergency, to respond to a surprise attack that places the United States or its citizens in instant jeopardy.

We are equally aware of our own obligations to the people and to our democratic institutions—and we make no apology for having our antennas stuck out there, trying to reflect the will of the people of the United States. That is a part of our solemn responsibility.

Mr. President, we constitute a deliberative body—and deliberation is the essence of democracy. But we know there are times of crises and moments of great decision when time does not allow for deliberation. Then our survival as a people may depend on the ability of our Government to act swiftly and decisively, in the person of our President. Then we have no choice but to place our trust in him. And that we do.

That trust will be strengthened if, in the regular conduct of foreign policy, we adhere strictly to the principle of separation of powers spelled out in our constitution. It can be strengthened further if we are all agreed on what constitutes an emergency.

That is what we are trying to write out in this piece of legislation, and a great deal of time and thought has been put into it. That is what S. 2956 attempts to define, with sufficient clarity to give the Chief Executive specific criteria for making decisions involving the use of armed force, when time is of the essence.

This proposal is not an attempt to tie the hands of the President. Quite the contrary. By establishing clear guidelines, it would free him of the hazards of indecision when quick action is essential to the national defense.

Again, this proposal does not imply a criticism of any President, past or present, nor is it a political ploy to curb the power of the President. Rather, it is intended to reassert the constitutional powers and obligations of the Congress and to reassure the citizens of this Republic that we are mindful of our obligations and our responsibilities, and that we intend to discharge them.

In my opinion, the adoption of this measure would have a salutary effect in restoring the confidence of the people in the processes of government. This system of ours is on trial today, and we have to restore a balance of trust. The people recognize the protection that is inherent in the system of checks and balances. We do not have to spell it out for them. They are keenly aware of the weakened position of the Congress in this past decade, and of the gradual disruption of the historic balance of power that has occurred since World War II.

Mr. President, statesmen are not concerned with recrimination or fixing the blame for past errors. We are concerned for future generations in this country. But if anything is to be gained from bitter experience, it is the knowledge that our survival as a democracy rests heavily on that delicate balance of power, as spelled out in the Constitution.

We have been silent witnesses to the disruption of that balance, and our silence has served as sanction. Now we are reaping the whirlwind of distrust and shattered confidence.

It is time—and past time—for us to act affirmatively to restore the constitutional role of the Congress in the conduct of foreign policy and to reaffirm the balance between the executive and the legislative branches which has been our strength in the past.

No President could deny the need to restore that balance.

No President should fail to welcome the shared responsibility of the Congress, as elected representatives of the people, in making the vital decisions of war and peace.

It should not be a gradual process, a dollar-by-dollar appropriation, but the Senate should face the question foursquare. It should be forced to bite the bullet on an issue such as this.

There can be and there will be disagreement between the President and the Congress, and that is the kind of healthy

debate that we want in a democracy. But there must not be distrust. Disagreement is healthy. It is fundamental to the democratic process. When expressed in open, vigorous debate, it provides the surest route to a policy that can be accepted in good spirit by all the people.

Distrust is unhealthy. It questions motives rather than means, and its pathway is destructive. Its victims are unity, strength, and the ability to move forward.

If we are to move forward in the latter half of this century and fulfill our early promise as a democracy, we must revitalize the institutions that have fallen into disrepair. We must act in such a way as to restore the faith of the people in those institutions. We must insist firmly on the balance of power that, in its turn, insures the balance of trust.

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

Mr. BENTSEN. I yield.

Mr. MANSFIELD. Mr. President, I am sorry that I was not in the Chamber to hear all the Senator's speech; but, having heard him speak many times on this floor, I appreciate what he has had to say, and I am sure that the part I heard fits in with the beginning which I missed. It appears to me that in this body and in the other body there are Members who can be called "the President's men," just as there are advisers, past and present, who can be called by the same appellation. In their view, everything a President recommends is right; everything a President does is right; and any time Congress, a coequal branch of the Government, seeks to exercise the equality granted to us under the Constitution, we are accused of engaging in adversary proceedings.

The Senator has correctly indicated that what we are trying to do is to work in accommodation and in partnership with the President. not taking away any of his constitutional rights—perhaps retaining too much of what we have given to him, and for that we have no one but ourselves to blame—but merely asserting the rights of Congress under the Constitution to play its part in these difficulties which arise from time to time.

For example, I believe it was stated on the floor today and previously that there have been a total of approximately 183 interventions by U.S. troops in all parts of the world from the beginning days of this Republic. How many of those interventions were accompanied by a declaration of war? Not when the Marines were sent into Santo Domingo, Haiti, Nicaragua, and elsewhere. Not when we became involved in Korea. Not when we sent 25,000 troops into the Dominican Republic a few years ago. Not when we became involved in the present difficulty.

To the best of my knowledge—and this is a reiteration on my part of something I said earlier today—I do not recall a single instance when Congress or its leaders or the chairmen and the ranking minority members of the appropriate committees were called in before a decision was made involving the lives of the young men of this country and its economy, but always after action was underway and it was too late for recall.

What this bill does is to allow the President a great deal of leeway. In my opinion, I think we are bending over backward to uphold his constitutional powers and his authority as Commander in Chief. I think it is about time for the Senate at least to stand up on its hind legs and reassert its constitutional powers under the Constitution, and that power primarily is the power to declare war in this instance.

The last time war was declared was in 1941, after the President inaugurated action. But there was a justifiable reason then. The last time before that was in 1917, when, on the basis of attacks upon American ships on the high seas and other incidents, the President acted and then came to Congress; and that was very likely justifiable.

I do not recall whether there was a declaration of war against Spain in 1898. I do not recall whether there was a declaration of war against the confederacy in 1860–61. I do not recall whether there was a declaration of war in 1846 against the Republic of Mexico. In fact, the constitutional authority on the part of Congress to declare war—and we are the closest to the people—has been negated down through the years, and never more so than in the past two or three decades.

So I commend the distinguished Senator for his statement this afternoon. I hope that the men and woman who comprise the membership of this body will not be "the President's men" in this instance, and they are in too many—and I apply this to all Presidents, because the same thing happened under Kennedy and Johnson and Truman and Eisenhower and Roosevelt—but will be "the Senate's men," representing the mandate which has been handed to them by their people and exercising the authority which, in my opinion, is theirs under the Constitution.

I want to reiterate one more thing I said earlier today. I happened to be one of the signatories to the Southeast Asia Treaty. The other two were the late Secretary of State Foster Dulles and the late H. Alexander Smith of New Jersey. I signed that document, along with those two, not because I thought it was a good treaty, because I did not think so then and I do not think so now. I signed it after I had insisted that the phrase "due constitutional processes" be inserted in that treaty. A "due constitutional process" means coming to the Congress of the United States. I think we have lost the sense of what that term means. In doing so, we have abandoned a responsibility which is ours under the Constitution, and in doing so I think we have negated what the Founding Fathers had in mind—and the documents will bear it out—when this Republic was founded.

In allowing ourselves to be used in this manner—and I blame no one but ourselves—I do not think we are keeping faith with the people who sent us here, nor do I think we are upholding our oath under the Constitution of the United States.

Again, my deep and most sincere commendation to the distinguished Senator from Texas, who has made many contributions during his service in this body.

Mr. BENTSEN. I thank the distinguished majority leader, who I think we can all say never has been any President's man. He has always been a strong defender of the responsibilities as set forth under the Constitution and a defender of the rights of the role of Congress and its charge of responsibility to the people.

What we are really saying in this bill is that if there is going to be a "blast-off," we would like to be consulted ahead of time, not just asked to come in for the crash landing.

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

Mr. BENTSEN. I yield.

Mr. JAVITS. Mr. President, I rise to compliment the Senator on his address and the obvious thought and historical research which he has given to his position. He is one of the original cosponsors of a war powers bill. He came to this quite voluntarily—he was not solicited by me—in deep concern about the future of our country which he shares with so many men who are sponsoring this legislation—men with different ideological views and views on national defense and views on what the policy of the country should be.

The one thing about all this which strikes me so forcefully is the fact that we have, unhappily, come to define a "strong" President as one who is willing to employ the Armed Forces of the United States in hostilities. The theory, somehow, is that if one is to be an effective President, he has got to fight. I thought that the history of astuteness in government was to see how often we could win without fighting. Yet this seems to be the criterion, to facilitate and make it easy to fight.

The Founding Fathers themselves spoke of the awesomeness of the decision to unleash the dogs of war, as one of them wrote, and the intolerable consequences of war for the whole body politic. The men who back this legislation, like the Senator from Texas, are not pacifists. We have served our country, and we have no illusions about the world in which we live, its demands, and its hazards to life if one would retain freedom.

The Senator from Texas subscribes so eloquently to the great tradition which feels that the surest guarantee of freedom is the checks and balances which we have built into the Constitution.

The Senator comes from a great State—an enormous empire—in this country. Its people are probably as close to the frontier in their outlook, dynamism, and faith in their own abilities and their own two hands, probably as much, if not more than, any other State in the Union today. So I count it a great element of strength with respect to this measure that the distinguished Senator from Texas has joined in it. He has made a very important contribution to its ultimate success.

I am grateful to him. But much more than that, this is not an easy road for me or anyone else to take, especially in view of the kind of opposition which seems to

indicate that, somehow or other, we are jeopardizing the security of this Nation. I am very strongly fortified when such Senators as the Senator from Texas come to the same conclusion quite independently, based on their own study and convictions of the matter.

Mr. BENTSEN. I thank the distinguished Senator from New York. He is an eminent scholar in this and many other fields. The Founding Fathers were very wise when they decided that the most awesome of our responsibilities was that of the Nation's going to war, and that such a decision should rest in the hands of the representatives of the people.

I now yield to the distinguished Senator from Virginia (Mr. SPONG).

Mr. SPONG. Mr. President, I thank the distinguished Senator from Texas. I should like to join the majority leader and the Senator from New York in commending the able Senator from Texas for his remarks this afternoon. As has already been pointed out, the Senator from Texas introduced his own version of the war powers legislation and gave the Committee on Foreign Relations the benefit of his views with his testimony. He has followed up his interest in this legislation with the presentation he has made to the Senate this afternoon.

The distinguished Senator from Texas comes from a State with a long and fine military tradition. It is, in many respects, similar to the State that I have the honor to represent. I do not believe either one of us would espouse legislation which we believed would in any way impair the security needs of the United States of America.

What we seek to do, as has been noted before, and as the Senator from Texas has so eloquently stated here, is to restore the role of the people and the people's representatives in the warmaking process.

I like what the Senator said about biting the bullet. I believe that the Senate and Congress must face this constitutional dilemma over war powers—and face it now. I do not believe that referring this matter to another committee, or referring it to a commission to study for 1 or 2 or more years, is facing the responsibility the Senate has, especially since a bill has been reported. after extensive hearings and exhaustive consideration of a number of pieces of legislation, including the one sponsored by the Senator from Texas.

So I commend him for what he has had to say.

As an addendum to the remarks of the distinguished majority leader, I would like to say that there have been five declarations of war: the War of 1812; the Mexican War; the Spanish-American War; World War I; and World War II. Those are the five instances in American history when Congress has followed through with its constitutional mandate.

Again I commend the distinguished Senator from Texas.

Mr. BENTSEN. I thank the distinguished Senator from Virginia who has labored long, diligently, and constructively on this piece of legislation.

Mr. President, I yield the floor.

Mr. GOLDWATER. Mr. President, I will keep these comments as short as I can.

I want to make it perfectly clear, early in this debate, that I am not quarreling one bit with the desire of some of my colleagues to restate the constitutional intent. I am not quarreling with their feeling that there should be a closer liaison between Congress and the President at all times.

However, I think, unless we actually change the Constitution, we are going about this entirely in the wrong way. What we are doing, in effect, is trying to amend the Constitution with legislation. I sincerely feel that that is unconstitutional. That would have to be decided by the courts. By the way, the courts have never put their hand on this question, yet it has been coming up constantly for nearly 200 years.

The only remarks that come to mind quickly were those made by William Howard Taft which supported the contention—and this was when he was on the Supreme Court—that the President has these exclusive powers and that they cannot be meddled with by Congress.

I agree with the Senator from New York that we need a strong President. I do not agree that his strength should be judged on his willingness to go to war. I think the strength of the President must be judged, for example, on his willingness to stay at peace. Although it came as a surprise to many of my friends in my own party, I supported President Nixon in his recent trip to China. I think it took a lot of courage on his part. That is the kind of man we need in the White House. It also took a great deal of courage for Jack Kennedy to do what he did in relation to Cuba, but it had to be done.

I do not think that we will ever judge the qualities of a President merely by his desire to go to war. I never particularly agreed with President Truman when he was in office, although I have repeatedly said that, as time goes on, he is getting to look like the best President we have had in this century. I think we will find that the reason is, as history records it, he was willing to assume responsibility.

Now, if assuming the responsibility of defending this Nation, defending its people, and defending it from harassment and invasion, means a strong President, then I would not want to be in this country when we had a President so weak that he would yield to any country, whoever attacks us.

As a layman, I should like to express my interpretation of the Constitution and present, offhand, some arguments that I feel are pertinent.

Under article I, section 8, of the Constitution, the Congress has the right to declare war.

Now this was one of the big stumbling blocks in the Articles of Confederation.

We had just finished, or were about to finish, a very long struggle, and the founders could not agree that the Congress again should have the power to make war.

So, when the Constitution of the Republic was written, they remembered these experiences and they gave us merely the power to declare war.

Now, throughout the nearly 200-year history of this Republic, I have been able to find about 196 instances of the Presidential use of Armed Forces abroad. They go from practically nothing to major wars.

Mr. President, I ask unanimous consent that a chronological list of 192 military hostilities abroad without a declaration of war be printed in the RECORD at the conclusion of my remarks. They appear in an article published in the West Virginia Law Review.

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

(See exhibit 1.)

Mr. GOLDWATER. Mr. President, there is no question that we have the right to declare war. We have never given that right up. We never had a right to make or conduct war. That is one of the great points that the American people misunderstand and that we misunderstand. We could declare war every 5 minutes here. However, only the President of the United States could call out the troops. We might recall also that the framers did use the words "sole power to commence or conduct war", which is the unsupported way the sponsors of this bill read the declaration clause.

We might argue further that the power to call forth the militia to execute the laws of the Union, suppress insurrections and repel invasions might be construed to give us the power to actually send troops abroad. I do not think that means that. I think that we have witnessed, at least within my lifetime, President Hoover's calling out the troops in Washington, I think back in 1929, to repel, not an insurrection, but possible trouble in Washington. We witnessed another occasion a few years ago when the troops of the National Guard were asked to stand by in the event there was trouble occasioned by demonstrators in Washington. This is what these clauses mean.

It also provides that we may raise and support an army. We have never given up that power. The Committee on Armed Services, on which I serve, has been working almost daily in an effort to bring to the Senate an authorization bill which would authorize expenditures to raise and to support armies. Here is a very effective way by which Congress can influence military policies.

We have gone a little further than that. Some of our colleagues seem to forget that we have now given the Armed Services Committees of both Houses the right, and in fact, the duty to set the individual service strengths of each of the Armed Forces of our country.

It provides further that we may provide and maintain a navy. We have not taken that power away from ourselves, nor has the President. In fact, if I were to be critical in any one area of the Presidents in the past, it would be concerning the fact that we have not maintained a navy adequately enough. We have a navy today that I feel is second in the world.

Our committee has worked on that matter every year. In a few weeks I hope that we will have asked the Senate to support the request for a very large sum of money to provide and maintain a navy.

It provides further that we may make rules for the Government and regulation of the land and naval forces. We do not often become actively engaged in this. However, I believe that under the subcommittee headed by the Senator from North Carolina (Mr. ERVIN) there have been hearings and will be additional hearings held on the courts martial processes of the armed services. This is what we mean by making rules for the Government and regulation of the land and naval forces.

I might state parenthetically that the Constitution does not mention an air force. We might consider that. In fact, I think that during the course of this debate, I might suggest to my friend, the Senator from New York, that we write in a provision for the Air Force. I would not want him left with a loophole that big.

I have already read the provision for calling forth the militia.

That is the power that is given us in Congress by the Constitution of the United States. We cannot make war. We can declare war. We have been asked to declare war only five times in the history of this country.

The President, on the other hand, can point to four distinct powers under article II as the root of his warmaking authority. He is vested with all the executive power of a sovereign nation, he is responsible for the conduct of our foreign affairs, he has the right and duty to execute the laws, and he is designated Commander in Chief.

The critics of the President argue that the Constitutional Convention intended, by giving Congress the power "to declare war," to confer the power "to commence war." It must be remembered, however, that the Constitutional Convention specifically rejected a clause giving Congress the power "to make war" and substituted for it only the power "to declare war." By doing this, the framers decidedly meant to leave with the executive the power to repel sudden attacks. That they meant to leave more is implicit in the many passages of the Federalist where Madison, Jay, and Hamilton focus on the safety of the people as the first objective of Government.

Mr. President, I have read those papers.

For example, Jay wrote:

> Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems to be the first. The Federalist, No. 3, at 10 (rev. ed. 1901).

The framers had just come through a long and difficult war, the successful prosecution of which had been greatly hampered by the Continental Congress. They were concerned with correcting the weaknesses of their past political experience. One way to do this was by infusing national strength through the new Executive Office. Thus, Hamilton asserts in The Federalist No. 73:

> Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength; and the power of directing and employing the common strength forms a usual and essential part in the definition of executive authority.

Prof. David Watson, the author of a textbook on constitutional law, that of all the explanations of why the Constitution should make its President Commander in Chief:

> . . . none seems more reasonable than the fact that during the Revolution Washington experienced great trouble and embarrassment resulting from the failure of Congress to support him with firmness and dispatch. There was a want of directness in the management of affairs during that period which was attributable to the absence of centralized authority to command. The members of the Convention knew this and probably thought they could prevent its recurrence by making the President Commander-in-Chief of the Army and Navy.

Nor does the power to command forces conflict with the design of the Founding Fathers to avoid a monarchy. Charles Evans Hughes, a great Justice of Supreme Court, wrote in 1917:

> The prosecution of war demands in the highest degree the promptness, directness and unity of action in military operations which alone can proceed from the executive. This exclusive power to command the army and navy and thus direct and control campaigns exhibits not autocracy but democracy fighting effectively through its chosen instruments and in accordance with the established organic law.

Mr. President, I read these things to try to keep this whole debate in context. I would hope that the American people would become aware of what is being said on the floor on both sides. I think it is extremely important that American citizens really understand the power of the Congress is to declare war and the power of the President is to be Commander in Chief.

I repeat what I have often said, that if the American people want that changed, I believe that the only proper way to do it is through a constitutional amendment.

I might add that I have yet to meet or to talk with or to write to or receive correspondence from any man, who is still alive, be he Democrat or Republican, who has ever been connected with the State Department, or with any department of the Government concerned with foreign policy, who argues against the power resting where it now is. In fact, they will all emphatically state that it should not be changed.

Mr. President, I am going to request from several of these prominent people who have written me permission to have their correspondence printed in the RECORD. If they decline, I will not do it. However, I expect that they will allow me to do it. I think that the American people should be well aware of what we are doing and what it takes.

In closing, the distinguished Senator from Texas made the remark that is made whenever anyone feels we should make some changes; namely, that we are living in a different world, that the power of communication is so rapid and the power of detection from the sky has become so absolute that we should allow a lengthy process to be undertaken.

If I were going to try to use that argument, I would defeat myself immediately by saying that might have worked back in the Mexican War or when the American Army was in my territory fighting 200 Indians, or it might have worked even in World War I and possibly in World War II.

But we have an amendment, for example, that is going to be offered by the Senator from Arkansas (Mr. FULBRIGHT) that would destroy the President's use of nuclear weapons without the prior explicit authorization of Congress. I have notified the leadership I will not agree to any time limitation on that amendment. I have no objection to the authors of the bill writing any amendments they feel needed for so-called perfection purposes, although I do not think they can offer enough amendments to make it acceptable enough for this Senator to enjoy.

This action, if we take it, is one step. Assuming that the House would approve it, and assuming that the President signed it, and assuming that the Supreme Court holds it to be constitutional, the grave question in my mind, among other things, is, what will follow this? If we assume by law we have the power to make war, how long is it going to be before we have legislation introduced stating we will not only have the power to make war, but the power to conduct war? Again, I do not think any political body here or anywhere else has the ability to make strategic or tactical decisions.

I believe in our great concept of government where the man in uniform is sort of set aside from the rest of us and protected by civilian Secretaries is a sound one, but when we get into hostilities the man trained in the art of warfare must take over that war and this is probably the major problem we are confronted with in Vietnam today.

We went to war and failed to ask the advice of the man in uniform how to fight and win that war. This decision on the part of whoever was responsible for it will go down in history as one of the major mistakes ever made by any country going into war.

I am going to speak on this matter at great length. It is a subject I became interested in over 8 years ago. It is one filled with interesting study and I look forward to reading both sides of the argument. However, I could not allow what has been said after my remarks, although it did not pertain to my remarks to remain in the RECORD without trying to keep the RECORD reasonably straight.

Mr. President, I yield the floor.

EXHIBIT 1

[From 74 West Virginia Law Review 88–119, "War Powers Legislation," by J. Terry Emerson]

APPENDIX

A. CHRONOLOGICAL LIST OF 192 U.S. MILITARY HOSTILITIES [1] ABROAD WITHOUT A DECLARATION OF WAR

1798–1800: *Naval War with France.* When John Adams became President in 1797, he faced the serious problem of strained relations between France and the United States, in which France had made it a practice to seize American merchant ships and to manhandle their crews. Adams first attempted to

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Footnotes at end of article.

negotiate a settlement but, when the French demanded exorbitant bribes and loans, his envoys rejected the proposals and departed.

Adams, thereupon asked Congress for the power to arm merchant ships and take other defensive measures. Congress responded by creating a Navy Department, voting appropriations for new warships, and authorizing the enlistment of a "Provisional Army" for the duration of the emergency. In July, 1798, the French treaties and consular conventions were abrogated.

The result was a "quasi-war" during which neither country declared war. The American Navy attacked only French warships and privateers and fought primarily for the protection of commerce. Some ninety French ships were captured during this naval war. In 1800 a convention was agreed to and peace was achieved. State, 2.[2]

1800: *West Indies.* On April 1, U.S. Marines, participated in the action between the U.S. schooner *Enterprise* and a Spanish man-of-war brig in the West Indies. USMC, I, 40.

1801–1805: *War with Tripoli.* During the early years of the Republic, the United States following the practice of several European nations, paid tribute to North African pirates. Shortly after Jefferson became President, the Pasha of Tripoli, dissatisfied with the apportionment of tribute, declared war on the United States (May 1801). Jefferson thereupon sent warships to the Mediterranean. After naval actions and landings under Commodore Preble, an inconclusive treaty of peace with Tripoli was signed in 1805. Congress passed various enabling acts during the conflict but never declared war. State, 3.

1806: *Mexico (Spanish territory).* Captain Z. M. Pike, with a platoon of troops and on the orders of General James Wilkinson, invaded Spanish territory at the headwaters of the Rio Grande, apparently on a secret mission. State, 16.

1806-1810: *Gulf of Mexico.* American gunboats operated from New Orleans against Spanish and French privateers. State 16.

1810: *West Florida (Spanish territory).* Governor Claiborne of Louisiana, on orders from the President, occupied with troops disputed territory east of the Mississippi as far as the Pearl River. No armed clash occurred. State, 16.

1813: *West Florida (Spanish territory).* On authority granted by Congress, General Wilkinson seized Mobile Bay with 600 soldiers; a small Spanish garrison gave way without fighting. State, 16.

1813-1814: *Marquesas Islands, South Pacific (claimed by Spain).* U.S. Marines built a fort on one of the islands to protect three captured prize ships. State, 16.

1814-1825: *Caribbean Area.* There were repeated engagements between American ships and pirates both ashore and offshore about Cuba, Puerto Rico, Santo Domingo, and Yucatan. In 1822, Commodore James Biddle employed a squadron of two frigates, four sloops of war, two brigs, four schooners, and two gunboats in the West Indies. The United States sunk or captured 65 vessels. Marine detachments participated in at least 14 of these actions. State, 16.

1815: *Second Barbary War (Algiers).* In 1812 an Algerian naval squadron operated against American shipping in the Mediterranean. In one attack an American merchantman was captured and its crew imprisoned. In March, 1815, Congress passed an act that authorized the use of armed vessels "as may be judged requisite by the President" to provide effective protection to American commerce in the Atlantic and the Mediterranean. A naval squadron of 10 vessels under Commodore Stephen Decatur attacked Algiers, compelling the Dey to negotiate a treaty. Decatur also demonstrated at Tunis and Tripoli. All three states were forced to pay for losses to American shipping, and the threats and tribute terminated. State, 3.

1816–1818: *Spanish Florida.* During the "First Seminole War," U.S. forces invaded Spanish Florida on two occasions. In the first action, they destroyed a Spanish fort harboring raiders who had made forays into United States territory. In the second, Generals Jackson and Gaines attacked the Seminole Indians because their land was a haven for escaped slaves and border ruffians. In the process of pursuing the Indians, United States forces attacked and occupied Spanish posts. State, 17.

1817: *Amelia Island (Spanish Territory).* Under orders from President Monroe, U.S. forces landed and expelled a group of smugglers, adventurers, and freebooters. State, 17.

1818: *Oregon.* The *U.S.S. Ontario* landed at the Colombia River and in August took possession. Russia and Spain asserted claims to the area. Rogers, 96.

1820: *West Africa.* Marines participated in the capture of seven slave schooners by the U.S. corvette *Cygne* off Cape Mount and the Gallinos River on the west coast of Africa during the period from April 5 through 12. USMC, I, 64.

1820–1822: *West Coast of South America.* Marines were aboard three of the U.S. ships stationed off the west coast of South America from 1820 until May, 1822, to protect American commerce during the revolt against Spain. USMC, I, 65.

1822: *Cuba (Spanish Territory).* U.S. naval forces landed on the northwestern coast of Cuba and burned a pirate station. State, 17.

1823: *Cuba (Spanish Territory).* Between April and October naval forces made a number of landings in pursuit of pirates, apparently incident to Congressional authorization which became operative in 1822. State, 17.

1824: *Cuba (Spanish Territory).* In October, the *U.S.S. Porpoise* landed sailors to pursue pirates during a cruise authorized by Congress. State, 17.

1825: *Cuba (Spanish Territory).* In March, British and American forces landed on two offshore Cuban islands to capture pirates who were based there. The action appears to be incident to Congressional authority. State, 17.

1827: *Greece.* Apparently acting pursuant to legislation, in October and November, United States forces from the *U.S.S. Warren* and the U.S. schooner *Porpoise* engaged in seven actions against pirate vessels off Greece and made landings on three Greek Islands. State, 17.

1828: *West Indies.* In December, incident to legislation, Marines participated in the capture of the Argentinean privateer *Federal* by the U.S. sloop *Eric* at St. Bartholomew Island, W.I. USMC I, 67.

1830: *Haiti.* On June 5, marines participated in the capture of the slave brig *Feniz* by the U.S. schooner *Grampus* off Cape Haitien, Haiti. USMC, I, 67.

1831–1832: *Falkland Islands (Argentina).* American forces under Captain Duncan of the *U.S.S. Lexington* landed to investigate the capture of three American sailing vessels. The Americans succeeded in releasing the vessels and their crews and dispersed the Argentine colonists. State, 17.

1832: *Sumatra.* A force of 250 men from the *U.S.S. Potomac* landed to storm a fort and punish natives of a town for an attack on American shipping and the murder of crew members. State, 18.

1833: *Argentina.* Between October 31 and November 15, at the request of American residents of Buenos Aires, a force of 43 marines and sailors landed from the *U.S.S. Lexington* to protect American lives and property during an insurrection. State, 18.

1835: *Samoan Island.* On October 11, eighty marines and sailors burned the principal village on the island to avenge harsh treatment meted out to American seamen. Paullin, 729.

1835–1836: *Peru.* Marines from the *U.S.S. Brandywine* landed at various times at Callao and Lima to protect American lives and property during a revolt, and to protect the American Consulate at Lima. State, 18.

1837: *Mexico.* On April 16, marines joined in the capture of a Mexican brig-of-war by the *U.S.S. Natchez* off Brasos de Santiago for illegal seizure of two American merchantmen. USMC, I, 70.

1839: *Sumatra.* In January, American forces from the U.S. sloop *John Adams* and the U.S. frigate *Columbia* landed at Muckie, Sumatra, to protect American lives and property and to punish natives of two towns for attacking American ships. USMC, I, 70.

1840: *Fiji Islands.* American forces totaling 70 officers and men, landed on July 12 and 26 to punish natives of two towns for attacking American exploring and surveying parties. State, 18.

1841: *Samoan Islands.* On February 25, an American force of 70 marines and seamen from the *U.S.S. Peacock* landed to avenge the murder of a seaman. They burned three native villages. USMC, I, 71.

1841: *Drummond Island (Kingsmill Group, Pacific Ocean).* On April 6, marines from the *U.S.S. Peacock* landed and burned two towns to avenge the murder of a seaman by natives. State, 18.

1843: *China.* In June and July, a clash between Americans and Chinese at the Canton trading post led to the landing of 60 sailors and marines from the *St. Louis.* Paullin, 1095–1096.

1843: *West Africa.* In November and December, four U.S. vessels from Commodore Perry's squadron demonstrated and landed various parties (one of 200 marines and sailors) to discourage piracy and the slave trade along the Ivory Coast and to punish attacks made by the natives on American seamen and shipping. In the process, they burned villages and killed a local ruler. The actions appear to have been pursuant to the Treaty of August 9, 1842, with Great Britain relative to the suppression of the slave trade. State, 18.

1844: *Mexico.* President Tyler deployed our forces to protect Texas against Mexico, anticipating Senate approval of a treaty of annexation, which was rejected later in his term. Corwin, 245.

1844: *China.* On June 18, Marines from the U.S. sloop *St. Louis* went ashore at Canton, China, to protect American lives. USMC, I, 72.

1845: *African coast.* On November 30, Marines joined in the capture of the slave bark *Ponus* by the U.S. sloop *Yorktown* off Kahenda, Africa. The action was consistent with the Treaty of 1842. USMC, I, 72.

1846: *Mexico.* President Polk ordered General Scott to occupy disputed territory months preceding a declaration of war. Our troops engaged in battle when Mexican forces entered the area between the Nueces and Rio Grande Rivers. The fighting occurred three days before Congress acted. U.S., 378.

1849: *Smyrna (Now Izmir, Turkey).* In July, the *U.S.S. St. Louis* gained the release of an American seized by Austrian officials. State, 18.

1850: *African coast.* On June 6, Marines joined in capturing a slave ship by the U.S. brig *Perry* off Luanda, Africa. The action was consistent with the Treaty of 1842. USMC, I, 77.

1851: *Turkey.* After a massacre of foreigners (including Americans) at Jaffa, the U.S. Mediterranean Squadron was ordered to demonstrate along the Turkish coast. Apparently, no shots were fired, but the display amounted to compulsion. State, 19.

1851: *Johanna Island (East of Africa).* The *U.S.S. Dale* delivered an ultimatum, bombarded the island, and landed a force to

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Footnotes at end of article.

punish the local chieftain for the unlawful imprisonment of the captain of an American whaler, State, 19.

1852–1853: *Argentina.* Several landings of marines took place in order to protect American residents of Buenos Aires during a revolt. State, 19.

1853: *Nicaragua.* American forces landed at Greytown and remained for two days (March 11–13) to protect American lives and interests during political disturbances. State, 19.

1853: *China.* On September 11, a small Marine force from the U.S. steamer *Mississippi* boarded a Siamese vessel in the Canton River and put down a mutiny. USMC, I, 78.

1853: *West Coast of Africa.* In accordance with the Treaty of 1842, on December 3, Marines joined in the capture of the slave schooner *Gambrill* by the U.S. frigate *Constitution* off the Congo River on the west coast of Africa. USMC, I, 78.

1853–1854: *Japan.* Commodore Matthew C. Perry led an expedition consisting of four men-of-war to Japan to negotiate a commercial treaty. Four hundred armed men accompanied Perry on his initial landing at Edo Bay in July, 1853, where he stayed for ten days after refusing to leave when ordered. He then sailed south, landing a force at the Bonin Islands, where he took possession, and at the Ryukyus, where he established a coaling station. In March, 1854, he returned to Edo Bay with ten ships and 2,000 men, landed with an escort of 500 men, and after six weeks signed a treaty with Japanese authorities at Kanagawa. The whole campaign was on executive authority. State, 19.

1854: *West Coast of Africa.* Pursuant to the Treaty of 1842, on March 10, Marines joined in the capture of a slave brig by the U.S. brig *Perry* off the west coast of Africa. USMC, I, 78.

1854: *China.* American and British forces consisting of 150 English sailors, 60 U.S. sailors, and 30 merchant sailors landed at Shanghai on April 4 and stayed until June 7 to protect their nationals during a battle between Chinese imperial and revolutionary troops. State, 19.

1854: *Greytown, Nicaragua.* In July, the commander of an American naval vessel demanded reparation after an American official was injured during a riot. When this was not forthcoming, the vessel bombarded the town. Foreign property, including British and French, was destroyed. President Pierce defended the action of the American commander in his annual message to Congress. State, 19.

1854: *Okinawa.* On July 6, a force of 20 Marines from the U.S. steamer *Powhatan* went ashore on Okinawa and seized a religious shrine in punishment of persons who murdered an American. On November 17, Marines and seamen from the U.S. sloop *Vincennes* went ashore again at Okinawa to enforce treaty provisions. USMC, I, 78.

1855: *China.* There were two brief actions by U.S. warships, the first a landing in May at Shanghai to protect American interests there, the second an attack in August at Hong Kong against pirates. State, 20.

1855: *Fiji Islands.* In September and October, marines from the sloop-of-war *John Adams* landed four times to seek reparations for depredations against Americans and to force natives to honor a treaty. The landing parties fought skirmishes and burned some villages. USMC, I, 79.

1855: *Uruguay.* In August and November, U.S. naval forces put sailors ashore to protect American interests in Montevideo. State, 20.

1856: *Panama, Republic of New Granada.* U.S. forces landed and stayed two days to protect American interests, including the Isthmian railroad, during an insurrection. (By the treaty of 1846 with New Granada, the United States had acquired the right to protect the Isthmus and to keep it open, in return for guaranteeing its neutrality.) State, 20.

1856: *China.* In October and November, the U.S. warships *Portsmouth* and *Levant* landed 280 officers and men to protect American interests at Canton during hostilities between the British and the Chinese and in response to an unprovoked assault upon an unarmed boat displaying the U.S. flag. The Americans took and destroyed four Chinese forts. State, 20.

1858: *Uruguay.* Forces from two U.S. warships landed in January to protect American lives and property during a revolt in Montevideo. The action was taken in conjunction with the forces of other powers at the request of the local government. State, 20.

1858: *African coast.* On September 8, Marines joined in the capture of a ketch laden with slave food by the U.S. sloop *Marion* off the southeast coast of Africa. The action was consistent with the Treaty of 1842. USMC, I, 80.

1858: *Fiji Islands.* On October 6, about 60 marines and sailors from the U.S.S. *Vandalia* landed to punish natives for the murder of two American citizens and engaged in a fierce conflict with 300 native warriors. State, 21.

1858–1859: *Turkey.* American citizens were massacred in 1858 at Jaffa and mistreated elsewhere. In the face of Turkish indifference, the Secretary of State asked the U.S. Navy to make a display of force along the Levant. State, 21.

1858–1859: *Paraguay.* From October 1858, to February, 1859, an American expedition went to Paraguay to demand redress for an attack on a naval vessel in the Parana River during 1855. Apologies were forthcoming after a display of force, which amounted to compulsion. Congress authorized the action. State, 21.

1859. *African coast.* On April 21 and 27, Marines joined in the capture of a slave ship near the Congo River, Africa. The action was consistent with the Treaty of 1842. USMC, I, 81.

1859: *Mexico.* Two hundred U.S. soldiers crossed the Rio Grande in pursuit of the Mexican bandit Cortina. State, 21.

1859: *China.* On July 31, forces from the U.S.S. *Mississippi* landed at Woosung and Shanghai, where they remained until August 2, to protect American interests and restore order. The American consul had called on the ship for assistance. State, 21.

1860: *Kissembo, West Africa.* On March 1, 40 Marines and seamen from the sloop-of-war *Marion* landed twice to prevent the destruction of American property during a period of local unrest. State, 21.

1860: *Colombia (State of Panama).* On September 27, the Marine guard from the sloop *U.S.S. St. Mary's* landed to protect American interests during a revolt. This may have been authorized pursuant to the Treaty of 1846. State, 21.

1863: *Japan.* On July 16, when Japanese shore batteries at Shimonoseki fired on a U.S. merchant ship, the *U.S.S. Wyoming* retaliated by firing on three Japanese vessels lying at anchor. The shots were returned, and, by the time the action was over, there were casualties on both sides. State, 21.

1864: *Japan.* From July 14 to August 3, U.S. forces protected the U.S. Minister to Japan when he visited Yedo concerning some American claims against Japan. The forces also were designed to impress the Japanese with American power. LRS, IV, 52.

1864. *Japan.* Between September 4 and 8, naval forces of the United States, Great Britain, France, and the Netherlands, jointly forced open the Straits of Shimonoseki, which had been closed in violation of commercial agreements. Shore batteries were destroyed and 70 cannon seized. State, 21.

1865–1866: *Mexican border.* In late 1865, General Sheridan was dispatched to the Mexican border with 50,000 troops to back up the protest made by Secretary of State Seward to Napoleon III that the presence of over 25,000 French troops in Mexico "is a serious concern to the United States." In February, 1866, Seward demanded a definite date be set for withdrawal and France complied. Though American forces did not cross the border, the threat of foreign military operations was clear and imminent. U.S., 580–581.

1865: *Panama.* American forces from the *U.S.S. St. Marys* landed to protect American interests during a revolt. This was apparently implied by the Treaty of 1846. State, 22.

1866: *China.* Various landings by over 100 marines and seamen were made in June and July at Newchang to punish an assault on the American Consul and to guard diplomats. State, 22.

1867: *Formosa.* On June 13, 181 Marines and seamen from the *U.S.S. Hartford* and *U.S.S. Wyoming* landed to punish natives who had murdered the crew of a wrecked American merchantman. Several huts were burned. USMC, I, 91.

1867: *Nicaragua.* On September 6, Marines landed and occupied Managua and Leon. USMC, I, 92.

1868: *Japan.* From February 1 until April 4, landings were made at Hiago, Nagasaki, and Yokohama to protect American lives and property during local hostilities. USMC, I, 92.

1868: *Uruguay.* At the request of local Uruguayan authorities, several landings were made from five U.S. steamers at Montevideo during the month of February in order to protect American lives and property during an insurrection. State, 22.

1868: *Colombia.* An American force landed at Aspinwall in April to protect the transit route during the absence of local police. This was impliedly permitted by the Treaty of 1846. State, 22.

1870: *Mexico.* On June 17, the *U.S.S. Mohican* pursued a pirate ship up the Tecapan River near Mazatlan, landed a party of Marines and seamen, and destroyed it during a pitched battle. State, 22.

1871: *Korea.* In June, American landing forces under Admiral Rodgers captured five Korean forts after a surveying party, granted permission to make certain surveys and soundings, had been attacked. No treaty or convention was in effect. State, 22.

1873: *Colombia.* In May and September, nearly 200 American forces landed at the Bay of Panama to protect American lives and interests during local hostilities. The actions were impliedly allowed by the Treaty of 1846. State, 22.

1873–1882: *Mexico.* U.S. troops repeatedly crossed the Mexican border to pursue cattle thieves. Mexico occasionally reciprocated. Such incursions were finally recognized as legitimate by an agreement in 1882. State, 23.

1874: *Hawaii.* In February, a party of 150 men from two U.S. vessels landed to preserve order at the request of local authorities. State, 23.

1876: *Mexico.* On May 16, at the request of the U.S. Consul at Matamoras, a small American force was landed to preserve order when the town was temporarily without a government. State, 23.

1882: *Egypt.* On July 14, over 100 forces from the *U.S.S. Lancaster, U.S.S. Quinnebaug,* and *U.S.S. Nipsic* landed at Alexandria, when the city was being bombarded by the British navy, in order to protect American interests there, including the American consulate. State, 23.

1885: *Colombia (State of Panama).* On January 18, March 16, March 31, April 8, April 11, April 12, and April 25, American forces landed to protect American property and guard valuables in transit over the Isthmus during local revolutionary activity, an action authorized under the Treaty of 1846. USMC I, 96.

1888: *Korea.* On June 19, 25 men from the *U.S.S. Essex* landed at Chemulpo and marched to Seoul to protect American residents during unsettled political conditions. The action was requested by the American Minister. State, 23.

1888–1889: *Samoan Islands.* In 1886, the

German consul announced that the Sanwan group was henceforth a German protectorate, an action that brought the United States and Great Britain together in opposition. By 1889, Germany and the United States were close to a direct confrontation. The United States and Germany, together with Great Britain, shared certain treaty rights in Samoa for the maintenance of naval depots. In November 1888, U.S. Marines landed from the *U.S.S. Nipsic* to protect American interests after civil strife broke out ashore. In January, 1889, German forces landed, and, when those forces were attacked by the natives, German ships shelled the island. This action by Germany aroused the American public, and Congress appropriated $500,000 for the protection of American lives and property on the island and $100,000 for the development of Pago Pago harbor. The United States also ordered two more warships to the scene. All three powers had warships on the scene and an untoward event might have touched off war had not a hurricane in March, 1889, destroyed all the warships except one British vessel. Thereafter, the Germans invited the three powers to a conference, which was agreed to and held in Berlin. In April, 1889, they established a three-power protectorate there. In 1899 the Samoans were divided, the United States acquiring Tutuila. State, 23.

1888: *Haiti.* In December, American warships made a display of force to obtain the release of an American merchant vessel captured by a Haitian warship. The Haitian Government surrendered the ship and paid an indemnity after Admiral Luce gave an ultimatum ordering its release before sunset. State, 24.

1889: *Hawaii.* On July 30, at the request of the American Minister in Honolulu, the *U.S.S. Adams* sent a marine guard ashore to protect American lives and property during revolutionary disorder. State, 24.

1890: *Argentina.* The *U.S.S. Tallapoosa* landed a party in July to protect the American Consulate and Legation in Buenos Aires during a revolt. State, 24.

1891: *Navassa Island, Haiti.* American forces from the *U.S.S. Kearsarge* landed on June 2 to protect American lives and property during a period of unrest. The action was taken pursuant to Congressional action. State, 24.

1891: *Bering Sea.* An American squadron operated from June to October, jointly with British naval vessels, seizing four schooners. Rogers, 109.

1891: *Chile.* In August, 102 Americans of the South Pacific station landed at Valparaiso during a revolt in order to protect the American Consulate and American lives. State, 24.

1894: *Brazil.* The U.S. Navy engaged in gunfire and a show of force in January to protect American shipping at Rio de Janeiro during a revolt of the Brazilian navy. President Cleveland stated our action "was clearly justified by public law." State, 24.

1894: *Nicaragua.* In July, American forces landed at Bluefields to protect American interests during a revolt. State, 24.

1894–1896: *Korea.* On July 24, at the request of the American Minister, a force of 21 Marines and 29 sailors landed at Chemulpo and marched to Seoul to protect American lives and property during the Sino-Japanese War. A Marine guard remained at the American Legation until 1896. State, 24.

1894–1895: *China.* On December 6, 1894, Marines disembarked from the *U.S.S. Baltimore* at Taku and marched to Tientsin to protect American lives and property during the Sino-Japanese War. The landing party maintained order until May 16, 1895. USMC, I, 98.

1895: *Colombia (State of Panama).* Marines from the *U.S.S. Atlanta* landed in March to protect American interests during a revolt. This appears to have been authorized by treaty. State, 24.

1895–1896: *Korea.* During internal disorders from October 11, 1895, to April 3, 1896, the American Legation at Seoul was protected by Marines from various ships. Ellsworth, 60.

1896: *Nicaragua.* On May 2, Marines were put ashore at Corinto by the *U.S.S. Alert* during revolutionary disorders to protect American interests. USMC, I, 99.

1898: *Nicaragua.* On February 7, Marines landed at San Juan del Sur by the *U.S.S. Alert* to protect Americans against disorders. USMC, I, 99.

1898–1899: *China.* American forces guarded the Legation at Peking and the Consulate at Tientsin from November, 1898, to March, 1899, during a period of unrest. State, 25.

1899: *Nicaragua.* On February 24, in response to a petition from foreign merchants during an insurrection, Marines landed to protect life and property at San Juan del Norte and Bluefields. State, 25.

1899: *Samoan Islands.* Sixty Americans landed on February 14 from the *U.S.S. Philadelphia,* and on April 1 joined a British force in efforts to disperse native rebels. This may have been under color of treaty or statute. State, 25.

1899–1901: *Philippine Islands.* The United States employed 126,468 troops against the Philippine Insurrection without a declaration of war after the Treaty of Peace with Spain was concluded. Presumably the United States acted to suppress the rebellion under authority of the Treaty of Peace, which transferred to it the sovereignty possessed by Spain in the Philippine Islands. 40 Ct. of Claims 26–32.

1900–1901: *"Boxer" Rebellion (Peking).* In 1900 President McKinley sent 5,000 troops to join the international military force organized for the relief of foreign legations besieged in Peking by Chinese "Boxers." Using troops already mobilized for the Spanish-American War and the Philippine Insurrection, McKinley did not seek authority from Congress. Peace terms were concluded at an international conference, and a peace Protocol was signed September 7, 1901. The Protocol was not submitted to Congress. Because of the obvious inability of Chinese authorities to control local disorders, the United States acquired the right to maintain a guard at Peking for defense of the American Legation and to station military forces at certain points in Chinese territory to keep open communications between Peking and the sea. (Earlier, in 1858, the United States had acquired the right by treaty to station naval vessels in Chinese waters.) State, 3–4.

1901: *Colombia (State of Panama).* American forces went ashore in late November and stayed until December to protect American property and to keep transit lines open across the Isthmus during serious political disturbances. This apparently was authorized by the Treaty of 1846. State, 25.

1902: *Colombia (State of Panama).* Marine guards landed in April to protect American lives and the railroad across the Isthmus during civil disorders. They continued to land at various times between April and November. This appears to have been authorized by the Treaty of 1846. State, 25.

1903: *Honduras.* American forces disembarked at Puerto Cortez in March to protect the American Consulate and port facilities during a period of revolutionary activity. State, 25.

1903: *Dominican Republic.* In April, 29 Marines landed at Santo Domingo, where they remained for three weeks to protect American interests during a period of political disturbances. State, 25.

1903–1904: *Syria.* A Marine guard landed and remained for a few days at Beirut in April to protect the American Consulate during a Moslem uprising. Also our Mediterranean Squadron demonstrated at Beirut from September to January and at Smyrna the next August. State, 25.

1903: *Panama.* A revolution leading to the independence of Panama from Colombia broke out in November. Marines landed from the *U.S.S. Dixie* to prevent Colombian troops from carrying out a threat to kill American citizens, after Commander Hubbard had refused to allow the Colombians to transport their troops across the Isthmus. Marine guards remained on the Isthmus from the date of Panamanian independence (November 4, 1903) until January, 1914, to protect American interests during the construction of the Canal. This was allowed under the Hay-Bunau-Varilla Treaty. State, 25–26.

1903–1904: *Abyssinia.* Twenty-five American marines were sent to protect the U.S. Consul General from November 18, 1903, to January 15, 1904, while he was negotiating a treaty with the Emperor. USMC, I, 109.

1904: *Dominican Republic.* On January 3, 7, and 17, and on February 11, over 300 Marines landed at Puerto Plata, Sosua, and Santo Domingo to protect American lives and property during a revolt. USMC, I, 108–109.

1904: *Morocco.* A squadron demonstrated in Moroccan waters in June to force the release of a kidnapped American. A Marine contingent had landed on May 30 to protect the Consul General. State, 26.

1904: *Panama.* American troops were used to protect American lives and property at Ancon in November when a revolt seemed imminent. This action seems to have been authorized by treaty. State, 26.

1904–1905: *Korea.* In January, 1904, over 100 American troops were sent to guard the American Legation at Seoul because of the outbreak of the Russo-Japanese War. They remained until November 1905. In March, 1904, marines assisted in the evacuation of American nationals. USMC, I, 108.

1906–1909: *Cuba.* An American squadron demonstrated off Havana, and, in September, marines landed to protect American interests during a revolution. In October, marine and army units landed and took up quarters in many Cuban towns in connection with the temporary occupation of the country under a provisional governor appointed by the United States. This occupation was within the scope of the provision of the 1903 Treaty of Relations between the two countries, which gave the United States the right to intervene to preserve order. The occupation lasted until January, 1909. State, 26.

1907: *Honduras.* On March 18, during a war between Honduras and Nicaragua, the *U.S.S. Marietta* disembarked 10 men to guard the American Consulate at Trujillo. The *U.S.S. Paducah* also landed forces at Laguna and Choloma on April 28. State, 26.

1910: *Nicaragua.* In May, one hundred men from the *U.S.S. Paducah* landed at Greytown to protect American lives and property during a revolt. The *U.S.S. Dubuque* also engaged in shows of force. Joined combat was "hourly expected." State. 26.

1911: *Honduras.* Sixty men from the *U.S.S. Tacoma* and *Marietta* went ashore at Puerto Cortez during a revolt to protect American interests. The American Commander threatened to use force if necessary. State, 26.

1911–1912: *China.* American forces made six landings to protect American interests during the initial stages of a revolution. They were stationed at Foochow, Chinkiang, Peking, Hankow, Nanking, Shanghai, and Taku. This may have occurred pursuant to treaty rights acquired during the "Boxer" Rebellion. State, 27.

1912: *Panama.* During June and July, at the request of local political groups, American troops supervised elections outside the Canal Zone. This was impliedly authorized by the Hay-Bunau-Varilla Treaty. State, 27.

1912: *Cuba.* In May, American troops landed in eastern Cuba during a revolt and remained for three months to protect Amer-

ican interests. This appears to have been authorized by the treaty of 1903. State, 27.

1912: *Turkey.* A troop detachment from the *U.S.S. Scorpion* assisted in the protection of the diplomatic corps at Istanbul during the Balkan War. State, 27.

1912: *Nicaragua.* During a civil war, the President of Nicaragua asked the United States to protect its citizens resident there. Acting on a recommendation of the American Minister, President Taft ordered sizable landings of marines in August and September, 1912. Political stability returned to Nicaragua by January, 1913, but a detachment of marines was kept in Managua to guard the American Legation after the rest of the American troops withdrew. The Legation guard was reinforced in 1922 and remained until August 1, 1925, State, 27.

1913: *China.* U.S. forces landed in July at Chapei and Shanghai to protect American interests. Rogers reports there were many demontrations and landing parties by United States forces for protection in China continuously from 1912 to 1941. He writes: "In 1927, for example, this country had 5,670 troops ashore in China and 44 naval vessels in its waters. In 1933 we had 3,027 armed men ashore. All this protective action was in general terms based on treaties with China ranging from 1858 to 1901." Rogers, 117.

1913: *Mexico.* In September a few Marines disembarked at Ciaris Estero, during a period of civil strife, to aid in the evacuation of American citizens. State, 27.

1914: *Haiti.* Marines landed in January, February, and August to protect American citizens during a period of unrest. State, 27.

1914: *Dominican Republic.* During a period of revolutionary activity, U.S. naval forces fired at revolutionaries who are bombarding Puerto Plata, in order to stop the action. Also, by a threat of force, fighting in Santo Domingo was prevented. State, 28.

1914: *Occupation of Vera Cruz, Mexico.* On April 9, 1914, an American naval officer and 9 crewmen from the *U.S.S. Dolphin* anchored off the coast at Tampico, Mexico, were arrested and marched through the streets by local authorities. They were released and an apology was extended as soon as the local Mexican commander learned of the incident. Admiral Mayo, commander of the American squadron, also demanded a 21-gun salute to the American flag. The Mexicans refused and President Wilson promptly ordered the North Atlantic battleship fleet to Tampico. On April 20, he addressed Congress in a joint session and asked for authority to use the armed forces. While Congress debated, Wilson learned that a German steamer was headed toward Vera Cruz to unload munitions for Huerta, and he decided to direct the naval action against Vera Cruz instead of Tampico. American armed forces landed at Vera Cruz, and, after an armed engagement resulting in 400 casualties, the Americans occupied the city on April 22. The same day, apparently after the fighting began, Congress passed a joint resolution which declared that the President was "justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States," but that "the United States disclaimed any hostility to the Mexican people or any purpose to make war upon Mexico." By November, 1914, American troops had left Mexican soil. State, 4.

1915: *Dominican Republic.* On August 15, the 5th Marine Regiment arrived at Puerto Plata to protect American lives and property during a revolutionary outbreak. Their protective mission lasted until October 12, 1915. USMC, I, 116.

1915–1934: *Haiti.* In July, at the initiative of the Executive, the United States placed Haiti under the military and financial administration of the United States, in part to protect American lives and property and in part to forestall European intervention to collect debts. Marines were stationed in Haiti until 1934. The occupation was sanctioned by a treaty signed and ratified by the Senate in February, 1916, but the first months of the occupation were on executive authority alone. State, 28.

1916–1924: *Dominican Republic.* President Wilson ordered the occupation of Santo Domingo in May, 1916, owing to local unrest. At one point, 3,000 marines were ashore. The United States placed a military governor in the Dominican Republic but turned political affairs over to the Dominicans in 1922. U.S. troops withdrew in 1924, and a general treaty signed that year formally sanctioned the previous occupation. State, 28.

1916: *China.* American forces landed at Nanking to quell a riot taking place on American property. Apparently this was authorized by a treaty. State, 28.

1916–1917: *Pershing Expedition into Mexico.* In October, 1915, the United States recognized the Carranza regime as the *de facto* government in Mexico. At the same time, Mexican rebel, Pancho Villa, directed a campaign against the United States. In January, 1916, Villa's followers massacred 18 American mining engineers in Santa Ysabel, Mexico.

Then, on March 9, 1916, 400 of Villa's men raided Columbus, New Mexico, and killed 17 Americans. The American public was incensed, and Wilson delayed sending an expedition only until he could obtain Carranza's consent. On March 13, 1916, when Carranza's government acceded, Wilson ordered General John J. Pershing to take U.S. Army units into Mexico. On March 16, Pershing crossed the border with 6,000 troops. On the following day, Congress adopted a joint resolution introduced by Senator Robert LaFollette sanctioning the use of the armed forces. Until then, Wilson had been relying on the Acts of 1795 and 1807 relative to employing the armed forces whenever there is "imminent danger of invasion."

Villa eluded Pershing, and the size of the U.S. expedition soon grew to such proportions (12,000 men) that Carranza protested and demanded its withdrawal, threatening war. Wilson on June 18 called out the National Guard and incorporated it into the Army; 150,000 militia were ordered to the Mexican border. But neither country really wanted war, and the crisis gradually subsided. Wilson decided to withdraw all American troops from Mexico in February, 1917. State, 5–6.

1917: *Armed Atlantic Merchant Ships.* In February, President Wilson asked Congress for authority to arm U.S. merchant vessels with defensive guns, but Congress refused to pass such a law. Thereupon President Wilson acted, on his own authority, to equip American merchant vessels with guns and gunners assigned to them from the Navy. His action occurred prior to the declaration of war on Germany which did not take place until April 6, 1917. Willoughby, III, 1568.

1917: *Cuba.* American troops landed in February at Manzanilla to protect American interests during a revolt. Various other landings were made, and, though the revolt ended in April, 1917, troops remained until 1922 because of continued unsettled political conditions. This was authorized by the Treaty of 1903. State, 28.

1918: *China.* American troops landed at Chungking to protect American lives during a political crisis. Apparently this was done pursuant to a treaty. State, 28.

1918–1919: *Mexico.* U.S. troops entered Mexico to pursue bandits three times in 1918 and six times in 1919. In August, 1918, there was a brief skirmish between American and Mexican troops at Nogales. State, 28.

1918–1920: Expeditions to Russia. Following the Bolshevik revolution in Russia in 1917, Allied expeditions landed, in 1918, at Murmansk and then Archangel. American troops first landed in August, 1918, with most arriving in Archangel Harbor on September 4. Though Armistice Day came on November 11, 1918, the American forces remained until June 27, 1919. At Archangel, the U.S. contributed some 5,208 men and suffered some 549 causalties, including 244 deaths.

The Allies also landed units in Siberia in August and September of 1918 where Bolshevik troops were fighting a force of 65,000 Czech soldiers who were trying to fight their way eastward. The Japanese sent 74,000 soldiers; the American sent 8,388; and the British and French provided minor contingents. The American forces began embarking for home on January 17, 1920, and the last units left on April 1, 1920.

President Wilson, who acted without Congressional approval, agreed to participate in the Allied expeditions to aid the anti-Bolsheviks, to help several thousands of Czech troops get back to their homeland, and to forestall possible Japanese expansionist plans in Siberia. State 6.

1919: Turkey. On May 14, a Marine detachment from the *U.S.S. Arizona* landed to guard the U.S. Consulate at Constantinople during the Greek occupation of the city. USMC, I, 121.

1919: Honduras. A small American force went ashore at Puerto Cortez to maintain order in a neutral zone during an attempted revolt. State, 29.

1918–1920: Panama. American troops went outside the Canal Zone, on request of the Panamanian Government, to supervise elections. This apparently was authorized by treaty. LRS, 55.

1920: China. American forces landed at Kiukang and Youchow to protect American lives and property. This may have been authorized by treaty. State, 29.

1920: Guatemala. Forty men from the *U.S.S. Tacoma* and *Niagara* went inland to Guatemala City to protect the American Legation and other American interests during local fighting. State, 29.

1920–1922: Siberia. The United States stationed a marine guard on Russian Island, Bay of Vladivostok, to protect United States radio facilities and other property. State, 29.

1921: Panama-Costa Rica. American naval squadrons demonstrated for one day on both sides of the Isthmus to prevent war between the two countries over a boundary dispute. This was impliedly authorized by treaty. State, 29.

1922: Turkey. In September forces from several American warships went ashore with the consent of both Greek and Turkish authorities to protect American interests when the Turkish forces were advancing on the city Smyrna. State, 29.

1922–1923: *China.* There were five landings by Marines from April, 1922, to November, 1923 (at Peking, Tientsin, Taku, Tungshan, and Masu Island) to protect Americans during periods of unrest. This may have been authorized by treaty. USMC, I, 122–123.

1924–1925: *Honduras.* There were intermittent landings from February, 1924, to April, 1925, to protect American lives and property during local unrest. In March, 1924, the *Denver* put ashore 167 men and in September, the *U.S.S. Rochester* landed 111 additional forces. USMC, I, 123–124.

1924–1925: *China.* From September 1924, to December, 1924, over seven landings were made by the Marines at Shanghai to protect Americans during a period of unrest. This may have been authorized by treaty. USMC, I, 124–125.

1925: *Panama.* As a result of strikes and rent riots, and at the request of Panamanian officials, 600 troops from the Canal Zone entered Panama City in October and remained for 11 days to maintain order. This conformed to American treaty rights. State, 29.

1926–1933: *Nicaragua.* When local disturbances broke out in 1926, the Nicaraguan Government requested that American forces undertake to protect lives and property of Americans and other foreigners. In 1927, five thousand soldiers were put ashore.

Rebel political leader, Sandino, who received Communist propaganda and financial support, turned the situation into a real civil war. In January, 1928, Sandino was forced to flee to Mexico by Marine forces, but backed by Communist aid, he returned in 1930 and Nicaragua flared again. By 1933 an all-Nicaraguan Guardia Nacional became strong enough so that all U.S. Marines could leave. In all the marines had engaged in 150 clashes and lost 97 men, 32 in action. Rebel losses were approximately over a thousand.

The occupation was initiated entirely on the executive responsibility of President Coolidge. The Democrat minority bitterly critized his policy as a "private war" and as "imperialism," but did not question the President's authority. State, 6–7; and Dupuy and Baumer, 168.

1926: *China.* American forces landed at Hankow in August and September and at Chingwangtao in November to protect American interests. This may have been authorized by Treaty. State, 29.

1927–1928: *Armed Actions in China.* Anti-foreign incidents in China reached a climax in 1927.

In February, a U.S. expeditionary battalion landed at Shanghai, and in March, 1,228 Marine reinforcements landed there. By the end of 1927, the United States had 44 naval vessels in Chinese waters and 5,670 men ashore. In 1928, when the Nationalists had gained greater control over Chinese territory and purged themselves of Communist support, the United States reached a separate accord with the Nationalists, and, in July, signed a treaty which constituted United States recognition of the Nationalist Government. A gradual reduction of United States forces in China began in the same month. State, 7–8.

1932: *China.* In February, American forces landed at Shanghai to protect American interests during the Japanese occupation of the city, apparently under treaty. State, 30.

1933: *Cuba.* During a revolution, United States naval forces demonstrated offshore, but no forces landed. This was pursuant to the Treaty of 1903. State, 30.

1934: *China.* In January, marines from the *U.S.S. Tulsa* landed at Foochow to protect the American Consulate, apparently pursuant to treaty rights. USMC, I, 129.

1936: *Spain.* From July 27, through September 19, the *Quincy,* carrying a marine guard, served in the Spanish war zone. The vessel touched at several ports, sometimes evacuating American nationals. (Master rolls.)

1937–1938: *China.* Beginning on August 12, 1937, several marine landings were made at Shanghai to protect American interests during Sino-Japanese hostilities. Marine strength in China, assigned under the International Defense Scheme, reached 2,536 men by September 19. USMC, II, 2–3.

1940: *British possessions in Western Atlantic.* On September 3, President Roosevelt informed Congress that he had agreed to deliver a flotilla of destroyers to Great Britain in exchange for a series of military bases granted us on British soil along the Western Atlantic. American troops and ships occupied a number of these points in the following months. The President did not ask approval from Congress. State, 8–9.

1941: *Greeland (Denmark).* In April, after the German invasion of Denmark, the U.S. Army occupied Greenland under agreement with the local authorities. Congress was not consulted, and the action appears to be contrary to an express Congressional limitation on using troops outside the Western Hemisphere. State, 8–9.

1941: *Iceland.* By Presidential order, U.S. troops occupied Iceland on July 7, the same day Congress was notified. The President did not consult Congress in advance, and in fact, the action clearly violated an express restriction that Congress had enacted a year before. Both the Reserves Act of 1940 and the Selective Service Act of 1940 provided that United States troops could not be used outside the Western Hemisphere. Iceland is generally placed with the section on Europe in each World Atlas and is some 2,300 miles away from the United States. State, 8–9.

1941: *Dutch Guiana.* In November, the President ordered American troops to occupy Dutch Guiana by agreement with the Netherlands Government-in-exile. Again there was no Congressional authority for the military occupation. State, 8–9.

1941: *Atlantic Convoys.* By July 7, President Roosevelt had ordered U.S. warships to convoy supplies sent to Europe to protect military aid to Britain and Russia. By September, our ships were attacking German submarines. There was no authorization from Congress. Corwin, 247.

1946: *Turkey.* In April, during USSR-Iran hostilities and USSR–Turkey tensions, a U.S. carrier unit was deployed as an affirmation of U.S. intentions to shore up Turkey against Soviet imperialism. USN, 15712.

1946: *Trieste.* In July, during the Trieste ownership dispute, U.S. Naval units were dispatched to the scene with open warfare imminent. USN, 15712.

1946: *Greece.* During the political crisis in September, naval units were requested by the U.S. Ambassador. One carrier was on the scene. USN, 15712.

1948: *Palestine.* On July 18, a Marine consular guard was detached from the U.S.S. *Kearsarge* and sent to Jerusalem to protect the U.S. Consular General there. One consular official was assassinated, and two Marines were wounded during the Arab–Israeli War. USMC, III, 7.

1947: *Mediterranean.* On January 7, Fleet Admiral Nimitz implied Marine reinforcements sent from the U.S. to Mediterranean waters served as a warning to Yugoslavia that the 5,000 U.S. Army troops in Trieste were not to be molested. USMC, III, 5.

1948–1949: *China.* A platoon of Marines was sent to Nanking in November, 1948, to protect the American Embassy when the fall of the city to Communist troops was imminent. The guard was withdrawn on April 21, 1949. In November and December, Marines were sent to Shanghai to aid in the evacuation of American Nationals and to protect the 2,500 Americans in the Communist encircled city. USMC, III, 8–9.

1950–1953: *Korean Conflict.* Communist armies of North Korea invaded South Korea on June 25, 1950. Later that day the United Nations Security Council denounced the aggression, called for an immediate cease-fire, and asked member nations "to render every assistance to the United Nations in the execution of this resolution." On June 27, President Truman announced that he had "ordered United States air and sea forces to give the Korean Government troops cover and support" and had ordered the Seventh Fleet to prevent any attack on Formosa and also to prevent the Chinese Government on Formosa from conducting any air and sea operations against the Communist mainland. The Security Council, on the same day, adopted a resolution "that the members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."

The Department of State prepared a memorandum, on July 3, 1950, which defended the authority of the President to take the necessary action to repel the attack on Korea, using the argument that the "President, as Commander in Chief of the Armed Forces of the United States, has full control over the use thereof."

Truce talks began in July, 1951, but it was not until July, 1953, that an armistice was signed. State, 9–11.

1954–1955: *Tachen Islands (China).* From July, 1954, to February, 1955, U.S. Naval units were employed in evacuation of U.S. civilians and military personnel. Five carriers were on the scene. USN, 15712.

1956: *Egypt.* On November 1 and 2, a Marine battalion evacuated over 1,500 persons, mostly U.S. nationals, from Alexandria, Egypt, during the Suez crisis. USMC, III, 34.

1957: *Indonesia.* On February 14, the 3rd Marines took up station 550 miles northeast of Sumatra ready to intervene to protect U.S. nationals during the Indonesian revolt. USMC, III, 34.

1957: *Taiwan.* During Communist shelling of Kinmen Island in July, naval units were dispatched to defend Taiwan. Four carriers were on the scene. USN, 15712.

1958: *Venezuela.* In January, when mob violence erupted in Caracas, a company of Marines embarked on board the *U.S.S. Des Moines* and remained on station off Venezuela ready to protect American interests. USMC, III, 36.

1958: *Indonesia.* In March, a Marine company, attack squadron, and helicopter squadron were deployed with elements of the Seventh Fleet off Indonesia prepared to protect U.S. citizens and interests. USMC, III, 36.

1958: *Lebanon Operation.* A period of civil unrest began in Lebanon in May, 1958, led by Moslems who reportedly were aided by the United Arab Republic's President Nasser. When a pro-Nasser coup took place in Iraq July 14, President Chamoun of Lebanon appealed for assistance to President Eisenhower. On July 15, President Eisenhower sent 5,000 marines to Beirut to "protect American lives" and to "assist" Lebanon in preserving its political independence. The President publicly stressed the provocative Soviet as well as Cairo radio broadcasts. Eventually, 14,000 American soldiers and marines occupied strategic areas in Lebanon, but with orders not to shoot unless shot at.

On the day of the initial landings, the United States asked the United Nations Security Council to establish an international police force to preserve Lebanon's independence, but the Soviet delegate vetoed the American resolution. Further, the Soviet Union announced that it would hold military maneuvers near the Turkish and Iranian frontiers.

On August 21, the General Assembly passed a resolution calling on the member states to respect one another's territorial integrity and observe strict non-interference in one another's internal affairs. The resolution requested that practical arrangements be made leading to the withdrawal of troops from Lebanon. On September 26, the United States notified the Secretary-General of the United Nations that it had been possible to withdraw a portion of the American forces and to work out a schedule to withdraw the remainder by the end of October. State, 11–12.

1959–1960: *Cuba.* In the period from November 20, 1959, to February 15, 1960, the 2d Marine Ground Task Force was deployed to protect U.S. nationals during the Cuban crisis. USMC, III, 42.

1961: *Show of Naval Force in Dominican Waters.* On May 30, Dominican dictator Rafael Trujillo was assassinated. Political conditions in the Dominican Republic steadily deteriorated during the summer and early autumn. Then, on November 15, General Hector Trujillo and General Jose Trujillo, brothers of the slain dictator, returned to the island. Secretary Rusk stated three days later they appeared "to be planning an attempt to reassert the dictatorial domination

of the political and economic life of the country . . ." He added: "the United States is considering the further measures that unpredictable events might warrant."

On November 19, U.S. Navy ships took up positions three miles off the Dominican coast, and Navy jet planes patrolled the shoreline. The show of force produced the desired result because the Trujillo brothers and other members of the family departed for Miami before the day was over. According to one authority, "It later transpired that the Kennedy Administration was prepared to order U.S. Marines ashore if President Joaquin Balaguer had so requested or if the Trujillos had ousted Balaguer from the presidency." ERR, 449–500.

1962: *Thailand.* On May 17, the 3d Marine Expeditionary Unit landed in Thailand to support that country during the threat of Communist pressure from outside. On July 1, President Kennedy ordered 1,000 Marines in Thailand to return to their ships, and on July 30, the U.S. completed the withdrawal of the 5,000 Marines sent there. USMC, III, 56–57.

1962: *Cuban Naval Quarantine.* On October 24. confronted with a build-up of Soviet surface-to-surface missile bases in Cuba, President Kennedy ordered a quarantine 500 miles wide in the waters around Cuba. The blockade was aimed both at preventing delivery of additional Russian missiles and obtaining the removal of those offensive Russian weapons already in Cuba.

The crisis appears to date from Tuesday, October 16, when the Government's inner circles first began to discuss the idea of a blockade. On October 20, the First Armored Division began to move out of Texas into Georgia, and five more divisions were placed on alert. The base at Guantanamo Bay was strengthened. The Navy deployed 180 ships into the Caribbean. The Strategic Air Command was dispersed to civilian airfields, and the B–52 bomber force was ordered into the air fully loaded with atomic bombs.

On October 22, President Kennedy went on television to explain before the nation the situation in Cuba and the reasons for the quarantine. The President first notified members of Congress that same day. On Tuesday, October 23, the Council of the Organization of American States formally authorized by a unanimous vote "the use of armed forces" to carry out the quarantine of Cuba. Apparently, one day later the blockade went into effect.

Other notable dates include October 27, when the Defense Department announced that 24 troop-carrier squadrons of the Air Force Reserve were being recalled to active duty; October 28, when Premier Khrushchev, in a message to President Kennedy, announced he had ordered the dismantling of Soviet missile bases in Cuba, November 11, when Deputy Secretary of Defense Gilpatric announced the United States had counted 42 medium-range missiles being removed from Cuba on Soviet ships; and November 20, when President Kennedy announced he had ordered the lifting of the naval blockade.

On December 6, U.S. Navy planes verified that 42 Soviet jet bombers were being transported home from Cuba. The United States apparently closed the book on the Cuban crisis about this date. LRS, I, 24–25; and LRS, II, 1–18.

1963: *Haiti.* On May 4, a Marine battalion was positioned off the coast of Haiti for five days when trouble developed in that country. USMC, III, 61.

1964: *Congo.* In August, the United States sent four C–130 transport planes with approximately 100 flight and maintenance crews and paratroopers to protect the aircraft while on the ground. The purpose was said to be to provide airlift for the regular Congolese troops to combat areas during a rebellion against the government of Premier Tshombé and President Kasavubu. Earlier, in July, the United States had sent 68 officers and men to Leopoldville to advise the Congolese army. Both actions followed the withdrawal on June 30 of the last of the 20,000-man force which the United Nations had placed in the Congo in order to keep the peace.

Subsequently, in November, rebels in the Stanleyville area held over a thousand foreign civilian hostages, including 60 Americans, who were subjected to many atrocities and whom the rebels threatened to kill. When negotiations between the rebels and the United States failed, the United States and Belgium arranged to land Belgian paratroopers to undertake a humanitarian rescue operation.

On November 24, the force was airdropped by U.S. transport aircraft in the Stanleyville area and liberated most of the hostages. Belgian paratroopers undertook a second rescue operation on November 26, capturing the rebel town of Paulis. In all, about 2,000 foreigners were rescued. President Johnson assumed "full responsibility" for the United States role in the decision to transport the Belgian troops in American planes. Davids, 296–310.

1964–1971: *Armed actions in Laos.* At the request of the Laotian Government, unarmed United States jet planes began flying reconnaissance missions over the Plaines des Jarres in May, 1964, in order to gather information on rebellious forces headed by leftist Pathet Lao. After two jets were shot down on June 6 and 7, President Johnson decided to carry out a limited reprisal. On June 9, U.S. Navy jets attacked a Communist gun position in north central Laos, and this was followed by 36 "sorties" which knocked out a number of Communist posts. The United States has continued to play a role of air support in Laos to date. State 30.

1964–1971: *Armed Action in Vietnam.* Following the Geneva Accords of 1954 which provisionally divided Vietnam at approximately the 17th parallel, the Communists held control of the northern half of the country while anti-Communists maintained a precarious hold on the south. A U.S. Military Assistance Advisory Group, which assumed responsibility for the training of the South Vietnamese army after the French relinquished command, was steadily expanded as Communist guerrilla activity supported and directed from the north intensified. By 1962, there were 12,000 U.S. advisors.

In August, 1964, at the request of President Johnson following an attack on American naval vessels in the Gulf of Tonkin, Congress passed the Gulf of Tonkin Resolution, unanimously in the House and by a vote of 88–2 in the Senate. The Resolution expressed approval and support of "the determination of the President as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." Also it provided the United States is "prepared as the President determines to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." (South Vietnam is a protocol state of SEATO). The joint resolution was signed into law on August 10 as Public Law 88–408.

Both this resolution and the SEATO agreement itself have been claimed as authority for United States activities in Vietnam. In addition, several appropriations laws providing for support of the hostilities in Southeast Asia are purported to represent authority for our engagement there. The Tonkin Gulf Resolution was subsequently repealed by P. L. 91–672 (Jan. 12, 1971).

Since assuming office in January, 1969, President Nixon has ordered the withdrawal of 364,000 troops. The latest reduction will lower the total of American military forces in South Vietnam to 184,000 by December, 1971. State, 12–14.

1965: *Dominican Republic.* A revolt broke out in the Dominican Republic on April 24, 1965, and on April 28 President Johnson announced that Dominican military authorities had requested assistance from the United States in protecting the lives of United States citizens living in that country. The President added that he had ordered the Secretary of Defense to put the necessary troops ashore to protect Americans, and that this assistance would be available to the nationals of other countries as well.

The first United States military contingent to the Dominican Republic consised of 400 men. On May 2, the President announced that he was sending 200 more men immediately and that an additional 4,500 would go at the earliest possible moment. He cited the increasing Communist control of the revolutionaries, as well as the urgent need for food, medical supplies, and other humanitarian assistance to the Dominican people, as reasons for his decision. At their peak, 21,500 United States troops were in the Dominican Republic.

On May 5, a five-man OAS peace commission succeeded in achieving a cease-fire agreement among the contending forces, and on May 6, the OAS voted to create an Inter-American Peace Force to assist in restoring peace and order. The arrival on May 21 of the first contingent of a Brazilian force permitted the withdrawal of 1,700 United States troops, and as other foreign contingents arrived, additional United States troops were withdrawn. By the end of 1965, the Inter-American Peace Force totaled 9,400. In the meantime, a formula to restore constitutional government, worked out by an OAS Ad Hoc Commission, made considerable progress. The inauguration of a civilian, Hector Garcia Godoy, as provisional president on September 3, 1965, was a major step toward the restoration of stability. State, 14–15.

1967: *Syrian Coast.* In June of 1967, during the Arab-Israeli War, President Johnson ordered the U.S. 6th Fleet to move to within 50 miles of the Syrian Coast as a sign to the Soviet Union it "would have to deal with us" if it entered the conflict. The action was taken as a counter-move against the Soviet Union after Premier Kosygin told President Johnson over the hotline that the Soviets "had reached a decision that they were prepared to do what was necessary, including using the military" to stop the advance of Israeli troops into Arab territory, and would give the Israelis just five hours to halt their operations. Star, D–4.

1967: *Congo.* In July, Lt. General Mobutu, who had now become President of the Congo, was challenged by a revolt of about 170 white mercenaries and a few hundred Katangese troops. The Congolese army numbered around 32,000, but required outside logistical support in order to crush the revolt.

Responding to a direct appeal from President Mobutu, on July 8 the United States sent three C–130 military transport aircraft to the Congo, with their crews, to provide the Central Government with "long-range logistical support." Approximately 150 American military men arrived with the planes.

The small American task force immediately began to drop several plane loads of paratroopers and their equipment and continued to fly troops until November. On July 15, the first aircraft was withrdawn; on August 4, the second; and on December, the last. LRS, III.

1970 [3] *Cambodia.* From April 30 to June 30, U.S. troops attacked Communist sanctuaries in order to ensure the success of the program of Vietnamization. LRS, IV, 57.

Footnotes at end of article.

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B. FIVE U.S. MILITARY ACTIONS ABROAD UNDER A DECLARATION OF WAR

War of 1812: (1812–1815) On June 18, Congress approved a declaration of war against England. The war was officially concluded by the Treaty of Ghent, December 24, 1814, but the major battle of the war occurred with an American victory at New Orleans in January, 1815.

War Between the United States and Mexico: (1846–1848) Congress declared war on May 11, 1846. The Treaty of Guadalupe Hidalgo ended the conflict on February 2, 1848.

Spanish-American War: (1898) On April 25, 1898, the United States declared war against Spain. The peace treaty ending hostilities was signed in Paris on December 10, 1898.

World War I: (1917–1919) The United States declared war on Germany on April 6, 1917, and against Austria on December 7, 1917. The Treaty of Versailles was signed on June 28, 1919. The treaty was never ratified by the United States.

World War II: (1941–1945) The United States declared war on Japan December 8, 1941, and on Germany and Italy December 11, 1941. The war ended in Europe on May 8, 1945. Japan signed the formal surrender in Asia on September 2, 1945.

C. FORTY-THREE MAJOR MILITARY ACTIONS FOR BROAD STRATEGIC AIMS

1798–1800: *Naval War with France.* The U.S. fought primarily for the protection of its free commerce.

1801–1805: *War with Tripoli.* The U.S. upheld its right of free commerce.

1814–1825: *Caribbean Area.* The U.S. sank or captured 65 vessels to protect American commerce.

1815: *Second Barbary War.* The U.S. acted to provide effective protection to American commerce.

1844: *Mexico.* President Tyler deployed our troops to protect Texas one year before annexation.

1846: *Mexico.* President Polk ordered General Scott to occupy disputed territory between the Nueces and the Rio Grande.

1853–1854: *Japan.* Commodore Perry's expedition of 2000 men and ten ships advanced American commercial interests.

1864: *Japan.* U.S. Naval units participated in a joint effort to force open the Straits of Shimonoseki for the free conduct of international commerce.

1865–1866: *Mexican border.* General Sheridan and 50,000 U.S. troops backed up a demand from Secretary of State Seward that French forces withdraw from Mexico.

1888–1889: *Samoan Islands.* Germany and the United States were close to warfare due to their rivalry over naval privileges in the Samoans.

1890–1901: *Philippine Islands.* The United States used 126,468 troops against the Philippine Insurrection in order to preserve and foster any rights it had acquired from Spain.

1900–1901: *Boxer Rebellion (Peking).* The U.S. sent 5000 troops and marines to relieve foreign legations in Peking and to keep open communication between Peking and the sea.

1903–1914: *Panama.* Marine guards landed and remained on the Isthmus to protect construction of the Canal.

1906–1909. *Cuba.* The U.S. temporarily occupied Cuba to preserve order.

1912: *Cuba.* American troops remained three months to preserve order.

1915–1934: *Haiti.* By force of Arms U.S. troops took over Haiti in part to forestall European intervention.

1916–1924: *Dominican Republic.* U.S. troops occupied Santo Domingo and supported a military governor in the Dominican Republic.

1917: *Armed Atlantic Merchant Ships.* President Wilson armed American merchant vessels with guns and gunners assigned from the Navy.

1917: *Cuba.* Several American landings were made to preserve order.

1918–1920: *Expeditions to Russia.* The U.S. contributed some 14,000 men to aid the anti-Bolsheviks and to forestall Japanese expansionist plans in Siberia.

1926–1933: *Nicaragua.* The occupation of Nicaragua foiled the first attempt of Communism to infiltrate Latin America.

1927–1928: *China.* Nearly 6000 U.S. troops acted to help stabilize China.

1937–1938: *China.* Some 2500 marines helped preserve order in Shanghai under the International Defense Scheme.

1940: *British possessions in Western Atlantic.* U.S. occupied military bases on British soil to protect long range national security interests.

1941: *Greenland.* The U.S. Army occupied Greenland for the same reason as above.

1941: *Iceland.* U.S. troops occupied Iceland for the same reason as above.

1941: *Dutch Guiana.* American troops occupied Dutch Guiana for same reason as above.

1941: Atlantic convoys. U.S. warships were used to convoy military supplies to British and Russia.

1946: *Turkey.* A. U.S. carrier unit was deployed to affirm U.S. intentions to shore up Turkey against Soviet imperialism.

1950–1953: *Korean war.* U.S. forces acted to assist the Republic of Korea in order "to restore international peace and security in the area."

1957: *Taiwan.* U.S. naval units were dispatched to defend Taiwan.

1958: *Lebanon.* A primary purpose of using U.S. armed forces in Lebanon was to assist Lebanon in preserving its political independence.

1961: *Dominican Waters.* U.S. Navy ships took up positions three miles off the Dominican coast and Navy jet planes patrolled the shoreline to prevent a revolution in the Dominican Republic.

1962: *Thailand.* Some 5000 marines landed to support Thailand during a threat of external Communist aggression.

1962: *Cuban Naval Quarantine.* President Kennedy ordered a naval quarantine of Cuba to prevent delivery of additional Russian missiles and to obtain the removal of those already in Cuba.

1963: *Haiti.* A marine battalion was positioned off Haiti when trouble developed there.

1964: *Congo.* A task force of four U.S. C–130 transport planes with paratrooper guards was sent to the Congo to provide airlift for the regular Congolese troops against a Communist-assisted rebellion.

1964–1971: *Vietnam.* American forces have acted to support freedom and protect peace in Southeast Asia.

1964–1971: *Laos.* The United States has supported the free government of Laos, particularly with air missions.

1965: *Dominican Republic.* The threat of a Communist takeover and the need to provide humanitarian assistance to the Dominican people were major reasons for the American landings.

1967: *Syrian Coast.* During the Arab-Israeli war, the U. S. 6th Fleet moved to within 50 miles of the Syrian Coast as a sign to the Soviet Union it "would have to deal with us" if it entered the conflict.

1967: *Congo.* A task force of three U.S. C–130 transports and 150 men ferried Congolese paratroopers in order to crush a revolt against Mobutu's government.

1970: *Cambodia.* U.S. troops were ordered into Cambodia to assist the program of Vietnamization.

D. 81 HOSTILITIES WITH ACTUAL COMBAT OR ULTIMATUMS

1798–1800: Quasi-war with France.
1800: West Indies.
1801–1805: War with Tripoli.
1806: Mexico.
1806–1810: Gulf of Mexico.
1814–1825: Caribbean area.
1815: Second Barbary War.
1816–1818: Spanish Florida.
1817: Amelia Island (Spanish Territory).
1820: West Africa.
1820–1822: West Coast of South America.
1822: Cuba.
1823: Cuba.
1825: Cuban Keys.
1827: Greece.
1828: West Indies.
1830: Haiti.
1831–1832: Falkland Islands (Argentina).

Footnotes at end of article.

1832: Sumatra.
1835: Samoan Islands.
1837: Mexico.
1840: Fiji Islands.
1841: Drummond Islands (Pacific Ocean).
1841: Samoan Islands.
1843: West Africa.
1845: African coast.
1846: Mexico.
1850: African coast.
1851: Turkey (apparently no shots fired, but the force displayed amounted to a compulsory ultimatum).
1851: Johanna Island (East of Africa).
1853: China.
1853: West Coast of Africa.
1853–1854: Japan (Commodore Perry's expedition including 10 ships and 2000 men conveyed an imminent threat of force.)
1854: China.
1854: Greytown, Nicaragua.
1854: West Coast of Africa.
1854: Okinawa.
1855: China.
1855: Fiji Islands.
1855: Uruguay.
1856: China.
1858: Fiji Islands.
1858: African coast.
1859: African coast.
1859: Paraguay (The Naval display of force amounted to compulsion.)
1863: Japan.
1864: Japan.
1865–1866: Mexico border (General Sheridan and 50,000 American troops backed up the demand of Secretary of State Seward that French forces leave Mexico.)
1867: Formosa.
1867: Nicaragua.
1870: Mexico.
1871: Korea.
1888: Haiti (American Commander issued an ultimatum threatening force if necessary.)
1888–1889: Samoan Islands (Three powers had warships on the scene during an intense rivalry over claims in the islands. War was close when a hurricane destroyed German and American vessels.)
1891: Bering Sea.
1894: Brazil.
1899: Samoan Islands.
1900–1901: Boxer Rebellion (China).
1899–1901: Philippine Insurrection.
1910: Nicaragua (Armed combat was "hourly expected.")
1911: Honduras (The American Commander expressly threatened to use force if necessary.)
1914: Dominican Republic.
1914: Occupation of Vera Cruz, Mexico.
1915: Haiti.
1916: Dominican Republic.
1916–1917: Pershing Expedition into Mexico.
1917: Armed Atlantic merchant ships.
1918–1919: Mexico.
1918–1920: Expeditions to Russia.
1926–1933: Nicaraguan occupation.
1927–1928: Armed actions in China.
1941: Atlantic convoys.
1946: Trieste.
1948: Palestine.
1950–1953: Korean War.
1962: Cuban naval quarantine.
1964–1971: Armed actions in Laos.
1965: Dominican Republic.
1964–1971: Vietnam War.
1967: Syrian coast.
1970: Cambodia.

E. 93 MILITARY ACTIONS LASTING MORE THAN 30 DAYS

1798–1800: Quasi-War with France.
1801–1805: War with Tripoli.
1806–1810: Gulf of Mexico.
1813–1814: Marquesas Islands (South Pacific).
1814–1825: Caribbean Area.
1815: Second Barbary War.
1816–1818: Spanish Florida.
1820–1822: West Coast of South America.
1823: Cuba.
1827: Greece.
1831–1832: Falkland Islands.
1835–1836: Peru.
1838–1839: Sumatra.
1843: West Africa.
1843: China.
1844: Mexico.
1846: Mexico.
1852–1853: Argentina.
1853–1854: Japan.
1854: China.
1854: Okinawa.
1855: Fiji Islands.
1855: Uruguay.
1856: China.
1858–1859: Paraguay.
1858–1859: Turkey.
1865–1866: Mexican border.
1866: China.
1868: Japan.
1873: Colombia.
1873–1882: Mexico.
1885: Colombia.
1888–1889: Samoan Islands.
1891: Bering Sea.
1894: Nicaragua.
1894–1895: China.
1898–1899: China.
1899: Samoan Islands.
1899–1901: Philippine Islands.
1900–1901: "Boxer" Rebellion (Peking).
1901: State of Panama.
1902: State of Panama.
1903: Panama.
1903–1904: Abyssinia.
1903–1904: Syria.
1904: Dominican Republic.
1904–1905: Korea.
1906–1909: Cuba.
1907: Honduras.
1911–1912: China.
1912: Panama.
1912: Cuba.
1912: Nicaragua.
1913: China.
1914: Haiti.
1914: Vera Cruz (Mexico).
1914–1915: Dominican Republic.
1915: Occupation of Haiti.
1916: Occupation of Dominican Republic.
1916–1917: Pershing Expedition into Mexico.
1917: Armed Atlantic merchant ships.
1917: Cuba.
1918–1919: Mexico.
1918–1920: Expeditions to Russia.
1918–1920: Panama.
1920–1922: Siberia.
1922–1923: China.
1924–1925: China.
1924–1925: Honduras.
1926–1933: Nicaragua.
1926: China.
1927: China.
1936: Spain.
1937–1938: China.
1940: Occupation of British possessions in Western Atlantic.
1941: Occupation of Greenland.
1941: Occupation of Dutch Guiana.
1941: Occupation of Iceland.
1941: Atlantic convoys.
1948: Mediterranean.
1948–1949: China.
1950–1953: Korean War.
1954–1955: Tachen Islands (China).
1958: Lebanon.
1959–1960: Cuba.
1962: Thailand.
1962: Cuban naval quarantine.
1964–1971: Laos.
1964–1971: Vietnam.
1964: Congo.
1965: Dominican Republic.
1967: Congo.
1970: Cambodia.

F. 100 MILITARY ACTIONS BY THE UNITED STATES OUTSIDE THE WESTERN HEMISPHERE

1801–1805: War with Tripoli.
1813–1814: Marquesas Islands (South Pacific).
1815: Second Barbary War.
1820: West Africa.
1827: Greece.
1832: Sumatra.
1835: Samoan Islands.
1838–1839: Sumatra.
1840: Fiji Islands.
1841: Drummond Island (Pacific Ocean).
1841: Samoan Islands.
1843: West Africa.
1843: China.
1844: China.
1845: African coast.
1849: Smyrna (Now Izmir, Turkey).
1850: African coast.
1851: Turkey.
1851: Johanna Island (east of Africa).
1853: China.
1853: African coast.
1853–1854: Japan.
1854: African coast.
1854: Okinawa.
1854: China.
1855: China.
1855: Fiji Islands.
1856: China.
1858: Fiji Islands.
1858: African coast.
1858–1859: Turkey.
1859: African coast.
1859: China.
1860: Kissembo (West Africa).
1863: Japan.
1864: Japan.
1864: Japan.
1866: China.
1867: Formosa.
1868: Japan.
1871: Korea.
1874: Hawaii.
1882: Egypt.
1888: Korea.
1888–1889: Samoan Islands.
1889: Hawaii.
1894–1896: Korea.
1894: China.
1895–1896: Korea.
1898–1899: China.
1899: Samoan Islands.
1899–1901: Philippine Islands.
1900–1901: "Boxer" Rebellion (Peking).
1903–1904: Syria.
1903–1904: Abyssinia (Ethiopia).
1904: Morocco.
1904: Korea.
1911–1912: China.
1912: Turkey.
1913: China.
1916: China.
1917: Armed Atlantic merchant ships.
1918: China.
1918–1920: Expeditions to Russia.
1919: Turkey.
1920: China.
1920–1922: Siberia.
1922: Turkey.
1922–1923: China.
1924: China.
1924–1925: China.
1926: China.
1927: China.
1932: China.
1934: China.
1936: Spain.
1937–1938: China.
1941: Occupation of Greenland.
1941: Occupation of Iceland.
1941: Atlantic convoys.
1946: Turkey.
1946: Trieste.
1946: Greece.
1948: Palestine.
1948: Mediterranean.
1948–1949: China.
1950–1953: Korea.
1954–1955: Tachen Islands (China).
1956: Egypt.
1957: Indonesia.
1957: Taiwan.
1958: Indonesia.
1958: Lebanon.
1962: Thailand.
1964–1971: Laos.
1964–1971: Vietnam.

1964: Congo.
1967: Syrian coast.
1967: Congo.
1970: Cambodia.

FOOTNOTES

[1] The list includes only actual battles, landings, or evacuations. Deployments to maintain an American presence, or alerts bringing an advanced state of readiness are not included, except for seven or eight incidents when the risk of war was unusually grave. No military operations known to have been subsequently disavowed or repudiated have been included. The list was prepared with the direction of U.S. Senator Barry Goldwater and is published with his consent.

[2] Authority for each of the listed hostilities is given at the end of its description. The reference is to one of the sources in the author's Sources for Compilation which follows this section of the Appendix.

[3] Eight military engagements which were subsequently disavowed or repudiated have been omitted from the above list of precedents. These are:

1812: Amelia Island, Spanish territory. United States disavowed General Matthews' occupation of the area when he made himself the head of a revolutionary party. State, 16.

1824: Puerto Rico, Spanish territory. Commodore Porter was later courtmartialed for exceeding his powers when he forced an apology from a group of pirates who had insulted American naval officers. State, 17.

1842: Mexico. Commodore T.A.C. Jones occupied Monterey in the mistaken belief that war had started between the United States and Mexico. He withdrew and saluted, thereby disavowing his action. State, 18.

1857: Nicaragua. An American naval commander compelled the leader of a rebel group who was trying to seize Nicaragua to leave the country. The American commander's action was tacitly disavowed by the Secretary of State and apparently repudiated by President Buchanan. State, 20.

1866: Mexico. After General Sedgwich obtained the surrender of the Mexican border town of Matamoras, he was ordered to withdraw and his act was repudiated by the President. State, 22.

Late 1880's: Bering Sea. The United States paid nearly $500,000 to Britain in damages resulting from the seizure of British sealers by United States patrol boats outside the three mile limit. U.S., 586.

1893: Hawaii. On January 16, Marines from the schooner *U.S.S. Boston* landed at Honolulu and were dispatched until April 1 to protect American lives and property, after the deposition of Queen Liliuokalani. The action was later disavowed by the United States. LRS, III, 53.

1912: Honduras. A small naval force landed at Puerto Cortez to protect an American-owned railroad there. Apparently Washington disapproved and the men were withdrawn in a day or two. State, 27.

[4] Only the primary source is cited, although in several instances the summary was prepared from a composite of information published in more than one of the sources referred to herein.

81 MILITARY OPERATIONS ARGUABLY INITIATED UNDER PRIOR LEGISLATIVE AUTHORITY (NO DECLARATIONS OF WAR)

Year	Military operation	Legislation	Treaty
1798–1800	Quasi-War with France	X	
1801–1805	War with Tripoli	X	
1813	Spanish Florida	X	
1806–1810	Gulf of Mexico	X	
1813–1814	Marquesas Islands	X	
1814–1825	Caribbean area	X	
1815	Second Barbary War	X	
1817	Amelia Island	X	
1820[1]	West Africa	X	
1822	Cuba	X	
1823	Cuba	X	
1824	Cuba	X	
1825	Cuban Keys	X	
1827[2]	Greece	X	
1828[2]	West Indies	X	
1832[2]	Sumatra	X	
1835[2]	Samoan Islands	X	
1838–1839[2]	Sumatra	X	
1841[2]	Drummond Island	X	
1841[2]	Samoan Islands	X	
1843[1 2]	West Africa	X	
1845[1]	African coast		X
1850[1]	African coast		X
1851[1]	Johanna Island, east of Africa	X	
1853[1]	African coast		X
1854[1]	African coast		X
1854	Okinawa		X
1855[2]	China	X	
1856	Panama		X
1858[1]	African coast		X
1859[1]	African		X
1859	Paraguay		X
1860	Panama		X
1864	Japan		X
1865	Panama		X
1867[2]	Formosa	X	
1868	Columbia		X
1870	Mexico	X	
1873	Columbia		X
1885	Panama		X
1888–1889	Samoan Islands	X	X
1891	Navassa Island, Haiti	X	
1894	Brazil	X	
1895	Panama		X
1899	Samoan Islands	X	X
1899–1901	Philippine Islands		X
1901	Panama		X
1902	Panama		X
1903	Panama		X
1904	Panama		X
1906	Cuba		X
1911–1912	China		X
1912	Panama		X
1912	Cuba		X
1913	China		X
1914	Vera Cruz, Mexico	X	
1916	China		X
1916	Pershing Expedition into Mexico		X
1917	Cuba		X
1918	China		X
1918–1920	Panama		X
1920	China		X
1921	Panama-Costa Rica		X
1922–1923	China		X
1924	China		X
1924–1925	China		X
1925	Panama		X
1926	China		X
1927	China		X
1932	China		X
1933	Cuba		X
1934	China		X
1937–1938	China		X
1950–1953[3]	Korean war		X[6]
1957	Taiwan	X	X
1958[4]	Lebanon Operation	X	
1962[5]	Cuban Naval Quarantine		X[7]
1962	Thailand		X
1964–1971	Vietnam	X	X
1964–1971	Laos	X	X
1970	Cambodia	X	X

[1] Indicates operation occurred under Act of 1819 or Treaty of Aug. 9, 1842, with Great Britain, both relative to the suppression of slavery.

[2] Indicates military activity may have occurred pursuant to broad interpretation of authority conferred by certain Acts of Congress against piracy. See Act of Mar. 3, 1819 (3 Stat. 510), Act of Jan. 14, 1823 (3 Stat. 720), and Act of Aug. 5, 1861 (12 Stat. 314)

[3] Though reliance was also placed on the U.N. Charter, the Truman Administration based its authority to commit troops squarely on the President's independent Constitutional authority. Rogers, discussion supra, note 55, at S7197.

[4] In fact President Eisenhower sent troops into Lebanon without seeking specific congressional approval and without specifically basing his authority on the 1957 Middle East Resolution. Id.

[5] According to Secretary of State Rogers, "the Cuban Resolution, unlike the other area resolutions, contained no grant of authority to the President." Id.

[6] U.N. Charter.

[7] OAS.

Mr. JAVITS. Mr. President, I have listened with great interest to the statement by the Senator from Arizona. None of us is alone in this body. We all serve together. There are 100 of us. The rules of the Senate give each of us rights and they give us collective rights. So I am not unduly dismayed by the promise of the Senator from Arizona that he will speak on this measure at very great length.

We have some perfecting amendments we will submit as soon as we feel the situation is appropriate, perhaps as early as today or tomorrow. We are entirely agreeable to a time certain for voting whether this matter should or should not be referred to the Committee on the Judiciary, with an agreement for an appropriate period of debate to precede that submittal to the Senate.

The Senator from Arkansas (Mr. FULBRIGHT) has amendments which we hope very much he will press forward with.

Finally, the Senator from Maryland (Mr. BEALL) has an amendment which offers to the Senate an alternative to the war powers bill through a presidential study commission. I do not think the committee considered this, and I do not think it would be for it. I would be unable to espouse it.

However, there is an orderly pattern by which after full and fair debate the bill may be considered and acted on. I rise only to express the hope that that pattern will be followed. This is a matter of great importance to the people of our country. As has been said before, we will be joining issue with the House, which has acted thus far only on the Zablocki reporting resolution. The orderly process of debate and consideration here, together with the relationship the other body has to this or a bill of its own, will produce a final result which will go to the President.

I hope that notwithstanding this idea which was expressed that they will fit within the orderly pattern of producing legislation in the Senate, and I hope no one will get especially dug in upon the consideration of this measure as contrasted with its merits. I certainly shall not. I see no disposition of that character on the part of the committee or the Senator from Virginia (Mr. SPONG) who is managing the bill for the majority on the floor.

I rise only to make the point and express my hope that in this particular case, a matter of such historical importance, we will do our utmost to give it every consideration it deserves. I made that clear yesterday. But I hope every effort will be made by the opponents as well as the proponents to bring the matter to a point within a reasonable time where the Senate can manifest its will.

Mr. SPONG. Mr. President, I said at the opening of the hearings on the pending war powers legislation that a number of "red herrings" would be raised in connection with this bill. That is exactly what has happened.

In addition, an attempt has been made to make this legislation appear complex and confusing. The truth is, however, that the bill is a very simple one. It, first of all, in effect, makes a distinction between defensive and offensive military actions. The right—and indeed the responsibility—of the President to act to defend our Nation—is restated in the bill. There has never been any question over this authority. The framers of the Constitution discussed it. It has been recognized by the courts. It was debated during the consideration of the Church-Cooper amendment dealing with Cambodia. It was covered extensively in tes-

timony on the war powers proposals. It is included in this bill.

Offensive actions are, however, another matter. The power to declare war was given to Congress, and those of us who support this bill believe Congress should exercise that power. Congress should decide when hostilities are to be initiated with a foreign nation. We also believe that there are times when an action taken in defense of our Nation or our troops could become an offensive action. For instance, an attack on NATO forces in West Germany could, in a matter of days or weeks, turn into a situation in which NATO was taking offensive action. And, what the cosponsors of this legislation are saying is that we want a voice in these decisions, a voice which we believe was given to us by the Constitution when it specified that Congress was to declare war.

It has been suggested to us that under the pending legislation, the President would not be able to act quickly under NATO, that the U.S. would have to drop out of the NATO unified command during a crisis, that all our commitments would be reduced to 30-day possible commitments. In the first place, these charges are not true. The President could act quickly under the circumstances specified in section 3, circumstances which could be construed to cover hostilities against NATO. As the sponsors of this legislation have noted, there is no intent to prevent participation in the unified command and we are willing to adopt perfecting language to that effect. Finally, the 30-day limit is also a limit on Congress to act either negatively or affirmatively, not necessarily the arbitrary 30-day end-of-hostilities provision which some of the opponents of the bill are trying to make it out to be.

Second, these charges suggest something about the Congress. They are all based on the assumption that Congress will be unresponsive which is contrary to a natural instinct to support the President in hostilities abroad—an instinct which has, as a matter of fact, been demonstrated a number of times during consideration of legislation dealing with Southeast Asia.

While assuming an unresponsive Congress on the one hand, some of the opponents of the bill assume an irresponsible President on the other by arguing such things as that the President might be encouraged to escalate hostilities in order to conclude his activities within a 30-day period.

I would agree with a conclusion which is implicit in the argument that Congress might be unresponsive and the President over-anxious in the use of force abroad—that is, that neither the Congress nor the President is all-wise or all-foolish. But, I do not believe the opponents can logically argue both these points and then determine that the President should be unrestricted in war-making. Indeed, I believe that the argument leads to the determination that because neither the Executive nor the Congress is infallible that a collective judgment is the best arrangement we can have.

Finally, I would like to turn to several examples which have been raised. One involves what action might be taken if a U.S. military patrol were attacked in the Korean DMZ. In one way, I cannot give a specific answer. Under the bill, the actions that might be taken would depend on two matters: the circumstances of the attack and the President's determination of what type of threat the attack represents. Under most circumstances, I believe that an attack on a military patrol would be construed as an attack on U.S. forces abroad and therefore the President could act to repel an attack on those forces. That determination would, however, belong to the President. But what we are saying in this legislation is that after the President has involved the United States in hostilities—perhaps in repelling the attack—then he must report to Congress. The President would tell us what had been done to protect our troops. In most situations, I would expect the Congress to sustain him. If, however, his actions led to an expanded conflict, I think the Congress would want to examine them carefully so that it could exercise its constitutional authority to declare war, to participate in use of force decisions involving offensive actions by U.S. troops abroad.

During this debate there have been continuous references to Southeast Asia. There has, I believe, been an over-emphasis on Southeast Asia. There are various other situations which we are seeking to cover in this legislation. We have had reference to the Dominican Republic and to Korea, for example. Perhaps, to avoid the charge that we are legislating in the emotional aftermath of Vietnam, we who support the bill should argue that we are legislating in the aftermath of Korea.

But, the experience in Southeast Asia is fresh in our minds and it does suggest things to us. One of the most tragic things it suggests is the divisiveness which can wrack our Nation. To those who would argue that this bill will raise questions among our allies, I would suggest that it might, rather, reassure them. Certainly, a divisiveness in our nation cannot be very reassuring to our allies—anywhere in the world. But, knowing that military actions were being undertaken by decision of both the Executive and the Congress could eliminate questions as to U.S. position on and support for a military move.

I do not believe the legislation will of itself prevent future Vietnams or whatever situation will arise next. But, it will establish procedures and methods whereby the Congress can know about and review use of force decisions and whereby the Congress can participate in those decisions which might involve our Nation in war, and thereby, hopefully, help preclude unwanted involvements.

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

Mr. SPONG. I am glad to yield.

Mr. JAVITS. The Senator has made some reference to certain perfecting amendments which we shall in due course propose. Will the Senator agree with me that there is nothing in mind to propose which we have not stated is already included in the bill; that these are truly perfecting amendments in the sense of spelling out with more specificity the precise answer to what is of concern, as would be natural in any debate, as it has been in this debate?

Mr. SPONG. I agree with the Senator. I can say, in reply to the Senator from New York, that the principal sponsors of this legislation have all agreed that the amendments to be offered do not change the bill but seek to specify in more detail our intent.

Mr. JAVITS. One of the things the Senator did not mention was the question of the high seas in the context of Section 3(3). Several statements have been made, and this was the subject of a colloquy between the Senator from Alabama (Mr. ALLEN) and myself last week, on March 29.

Of course, American-flag vessels would be "American soil"; would they not?

Mr. SPONG. Yes.

Mr. JAVITS. And foreign-flag vessels, vessels flying under foreign flags, would be "foreign soil"; would they not?

Mr. SPONG. Yes.

Mr. JAVITS. Again we are considering spelling out the applicability of the legislation to anything that happens on the high seas, though it is the very clear intention of the legislation that this be covered.

Is there any barrier whatever to any President's deploying our naval forces anywhere in international waters?

Mr. SPONG. The Senator from Virginia knows of none, and he would liken that to the naval activities which the Senator from Kentucky and I discussed on yesterday.

Mr. JAVITS. That is exactly right.

Mr. SPONG. They are very similar.

Mr. JAVITS. As the Senator has said very properly, there is no deleterious, or even constraining, effect upon the President in matters which are not explicitly addressed in this bill, which deals with introducing the Armed Forces in hostilities, or situations where hostilities are imminent.

Mr. SPONG. That is true. There are those who view this legislation as a constitutional change. It is not. It is, as the Senator from New York has said, the delineation of a methodology whereby Congress and the President can consult together and whereby the Congress can play a role in the matter of going to war.

Mr. JAVITS. It seems to me that the colloquies, including—and I use this word in quotation marks because I do not mean it invidiously—"hostile" colloquies, all serve to sustain the legislation rather than to break it down, in posing to us all the possibilities—many, of course, being hypothetical—which we may face in the foreign policy field. Does the Senator concur?

Mr. SPONG. I do concur.

Mr. JAVITS. I thank the Senator very much.

Mr. President, on March 30, 1972, Senator McGEE and Senator DOMINICK circulated a letter to all Senators which leveled seven specific criticisms of the War Powers Act. I believe that those criticisms are not warranted. I have prepared a written response to each of these seven charges and, although we have actually covered most of this already in

colloquy, I ask unanimous consent that the text of a rebuttal memorandum which I have prepared be printed in the RECORD, so as to be available to all Senators.

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

REPLY TO POINTS RAISED BY SENATORS MCGEE AND DOMINICK

1. Criticism: An attack on NATO forces, other than U.S. forces, would preclude action or assistance by U.S. forces and would preclude continuation in command by U.S. officers assigned to NATO.

Response: (a) This assertion is based on an apparent misunderstanding of the legislation. Under Section 3(1) and 3(2) the President, if the circumstances justify, could construe an attack upon non-U.S. NATO forces as posing the "direct and imminent threat" of an attack upon the U.S. or upon the U.S. forces deployed in Europe. If the circumstances warranted such a construction of the situation, the President is empowered to take necessary forestalling actions which could certainly encompass any necessary military actions, including command assignments.

(b) Should foreign forces within the NATO integrated command structure be subject to incidental attack, or embroilment in hostilities, which are of such a nature as would not lead to a good faith finding by the President that such an attack or embroilment brought the emergency authority of Section 3(1) or 3(2) into play, the United States would still not be obliged to withdraw from the NATO integrated command structure as such. Rather, the pertinent provision of Section 3(4) merely would prohibit members of the United States Armed Forces from commanding those particular local forces of another NATO nation which were actually engaged in the hostilities in question. To give an example, if Norwegian forces became embroiled with Swedish forces as a result of a dispute between those two nations, the effect of the pertinent provision of Section 3(4) would merely be to require specific statutory authorization for the assignment of U.S. personnel to command, etc. *those*—and only those—particular local Norwegian units which were actually engaged in such hostilities. General Goodpaster and his U.S. deputies could certainly continue to exercise their full integrated command functions under NATO with respect to all other forces under the NATO command.

(c) Should non-U.S. NATO forces be attacked in an isolated or incidental context not related to the security of the Alliance and the security of the United States, the bill would prohibit the President from embroiling the United States in such hostilities without further specific statutory authorization. Such a hypothetical situation might involve an attack on Portuguese forces by leftist terrorists or, for instance, an attack by Cypriot partisans upon Turkish or Greek forces stationed in Cyprus, or, hypothetically, an attack by Quebec extremists upon Canadian military forces. Such coincidental attacks would not, and should not, in themselves trigger a capacity by the President to intervene and involve the United States in a war without Congressional concurrence.

2. Criticism: The bill gives the President authority to repel an armed attack against the U.S. and to take necessary retaliatory actions. It gives the President authority to repel an attack against U.S. forces outside the U.S., but, in this case, it does not give him authority to retaliate. Such restrictions clearly limit the President in his role as Commander-in-Chief and communicate to any potential enemy or attacker the limits of any response.

Response: As noted, the power to repel attacks upon the Armed Forces located outside the United States is less comprehensive in one respect than the power to repel attacks upon the United States itself. While the subsection contains the authority to repel and forestall, it does not include the separate and broader power to retaliate. There are good reasons for this. First, it should be emphasized that the President could, of course, take retaliatory action if an attack upon our Armed Forces abroad was construed as integral to an attack upon the United States. And he could do this respecting our NATO forces in Europe as part of his forestalling powers relating to an attack upon the United States. Nonetheless, the wording of this provision is meant to retain safeguards against wider embroilment resulting from incidental attacks upon U.S. Forces. Thus, for instance, an attack upon a Marine Guard at our Embassy in Nepal would not trigger an authority to retaliate by seizing the country. Likewise, for instance, a sneak attack on security guards at one of our airbases in Thailand, would not trigger an authority to retaliate by launching search and destroy missions in Northern Laos.

3. Criticism: Whenever the President takes an action authorized by the bill he must come to the Congress at the end of 30 days to get continuation authorization. Such a proviso could lead to a piecemeal strategy in countering an attack or threat of attack. It could also force the President, if he were doubtful continuation authorization would be given, to adopt an overkill strategy in the action taken;

Response: The premise of this criticism is that there would be a deep division between the judgment of the President and the judgment of the Congress as regards the national security interests of the United States in a given situation. It might be argued that such a division of judgment has prevailed with respect to the continuing war in Indochina. History has shown us that U.S. military strategy is not likely to be effective when the judgment of the President is not shared by the Congress and the Nation. It is in part to prevent the embroilment of the Nation in such questionable enterprises that this legislation is being offered. The Constitution grants fundamental powers to the Congress respecting the involvement of this Nation in war. It has been proven by history that efforts to involve this Nation in war without seeking the concurrence of the Congress through the exercise of its constitutional responsibilities is against the national interest and is likely to be deeply damaging not only to the overall interests of our Nation but also to the conduct of military campaigns. It should be noted, however, that this bill does not attempt to involve the Congress in military strategy or tactics. That is the job of the Commander-in-Chief and his military advisers. The responsibility for unwise or ineffective strategy or tactics properly rests upon the President. On the other hand, on the basic policy decision on whether this country is to go to war, the Constitution specifies that the Congress must play a major concurring role.

4. Criticism: Nothing in the bill permits U.S. forces to protect American nationals on the high seas;

Response: This question was the subject of a colloquy between Senator Javits and Senator Allen. The colloquy is to be found in the Congressional Record of March 29 on pages 11037 through 11041. It is suggested that Senators read this colloquy.

5. Criticism: The bill would preclude a show of force, i.e., to the Eastern Mediterranean in response to increased Israel-Egyptian tension.

Response: Nothing in this legislation constrains or diminishes the authority of the Commander-in-Chief to make a "show of force" anywhere in international waters. The right of U.S. vessels to operate anywhere in international waters is a basic international right long recognized and proclaimed by all branches of the U.S. Government. Should any nation seek to interfere with, prohibit or constrain that right materially, such constraint would undoubtedly pose the "direct and imminent threat" of an attack upon the forces of the U.S. thus involved. The President would accordingly be authorized to act under Section 3(1) and 3(2). On the other hand, should the actions taken by an adversary to inhibit our naval forces be of a nature which falls below the threshold of posing an "imminent threat" of hostilities, the bill does not apply. In this regard the attention of the Senators is drawn to the language of Section 3 which states that the legislation applies only 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."

It should be noted that the interpretation in the preceding paragraph applies with respect to the deployment of U.S. forces in international waters, as recognized by the United States. It does not apply to the territorial waters of other nations, nor would it authorize the introduction of ground forces in hostilities or situations where hostilities are clearly indicated by the circumstances, unless he had prior specific statutory authorization to do so (or he were exercising the emergency powers enumerated in Section 3 (1), 3(2) and 3(3)).

6. Criticism: The bill makes no mention of intelligence activities, i.e., intelligence flights: Are they prohibited?

Response: This bill applies to the "Armed Forces of the United States" and it applies to the introduction of such forces in hostilities or in situations where "imminent involvement in hostilities is clearly indicated by the circumstances." Intelligence activities would not be expected to fall within these parameters. However, if they did fall within its parameters, they would be subject to the provisions of this legislation.

7. Criticism: Are patrols by U.S. forces in the Korean DMZ prohibited? No mention is made of this.

Response: With respect to U.S. forces deployed in Korea, the President has authority specified in Section 3(2) of the bill "to repel an armed attack against the Armed Forces of the United States located outside of the United States, its territories and possessions, and to forestall the direct and imminent threat of such an attack." Routine patrolling in the Korean DMZ would not be affected by the provisions of this legislation. However, should our forces in Korea, in the exercise of their mission, be subjected to attack or the "direct and imminent threat of such an attack," broad actions are authorized under the bill which would certainly include patrols in the Korean DMZ.

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

Mr. SPONG. I am pleased to yield to the majority leader.

Mr. MANSFIELD. Earlier the distinguished Senator from Virginia, in response to a question raised by the distinguished Senator from New York, made it very plain that the purpose of this legislation was not to alter, amend, or adjust the intent of the framers of the Constitution or the Constitution itself.

I think that the initial two paragraphs of the committee report state the case succinctly, to the point, and in such a way that anyone can understand it.

First, let me say it is my recollection that this proposal was reported by the Committee on Foreign Relations unanimously; is that correct?

Mr. SPONG. That is correct.

Mr. MANSFIELD. Unanimously. Fur-

thermore, it is my belief and my recollection that this is a composite of a number of similar resolutions which had been introduced by such Senators as the Senator from Ohio (Mr. TAFT), the Senator from Missouri (Mr. EAGLETON), the Senator from Texas (Mr. BENTSEN), the Senator from Maryland (Mr. MATHIAS), the Senator from Rhode Island (Mr. PELL), the Senator from New York (Mr. JAVITS), the Senator from Virginia (Mr. SPONG), the Senator from Mississippi (Mr. STENNIS), the Senator from Georgia (Mr. TALMADGE), and the Senator from Montana now speaking; and if memory serves me correctly, a similar resolution was introduced by the distinguished Senator from Kansas (Mr. DOLE).

Mr. SPONG. As I recall, the distinguished Senator from Kansas was the first cosponsor that the Senator from New York had. I was present, and I believe presiding, when the Senator from New York introduced the original legislation. His was the first bill, and the Senator from Kansas, in a colloquy that followed, asked to be made a cosponsor of that legislation.

The Senator from Montana is correct; the idea of the initial legislation introduced by the Senator from New York (Mr. JAVITS) was followed by resolutions offered by Senator BENTSEN, Senator EAGLETON, Senator TAFT, and Senator STENNIS. In addition, many other Senators were cosponsors of the various resolutions.

There was some mention earlier of the length of time that these measures stayed before the Committee on Foreign Relations. What the legislation brought to the floor represents is the collective effort of all of those prime sponsors, because all of them ended up joining with Senator JAVITS in the legislation that was reported.

Mr. MANSFIELD. So what we have is a composite group of Senators representing all sides of the political spectrum coming up with a composite bill, which, in their combined judgment, represents their best efforts at facing up to a situation which should not be avoided any longer; is that correct, generally speaking?

Mr. SPONG. That is correct. I suppose if one looked carefully at the list of Senators who have worked on this legislation, he could hardly find a broader philosophical span. Certainly it has been a bipartisan effort.

Mr. MANSFIELD. If the Senator will yield further I would like, not for the information of the Senate—I am sure every Member has read the report of the Committee on Foreign Relations—but to emphasize to the Senate, in two short paragraphs, what this measure provides, to read an excerpt from the committee report, which was placed on the calendar on February 9, 1972, 2 months ago, although the first resolution was introduced, I believe, by the distinguished Senator from New York on June 15, 1970, almost a year ago.

Mr. JAVITS. Two years.

Mr. MANSFIELD. Two years ago is correct.

The two paragraphs read as follows:

> The purpose of the war powers bill, as set forth in its statement of "purpose and policy," is to fulfill—

And I emphasize the word "fulfill"—

> not to alter, amend, or adjust—the intent of the framers of the United States Constitution in order to insure that the collective judgment of both the Congress and the President—

Of both the Congress and the President—

> will be brought to bear in decisions involving the introduction of the Armed Forces of the United States—

Which, of course includes the Air Force, may I say to the distinguished Presiding Officer (Mr. GOLDWATER)—

> in hostilities or in situations where imminent involvement in hostilities is indicated by circumstances. The constitutional basis for this bill is found in Article 1, Section 8, of the Constitution, which enumerates the war powers of Congress, including the power to declare war—

There was, if I recall correctly, some argument among the Founding Fathers about the use of the word "make," and finally they ended up by using the word "declare" instead—

> and to make rules for the Government and regulation of the Armed Forces, and further specifies that Congress shall have the power "to make all laws necessary and proper for carrying into execution" not only its own powers but also "all other powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."
>
> The essential purpose of the bill, therefore, is to reconfirm—

Again I repeat, to emphasize the word—

> to reconfirm and to define with precision the constitutional authority of Congress to exercise its constitutional war powers with respect to "undeclared" wars—

If my memory serves me correctly, the statement has been made that the correct figure is not 183 undeclared wars, but closer to 196 undeclared wars since the founding of this Republic.

Continuing—

> and the way in which this authority relates to the constitutional responsibilities of the President as Commander in Chief.

The President's authority as Commander in Chief is in no way, shape, or form questioned in the proposal before the Senate.

> The bill is in no way intended to encroach upon, alter or detract from the constitutional powers of the President, in his capacity as Commander in Chief, to conduct hostilities authorized by Congress, to repel attack or the imminent threat of attacks upon the United States or its Armed Forces, and to rescue endangered American citizens and nationals in foreign countries.

I was surprised—I should have known better—that in all our history there have been only five declared wars. So it just goes to prove that all of us can learn a little if we listen enough.

Here we are, trying to bring about an accommodation, a partnership, constitutionally between the executive and the legislative branches of the Government; and here we are, finding this clear-cut subject a matter of debate, a matter of difference. That is all right.

But I repeat: I would hope that those of us who serve in this body by the sufferance of the people, from our various States, but who are also Senators of the United States, would be aware of the awesome responsibilities which are ours to assume, if we will. We have been too willing, going back to the days of Franklin D. Roosevelt, and perhaps to a lesser degree beyond—but to a greatly lesser degree, if that be the case—going back over the past four or five decades, to give up the authorities under the Constitution and the responsibilities which are ours. Then, when we make an attempt to restore equilibrium in the powers of the branches of the Government, the argument is made that we are trying to downgrade the President, that we are trying to take away something from the President which is not constitutionally his but which is ours; and we are castigated because we try to assert an equality of power which the Founding Fathers said applies to both branches of the Government, just as they do, within the Congress, between the House and the Senate.

So I would hope that every Member, if he has not done so, would just read this report. He will find the gist of the arguments which brought a unanimous approval by the Committee on Foreign Relations, and he will understand, I hope, the reasons why it is necessary, even at this late date, to bring forth a resolution of this kind to rectify a situation for which we are to blame, and to do so in a way which, hopefully, will prevent future Vietnams and thereby redound to the benefits of the people of this Nation, whom we are sworn to serve, and bring about an application of the Constitution, which we are sworn to uphold.

Mr. SPONG. I thank the distinguished majority leader for calling the attention of the Senate to that section of the report, which is the very crux of what the committee had to say.

The Senator is quite correct. Congress has been the architect of the demise of its own powers. The debate that has taken place in the last few days is the third or fourth that has transpired in this body on this subject. Senator Stennis called to our attention the debate over the Korean treaty. Both Senator Javits and I were moved to remark upon the participation of the Senator from Ohio (Mr. TAFT) in this effort, because in many respects it echoed what his father had to say on the floor of the Senate at the time the sending of troops to Korea was debated, at the time of the sending of divisions to Europe, without any congressional authorization.

Coming as it does, this legislation, in my judgment, is perhaps the last chance for Congress to assert its powers and to reestablish the balance of the war powers that was envisioned by the Founding Fathers.

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

Mr. SPONG. I yield.

Mr. MANSFIELD. Mr. President, when I first came to the Senate, Mr. Eisenhower was President, and the late Senator Taft was the leader on the Republican side. I never got to know Senator Taft too well, because within a matter of a year he was taken away from us because of cancer, as I recall. But I look upon Senator Taft as one of the most remarkable men of our generation.

I recall the affection which the present Presiding Officer, the distinguished Senator from Arizona—who came to the Senate at the same time I did—had for the leader on his side of the aisle. I also recall the strenuous efforts of the Senator from Arizona to bring about the creation of a memorial to our late departed colleague, a successful initiative which stands as an enduring monument to the contributions which Senator Taft made to this body and to our country.

I think of the late Senator Taft as a man who, almost alone, stood up and denounced the Nuremberg trials. The rest of us remained silent. I remember Senator Taft being accused of being a Socialist because he wanted to do something about housing for the low- and middle-income groups. What Senator Taft, along with Senator Wagner and others, espoused then has come to pass since and is accepted by both parties as sound economic doctrine.

But I remember Senator Taft most vividly because of his opposition to the war in Korea—not because of the war itself, because I think the justification was there to intervene, but because Congress was not brought in to give its judgment.

I was called to the White House at the time of the outbreak of the Korean hostilities. I was a Member of the House of Representatives at the time. Senator Taft was called to the White House, and he raised that question then, even though he recognized the need that to protect the U.S. forces south of the 38th parallel something had to be done. He raised the question then with President Truman that this matter, he hoped, would be brought before Congress very shortly. It was not. But down to the very end, Senator Taft made this argument; and I think the argument he made then is the argument which those of us who support the proposed legislation are making today.

So this man, a member of the opposite party, a man of great integrity and patriotism, a man of great foresight, could be considered, in a certain sense, one of the progenitors of the type of legislation, the unfinished business, which is before us today.

I hope that what he sought in the early 1950's will come to fruition in the early 1970's.

Mr. SPONG. I quite agree with the distinguished majority leader. I mentioned the Korean treaty and the sending of troops to Europe. Actually, Senator Taft first spelled out his position on this when the troops were sent to Iceland in 1941——

Mr. MANSFIELD. Before the war even.

Mr. SPONG. Yes, before the war, in 1941. A careful reading of what Senator Taft had to say in the debates that took place, and in the books he wrote, will show that he did not necessarily disagree with the need for the security measures that were being taken on those occasions, but he objected to the method by which they were done. He was the very first Senator, in this modern age, followed by Senator STENNIS and Senator COOPER, who questioned Senator Wiley at the time on the Korean treaty, to attempt to establish the principle that the Constitution required consultation and authorization from the representatives of the people.

Mr. JAVITS. Mr. President, I think this is an important colloquy to have included in making the complete record on this measure. We have a Republican President in the White House. Senator Taft was called "Mr. Republican," and for very good reason, because he exemplified what the Republican Party represented in the various fields of civil rights, the private enterprise system, economy in Government, efficiency in Government, belief in the private sector as being the true guarantor of freedom—and many other doctrines. So it is especially fitting that he should be cited. It is important as an authority in this respect that there is no desire—and I think this certainly demonstrates it—to curb this President because of party. The measure originated with me. Its sponsorship backing is thoroughly balanced and bipartisan. It is the product of men who were deeply troubled by what was happening under their very eyes, and which has now been referred to so eloquently by the distinguished majority leader and the distinguished Senator from Virginia. It is a pertinent and necessary element in the consideration of this measure. It is truly bipartisan in the finest spirit of what was called in Arthur Vandenberg's day, "bipartisan foreign policy." It will result in strengthening, not weakening, Presidents.

It is very important to understand that the President of the United States himself felt undermined and weakened when the Senate voted time and again to use the appropriations authority to try to have some say with respect to the Vietnam war. How much stronger a President could be, and how much more those who deal with the United States could feel that our commitments would be honored with the whole Nation committed in a considered way, not because we are backing the President and he has done it, but because the law says that we should concur with the same authority that he has.

Think of the reassurance to our people who bear the burden, who shed the blood, who pay out the money, who suffer the inflation. Are they not entitled to have their representatives make an independent determination? I do not denigrate the President's supreme authority with respect to the total of the national election at all, but there is another quotient, being the people's participation and that is why I joined in urging this law.

Mr. SPONG. I thank the distinguished Senator from New York.

Mr. McGEE. Mr. President, as the debate on the War Powers Act continues, I think it would be worth while for the Senate to take notice of Crosby S. Noyes' review of Gen. Maxwell Taylor's new book, "Swords and Plowshares," which appeared in the Sunday Evening Star.

General Taylor's analysis of where we stand in the wake of Vietnam has a direct correlation to the war powers debate. In effect, this piece of legislation is an extension of what General Taylor views as—"The record of our violent internal divisions, our loss of morale, and our psychotic inclination to self-flagellation and self-denigration. . . ."

General Taylor further points out that all this—". . . justifies serious doubts as to the performance to be expected from us in any future crisis—an uncertainty which will becloud our prestige and diminish our ability to influence world events as long as it lasts.

I think that one of the serious shortcomings of the War Powers Act is the fact that it is tied emotionally to our experience in Vietnam and it does not look to the future and what our role in a world filled with so many uncertainties should be. We should realize the dangers of attempting to undue the past without giving a sense of direction to the future.

The Evening Star of Monday, April 3, 1972, contains an editorial which strikes to the very heart of the war powers debate. The editorial correctly asserts that the war powers bill "is a document grounded firmly on historical hindsight."

And finally, the editorial raises another relevant issue to this debate by concluding that—

> 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.

I ask unanimous consent that the editorial and the Crosby Noyes column be printed in the RECORD.

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

[From the Evening Star, April 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 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 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. 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.

GLOOMY VIEW OF WHAT THE WAR HAS DONE TO US

(By Crosby S. Noyes)

"Swords and Plowshares"—a new book of personal memoirs by Gen. Maxwell D. Taylor (Norton, $10)—is something more than a chronicle of the long career of a distinguished soldier-statesman. It also is the coldest, hardest and in many ways the gloomiest analysis of where we stand in the wake of Vietnam yet produced by anyone who played a prominent part in shaping the events.

It is by no means an apologia for the conduct of the war. So far as Taylor is concerned, our involvement in Vietnam was the result of a massive miscalculation of the costs arising out of a disastrous lack of knowledge about our allies, our enemy and, perhaps above all, about ourselves. Besides failing to calcuate the costs of victory, we also have failed to appreciate the increasing cost of failure as time has passed.

Taylor, who practically invented the concept of limited war, has the gravest doubts of its feasibility in situations like Vietnam. The gradual, piecemeal commitment of American power, he believes, ended by defeating its own purposes. The restraints placed on the use of air power were interpreted as a lack of decisiveness by the North Vietnamese. The main result of the gradual approach was a prolonged war in which more people lost their lives and the national will of the United States was eroded.

Before committing the country to any limited war, an American president should take a number of precautions that were overlooked in the case of Vietnam. Among them, rather surprisingly, Taylor strongly recommends that the President should go to Congress to seek a declaration of war. He also is opposed to the use of draftees and reservists in such situations, and emphasizes the need for sufficient force to attain the objectives in a short time.

The general, who served a tour as ambassador in Saigon, has a number of harsh things to say about the ineptitude of our diplomats in Paris and elsewhere who failed to exploit our military advantage in South Vietnam.

He is equally bitter toward the news media, whose objectivity in reporting from Vietnam he does not greatly admire. The unabashed bias of many correspondents and the rise of "selective reporting" contributed greatly in his view to the collapse of political will that took place in the United States in 1968.

It is this erosion of national will, the loss of a sense of national purpose, that constitutes the gravest problem for the country in the coming decade, in Taylor's view. He sees it primarily as the erosion of the sources of the power of the state—its leadership, institutions, economy and national unity—which makes us vulnerable as never before to our internal and external enemies.

In spite of this, Taylor believes that we have it in our power to achieve our objectives in Vietnam. In comparison with the prices paid so far, the cost of "victory"—defined as the assurance that South Vietnam can choose its own form of government, free of the danger of having a Communist regime imposed by force—is rated as inconsequential. The cost of a defeat, on the other hand, would be prohibitive in terms of the consequences in Southeast Asia and in the United States. In Taylor's view, it would result in a "national disaster" of unacceptable proportions.

It is, withal, a melancholy closing of a career which coincided with an unprecedented rise of American power and prestige in the world. The over-all conclusion is that the United States is entering the decade of the '70s in a condition of declining power while facing increasingly difficult and complex problems at home and abroad that challenge our claims to world leadership.

The weaknesses revealed in Vietnam are a large part of the problem.

"At this moment," Taylor writes, "President Nixon's Vietnamization policy holds promise of achieving our main objectives providing those Americans who appear dedicated to its failure do not find means to salvage defeat from the costly achievements of past years.

"But even in victory we cannot completely redeem the unheroic image created by many aspects of our behavior in the course of the conflict. The record of our violent internal divisions, our loss of morale, and our psychotic inclination to self-flagellation and self-denigration justifies serious doubts as to the performance to be expected from us in any future crisis—an uncertainty which will becloud our prestige and diminish our ability to influence world events as long as it lasts."

QUORUM CALL

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

The PRESIDING OFFICER (Mr. FANNIN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NORTH VIETNAMESE OFFENSIVE ACROSS THE DEMILITARIZED ZONE

Mr. TOWER. Mr. President, the North Vietnamese 5 days ago launched a major offensive across the Demilitarized Zone. This blatant aggression violates both the original Geneva Accords that divided Vietnam and the agreements reached in 1968 that led to the bombing halt. It appears the North Vietnamese, having forgotten the lessons taught them during the 1968 Tet offensive, are trying to achieve on the battlefield once more, what they failed to get during Tet or at the conference table—the overthrow, against the will of the majority of South Vietnamese, of the Government of the Republic of Vietnam. It also appears that they are using substantially more heavy equipment than in 1968 and more conventional tactics. This, of course, is an advantage to the Allies in that the enemy will expose himself to a greater degree to artillery and aerial bombardment. Thus, while he stands to win a great deal more than by sporadic rocket attacks, he also stands to lose a great deal more—his tanks, heavy equipment, and some of his best troops.

It is clearly a gamble, and his purpose is not yet clear—whether to affect the American political scene, force the United States back to unproductive "peace" talks, hand the South Vietnamese a moral defeat, or divert attention from a possible offensive in the critical central highlands. Certainly, the ripples of the North Vietnamese offensive have already reached our shores. There are those calling for panicked withdrawal from South Vietnam once more, those predicting imminent disaster for the South Vietnamese, those suggesting cessation of air and naval fire support.

The fact is that our withdrawals are continuing in an orderly fashion. The burden of land combat is necessarily on the shoulders of the South Vietnamese, for the United States has only seven combat battalions in South Vietnam, compared to 112 such units in April 1968. But, the South Vietnamese continue to require U.S. air and naval support. The President is scheduled in the future to make further announcements concerning troop withdrawals after the May 1 troop level of 69,000 is reached.

I feel the President will take into account levels and intensity of enemy activity in South Vietnam before making any decision on further withdrawals. Nevertheless, the fact remains that no large contingent of U.S. troops is currently in danger and there is no indication at this time that the North Vietnamese have the desire or the ability to drive on to Da Nang where there are larger numbers of U.S. troops. This is not a rout. There is no reason for panic.

The fact is that disaster is not imminent for the South Vietnamese, unless we withdraw our air and naval fire support. Some people have the impression

that this dependence upon extensive air and naval support is a sign of weakness or cowardice. It is not. The American infantryman also depends heavily on such fire support. Most modern armies utilize extensive fire support because it saves friendly lives. It is obviously better to stop the enemy with bombs than bodies. To deprive our Allies of this support would mean higher casualties and would indeed imperil their chance to hold the northern provinces.

As the North Vietnamese capture outposts, they demonstrate their disregard for agreements. As they invade South Vietnam, they demonstrate the hypocrisy of their calls for a return to the "peace" negotiations. The North Vietnamese are hardly being "welcomed as liberators"; instead, the South Vietnamese civilians are fleeing for their safety and freedom.

I am confident that with the continued support, according to the current administration plans already enunciated, the South Vietnamese can repel this current Communist aggression. But, we must provide the support we have already pledged.

We must not panic. We must give our President the popular backing here at home which he needs to carry on his withdrawal objective while at the same time providing the South Vietnamese the minimum support necessary to safeguard their own borders.

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

Mr. TOWER. I yield.

Mr. GOLDWATER. I am glad the Senator from Texas has spoken as he has. I think we have literally leaned over backward trying to respect the honor of the word we gave that we would not bomb north of the 17th parallel, that we would recognize the demilitarized zone as a zone, more or less, of no man's land. Now, we have known, as I am sure the Senator knows, for probably 4 months or more of the biggest buildup, the biggest concentration of trucks, artillery, and supplies in the history of this war. I have seen reconnaissance photographs of this buildup. We know harbors have been improved that were not improved before. One railroad—maybe two—has been built down to the DMZ or near it. Several roads have been constructed and at least one, Highway 1, has been improved.

We have known of this buildup and we have not done a thing to get at the very seat of the trouble. I do not want the Senator to commit himself; I merely wanted the opportunity to point out that I think in all honesty our President has a perfectly honest duty to go before the American people and remind them of our patience in this matter, of our willingness to observe our word, that they have violated their word, and they are now endangering not just South Vietnamese lives, but they are endangering American lives. In view of that I think the President has every right to say to the North Vietnamese, "We are going to destroy your equipment where you have it cached and stored, all marshaling yards will be destroyed, including Mig airfields and Mig airplanes if necessary, including the harbor of Haiphong itself."

I believe today, as I did 8 years ago when I was soundly spanked by the American people for suggesting we might win the war, that if we took this step at this logical point the war in Vietnam could come to an end, not by dragging it out for another year or two by the slow withdrawal of our troops.

Mr. TOWER. I was an early advocate of closing the harbor in Haiphong. There were three means available: Bombing the loading facilities, sowing mines, or a naval blockade. I think it is generally agreed that mining the harbor was the best method. I think it should have been done at that time.

Unfortunately, during the moratorium on bombing of far northern targets since 1968, the enemy dispersed his loading so there is no practical point where we could cut off the flow of external forces into North Vietnam.

I agree with the Senator that wherever there are large logistical buildups that are designed to support the current offensive, we should have no restraints in terms of using our superior airpower to destroy those logistical buildups.

Mr. GOLDWATER. I thank the Senator. I repeat that I think the American people, if confronted with the truth and if the American people were confronted with, I will not say possible, but probable result, they would rally around the President in any effort he might make in this direction.

Mr. TOWER. I concur with the Senator in that belief. It might result in perhaps some more outcry from people at home who want us to meet all the conditions laid down by the North Vietnamese, and, in effect, want us to surrender, but I think those cries would be short lived. I do not think what we are discussing is a long term, extended exercise, but something to be accomplished in a relatively short period of time.

I, of course, am delighted the President has made the decision to concentrate air and naval power in the area of the demilitarized zone. This is what we have been waiting for for some time, for the enemy to deploy his troops where we can bring our superior air and naval power to bear on them. I feel that with unrestricted use of that power in that area we can stop the offensive and make it more costly to the enemy than the Tet offensive of 1968.

Mr. GOLDWATER. I thank the Senator.

WAR POWERS ACT

The Senate continued with the consideration of the bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

Mr. PERCY. Mr. President, on May 14, 1970, speaking in this Chamber, I submitted Senate Resolution 409, declaring it to be the sense of the Senate that the President should not use the Armed Forces for any combat activity abroad without the express consent of Congress. The only exception would be an instance where the use of our forces would be necessary, pending congressional approval, to respond to a clear and direct attack upon the United States, its territories or possessions, of upon U.S. forces lawfully deployed pursuant to a treaty or other specific congressional authorization.

I said on that occasion that—

> It would be in the best interests of this country that the Senate have an open debate soon on this fundamental question bearing so heavily on Presidents and Congresses since the founding of the Republic, but as yet unresolved.

I said that I did not seek to impose my own solution, that it was more important to bring out all opinions, and to come to a decision which would give clearer definition to the relative roles of the Executive and the legislature in warmaking.

Since that time, there has been rational and orderly consideration of the issue. A number of other bills and resolutions have been introduced in both Houses. Extensive hearings have been held by the Committee on Foreign Relations.

Now a war powers bill has been brought to the floor with wide support and cosponsorship. It is not a liberal initiative. It is not a conservative initiative. Rather, it is a bipartisan, nonideological attempt by many Members of this body to delineate more clearly the executive-legislative relationship as it relates to warmaking. I agree with the principal sponsor of this legislation, the distinguished senior Senator from New York (Mr. JAVITS), that this is landmark legislation.

As I stated nearly 2 years ago, historical precedent adequately supports congressional authority in warmaking. There is no question that the framers of the Constitution meant to give Congress the power to initiate hostilities. They made only one exception, empowering the President, as Commander in Chief, to repel sudden attacks.

At the Constitutional Convention, during the debate on warmaking powers, James Madison, of Virginia, and Elbridge Gerry, of Massachusetts, challenged the phrase "to make war" which had been the focus of discussion. They moved to change the phrase from "make war" to "declare war," contending that this would leave to the President the power to repel sudden attacks. This motion was agreed to by a vote of 8 to 1.

The Constitution ultimately named the President as Commander in Chief of the Army and Navy, and empowered him to make treaties with the advice and consent of Congress. To Congress was allocated the power to levy taxes for the common defense, to declare war, to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces.

When, at the Convention, Pierce Butler, of South Carolina, had suggested that the warmaking power could be safely vested in the President, Mr. Gerry replied that he never expected to hear in a republic a motion to authorize the Executive alone to declare war. As I have mentioned, the Madison-Gerry motion was adopted, limiting the war-initiating power of the President to repelling sudden attacks.

But that is the limit of the Constitution's mandate in regard to warmaking powers. Nowhere does the Constitution

specify whether, under what circumstances, or by whose decision can the Armed Forces be sent into battle when Congress has not declared war and there has been no sudden attack on the Nation.

At the beginning of our constitutional history, the primary responsibility of Congress in the initiation of war was frequently proclaimed and upheld. President Adams, in 1798, concerned about French threats to American shipping, waited until Congress provided the authority to move. Alexander Hamilton had advised the administration, in a letter to Secretary of War James McHenry, as follows:

> In so delicate a case, in one which involves so important a consequence as that of war, my opinion is that no doubtful authority ought to be exercised by the President.

In 1801, in his opinion on the Amelia case, Chief Justice John Marshall stated that the "whole powers of war" were vested in Congress.

That same year, Tripoli declared war on the United States when the United States refused to pay tribute in exchange for safe passage of American ships. President Jefferson moved ships to the Mediterranean with orders limiting them to self-defense and the defense of other American ships. He told the Congress that he felt obligated to take only defensive actions because he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense."

During a dispute with Spain in 1805, President Jefferson renounced the use of force, saying that he thought it was his duty to await congressional authority "considering that Congress alone is constitutionally invested with the power to changing our position from peace to war."

In equally unequivocal statements, President Monroe and Secretaries of State John Quincy Adams and Daniel Webster stated that the initiation of war is a prerogative of Congress. President Monroe wrote:

> The Executive has no right to compromise the nation in any question of war.

Adams wrote that under the Constitution "the ultimate decision" belongs to Congress. Webster states:

> I have to say that the war-making power rests entirely with Congress and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another.

In 1846, when President Polk moved troops into territory disputed between this country and Mexico, resulting in hostilities, Congress reluctantly declared war after the fact. Later, when the House of Representatives was resolving to thank Zachary Taylor, the victorious general, an amendment to the resolution stated that the war "was unnecessarily and unconstitutionally begun by the President of the United States." Former President John Quincy Adams, then a Member of the House, and future President Abraham Lincoln voted for the amendment which was adopted by a vote of 85 to 81, but later dropped.

In 1857, Secretary of State Lewis Cass, responding to a British request to send ships in support of an expedition to China, wrote to the British Foreign Office as follows:

> Under the Constitution of the United States, the executive branch of this Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken.

President Buchanan made the point as forcefully when he asked Congress for authority to protect transit across Panama in 1858. In his message to the Congress on December 6 of that year, he said:

> The executive government of this country in its intercourse with foreign nations is limited to diplomacy alone. When this fails it can go no further. It cannot legitimately resort to force without authority of Congress, except in resisting and repelling hostile attacks.

In 1900, President McKinley sent thousands of American troops to suppress the Boxer Rebellion in China and to rescue Western nationals in Peking. Although he was accused of acting without congressional authority, Congress had already adjourned and, because it was an election year, there was no interest in returning for a special session.

In 1911, President William Howard Taft sent troops to the Mexican border, but conceded that only Congress could authorize sending troops across the border. In a message to Congress, President Taft said:

> The assumption of the press that I contemplate intervention on Mexican soil to protect American lives or property is of course gratuitous, because I certainly doubt whether I have such authority under any circumstances, and if I had I would not exercise it without express Congressional approval.

Since the turn of the century, Presidents have used military force more freely, moving troops in support of foreign policy decisions and in reply to particular situations. Thus, an incursion was made into Mexico in pursuit of the bandit, Pancho Villa, in 1917. President Wilson sent marines to fight in Haiti and Santo Domingo. President Truman sent hundreds of thousands of troops to fight in Korea. All these actions were taken by the Executive without congressional authority. They negate the concept, central to the Constitution, that our Government requires a balance of powers within a system of checks and balances.

Of course, questions about the division of powers and the Congress' prerogatives have been raised most strongly in connection with the sending of U.S. troops into the Dominican Republic and Vietnam. Until Congress passed the Gulf of Tonkin resolution, the use of American troops in combat in Vietnam was totally without congressional approval. For this reason, more than any other, the question of congressional responsibility for warmaking has become a major issue in the country. As most of us in Congress well know, the American people are determined that there shall be no future undeclared wars initiated by Presidents and prosecuted without wide public support. The people insist that Congress measure up to its constitutional role, and this legislation seeks to do just that—to clarify the congressional role so that this Congress and future Congresses will do their duty.

The legislation is in no way a reflection on President Nixon, who inherited a major American war and has consistently reduced American involvement in that war. Had this legislation been enacted in 1960, President Nixon might never have had the conduct of the Vietnam war thrust upon him because the United States might not have committed troops to combat in that war.

Some critics of the bill contend that such legislation will affect the ability of presidents to meet emergency situations effectively. I do not agree with them. The President will still be free to commit American Armed Forces to combat, but the bill provides that such an involvement cannot be continued beyond 30 days without congressional accord. Since a President cannot effectively prosecute a war without congressional support and popular approval, this can serve to save Presidents from undertaking military adventures contrary to the wishes of the American people.

Moreover, legislation of this type can be a deterrent to impulsive, ill-considered actions which may involve the Nation in undesirable wars which are of no direct consequence to our national security. There would be quick congressional accord when a military action is obviously necessary to the Nation's security. Certainly the authority of Presidents to respond to instant threats would in no way be impaired.

The distinguished journalist and student of world affairs, Roscoe Drummond, has written:

> One thing the whole nation has learned from the Korean and Vietnam wars is that the United States armed forces must never be used in combat abroad without advance and explicit authorization by Congress except in case of direct attack. No president should ever make that decision by himself—never again. That is why it is urgent that Congress soon recover its full constitutional power to decide if, when, and under what circumstances the U.S. shall go to war.

Referring to my own Senate Resolution 409 which, like the pending bill, seeks to affirm congressional responsibility in warmaking, Mr. Drummond wrote:

> This is no radical proposal. It is simply bringing practice into conformity with the Constitution. . . . Now is the moment to put this principle and this policy into practice.

Now is surely the moment, although I think all will agree that 10 years ago would have been an even better moment for the enactment of legislation to protect the Nation from unnecessary, undesirable wars.

The American people demand it, and I submit that the American people are right.

Mr. President, I think that there can be no better example, tragic as that example is, of the way in which this Nation has gotten into recent wars, and the fact that this must never happen again, than the Vietnam war. Part of the tragedy of that war was unfolded before the Committee on Foreign Relations this morning, in considering what we are going to

do about the 700,000 orphans who have been created in Vietnam.

Although we have done more than was ever required of a nation to fulfill its commitments, we are going to be paying for that tragic mistake for years, and years, and years to come, and not just in the divisions which have been created in this country, which have torn us asunder, not just in the $130 billion that have been expended, nor in the more than 50,000 lives that have been lost and the hundreds of thousands of casualties that are permanent remembrances and reminders to this country that never again must we make this kind of a mistake.

I am not certain that Congress would have had more wisdom 10 years ago than we have now. Hindsight is always best. But at least if we had resolved to go into this war by direct action of Congress, after deliberation and debate, with all the facts brought to bear, we might never have made that tragic mistake.

If there is any feeling that I get from the people of the United States as I have talked with them across the country and in my own State, it is that they expect Congress to do something about it now.

No one interprets this as a move against the incumbent President. I cannot imagine a man who has been as frustrated in his attempts to end the war as President Nixon has, as he realizes the extraordinary cost that the war continues to cause the American people to bear and the programs that have to be set aside because of it; and I should think this administration would want to make sure that it plays a role in insuring that—in a world where we make war but never seem to declare war any more—we go back to the original intention of the Founding Fathers.

Here we have a world which, since World War II, has not had a declared war: No declared war in Korea, no declared war in Vietnam, no declared war in the Middle East, no declared war between Pakistan and India. It is just out of vogue to declare war. But that has not stopped the world from engaging in more than 100 major and minor hostilities since the end of World War II.

What I have tried to do in my remarks today is to prove beyond the shadow of a doubt the intention of the Founding Fathers. Moreover, I think we should remind ourselves that we have an obligation to update procedures and practices involving the important matters of war and peace.

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. PERCY. I yield very gladly to the majority leader.

Mr. MANSFIELD. The Senator seems to indicate the opinion that declarations of war are supposedly out of date. Did the Senator not say something to that effect?

Mr. PERCY. That is right. As far as I know, there has not been a declaration of war in 25 years, and yet we have been engaged in wars all over the world.

Mr. MANSFIELD. Is the killing of young Americans out of date? The reason I ask is that we are engaged in wars without declarations of war, but with or without declarations of war, young men die, and the latest figures put out by the Department of Defense, through March 25, 1972, indicate that 302,787 Americans have been wounded, 45,669 Americans have been killed in combat, and 10,119 Americans have been killed in noncombat activities in Southeast Asia.

So the total U.S. casualties—Americans, that is—to March 25, 1972, less than 2 weeks ago, is 358,575.

On the other side, the South Vietnamese have, dead, 147,305. These are Department of Defense figures. Other free world forces, dead, 4,870. Listed under "enemy dead," 803,145. And if I add correctly, that is more than 1 million known dead.

The Senator has mentioned over 700,000 orphans. How many millions of refugees? How do you calculate a destruction of a culture and a society and a land? How do you estimate all this cost in relation to what is happening in our own country and the impetus which this tragic, mistaken, begotten war has had on our own people, on our own problems here at home? How do you add up these costs?

Perhaps Congress, under a resolution of this sort, might have had something to say about our not getting into Vietnam, now into all of Indochina, including Laos and Cambodia.

What price do you put on a man's life, on the loss of a leg or an arm or a mind? How much have we paid already, and for what? In an area which is not vital and never has been vital to the security of the United States?

Declarations of war are not out of date. It is only because those in authority, both Democratic and Republican chiefs of state, have felt that they needed extraordinary powers in this extraordinary age to do the things which they considered—I say this in all candor—from a patriotic point of view. But that does not make their judgment right, and that does not make it inadvisable for us to admit mistakes.

Hopefully, a resolution of this kind, which strengthens the Presidents' hand but restores to Congress its rights under the Constitution, may well prevent future Vietnams and Dominican Republics and other imbroglios in which we have become involved.

We can do a great deal of talking in this Chamber; but none of us, to my knowledge, is or has been involved in the war in Vietnam or in Indochina, although I think that just about every Senator on this floor has served in the Armed Forces of his country during time of war.

I think it is about time that we think not only of the Constitution and what it means, what it really means, but also of what real equality, constitutionally defined between the executive branch and the legislative branch, really means. It is about time to stop talking of an extraordinary age in which we live and to accept the fact that these things are going to happen willy-nilly whether we like them or not if we do not have something to say about them.

Frankly, I am heartsick, and have been for years, about this war in Indochina, about this useless loss of life, about people who have been destroyed along with their culture and their land. It is about time that the Senate faced up to its responsibilities.

This is a good bill, but it does not go far enough. But it is a step in the right direction. When we talk of the refugees and the dead and the wounded, let us think a little about our own, and let us shed a silent tear for those who have done so much and whose services and whose lives we miss very deeply today.

Mr. PERCY. Mr. President, I appreciate the very thoughtful comments of the distinguished majority leader, whose views on this subject have been consistent and well articulated for many years. We can understand his exasperation that we are still dealing with the same tragic problem.

Just to update his figures of 2 weeks ago, if the figures were even updated as of last night they would have been out of date, because when I was coming in this morning I heard on my automobile radio the news we all know, that another aircraft was just announced as lost. It was downed over North Vietnam, and four more American boys are listed as missing in action. Four more families face the tragedy of knowing what war is all about—not that they have not known it through the anxious months, and years, possibly, that their men have been gone.

But now they are faced with the grim reality of not even knowing what the status of their fathers or husbands or sons may be for an indefinite time.

These are statistics and figures. But as all of us deal with them in our own constituencies, we talk with, we get to know intimately, the families of men missing in action or killed in action or injured in action. The tragedy of this war becomes very real as we face the families and try to explain what they have sacrificed for and where we are going from here.

Our new ventures in foreign policy have revealed the fallacy of much of the thinking of recent years—the outdated idea of a monolithic communism, one central point pulling all the strings to conquer the world through military aggression. This idea is being disproved by the very testimony, firsthand, being taken by those who have visited Peking and have visited and will be visiting Moscow. Today there is much divisiveness inside the Communist world, and more bitterness and more hatred between Communist capitals than, possibly, between capitals of the free world and Communist capitals.

I think we are indebted to the distinguished Senator from New York, who has been joined by a coalition of Senators, not ideological in makeup—not just liberals, not just conservatives, not just southerners, not just northerners, not just Democrats, not just Republicans—but Americans who have a constitutional responsibility to rectify what has been wrong in our procedures for many years and to find a way to bring the intention of the Constitution back into actual practice.

I say that when the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from

Mississippi (Mr. STENNIS) join, and are the principal sponsors of a bill, we had better take a good look at it, because that coalition of forces does not come together too frequently; but, when it does, I trust that the executive branch of Government will not fight too hard a proposal responding to the attitudes and feelings, and hopes and prayers, of millions of Americans who never want to see us stumble into war again.

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

Mr. PERCY. I am glad to yield to the distinguished Senator from Virginia, who is another cosponsor of the proposed legislation.

Mr. SPONG. Mr. President, the managers of this bill welcome the supportive statement made this afternoon by the able Senator from Illinois. His remarks are consistent with and elaborate upon positions he has taken on this floor over a period of almost 2 years.

He has underscored two points that have been before us this afternoon in previous debate. The first is the nature of the sponsors, the makeup of the sponsors, of the proposed legislation.

This is truly a bipartisan effort, without regard to philosophy or geographical origin.

Second, the Senator from Illinois says that the people expect Congress to act in this area and he is quite correct. The time for action may be long overdue but certainly the measure before us comes to the floor after long deliberation and after collective effort. Those managing the bill welcome the support of the Senator from Illinois and the statements he has made this afternoon.

Mr. PERCY. I thank my distinguished colleague from Virginia.

Mr. JAVITS. Mr. President, I should like to interpose, my tribute to the Senator from Illinois for the fine statement he has made and his great perception in this field. I thank him especially for raising the question of why the administration feels it has to oppose and stand foursquare against this particular measure. I must say that it puzzles me. It has nothing to defend on that score. The President does not have to feel self-conscious about the Vietnam war. He has said many times it is not his war and he has properly claimed credit for beginning to get us out of it. There has been unusual generosity on both sides of the aisle—on the part of Democrats as well as our own—in recognition of that fact.

Also the President has made much on many occasions of being against centralization of power and the role of Congress in sharing that authority with him and in seeking, as it were, the cooperation of Congress with respect to many things which he needs to do. But when we touch this nerve, apparently, of this awesome power of life and death over our people, which one would think the philosophy certainly dictated would be one area he would want to share the responsibility, yet suddenly we find a stiffening and a hardening, as if some power of the presidency was not the presidency but some kind of kingship, some divine right, that was being invaded.

When we listen to the President's men testify on this subject, like the very highly respected Dean Acheson, whose words have often been quoted here, and Under Secretary Katzenbach and others with similar points of view, as well as the present Secretary of State, I must say, it makes one really wonder.

I am grateful to the Senator from Illinois for having discussed that point.

I wonder, too. I do not understand, along with the Senator from Illinois, why this administration would want to place itself athwart this legislation instead of, with humility—and this is a subject which calls for humility—cooperating with us and sitting down with us trying to work out a way which would be best to give reassurance to 200-plus million Americans that if we do commit the lives and fortunes of our people in this bloody business of war, at least we will do it together.

Mr. PERCY. Mr. President, I should like to respond. I cannot fully or adequately explain what the administration's position is, or do justice to it. As I have tried to do in all major legislation, before I submitted the resolution in May of 1970, I did discuss it with members of the administration and found them reluctant about it. I have had extensive conversations with members of the administration this past month on the pending legislation, trying in every way I could to persuade the administration that this was in the best interests of the administration, the Nixon administration which inherited this war and which has been straining in every possible way to extricate itself from the war at the earliest possible opportunity.

I have indicated that I have stayed off cosponsorship of this legislation so that I could be an independent advocate for the principles it represents.

I have questioned Secretary Rogers and have talked to Dr. Kissinger recently about it, as well as others. I have tried to look at it from the standpoint of the Middle East and other areas vital to the United States. I had to satisfy myself that this legislation would not in any way impair our ability to act, if we had to act to preserve peace in an area vital to the concerns of the United States.

I cannot see that this legislation would in any way impede necessary action. The President would have adequate power to move if necessary, but the Congress would be able to exercise its own constitutional role in such a situation. Certainly the number of cosponsors of the amendment who have advocated a firm policy in the Middle East would not endanger that part of the world to overt aggression. They have taken into account, as I see it, every possible contingency.

It should be noted that the letter from Secretary Rogers to the Senator from Colorado (Mr. ALLOTT) included the following paragraph:

> I wish to make it clear that the Administration is not opposed in principle to congressional action seeking to clarify the exercise of shared war powers by the Legislative and Executive Branches. For example, the Administration has not opposed House Joint Resolution 1, the Joint Resolution concerning the war powers of the Congress and the President, which has passed the House of Representatives and does not present the serious constitutional and other problems posed by S. 2956.

This indicates it was not a rigid position being taken against anything and everything, that the administration has an open mind.

Mr. President, I would think that it would be the responsibility of the administration, at this stage, actually to point out the kinds of situations that could exist that would endanger, somehow, the national security or that would unduly restrict the President as Commander in Chief of the Army, Navy, and Air Force. Certainly, no one in this body wishes in any way to endanger the country.

What we have demonstrated proof of is that nothing has occurred in the past decade, or in the history of the country, that has perhaps weakened the national security more than the Vietnam war. Our ships have become older and obsolete, the maintenance of our bases has been neglected. It has caused us to delay the production of new systems which the military feel they need but do not have the money for. We know that this war has been a devastating blow, in many respects, to the whole of our national strength. It is our national strength we are trying to preserve when we say that we must have a much broader executive-legislative cooperation as regards the warmaking power.

Mr. JAVITS. I thank my colleague from Illinois very much for an extremely helpful intercession here. He will find the letter from the Secretary of State on page 11054 of the RECORD, of March 29, 1972. We can perhaps discuss it a moment or two later on.

Mr. President, we are about to present to the Senate three perfecting amendments which have been worked out and are essentially in response to a discussion which was had here on matters which we feel are very fully covered by the bill, but in which we seek to give whatever reassurance Members of the Senate may feel they should have, by spelling out in words within the bill exactly what we have covered in colloquy. So, Mr. President, I shall offer these amendments. I will first suggest the absence of a quorum so that Members may be advised that the amendments will be offered. It is my understanding that the majority leader wishes to have a rollcall vote on these amendments. Therefore when I offer them, I shall offer them en bloc. However, since they apply to different parts of the bill and deal with different matters, unless someone wishes to ask for a division of the question, as anyone has a right to do, we would have one vote rather than three rollcall votes.

Mr. President, with that word of notice, I suggest the absence of a quorum.

Mr. GRAVEL. Mr. President, would the Senator withhold his request?

Mr. JAVITS. Mr. President, I withhold that request.

Mr. GRAVEL. Mr. President, I would like to send to the desk some amendments and will suggest the absence of a quorum if there are not a sufficient number of Senators present to ask for the yeas and nays.

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

Mr. GRAVEL. I would be happy to yield.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Sentor from New York, it is my understanding that he is going to offer three amendments and try to get them voted on en bloc, and very possibly voted on this afternoon, if possible.

Mr. JAVITS. The Senator is correct.

Mr. MANSFIELD. Mr. President, I understand that the Senator from Alaska has amendments that he would like to submit but not call up today.

Mr. GRAVEL. I could call them up today, if the leadership would like, or I could call them up another day.

Mr. MANSFIELD. Mr. President, would the Senator from Alaska care to discuss the subject with the Senator from New York while I suggest the absence of a quorum?

Mr. GRAVEL. That would be agreeable.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAVEL. Mr. President, I will not call up these amendments today because of their nature. I think it would take some time to deal with them and, if I might use the expression, let them "silt in" because of their profound import.

I think it is very important to explain the amendments and to explain them in tandem, because I will call them up in tandem, as they cannot be handled separately.

One of the amendments I, myself, would not be prone to vote for. However, I think it is something that the Senate should vote on and be on record on.

AMENDMENT NO. 1101

The first amendment would change section 9 of the bill. On line 6 of page 13, it would strike out the word "but" and the word "not", and in place of the word "but" would insert the word "and". So, section 9 would read as follows:

> This Act shall take effect on the date of its enactment and shall apply to hostilities in which the armed forces of the United States are involved on the effective date of this Act.

Then my first amendment, amendment 1101, would add to that: "after the word 'Act' on line 8 of page 13, strike the period and place a comma so that it will read:

> . . . unless by not later than 15 days after the date of the enactment of this Act, the Congress declares war against any foreign power with which the Armed Forces of the United States are engaged in such hostilities.

It is not difficult to comprehend what this would do. If we feel—and I think we all do—that these war powers have been exercised capriciously by the Chief Executive of this country, regardless of party, in the 25 years, then we should do something about it in the future. What I am trying to do is to take the future and bring it to the present.

If I could make a comparison that is possibly not very pleasant, but very apt, I would say that if this body feels that it has been raped with respect to its prerogatives on declarations of war, that is fine. However, the Senate should understand that this act of rape that has been done is not an act in the past but is an act that is being done today. And if rape is wrong in the future or in the past, it is wrong today. And what the Senate will have to do is to face up to its responsibilities to vote on it under this particular piece of legislation.

AMENDMENT NO. 1102

The second amendment I offer is a very simple substitution for section 9. That is, we would substitute for the present section 9 an outright declaration of war against North Vietnam.

A new section 10 would relate to the date that the act takes effect.

I am not for a declaration of war against North Vietnam. But I think that we have stood around long enough. Not more than a few minutes ago, we heard that it is not considered to be in vogue to declare war, and this has been the situation since the Second World War, because wars are not nice. However, we go ahead and wage war. As the distinguished majority leader pointed out, we kill people. We cut off arms and legs. We make people insane. We rip out their psyches and send abroad the best youth that this Nation has. However, we do not find it within our vocabulary or within the niceties or proprieties of our society to declare war when we wage war.

Right now there is a war going on. It is a civil war. It is going on in Indochina.

We are supposed to be getting out of that conflict. Yet, right now, as these hostilities are being exacerbated for whatever tactical or strategic reasons the North or South Vietnamese leadership might have, we find that we are moving two new aircraft carriers onto the line. We are privy to the information that, though we are supposedly winding down the war, from the sanctuaries in Thailand we are increasing our activities in a remote control fashion. Information on the air war is kept secret—not from the North Vietnamese, not from the South Vietnamese, and not from the Cambodians or the Laotians. It is kept secret from the American people. If that is the way this Nation is going to act and act in secret, not from the enemy but from its own people, we ought at least to have the guts to say that we are waging war, and killing human beings. Let us do it in the way it has been done in the days of old, and done legally, and that is to say, "Let us declare war."

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

Mr. GRAVEL. I am happy to yield.

Mr. DOLE. Is the Senate going to make that retroactive?

Mr. GRAVEL. We do not have to make it retroactive. It would have no effect at all. We would make it effective as of the present. Does that answer my colleague's question? Perhaps I could ask my colleague what would be the purpose of the question. What would be the advantage of making it retroactive?

Mr. DOLE. It would fix responsibility for the war in Southeast Asia.

Mr. GRAVEL. Is it possible my colleague would like to have it retroactive?

Mr. DOLE. I was curious about the Senator's amendment.

Mr. GRAVEL. Does my colleague have a purpose in proposing such a question?

Mr. DOLE. My purpose is to seek information.

Mr. GRAVEL. The Senator has the information now. Is there any purpose to his question?

Mr. DOLE. My purpose was to get information.

Mr. GRAVEL. I hope my colleague will share his wisdom with us since I was gracious enough to answer his question.

Mr. DOLE. The Senator is talking about declaring war and decrying all we have done as a nation and all those we have maimed and killed. I do not recall a reference to what the enemy has done to the South Vietnamese and our American servicemen. I find it interesting that sometimes we find fault with our own Government before we find fault with the enemy. I just wondered if the Senator from Alaska, in his amendment, would pinpoint the date of the origin of the war in Southeast Asia and then recite the history of the war since that time, the involvement of America in the war since that time, the administration during which we became involved and all administrations, Democrat and Republican, that have been charged with responsibility for dealing with this war. Then we would have it before the American people.

Mr. GRAVEL. I tried to do that as effectively I could when I read the Pentagon papers into the public record. The Senator from Kansas was critical of that at the time.

My colleague can now get a set of those papers from the Defense Department, which released them a week before the Beacon Press published them. I, therefore, will not take the time of this body by going through that historical exercise.

Mr. DOLE. I understand what the Senator from Alaska is doing. That is a judgment the Senator made, and it is one he will have to live with.

Mr. GRAVEL. I am happy to live with it and I am very proud of it.

Mr. DOLE. The Senator from Kansas is not proud of it.

Mr. GRAVEL. I might ask if the Senator from Kansas were to find something going wrong in a concentration camp, if we were killing people in Kansas and it were top secret information, would the Senator withhold that information from the constituency and the Nation?

Mr. DOLE. The Senator's analogy is not appropriate, nor is it relevant to the question at hand.

Mr. GRAVEL. Is there a difference in killing people in Kansas and killing people in Indochina? They are human beings.

Mr. DOLE. I know a little about the consequences of war.

Mr. GRAVEL. My colleague has not answered the question. Is there a difference in killing people in Kansas and killing people in Indochina?

Mr. DOLE. The result is the same. They are dead in either instance.

Mr. GRAVEL. They are human beings, are they not?

Mr. DOLE. Oh, yes, they are human beings.

Mr. GRAVEL. Should we not be concerned?

Mr. DOLE. I am concerned about anyone engaged in any conflict, armed or otherwise, where death and injury are possibilities. But the question posed by the Senator from Alaska is far afield.

Mr. GRAVEL. Not as far afield as my colleague has brought me. I am happy to go far afield if it is pertinent. We are talking about a hypothetical situation. If you have knowledge of a crime and something is going wrong, and it is marked secret, do you have to be a part of that secret or do you not have a responsibility to this country?

Mr. DOLE. I have a responsibility to the Government and to the Senate.

Mr. GRAVEL. Is the Senator placing that responsibility above human life?

Mr. DOLE. I will not discuss that with the Senator from Alaska.

Mr. GRAVEL. Why not discuss it? These are the momentous decisions we are talking about. When we talk about war powers, what are we talking about? We are talking about the power to take life. Why not discuss it?

Mr. DOLE. The Senator from Alaska can discuss anything he wishes, but I think the Senator from Kansas understands we have different views of our responsibilities as Members of this body and as citizens of America. I have one view and the Senator may have another view.

Mr. GRAVEL. Is that view so complex that the Senator cannot answer the question with regard to human life? Does he place his office in the Senate above human life? Does he place the decorum of this body above human life?

Mr. DOLE. The Senator is posing irrelevant questions.

Mr. GRAVEL. I think my colleague is right. We do have a difference because I find no such right above human life. When you talk about human life you talk about something definitive.

Mr. DOLE. Let me say to the Senator from Alaska that I would guess every Senator, and I am certain that everyone in this Chamber, deplores armed conflict just as does the Senator from Alaska, although he may speak more about it than other Members of this body.

Mr. GRAVEL. I beg to differ. If we measure the RECORD line by line, we will find the Senator from Kansas came here the same time as I, and he has been more verbose.

Mr. DOLE. We will measure our war records and our records in the Senate and find we know a little about conflict, death, and war, but I suggest there comes a time in every nation's history when the choice is very difficult. Sometimes we are engaged in armed conflict. Whether we made a mistake in becoming engaged in armed conflict is easier to judge from hindsight than it was at the time.

I only suggest the Senator is proposing that we have a formal declaration of war. That is his right. I believe it is a little late for that, because we are now withdrawing from Southeast Asia under the guidelines established by President Nixon. We have been doing so for a number of months. Eighty-seven percent of all troops and more than 90 percent of the combat troops will be out of Southeast Asia by the end of this month. That is progress to me, but maybe the Senator from Alaska is correct.

Mr. GRAVEL. It could well be a charade. How many deaths does it take to get out of South Vietnam? If the President wanted to do so he could get out in 30 days without the deaths and maiming and acceleration of the bombing. He is talking about moving American troops. We see it today. There are no American troops at the DMZ fighting that battle, but we have an air cover and our fighter pilots are being killed and captured. The Senator says we are winding it down. We have the power to end it, and all that I offer are two humble amendments to bring the issue to the floor.

We talk about war powers. Is there any purpose the Senator sees in our continued involvement in Indochina?

Mr. DOLE. The Senator said a while ago—maybe he has forgotten—that a death is a death, regardless of who is involved. Now he suggests we should let the killing go on, the killing by the North Vietnamese. A life is a life, the Senator said.

I believe we made our commitment in Southeast Asia, and I am not going to put an administration tag on it because it has been going on through three or four different Presidents and both parties. As a Member of the House I supported the Gulf of Tonkin resolution as did 413 other House Members on August 7, 1964.

Mr. GRAVEL. Was my colleague here to vote for the Gulf of Tonkin resolution?

Mr. DOLE. I was not in the Senate. I was on the other side of the Capitol in the House of Representatives. I voted for it. The Senator from Alaska had not arrived in Washington yet. One wonders what he would have done. Based on his statements prior to coming here he was rather hawkish.

Mr. GRAVEL. The Senator is in error.

Mr. DOLE. I would put it in the RECORD. It was in a magazine and in other material. But in any event, there is a change of public opinion, and a person can change to catch up with public opinion. But I do not think the American people want the commitment to end so quickly, although it is——

Mr. GRAVEL. Would that mean that people are not ready to honor commitments to Pakistan, to support commitments we had to Pakistan? There were four. Why should we now hang on the issue of American commitment? We had commitments to slavery, but our country has matured. We have a moral obligation to change. That is what the Senate is. It is a living body and not a dead body that enshrines itself to be worshiped.

We have a responsibility to change. That is all we ask for. My colleague suggests that because we did it in the past we must do it for all time. That makes no sense.

Mr. DOLE. Well, there are a lot of fools, and some will never be identified, but it might still be pointed out that we are ending the war in Southeast Asia. The Senator from Alaska, I think, would agree with that.

Mr. GRAVEL. No, I do not agree with that.

Mr. DOLE. Should we just walk away and let the North Vietnamese take over South Vietnam? Is that what the Senator is suggesting?

Mr. GRAVEL. Is it our country? Are they a threat to us? Should we have gone into Chile because that was a Communist country? What is the purpose of going in there? We have instituted a dictator in South Vietnam. We have instituted a dictator in Cambodia. Every time we turn around in Southeast Asia we have put in a dictator.

Mr. DOLE. The Senator is making a judgment he should have made several years ago. That is why I suggest the Senator make his declaration of war retroactive, so it would cover what he was thinking 7 or 8 years ago.

Mr. GRAVEL. We cannot change what has happened in the past. We can use the cliche that it is "spilt milk," but we can do something about the future, and the future starts today.

Let me reiterate the purpose of these amendments. We are today debating a law and will vote on a law which I think is a good one, and which will affect the war powers of the President of the United States. They should be affected, because this is a very serious power.

All I say is that if it is important to control those war powers one day in the future, it is important to control those war powers this very day—today, when we suffer the possibility of seeing the war reescalated, because the options are very simple. Depending on what happens in the present onslaught in Vietnam, the President has the following choices: One, he can escalate the war by sending in more troops. He has power to do that because this body gave him the draft. So he can pull in as many people as he wants and send them back into Indochina, which occurred in 1965 and 1966, because we did not limit that power.

The other option is that he can escalate airpower. He has already done that. The minute the last Congress adjourned the minute we left Washington, this administration stepped up the air war. I offered an amendment last October to limit the bombing only to protection of our withdrawing troops. So if truly we are talking about winding down the war, we should have had support to stop the bombing, because the bombing would have been related to the withdrawal of American troops. But that is not the case. The bombing that has been taking place this last year has not been related to the withdrawal of American troops. It has expanded the entire conflict. It has permitted us, as a matter of tactics, to change the war from a ground war with American troops to an automated war at

a distance. We have waged this automated war. We have accelerated this automated war. We are now on the brink of accelerating it still further.

My fear—and I say I stand here trembling at the thought of it, because it is not an idle fear, and I say this most respectfully—is that since the President of the United States is on record as considering tactical nuclear warheads as something that can be used in a tactical sense, he may use them now. We face a situation where he may not have alternatives politically; it may not be politically feasible for him to reescalate the war with troops. So what other devices does he have? He is reescalating it currently with bombing. If that does not work, what is his next step? I pray his next step will be to get out lock, stock, and barrel. But if he is not of that persuasion, what is his next step? Tactical nuclear warheads.

I do not think there is a Member of this body who does not have that fear down at the bottom of his gut and is not worried and is not watching for developments day by day. But we sit here as though we were impotent. We sit here discussing a war powers bill that will take effect in the future, not today. We sit here as though we were impotent, hoping he will not do it. Yet we have power to have a role in what will be done and what will not be done.

I hope these amendments, which I now send to the desk and will call up and ask for a vote, will act as a vehicle in these very difficult times for this Nation.

The PRESIDING OFFICER. The amendments will be received and printed and will lie on the table.

Mr. JAVITS. Mr. President, I now repeat the statement I made before with respect to my intention to offer three perfecting amendments en bloc.

The majority leader has advised me he will ask for a rollcall, so the attachés should, in the usual course, notify Members of the Senate.

I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, pending the arrival of a sufficient number of Senators, I ask unanimous consent at this time that it will be in order to ask for the yeas and nays when a sufficient number of Senators have arrived on the floor. The purpose is to allow the amendments to be laid before the Senate and the debate to start.

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

Mr. MANSFIELD. May I say to the attachés that if the Members are not forthcoming, there will be a live quorum.

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum. May I just explain to the Senate that we are having copies of these amendments made. They will be in in a minute, and then I shall debate them.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. In line with the previous unanimous-consent agreement, I ask for the yeas and nays.

The PRESIDING OFFICER. On the three amendments en bloc?

Mr. MANSFIELD. Yes.

The yeas and nays were ordered.

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

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

Mr. JAVITS. I send to the desk the three amendments which were the subject of the previous unanimous-consent agreement. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Has unanimous consent been given that they be considered en bloc?

The PRESIDING OFFICER. It has.

Mr. JAVITS. I send the amendments to the desk on behalf of myself, the Senator from Mississippi (Mr. STENNIS), the Senator from Missouri (Mr. EAGLETON), and the Senator from Virginia (Mr. SPONG).

The PRESIDING OFFICER. The amendments will be stated.

The assistant legislative clerk proceeded to read the amendments.

Mr. JAVITS. I ask unanimous consent that further reading of the amendments be dispensed with.

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

The three amendments submitted by Mr. JAVITS, ordered to be considered en bloc, are as follows:

AMENDMENT No. ——

On page 8, line 11, immediately after the word "from," insert:

(A) any situation on the high seas involving a direct and imminent threat to the lives of such citizens and nationals, or

(B)

AMENDMENT No. ——

On page 11, line 8, strike out "the continued use thereof" and insert "(1) the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities; or (2) Congress is physically unable to meet as a result of an armed attack upon the United States; or (3) the continued use of such Armed Forces"

On page 11, line 19, strike out the period after the word "Congress" and insert in lieu thereof a comma and the following:

"except in a case where the President has determined and certified to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities."

AMENDMENT No. ——

On page 13, line 8, after the period, insert the following: "Nothing in section 3(4) of this Act shall be construed to require any further specific statutory authorization to permit members of the Armed Forces of the United States to participate jointly with members of the Armed Forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this Act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date."

Mr. JAVITS. Mr. President, there are 26 cosponsors of the war powers bill. In view of the limitations on time, to make a list of all of the sponsors of these amendments available for the RECORD, I ask unanimous consent that a list of the sponsors of the bill in alphabetical order be printed at this point in the RECORD, under a separate heading reading "List of Sponsors of the War Powers Bill."

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

LIST OF SPONSORS OF S. 2956, THE WAR POWERS ACT

1. Birch Bayh
2. Lloyd Bentsen
3. J. Caleb Boggs
4. Edward W. Brooke
5. Clifford P. Case
6. Lawton Chiles
7. Alan Cranston
8. Thomas F. Eagleton
9. Mark O. Hatfield
10. Hubert H. Humphrey
11. Daniel K. Inouye
12. Jacob K. Javits
13. B. Everett Jordan
14. Charles McC. Mathias, Jr.
15. George McGovern.
16. Claiborne Pell
17. Abraham Ribicoff
18. William B. Saxbe
19. Richard S. Schweiker
20. William B. Spong
21. John C. Stennis
22. Adlai E. Stevenson III
23. Robert Taft, Jr.
24. Herman E. Talmadge
25. Lowell P. Weicker, Jr.
26. Harrison A. Williams

Mr. JAVITS. Mr. President, I ask unanimous consent that, preceding each of these explanations, the text of the amendment be printed.

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

The first amendment is as follows:

On page 8, line 11, immediately after the word "from," insert:

(A) any situation on the high seas involving a direct and imminent threat to the lives of such citizens and nationals, or

(B)

Mr. JAVITS. Mr. President, the first of these amendments occurs at page 8, line 11, and proposes to insert, after the word "from" on line 11, the words "(A)

any situation on the high seas involving a direct and imminent threat to the lives of such citizens and nationals, or (B)".

The point of this amendment is to answer a question which has been raised as to whether citizens and nationals of the United States who are on the high seas will be protected as if they were in another country. That is the general thrust of paragraph numbered (3) of section 3 of the bill.

Mr. President, we stated that that was our purpose and intention. We stated that we believed the word "country" which appeared throughout this particular paragraph with reference to a foreign country applied as well to a ship bearing the flag of that country, and that every ship carries some flag and, therefore, ships were included.

We are now spelling it out in so many words, so that there may be no need for transmuting the word "country" to mean a ship carrying the flag of a given country.

There is no question but that U.S. ships are soil of the United States.

Similarly, Mr. President, if Armed Forces of the United States are outside the United States of America, they are just as much outside when they are on the high seas as in a foreign country, and that is, therefore, fully covered by paragraph (2) of section 3. So the one place as to which we spell it out is where we deal with the presence of Americans in a foreign country, and there we state it.

That accounts for the first amendment.

The second amendment is as follows:

On page 11, line 8, strike out "the continued use thereof" and insert "(1) the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities; or (2) Congress is physically unable to meet as a result of an armed attack upon the United States; or (3) the continued use of such Armed Forces"

On page 11, line 19, strike out the period after the word "Congress" and insert in lieu thereof a comma and the following:

"except in a case where the President has determined and certified to the Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this Act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities."

Mr. JAVITS. The second amendment, Mr. President, occurs at page 11, line 8. It will be noted that this provision is section 5. The question, Mr. President, has arisen respecting what happens at the end of those 30 days, if our forces should still be engaged in hot combat. This explanation will be made by my colleague, the Senator from Virginia (Mr. SPONG), and if he is ready, I yield to him now.

Mr. SPONG. Mr. President, as the Senator from New York has stated, I would like to make a few brief remarks in support of the amendment to sections 5 and 6 of the bill which pertains to the bill's 30-day period.

I have listened carefully to some of the arguments made by individual Senators in the course of this debate—arguments which have pertained to their difficulties with this 30-day provision. Some Senators had doubts about the assertion of congressional authority to halt hostilities after 30 days because they believe that the assertion of this authority conflicted with the authority of the President as Commander in Chief.

I have always believed, however, that this 30-day provision was constitutional because I do not view it as a seizure by the Congress of the President's Commander in Chief powers. I have always felt that it was clearly understood by all that the President has certain irreducible powers as Commander in Chief of the Armed Forces which are given to him and not to Congress under the Constitution. Within the scope of these powers he is charged with maintaining the security of the members of the Armed Forces. Thus, as long as the President is acting in good faith to implement a decision which has been made by a higher authority—namely, by he and Congress acting together under the Constitution and according to law—he has certain duties and responsibilities, as Commander in Chief, which are his alone.

I have never believed that the bill sought to take this authority away from the President. For example, if our troops are engaged in hostilities, in an emerg ncy and pursuant to law, and Congress decides that it will authorize no wider war, then the President is under an obligation to disengage the Armed Forces. I would add that he is under an obligation to disengage promptly and not to use such disengagement as a cover for pursuing a wider war which Congress has not authorized. But if he is, in good faith, seeking to disengage, I do not believe it would be constitutional for Congress to require him to order the members of the Armed Forces to cease fighting before they were safely out of reach of enemy attack. As an example, we might all recall the valiant and effective retreat by our Armed Forces from the reservoirs in the northern part of North Korea after the unexpected Chinese attack. No one would contend that, if such a situation should occur again and the President were required to extricate troops after the 30-day period expired, the President could not order our men to continue to fight their way out of an enemy encirclement.

Despite the fact that I do not believe the bill seeks to assert such congressional authority, I believe it is wise for us to accept this perfecting amendment which simply clarifies this point.

The amendment provides that the use of the Armed Forces shall not be sustained beyond 30 days under the President's emergency powers unless Congress so authorizes or unless: First, the President determines and certifies to Congress in writing that unavoidable military necessity respecting the safety of Armed Forces of the United States engaged pursuant to section 3(1) or 3(2) of this act requires the continued use of such Armed Forces in the course of bringing about a prompt disengagement from such hostilities; or, second, Congress is physically unable to meet as a result of an armed attack upon the United States.

Several words of this amendment are important, Mr. President. First of all, there must be "unavoidable military necessity." This itself narrows the circumstances to those in which continued action by our Armed Forces is militarily completely unavoidable respecting the safety of those American Armed Forces who are engaged pursuant to the President's emergency powers. Furthermore, the President must certify to Congress not only that this military necessity regarding the safety of these forces exists, but also that this necessity requires the continued use of these forces" in the course of bringing about a prompt disengagement from such hostilities." Under this wording, I would argue that the President is authorized to protect the safety of our men as he is attempting to disengage them but that he is not authorized to seek a wider war for reasons which he has adopted, no doubt in good faith, but have not been found persuasive by Congress. Moreover, he may only use "such Armed Forces," referring to the Armed Forces which are in the process of disengagement. I would interpret this to mean that he may not engage in lengthy or extensive reenforcement of these forces for the purpose of pursuing some policy other than disengagement. Finally, I believe the word "disengagement" is significant because it implies an actual tactical disengagement, not merely a long-range theoretical hope of eventually retiring from the theater of war.

I would add only one further point. Some Senators have asked the question as to what the President's authority would be in case Washington and the Members of Congress were destroyed in a nuclear attack or in case Washington were occupied, as it was during the War of 1812. This point is easily dealt with, Mr. President, by a simple provision which permits the President to extend hostilities under his emergency powers if Congress is "physically unable to meet as a result of an armed attack upon the United States."

I believe that it will be clear to everyone that the sponsor and the cosponsors of this bill meant what they said when they stated several days ago that they were ready to accommodate legitimate requests for redrafting sections of the bill to clarify or to deal with points which came up in the course of the debate. We all felt this to be a strong bill which reasserts a constitutional role for Congress, which is in danger of becoming seriously weakened and even extinct. But we also want to take every reasonable step to insure that the President's constitutional responsibilities are not degraded as we take this important step to define and specify them. As I have pointed out many times, I believe that, under the provisions of the necessary and proper clause of the Constitution and under Congress authority "to make all laws necessary and proper for carrying into execution" not only its own powers but

also "all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof"—article 1, section 8—our authority to delineate and specify these powers is clear.

I think that the second amendment that the Senator from New York has offered in behalf of the sponsors of this bill merely further delineates and specifies our feeling as to what the Constitution provides for emergencies continuing beyond the 30-day period.

Mr. President, I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I, too, would like to address some brief remarks to the second amendment, which is part of the three-amendment package offered by the distinguished Senator from New York.

I feel that the second amendment will be very helpful in clarifying the meaning of the 30-day authorization period as stated in section 5 of this bill. I believe it is important, however, that both Congress and the President understand fully what the President would be asked to certify if he found it necessary to continue the use of Armed Forces beyond 30 days in order to assure their protection. I am specifically concerned that all parties understand the meaning of the word "disengagement" as it appears in this amendment.

We have alluded on several occasions during the course of this debate to the effect that the Vietnam War has had on the drafting of this legislation. Concern has been expressed throughout that the confusion and uncertainty surrounding our involvement in Vietnam be avoided in the future.

President Nixon first announced on November 3, 1969, a plan to withdraw U.S. combat forces from Vietnam and replace them with South Vietnamese forces. He called his plan "Vietnamization."

The President specifically used the word "withdrawal." Three years later, we are still in the process of "withdrawal"; and if recent events are any indication, that process will continue for some time.

Now we use the word "disengagement" in this amendment.

Mr. President, I feel it is important that the legislative history of this amendment show clearly the intent of the sponsors as to the definition of the word "disengagement."

I draw a sharp distinction between the word "withdrawal" and the word "disengagement," and this amendment was drafted with that distinction in mind.

I see the action of withdrawal as being indefinite and ongoing. By itself, the word "withdrawal" would simply describe the direction of a movement or action but would fail to place a quantitative limit on that action.

The word "disengagement," on the other hand, I see as having two dimensions. It encompasses the full meaning of the word "withdrawal" but also includes the strong implication of finality. A quantitative limit is supposed.

By using the word "disengagement" in this amendment, we seek to require a complete divorce from prior policy considerations. The President not only would be obligated to withdraw U.S. Forces from the hostile situation but also would be required to cease his pursuit of the objective for which he initially involved them in hostilities. He would be asked to certify that his only objective or policy consideration is the safe removal of troops from the hostile situation in the minimum time possible.

I would add that Congress denial under section 5 of the President's request to continue involvement in emergency hostilities, or the termination of emergency authority prior to 30 days under section 6, would obligate the President to forego his original objective in a very explicit way. The word "disengagement" as used in this amendment would carry the same message but rather implicitly. The word "disengagement" as used in this amendment would carry that same message but do it implicitly.

Mr. President, I yield the floor.

Mr. JAVITS. Mr. President, I want to respond to the Senator from Missouri, and then the Senator from Kentucky (Mr. COOPER) has a question or two to ask of the Senator from Virginia (Mr. SPONG).

First, I assume that when the Senator says the "objective," and when he mentions the word "objective" in his explanation, he means the objective with which the President used the troops rather than perhaps some overall diplomacy or policy objective which might affect that country or a situation?

Mr. EAGLETON. The Senator from New York is correct.

Mr. JAVITS. Second, I assume the Senator is trying more clearly to define the power of Congress and the power of the President, in view of a statement from the administration which appears on page 291 of the hearing record of the Committee on Legislative Proposals relating to the war in Southeast Asia which was held in April and May of 1971. In that statement the administration said:

> Putting aside the question of the President's general authority under the Constitution to deploy troops abroad, we consider that the President certainly has the constitutional authority to take all reasonable efforts to protect the troops once they have been committed and to bring about their withdrawal under circumstances that contribute to a durable peace.

The Senator makes the point, as I understand it—and I wish to evidence my concurrence with the Senator—that we are not giving the President, in our judgment, all that latitude, that he bring about the withdrawal "under circumstances that contribute to a durable peace." We use the word "disengagement" in order to demonstrate that we actually expect them to be disengaged. It is only the tactical situation relating to disengagement which we will countenance as an element of delay in the 30-day period, not any other policy objectives such as achieving "a durable peace."

Mr. EAGLETON. The Senator is correct. Using the word "disengagement," we felt it connoted a quantitative and finite limit, that it would not be perpetual or limitless.

Mr. JAVITS. That was different from the word "withdrawal" which the administration uses and the word "withdrawal" which the President has used with reference to Vietnam.

Mr. EAGLETON. The Senator is correct.

Mr. JAVITS. I thank the Senator.

Mr. COOPER. Mr. President, I support the amendment interpreted by the Senator from Virginia (Mr. SPONG), and the Senator from New York (Mr. JAVITS), and Senator EAGLETON. I believe that the Senators from Virginia, Missouri, and New York have interpreted it well. Sitting through the hearings on this very important bill, I came to the conclusion that I would support it.

One section troubled me, however. In my separate views as to section 5, I raised the question of whether, when the President was exercising his constitutional authority, Congress could require him to suspend hostilities. I do not think so. The Senator from Virginia recalls my questions about section 5, does he not?

Mr. SPONG. Yes, I do.

Mr. COOPER. Section 3, subparagraph 1 and subparagraph 2, describes the situation in which the sponsors believe, and I believe our committee would agree, that the President has the constitutional authority to engage in hostilities.

Mr. SPONG. That is correct.

Mr. COOPER. I said a few days ago on this floor, during the debate, that if the same circumstances were present on the 30th day that prevailed on the first day, the President would have the same constitutional authority to continue to engage our forces in hostilities. Would the Senator not agree?

Mr. SPONG. I quite agree with the distinguished Senator from Kentucky. I know what his concern has been all along. As a matter of fact, it harkens back to the debate on the Cooper-Church amendment on Cambodia about certain limitations that could be placed on time and distance. I agree that the very fact of time, 30 days, cannot render something unconstitutional that would be constitutional if the same elements are present.

Mr. COOPER. This amendment provides that if at the end of the 30 days or prior, the President reported to the Congress that circumstances were such that the safety of our forces was still imminent, then he would be relieved of the responsibility to suspend hostilities, at the end of the 30 days.

Mr. SPONG. That is true. Under the bill as reported from the committee, the one specific exception to the 30-day authorization period—that is, beyond the constitutional argument that the Senator from Kentucky has presented—was that there be specific legislation which authorized the period to be extended. This amendment adds two things to that. It details what I had already understood concerning the President's Constitutional authority to protect U.S. troops but it also gives a mechanism, under which the President certifies to Congress that there is unavoidable military necessity for continuation of hostilities beyond 30 days. This merely says that by certifying the necessity to Congress, the 30-day au-

thorization period is extended or, it is extended if Congress is physically unable to act. We would, however, expect that extention to be a reasonable one.

Mr. COOPER. Even though the amendment would now relieve the President of suspending hostilities 30 days, under the circumstances which the Senator describes, nevertheless, by using the word "disengagement" it is intended that the President in any period of time after 30 days would not misuse the authority, and that military action taken after 30 days would be directed towards disengagement of our forces; is that not correct?

Mr. SPONG. That is correct. In other words, he would proceed with the disengagement. The only way he could act to expand what he is doing is to have additional authorization from Congress.

Mr. COOPER. I must say that I am pleased with what the sponsors of the bill have done. It corrects, in my view, a constitutionally doubtful part of the bill. We have listened to the interpretations of the Senators from Virginia, Missouri, and New York on this point, and I am satisfied with the suspension of the 30-day period.

Let me ask one more question. If our country should be engaged in a war with countries and our national security is not threatened and our forces are not threatened, unless we deploy them in foreign countries where they are in danger, I would say that our duty is to disengage as quickly as is possible from hostilities. We have argued this through amendments during the past 2 or 3 years, in an effort to disengage in Vietnam and Southeast Asia.

This amendment may not meet another possible situation which I hope will never occur, that all of us hope will never occur. If the United States should become involved in a war with a nation which has the capacity to destroy us—and there are just a few, the Soviet Union in particular—in a nuclear exchange, as we could destroy them, would this amendment insist upon a disengagement when the very life and security of the Nation would be at stake. Would this prevent in any way the President of the United States continuing whatever whatever steps are necessary to defend this country where disengagement might not be the immediate answer.

Mr. SPONG. I do not think it would under the bill as reported. I do not believe that is the case under the bill if amended.

Mr. COOPER. I do not believe so either. I thank the Senator, and I thank the Senator from New York.

Mr. JAVITS. Mr. President, I thank both of my friends for the elucidation. I wish to state that I associate myself with the successive explanations which have been made to the first two of the package of three amendments.

The third amendment reads as follows:

On page 13, line 8, after the period, insert the following: "Nothing in section 3(4) of this Act shall be construed to require any further specific statutory authorization to permit members of the Armed Forces of the United States to participate jointly with members of the Armed Forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this Act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date."

Mr. JAVITS. I come now to the third amendment. This will be found at page 13, line 8, at the very end of the bill.

Our desire here, Mr. President, is to insert the following:

On page 13, line 8, after the period, insert the following: "Nothing in section 3(4) of this Act shall be construed to require any further specific statutory authorization to permit members of the Armed Forces of the United States to participate jointly with members of the Armed Forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this Act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date."

Mr. President, we had hoped that the Senator from Mississippi (Mr. STENNIS) would be on the floor and be able to explain this amendment. However, he is not present. So, I shall endeavor to explain it.

Mr. President, I want to discuss briefly the amendment which deals with the headquarters operations of existing commands which we share with some of our allies. I should explain that this perfecting amendment is introduced with the understanding in mind that there are three of these: NATO, the United Nations Command in Korea, and the North American Air Defense Command—involving Canadian and U.S. forces. In these three cases American commanders do not at the present time have actual complete command over allied forces, but they do have, under existing arrangements, "operational control" over some of these forces. This control increases in times of crises and approaches full-scale command. There is no intention that the bill interfere with these integrated command relationships and I do not believe that it does. Some Senators have expressed concern, however, that these existing command relationships might be affected by the provision in section 3(4) of the bill which pertains to the assignment of U.S. advisers to command foreign regular or irregular troops. Advanced statutory authorization is required by the bill for the assignment of such advisers.

The concern has been expressed that we should not have to await statutory action, for example during a crisis in NATO, for the American NATO commanders to assume their added responsibilities under existing arrangements.

The amendment before us clarifies this point and it simply excepts these existing command arrangements from the requirement for prior statutory authorization in a crisis. I want to point out, Mr. President, that this provision is very narrowly drafted. It does not except any use of actual combat forces. It does not except any command arrangements which are included only in contingency plans, and it refers solely to the use of members of the Armed Forces in the "headquarters operations of high-level military commands which were established prior to the date of enactment of this act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date." I should perhaps add, Mr. President, that members of U.S. Armed Forces work from time to time in planning groups or joint exercises with members of other armed forces. The bill does not affect such activities and thus it is not necessary explicitly to deal with them.

Finally, Mr. President, I want to point out that the Congress could terminate the involvement of these members of the Armed Forces from such commands at any time, so there is ample protection against opening up a loophole in the bill both by the wording of the amendment and by the existence of this termination power. We would all assume, however, that the executive branch would operate in good faith on important matters such as this. The intent and thrust of the exception is clear and I believe the amendment provides on important, but limited, clarification to the bill.

In point of fact, Mr. President, this perfecting amendment does not contain any further authorization beyond what is intended originally in the bill—and beyond what I believe the bill actually does permit. Nonetheless, as there has been some concern expressed on this point. The sponsors wish to offer this perfecting amendment to make the matter clear beyond dispute.

In closing, I wish to emphasize that it is our understanding that their amendments will be accepted in all good faith, and that it does not open the gates for subsequent establishment of additional integrated commands at any time between the time of their amendment and final enactment of the bill. In summary, we are talking about three existing commands: NATO, North American Air Defense Command—NORAD—and the United Nations Command in Korea.

Mr. President, there is one last point that I wish to emphasize. It will be noted, if Members will follow me and look at the sentence in section 3, paragraph 4, which starts on page 9, line 14, that this sentence ends with the assignment of members of the Armed Forces of the United States in respect to the military forces of another foreign country.

It is our intention that the U.S. Government could in the event it is an element in the exercise of the authorities contained in section 3(1) and 3(2), work with the armed forces of other countries in many ways.

In other words, we are not confined with respect to actions under 3(1) and 3(2), but we could be working within the operations of the armed forces of the foreign countries. This is also a part of that kind of response which could be encompassed in 3(1) and 3(2), after they have been invoked on some other basis. Of course, the assignment of commanders or advisers to foreign forces could not be used as a pretext for invoking 3(1) or 3(2) if such personnel got caught under fire.

That completes a statement of the purpose of the legislation with respect to this entire matter of participation in

high level commands of the activities of members of the Armed Forces in respect to the armed forces of other countries.

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

Mr. JAVITS. Mr. President, I yield to the Senator from Missouri.

Mr. EAGLETON. Mr. President, I too, would like to add a few brief words in explanation on the third amendment in the package introduced by Senators JAVITS, SPONG, STENNIS, and myself.

Mr. President, I feel it should be made clear that this third amendment does not in any way imply a forfeiture of the constitutional obligation of Congress to be involved at the outset in the decision to go to war. It merely permits and gives legal sanction to a procedure which has been followed in the past. That is that American officers be permitted to participate in the joint commands of NATO and other defense structures previously established by treaty.

Mr. President, no treaty—not even the NATO treaty—is self-executing. Implementation of treaty provisions must be accomplished in accordance with the constitutional processes. Our Constitution states that the full Congress must participate in the decision to go to war and not just the Senate. A treaty, of course, is acted upon only by the Senate and not the House. For this reason, the language in section 3 subsection (4) of this act states that—

> Authority to introduce the Armed Forces of the United States in hostilities . . . shall not be inferred from any treaty hereafter ratified . . . no treaty in force at the time of the enactment of this Act.

I believe that this third amendment has clearly interpreted the words "to participate jointly" as having a limited scope. This language would in no way cause the NATO Treaty or any other treaty to which the United States is a signatory to be self-executing.

Mr. JAVITS. The Senator is correct. I am glad to confirm his explanation of the amendment which we have proposed.

Mr. GOLDWATER. Mr. President, will the Senator from New York yield.

Mr. JAVITS. I yield.

Mr. GOLDWATER. I should like to say, in reference to the few questions I have, that I think it is rather strange that after months and months of hearings—and I attended some of them—we now find the sponsors of the bill admitting that there are weaknesses in the bill or that some facts have been overlooked. This indicates to me that if we are unsuccessful in referring the bill to the Committee on the Judiciary for further hearings, we should either take the Taft amendment, which would establish a Commission to study the subject, or debate the bill at greater length. I do not suggest a filibuster; I merely suggest that we have a chance to work out the additional inequities. Although we have these amendments, they are small changes compared with the enormous problems which arise in the bill.

Again, I do not think any of us especially want to limit ourselves if there is one provision in the bill that could be construed as unconstitutional.

I should like to ask the Senator from New York about the amendment on page 8, line 11, which reads:

> Any situation on the high seas involving a direct and imminent threat to the lives of such citizens and nationals, or . . .

What about situations that arise in aircraft?

Mr. JAVITS. Mr. President, I would say those are situations which would be covered. I call to the Senator's attention we did not believe this was essential. We believed the bill encompassed protection with respect to the high seas for the reasons I stated. But the question has been raised and we spelled it out in words. We saw no harm in that.

Mr. GOLDWATER. Would the Senator include the word "aircraft"? I think the recent occurrence where the son of a former Member of this body, young Mr. Kennedy, had his life endangered by a hijacking into a foreign country would be relevant. I would not say that would bring on an engagement of any sort but let us say an airplane was hijacked containing a high ranking delegation of U.S. Government officials. I do not think the language here would cover them because I do not think any court would hold the high seas has any relation to the blue skies because the same laws do not apply. If the Senator feels it does cover it, would he add language to include aircraft?

Mr. JAVITS. I arrived at an agreement with our cosponsors on the use of the term "high seas." I assure the Senator we will study further, and if we feel, again for the same reason, that we should include a reference to what the lawyers call the boilerplate respecting the air, I do not see any great objection to including it. I do not wish to undertake a commitment for it, but we will look at it.

Mr. GOLDWATER. I hope the Senator will. I am not speaking of military aircraft. I am speaking of private aircraft, of commercial aircraft engaged in round-the-world flight or intercountry flight that is hijacked.

I remember the Arabs or the Egyptians destroyed a 747. The very destruction of American property does not necessarily mean we would go to war; but let us say the destruction of this private property also involved the destruction or harm to American citizens under which, I might say, the high seas would certainly apply if they were attacked and harmed on the high seas.

I hope the Senator would do that because we will probably offer an amendment on that in the debate.

I think it is important in this same amendment to question the situations in international straits or where U.S. naval vessels are engaged in innocent passage in the territorial sea.

I refer to page 471 of the hearings. John Moore was testifying. He said:

> In the absence of a prior declaration of war S. 731 would prohibit, among others, the following kinds of Presidential initiatives: humanitarian intervention similar to the joint United States-Belgian operation in the Congo if the intervention were not for the protection of U.S. nationals—

And this is the important point with respect to this amendment—

> an attack on U.S. naval vessels in transit in international straits or engaged in innocent passage in the territorial sea . . .

As I understand it, there is a distinct difference between territorial or international sea and a strait which is the property of a particular country.

Mr. JAVITS. Mr. President, in answer to that I would say we consider Professor Moore is wrong on that because section 3, paragraph 2 states specifically, "to repel an armed attack against an armed force located outside the United States." That does not seek to base jurisdiction on the definition of where it is; it bases it negatively. If it is outside the United States the response can be immediate. So in straits, territorial waters, or anything else, the American ship would be outside the United States. So I state the response would be immediate under section 3, paragraph 2.

Mr. GOLDWATER. Again, I would not disagree with John Moore too often. He is an outstanding internatioal lawyer. I remind my friend there is a distinct difference in the waterways of the world. Where one is on the ocean has a great deal to do with what can and cannot be done. I am thinking not of a U.S. naval vessel but a pleasure ship or freighter, or any other kind of vessel flying our flag that is involved in problems in an international strait where the countries adjacent to the strait, or in the case of a strait going through a country, would have rights, there being no 3-, 12-, 200-mile limit within those waters.

I think it would be much better if the Senator were to spell this out a little more accurately, because I do not think the language the Senator has there is sufficient to do even what the Senator is trying to do.

Mr. JAVITS. Mr. President, in response may I say the sponsors of the amendment believe that that situation is very adequately covered. We cannot have it both ways. In other words, if they are international waters, then the high seas amendment which we are now proposing certainly covers it in so many words. If they are claimed to be territorial waters or straits within the confines of a particular foreign country, then they are provided for by the rest of paragraph (3) of section 3, which deal with such countries. If it is a U.S. ship, then it is U.S. soil. If it is an element of the armed force, to wit, a naval ship, then we have the power under section 3(2).

I just said a minute ago that we do not condition these powers upon where our forces are, where our ships may be. So long as any element of our forces is outside the United States, whether in international waters or in a strait or in the territorial waters of another country, we believe—we really have no doubts about this—that it would be covered by the various paragraphs to which I have referred. So we think that the network is complete respecting this coverage.

Mr. GOLDWATER. The language "high seas," as I understand it, was in the original bill, S. 731, and it was that to which Mr. John Moore objected, and it was eliminated from the bill which

reached the floor under a different designation.

I am not going to press this point, but I have had some experience on the seas, and there is a great difference between international waters and national waters. We are running into this problem with respect to Peru and Venezuela. They claim rights out to 200 miles, and there is a question of protecting our own tuna fleets. They interpret their rights as extending to 200 miles while we more or less confine our rights to 3 miles to 25 miles.

So I disagree completely with the Senator that "high seas" is going to cover this situation. Again, I think it points up one of the many weaknesses in the bill that can only lead to more trouble in the end.

Second, the language is suggested to strike out "the continued use thereof," on page 11, line 8, and insert "(1) the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of the Armed Forces of the United States," and so forth.

Is not that language a little ambiguous? I do not think it is necessary. What is "unavoidable military necessity"?

Mr. JAVITS. Mr. President, with the consent of the Senator from Arizona, I would appreciate it if my colleague from Virginia (Mr. SPONG), who has handled this particular matter, would respond. However, I am thoroughly with it. I am not asking him to do it because I do not know the answer, but as long as he dealt with it, I would ask him to reply.

Mr. SPONG. Mr. President, yes, I shall be glad to respond to the Senator from Arizona.

I think we should go back to the colloquy between the Senator from Kentucky and myself on this particular subject. What is involved here is similar to the reservoir situation in Korea. Where it is not possible at the end of the 30-day period to totally disengage the troops—and when the Congress has not acted affirmatively—then the President merely certifies the necessity to continue to the Congress. Again, however, I emphasize that the President would be expected to act in good faith.

I do not know that the words in the amendment are so ambiguous. We certainly know what "unavoidable" means. I suppose the Senator from Arizona would be more of an authority on military necessity than I am, but the fact is that if the President finds that Congress has not acted affirmatively, that there is no specific authorization for him to continue, and that the 30 days have ended, the position of the proponents of the legislation is that the Constitution would not allow us to cut off his duties as Commander in Chief, so long as he was acting to protect U.S. troops or pursuant to situations which could be construed as coming under section 3 of the bill.

In the debate that we have had, the proponents of this legislation have maintained from the beginning that we do not seek to cut off any constitutional powers of the President as Commander in Chief.

Through the use of this certification, if pursuant to sections 3(1) and 3(2), and in acting to forestall an imminent attack or to repel an attack, there is a military situation where more time is necessary to bring about prompt disengagement, we merely affirm, through this provision, that he has that constitutional authority. He merely needs to certify to Congress that the situation is such as described in the amendment.

I cannot define "unavoidable military necessity" any better than can the Senator from Arizona. The sponsors of this legislation do not want to see the lives of Americans, soldiers, and sailors, who have been used pursuant to section 3(1) or 3(2) imperiled because 30 days have passed. We feel that the President has the authority to continue, under certain circumstances, but he has to certify the existence of those circumstances to Congress.

Mr. GOLDWATER. First let me state one of the worries I have about this matter, and then I shall make a suggestion. We have heard long debates on the floor of this body insisting that we reduce our strength in NATO, for example; that we reduce our strengths in other places of the world.

I can see the possibility of the charge being made that the President could have avoided "unavoidable military necessity" had he listened to the Congress and brought the troops home. But the point is, I can see eliminating the language "unavoidable military necessity" because, as the Senator has suggested, it is a rather difficult point to define, and merely substitute, in the next few words, "the safety of the United States or of the Armed Forces of the United States engaged pursuant" et cetera, et cetera.

Would the Senator be inclined to accept that language in place of "unavoidable military necessity"? I think then we would be more in consonance with the Constitution and I think the desires of the writers of this legislation to continue the protection of the United States without any question.

Mr. SPONG. The Senator from Virginia can only speak as one of the sponsors. I have always felt that the President has the right and the duty to protect American soldiers and sailors in the field. I think the debate on the Cooper-Church amendment covered that very thoroughly.

What we are seeking here, and what I would like the Senator from Arizona to understand, is that this certification comes after the President has initiated some action himself under his constitutional authority, and after the Congress has already acted—either negatively or affirmatively—on the matter.

We will have to assume that the situation is conventional. The President initiates the activity. He reports this to Congress. Hopefully Congress would either act affirmatively or choose not to act. If Congress chooses not to act, they are saying by inaction—or they might even do it by affirmative action—that they do not approve of what the President did.

We have to go back in history a little, but the Senator will recall that in this debate we had the example of the President going into Mexico, and then there occurred the debate in which I think former President John Quincy Adams engaged, and later President Lincoln, and they both stated as Members of Congress that what had been done should not have been done.

This bill would also allow the Congress to act during the 30-day period. But if 30 days passes, and the troops are in danger—the very language the Senator has suggested—in my judgment, falls within "unavoidable military necessity." That is my opinion.

Mr. GOLDWATER. I thank the Senator from Virginia. I am still a little worried about it, but we can talk about it as we go along.

The third amendment that was offered and just explained by the Senator from New York leaves only one question in my mind, and I believe it has been answered. This has to do with page 13, line 8, where the amendment would insert the following language:

> Nothing in section 3(4) of this Act shall be construed to require any further specific statutory authorization to permit members of the Armed Forces of the United States to participate jointly with members of the Armed Forces of one or more foreign countries in the headquarters operations of high-level military commands.

I think the Senator from New York explained that very clearly, and I believe he is thinking of headquarters like the Air Defense Command, which combines American and Canadian forces, Korea, NATO, and I presume to some extent Southeast Asia.

I am thinking of headquarters operations of high level military commands. I cannot make this statement with any substantiation other than I made it during my campaign 8 years ago, and I was roundly taken to task, and later several national magazines admitted I was right: There is an agreement, tacit though it may be, that in case of an attack on the NATO countries by nuclear weapons, not specifying size—I am thinking of small tactical nuclear weapons—our commanders in headquarters operations would have the authority to retaliate without the authorization of the President. I am not speaking of ICBM's or intermediate IRBM's; I am speaking of small tactical weapons. Would this have any effect upon such an understanding?

Mr. JAVITS. Mr. President, I do not know whether any such understanding exists, or whether it is lawful if it does exist, or whether the President has authorized any such thing. I only know that the control of all nuclear weapons is in the hands of the President, and I can say flatly there is nothing in this bill which prevents the President from using any weapon of the United States which he feels he must use in order to perform the functions which we have confirmed to him by this bill.

That is a generic answer; it is the best I can do.

Mr. GOLDWATER. I am glad that the Senator cleared that up. I think it was rather clear before I asked the question,

but this has been discussed in times past. I personally feel that such an agreement is in existence, but I cannot prove it any more than the Senator can prove there is not one.

Those are all the questions I have. I just hope that in the course of debate on this matter, if we are unsuccessful in returning it to the Committee on the Judiciary, we can expect to see some amendments to clear up some very questionable areas in the bill. I am not being critical of the author of the bill or any of the cosponsors. I understand their purpose. I would like to see the same thing achieved. I just happen to feel that we are tying the hands of the President and we are tying the hands of the Congress. In fact, we are going to make it very difficult for this country to continue to be a respected power in this world.

I know there are some amendments I might offer; I do not know whether I shall offer any. I am glad that some amendments have been offered. But I think we should go a long, long time, and offer amendments to get this bill into some kind of shape. It is refreshing to note that the authors recognize, after just 2 days of debate, that there are several very important areas that need amendment.

Mr. JAVITS. Mr. President, I thank the Senator. That is what debate is about. In fact, the quality of debate is enhanced by the fact that we were listening, and did hope to profit collectively. I think the Senator knows my record. If we think he has proposed something that is useful to the purpose of the measure, its sponsors will embrace it, even though we know the man who proposed it is not going to vote for the bill anyhow.

Finally, Mr. President, we have only expressed in words what was very clearly implied and expressed in another form of words by this measure. Just as an example, I might say to the Senator, in dealing with the evacuation of Americans from aircraft, we cannot evacuate them while they are in the air. The plane would have to settle somewhere, on the high seas or on other land, and then the bill is certainly clear on that score.

We have not had any illustrations that we will eliminate all policy questions. We narrow the scope of the problem; but suppose the President certifies there is an imminent threat, which would come under this bill, and goes ahead and launches a tremendous operation. We do not agree with him within the 30-day period. The only way we can say we do not agree with him is by not giving him authority to continue.

We have no illusions, as sponsors, that we are locking everything up and there is no longer any ground for controversy or confrontation. We say we are establishing better methodology. The Senator may disagree as to either the desirability of the methodology or the type of methodology we have established, but we have put it forward without any illusions or any effort to build it up as more than it is.

Mr. GOLDWATER. Mr. President, something the Senator just said raises a question in my mind that I believe must be answered somewhere in the bill.

If the President's action is not answered within 30 days, is this considered essentially a pocket veto, an outright veto, or is it permission for the President to continue with the action?

Mr. JAVITS. The question is answered in the bill. We say specifically, in section 5—I would like to read that:

> The use of the Armed Forces of the United States in hostilities, or in any situation where imminent involvement in hostilities is clearly indicated by the circumstances, under any of the conditions described in section 3 of this Act shall not be sustained beyond thirty days from the date of the introduction of such Armed Forces—

And so on.

The words "shall not be sustained beyond 30 days" have now been amplified to include the contingencies to which the Senator addressed himself with his colloquy with Senator SPONG.

The Senator used a word which is not in here—"pocket veto" or "veto"—but the President then has no authority from Congress under this law to proceed. The President conceivably could defy Congress.

Mr. GOLDWATER. That has happened before.

Mr. JAVITS. Of course.

Mr. GOLDWATER. I recall that at the outset of World War II—I do not recall the date or the year—Congress said that no draftees would be sent outside the limits of the Western World, or something like that. So President Roosevelt made Iceland a part of our part of the world and sent troops there. There are many ways by which to skin that cat, I suppose.

I thank the Senator for his explanations. I do not want to hold up the proceedings any longer at this time.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER. Is further time requested? No further time is requested.

The question is on agreeing to the amendments. By unanimous consent, the amendments will be voted on en bloc. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Georgia (Mr. TALMADGE), are necessarily absent.

I also announce that the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS) are absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Washington (Mr. MAGNUSON), the Senator from Georgia (Mr. GAMBRELL), the Senator from North Carolina (Mr. ERVIN), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from Nebraska (Mr. HRUSKA), the Senator from Idaho (Mr. JORDAN), the Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE), the Senator from South Carolina (Mr. THURMOND), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

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.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), the Senator from South Carolina (Mr. THURMOND) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 59, nays 0, as follows:

[No. 132 Leg.]

YEAS—59

Aiken	Curtis	Nelson
Allen	Dole	Packwood
Allott	Dominick	Pearson
Baker	Eagleton	Pell
Beall	Ellender	Percy
Bellmon	Fannin	Proxmire
Bentsen	Gravel	Randolph
Bible	Griffin	Schweiker
Boggs	Hansen	Scott
Brock	Hart	Smith
Buckley	Hughes	Spong
Burdick	Inouye	Stennis
Byrd, Harry F., Jr.	Jackson	Stevens
Byrd, Robert C.	Javits	Stevenson
Case	Jordan, N.C.	Symington
Chiles	Kennedy	Taft
Cooper	Long	Tower
Cotton	Mansfield	Tunney
Cranston	Miller	Weicker
	Montoya	Williams

NAYS—0

NOT VOTING—41

Anderson	Harris	Mondale
Bayh	Hartke	Moss
Bennett	Hatfield	Mundt
Brooke	Hollings	Muskie
Cannon	Hruska	Pastore
Church	Humphrey	Ribicoff
Cook	Jordan, Idaho	Roth
Eastland	Magnuson	Saxbe
Ervin	Mathias	Sparkman
Fong	McClellan	Stafford
Fulbright	McGee	Talmadge
Gambrell	McGovern	Thurmond
Goldwater	McIntyre	Young
Gurney	Metcalf	

So Mr. JAVITS' amendments were agreed to.

Mr. JAVITS. Mr. President, I move that the vote by which the amendments were agreed to be reconsidered.

Mr. SPONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, there will be no additional votes this afternoon.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. 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. Without objection, it is so ordered.

ORDERS FOR RECOGNITION OF SENATOR BEALL, 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, after the two leaders have been recognized under the standing order, the distinguished Senator from Maryland (Mr. BEALL) be recognized for not to exceed 15 minutes; and that thereafter 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.

ORDER FOR RECOGNITION OF SENATOR BROCK ON WEDNESDAY, APRIL 12, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Wednesday next, April 12, 1972, immediately after the two leaders have been recognized under the standing order, the distinguished Senator from Tennessee (Mr. BROCK) be recognized for not to exceed 15 minutes.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, before moving to adjourn for the day.

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.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will reconvene at 11 o'clock tomorrow morning. After the two leaders have been recognized under the standing order, the distinguished junior Senator from Maryland (Mr. BEALL) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, 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 be resumed.

The leadership hopes and expects that amendments will be called up and voted on tomorrow. Consequently, there is a good possibility that rollcall votes will occur on tomorrow.

ADJOURNMENT TO 11 A.M.

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 tomorrow morning.

The motion was agreed to; and at 6:10 p.m., the Senate adjourned until tomorrow, Thursday, April 6, 1972, at 11 a.m.

EXTENSIONS OF REMARKS

FEDERAL EFFORTS TO DEVELOP AND DEMONSTRATE NEW AND ENVIRONMENTALLY ACCEPTABLE MEANS FOR ELECTRIC POWER GENERATION, USING COAL, SEEM TO BE INADEQUATE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 5, 1972

Mr. RANDOLPH. Mr. President, I shall discuss the problems associated with the environmentally acceptable generation of electricity from such fossil fuels as coal and oil.

As my colleagues realize, supplies of fossil fuels must grow if our Nation's projected energy requirements are to be met in the future.

My responsibilities as a Senator from a major coal-producing State compel me to devote extensive and priority consideration to the problems surrounding this industry, which employs more than 40,000 people in West Virginia. It is an industry on the viability of which rests in large degree the future of our energy-dependent economy.

Yet, our coal future, our economic future and our Nation's future are critically endangered by the ad hoc nature of national energy policy and the lack of a comprehensive national fuels and energy policy for the environmentally acceptable development and utilization of energy resources.

THE ENERGY CRISIS

Mr. President, I do not overstate the critical nature of this Nation's energy future when I say that we face today and will face tomorrow, and many more tomorrows, a possible acute shortage of environmentally desirable fuels to satisfy the needs of America's industries, business establishments, and homes.

On July 16, 1970, I introduced legislation to establish a National Commission on Fuels and Energy. Had this Commission not been opposed by the administration, but instead established, the pending energy crisis of which I speak might well have been mitigated. The study it would have carried out, however, is being conducted in-house by the Senate Committee on Interior and Insular Affairs under Senate Resolution 45 which I introduced with the Interior Committee chairman, Mr. JACKSON of Washington, as principal cosponsor. My words of almost 2 years ago are valid today:

> The crisis of which I shall speak today is a real and genuine one. It is not synthetic. It is not one that has been created. It has developed with the growth of our complex society. It is a crisis that faces approximately 205 million men, women, and children in the United States.

For several decades there have been massive Federal expenditures on nuclear energy research to develop long-term electrical energy supplies. The short term—the 1970's and 1980's—was neglected with respect to energy from nonnuclear sources. The breeder reactor holds promise as a key to providing our energy supplies in the 21st century, but, it is at least 15 years from commercial operation and 20 years from any wide-scale application as an electrical energy supply source. Electricity amounts to less than 10 percent of our national energy demands and these requirements are and will remain until the next century overwhelmingly dependent on fossil fuels, including coal.

During the interim period, until the year 2000, however, this Nation's indigenous, nonrenewable oil reserves may be sufficiently depleted so that their use for nonenergy petrochemical purposes such as synthetic fabrics may be restricted. In addition, nonrenewable natural gas reserves, if not depleted before the year 2000, most likely will be restricted to priority uses. The critical period is from 1976 to 1990 when alternative and reliable supplies of fossil fuels, which satisfy environmental control requirements, must be developed.

There are several joint Government-industry efforts underway to develop commercial processes for the conversion

of coal into liquid and gaseous fuels. When they are subjected to vigorous analysis, however, it appears that these efforts are inadequate from two standpoints:

First, the technologies most likely will not be available when the gap between supply and demand occurs in the middle or late 1970's; and

Second, the amounts of synthetic fuels commercially available most likely will not be sufficient to satisfy an ever-widening gap between environmentally acceptable energy supplies and demands.

If coal liquefaction and gasification and other advanced technologic options are to contribute significantly to easing the energy crisis, increased Federal funding is needed immediately. Until recently the potential and the need for the development of these technologies has been largely ignored.

These technologic alternatives, which rely on our abundant reserves of coal and oil shale, must be pursured more vigorously. The only alternative is an ever-increasing reliance on imports of residual and crude oil. Besides the obvious short-term implications for national security and balance of payments, there also is the catastropic possibility between now and the year 2000 that international supplies of oil and gas cannot meet international demands.

The most likely reasons for this situation are inadequate transportation capacity and environmental factors, as well as political factors.

Our Nation and, indeed, the world are embarked on a gigantic gamble in attempting to maintain reliable and abundant sources of crude oil, natural gas, and coal and, hopefully, some substitute source of immense amounts of energy—the breeder reactor, fuel cells, or solar power—to replace nonrenewable fossil fuels when they are depleted. Should available energy supplies falter or be depleted, the American people and, perhaps, large portions of the earth may experience catastrophe.

Superimposed on this picture of our energy future is a real concern for the potential side effects of satisfying the energy requirements which must accompany the projected growth in our economy. An "environmental ethic" has developed as a response to the realization that we are faced with an environmental and potential human health crisis of our own making. The problem is of sufficient concern that it is the subject of a June 1972 United Nations Conference on Man and the Human Environment in Stockholm, Sweden.

ENVIRONMENTAL IMPLICATIONS

Growing energy consumption potentially includes increased discharges of waste heat into the environment; increased emissions of particulates, sulfur oxides, and nitrogen oxides from fossil fuel usage; and increased radioactive wastes from nuclear powerplants with their associated disposal problems.

Every present electric powerplant still may be in use 20 to 30 years from now with its associated environmental impact. If we are to be successful in resolving the dilemma between energy growth and preservation of environmental quality, the means must be developed for assuring the availability of clean fossil fuels.

The foresight of former Federal Power Commissioner Carl E. Bagge, in a speech before the American Power Conference in 1970, deserves repeating:

> The problem posed by the necessity to rely on fossil fuel generation as the backbone of the industry for many years to come is compounded by the fact that low sulfur fossil fuels are simply not presently available in sufficient quantities to clear the air pollution hurdle which now has been imposed upon the industry. Natural gas, the cleanest fossil fuel, accounts for one-quarter of all electric generation by steam plants and for one-sixth of the gas consumed in this country. It appears unlikely, however, that domestic gas supplies will be able to substantially alleviate the problem. While imported LNG (liquefied natural gas) and residual fuel oil hold out some promise, neither do their prospects appear sufficient to resolve the problem.

Although spoken in 1970, Mr. Bagge's words constitute an important warning today.

The time has come for our society to act to assure ample environmentally acceptable energy supplies while averting future energy crises. A comprehensive national energy policy is needed which would enable us to restore that balance between man's activities and nature. Perhaps the most critical factor in re-establishing this equilibrium is man's determination to create an environment based not on economic considerations alone but based, too, on his total physical, psychological, and spiritual needs.

CONGRESSIONAL MANDATE

When the Air Quality Act was enacted in 1967, the Congress considered the potential health and environmental implications of projected energy demands. In 1970, this was affirmed by the Congress when a national policy was enunciated that the protection of the health of the citizens of the United States must be assured, regardless of economic cost.

The 1967 act also included an amendment which this Senator authored and offered calling for the development and demonstration of new and improved methods for the prevention and control of air pollution resulting from the combustion of fuels. This authority was reinforced by the Congress in the Clean Air Amendments of 1970 which specifically authorized the Environmental Protection Agency to undertake research and development in the area of "improving the efficiency of fuels combustion so as to decrease atmospheric emissions; and producing synthetic or new fuels which, when used, result in decreasing atmospheric emissions."

The 1970 amendments also provided authority for EPA to establish performance standards for new stationary sources which reflect the best available technology and methods for controlling atmospheric emissions of such pollutants as sulfur oxides. Under this authority Administrator Ruckelshaus in 1971 promulgated new source performance standards for steam electric powerplants which cover emissions of particulates, sulfur oxides, and nitrogen oxides. Emissions from existing steam electric powerplants also are being controlled by federally approved State plants which must provide, at a minimum, the protection of public health.

From information supplied by the Environmental Protection Agency, the following observations can be made concerning these actions:

Forty percent of the U.S. population is living under conditions where sulfur oxide levels are unacceptable from the standpoint of health;

Achievement of the primary or health standard in these areas will require control of both existing and new sources to a level equivalent to one-tenth percent sulfur coal or 2.4 pounds of sulfur per ton of coal; and

New Source Performance Standards for steam electric generating sources located in other areas and using fossil fuels will require the use of seven-tenths percent sulfur coal or 14.4 pounds of sulfur per ton of coal.

The public has expressed a desire to deal directly with the environmental costs of energy production. Therefore, utilities are being asked to take the necessary control measures to protect and enhance the quality of the human environment. The resultant expenditures are estimated to involve large sums of money for air pollution control, for cooling towers to dissipate waste heat, and for newer powerplants and transmission lines which are compatible with surrounding landscapes. These expenditures undoubtedly will be reflected in electric utility rate structures. The critical factor, however, is the availability of environmentally acceptable fuels, coal and oil in particular.

AVAILABLE EASTERN COAL SUPPLIES

As mentioned, air pollution control regulations already enacted, and others pending, will eliminate the use of coal containing more than seven-tenths percent sulfur unless adequate means can be provided at the point of use for providing environmentally acceptable emissions. The immediate effect of implementation of these standards on the use of eastern coal for electric power generation was estimated by the Environmental Protection Agency to have the following implications:

Only about 18 percent—70 million tons—of the steam coal supplied in 1975 from the Appalachian and interior regions to large eastern steam generating capacity can be expected to meet environmental standards;

In 1975, there essentially will be no new supplies of interior region steam coal available which will meet the new source performance standard for sulfur oxides;

In 1975, there will not be any practical potential for increasing the rate of production of steam coal in the "as mined condition" from the Appalachian region to meet the new source performance standard.

Coal cleaning is possible by mechanical or chemical means; however, it is anticipated that it will be 1985 before this technology could potentially permit all

Appalachian and interior steam coal to meet the new source performance standard.

These sources of supplies, however, constitute more than 90 percent of the current total coal-fired electric utility capacity of the United States and 70 percent of the projected total 1975 U.S. steam coal consumption.

ALTERNATIVE FOSSIL FULL SUPPLIES

Several fossil fuel sources are available as alternatives to eastern coal. These include western region coal, residual oil, and natural gas. There are also emission control technologies such as fuel cleaning and flue or stack gas cleaning. I ask unanimous consent to have printed at this point in the RECORD EPA's analysis of these alternatives.

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

EFFECT OF STANDARDS FOR STATIONARY COAL FIRED POWER GENERATING SOURCES ON THE USE OF EASTERN COAL

The New Source Performance Standard for solid fuel (coal) will limit the use of Appalachian and Eastern Interior steam coals unless additional SO_x emission control technology is applied. Realizing this potential effect, the Office of Research and Monitoring has supported study efforts designed to quantify the supply/demand relationship for steam coal in the eastern United States after application of the New Source Performance Standard in 1975. The results of these efforts are summarized in the following paragraphs.

The estimated 1975 coal demand of eastern steam generating capacity to which the New Source Performance Standard directly or indirectly applies; i.e. units greater than 250 x 10^6 BTU/hr. (about 25 MWe) is 400 million tons. This includes both new and modified capacity coming on stream in 1975 and existing capacity to be controlled by the states to levels equivalent to the New Source Performance Standard. This constitutes more than 90% of the total coal-fired electric utility capacity of the United States and 70% of the projected total 1975 United States steam coal consumption. As shown in Table II, only about 18% (70 million tons) of the steam coal supplied from the Appalachian and Eastern Interior region in 1975 to large Eastern steam generating capacity can be expected to meet the standards of 0.6 Lbs. S/MBTU at the current industry production growth rate of 7% per year.

TABLE I

Region and pounds S/10^6 B.t.u.	Cumulative mineable reserves* (10^6 tons)	Cumulative 1975 production (10^6 tons)
Appalachian:		
0.6	1,500 (3,000)	70
0.8	3,000 (8,000)	135
1.2	4,000 (13,000)	160
All coal	9,500 (25,000)	275
Interior:		
0.6	25	0.7
0.8	125	1.5
1.2	1,800	22.0
All coal	68,000	230.0

*The 1st column under cumulative mineable reserve in the Appalachian Region is based on the results of "1967 Appalachian Coal Data Survey Report", U.S. Bureau of Mines, published in 1971. The column represents the reserves held by operating mining companies with production greater than 100,000 tons per year. The 2d column in parenthesis is derived from Averitt's estimate of total mineable coal reserves in the ground to which the sulfur estimates contained in Bureau of Mines Information Circular I.C. 8312, (1966) have been applied.

Two facts are of particular importance in Table I: (1) Essentially no steam coal meeting the New Source Performance Standard exists in the Interior Region and (2) no practical potential for increasing the rate of production of steam coal meeting the New Source Performance Standard in the "as mined condition" exists in the Appalachian Region. For example, based on a 20-year lifetime for the *total* mineable reserves shown in Table I, the production growth rate on low sulfur steam coal in Appalachia could not exceed the current 7% per year.

Based on the previously summarized results, the Office of Research and Monitoring has evaluated the potential of (1) alternative fossil fuel sources and (2) SO_x emission control technology currently available or under development by EPA to meet the coal supply *deficit* at the New Source Performance Standard for SO_x. These alternatives include the following:

FOSSIL FUEL ALTERNATIVES

Western Region Coal
Residual Oil
Natural Gas

EMISSION CONTROL TECHNOLOGY ALTERNATIVES

Flue Gas Desulfurization
Clean Fuel

1. Western Region Coal

Although vast reserves of low sulfur coal are known to exist in the Western Region, the bulk of these reserves are of the low heat content lignite rank and have a sulfur content in terms of Lbs. S/MBTU exceeding the New Source Performance Standard. Reserves of strippable bituminous and sub-bituminous coal estimated to meet the New Source Performance Standard are only 5.5 billion tons.

TABLE II.—SUPPLY/DEMAND RELATIONSHIP FOR ACHIEVING THE NEW SOURCE PERFORMANCE STANDARD IN EASTERN UNITED STATES COAL-FIRED COMBUSTION

	(10^6 tons)		
	1975	1980	1985
Demand: Total estimated eastern United States demand for coal meeting new source performance standard	400	500	650
Supply factors:			
Natural low sulfur Appalachian and interior region coal	70	110	150
Western region coal	40	70	120
Flue gas desulfurization	30	200	240
Cleaned fuels	20	90	140
Total supply potential	160	470	650
Supply/demand, percent	40	72	100

The estimated 1975 production from these sources is about 60 million tons of which 40 million tons will be absorbed directly in the Western Region. The remaining 20 million tons will be shipped for use in the Interior Region. This production represents a growth rate of 20% per year between 1970 and 1975. Based on the probable maximum availability of strip mining equipment and railroad transportation, Western Region production might be raised to 80 million tons by 1975. Thus, 40 million tons, or an additional 10% of the Eastern utility steam coal demand could be met by this source in 1975. Based on a 20-year lifetime for the mineable reserves, a maximum annual production growth rate of about 15% could be maintained for these Western coal sources.

Transportation costs on the order of $8 per ton per 1000 miles and major differences in moisture content and other characteristics also limit its use in Eastern steam generating capacity. The major foreseeable Eastern application for new Western coal production will be in new capacity designed specifically for this fuel. It is expected that transportation costs will limit this application to locations no farther east than Indiana.

2. Residual Oil

By 1975, it is estimated that only about 40% of the total residual oil supply required by the Eastern United States will meet the New Source Performance Standard. This demand projection does not include any additional conversion of coal fuel steam generating capacity to oil beyond that already defined. Despite improved capabilities and capacity to desulfurize residual oil, no decrease in the supply shortage is foreseen before 1985. As a result of this forecast, residual oil does not appear to have a measurable impact on reducing the coal supply/demand deficit in the Eastern United States at sulfur levels defined by the New Source Performance Standard.

3. Natural Gas

Physical shortages of natural gas including pipeline importation and liquefied natural gas are expected to be on the order of 30% by 1975 and as much as 40% by 1980. This shortage is again based on currently defined gas demand projections without consideration of additional increase for conversion of coal-fired steam generating capacity. Thus, no impact on reducing the coal supply/demand deficit in the Eastern United States is considered practical.

4. Flue Gas Desulfurization

The development of flue gas desulfurization technology by EPA can have a significant impact on increasing the availability of Appalachian and Interior Region steam coal capable of achieving the New Source Performance Standard. It is expected that three flue gas desulfurization systems will be commercially available for application by 1975. These are (1) Lime/limestone Wet Scrubbing, (2) CAT–OX and (3) MAG–OX. These systems can be applied by all new coal-fired utility steam generating capacity coming on stream after 1975. In addition to new utility capacity, these systems, as well as others in development by EPA, may be eventually retro fitted to an estimated 40% of existing utility steam generating capacity. Because of the level of construction and manufacturing effort required, it does not appear practical to expect this retrofit effort to be completed until at least 1980. Based on an ability to remove 80% of the sulfur oxides in the flue gas, flue gas desulfurization will increase the supply of Interior and Appalachian coal meeting the New Source Performance Standard by an estimated 32 million tons in 1976 or 8% of the coal demand by large Eastern steam generating capacity. By 1980, assuming the maximum retrofit capability, this percentage could increase to 50% of the coal demand of large Eastern steam generating capacity. In addition, the application of this technology to Interior region coal will eventually permit all coal in the region to meet the New Source Performance Standard. The cost of this technology is expected to be about $2 to $5 per ton of cleaned coal.

5. Clean Fuels

The Office of Research and Monitoring is currently developing several processes for reducing the sulfur content of coal prior to combustion.

5.1 Mechanical Coal Cleaning

This process, long used by the metallurgical coal industry involves the crushing of coal to release about one-half of pyritic bound sulfur component. This crushing is followed by washing to remove the pyrite by specific gravity difference. The optimization of this process for steam coal by EPA is well advanced and could be commercially applied prior to 1975. The maximum commercial application of physical coal cleaning technology under development by the EPA

could increase the availability of Appalachian steam coal meeting the New Source Performance Standard in 1975 from 70 million tons to about 90 million tons. The increase is equivalent to 5% of the coal demand of large Eastern Steam generating capacity. In addition the application of this technology to Interior region coal will permit essentially all coal in the region to meet the New Source Performance Standard when used in conjunction with Flue Gas Desulfurization systems. The low cost of mechanical coal cleaning technology (about $1 per ton of cleaned coal) also makes it economically practical for the user to consider these additional flue gas control options.

5.2 Chemical Coal Cleaning

The commercial application of technology for the removal of sulfur from coal by solvent extraction refining is expected to be achieved by 1975. By 1978 this technology could increase the availability of Appalachian and Interior steam coal directly meeting the New Source Performance Standard by 90 million tons or 23% of the demand of large Eastern Steam generating capacity. The cost of this cleaning process, based on preliminary development results, is estimated as about $2.00 per ton of cleaned coal.

Technology for the removal of organic sulfur is also being developed by EPA. If successful the commercial application of this technology could begin in about 1978 in conjunction with the previously described inorganic bound sulfur removal process. By 1985 it could potentially permit all Appalachian and Interior steam coal to meet the New Source Performance Standard. The additional cost of this organic sulfur cleaning process is estimated at about $3.00 per ton of cleaned coal.

It is important to point out that although these chemical cleaning processes can have an important impact on utility scale steam generating capacity, their primary impact may be in controlling emissions from smaller industrial and area combustion sources to which other flue gas control alternatives such as flue gas desulfurization or combustion modification do not apply. The control of these smaller sources can be of particular importance in achieving ambient air quality standards.

SOURCE.—Letter of March 9, 1972 to Senator Jennings Randolph from Stanley M. Greenfield, Assistant Administrator for Research and Monitoring, Environmental Protection Agency, Washington, D.C.

Mr. RANDOLPH. Mr. President, the following observations are painfully apparent from EPA's material:

In 1975 only 10 percent, or 40 million tons, of the total demands for eastern utility steam coal can be supplemented or met by western coal sources;

By 1975, only about 40 percent of the total available residual oil supply required by the Eastern United States will meet the New Source Performance Standards which are less stringent than those for the critical urban areas;

It does not appear that new residual oil supplies will have a measurable impact on reducing the coal supply/demand deficit in the Eastern United States for the sulfur levels represented by the New Source Performance Standard;

Physical shortages of natural gas are expected to be on the order of 30 percent by 1975 and as much as 40 percent by 1980. Thus, there is no practical potential for reducing the impact of the coal supply/demand deficit in the Eastern United States through use of natural gas; in addition, there is an anticipated gas supply/demand deficit to be satisfied; and

Flue gas treatment systems offer potential for application by all new coal-fired electric generating capacity coming on stream after 1975; however, it only appears practical to expect that a maximum of 40 percent of existing facilities can be retrofitted and this cannot be expected to be completed until at least 1980. The maximum retrofit capability could increase, however, to 50 percent of the coal demand of large eastern steam generating capacity by 1980. The cost is expected to be about $2 to $5 per ton of coal.

The critical question is whether the industry can survive the period of adjustment represented by these controls. These observations were affirmed by President Garvey of Bituminous Coal Research in a letter to me—February 11, 1972—which I ask unanimous consent to have printed at this point in the RECORD.

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

BITUMINOUS COAL RESEARCH, INC.,
Pittsburgh, Pa., February 11, 1972.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: At the February 8, 1972 hearing before the Committee on Interior and Insular Affairs, on S. Res. 45, you requested that I submit for the record additional information on coal reserves, as such information relates to a part of my statement in which I said, "The use of low-Btu gas will allow the efficient and non-polluting use of the still-remaining coal resources in Appalachia and the Midwest." You specifically asked that the information submitted refer to West Virginia, the Appalachia region, and the Midwest.

Air pollution control regulations already enacted and others pending enactment will eliminate the use of coals containing more than 0.7 percent sulfur unless some means is provided at the point of use for prevention of sulfur oxide emissions from the stack. How do existing reserves of coal in the eastern half of the United States from which most of our production now comes fit this requirement?

The only available reference which presents data on coal reserves according to sulfur content was published by the U.S. Bureau of Mines in 1966 (Sulfur Content of United States Coals, U.S.B.M. Information Circular 8312). While this publication gives data on coal reserves as of January 1, 1965, and some of the reserves have since been depleted, it is believed that the analyses contained therein are still appropriate for the purposes of your request. As of 1965:

WEST VIRGINIA

The total reserves were 102.7 billion tons, of which 81.9 billion tons, or 80 percent, had sulfur content in excess of 0.7 percent.

APPALACHIA

The Appalachia region includes the states of Alabama, Tennessee, Virginia, West Virginia, Ohio, and Pennsylvania. This is the largest depository of high-rank bituminous coal with approximately 31 percent of the total remaining reserve of the nation. About 204 billion tons, or 90 percent of this total reserve could not meet the 0.7 percent sulfur limitation.

MIDWEST

The states of Illinois, Indiana, Iowa, and Kansas have bituminous coal reserves totaling about 198 billion tons, of which 99.9 percent is more than 0.7 percent sulfur content.

KENTUCKY

Although neither totally in Appalachia nor the Midwest, the reserves in Kentucky should also be mentioned. Of the approximate 66 billion tons, 79 percent of that state's coal exceeds the 0.7 percent sulfur limit.

Obviously, to enable the use of the tremendous coal reserves contained in the eastern half of the United States, of which only about 14 percent is less than 0.7 percent sulfur content, while at the same time meeting the sulfur emission requirements stipulated by the Environmental Protection Agency, processes must be developed which will prevent emission of sulfur oxides from the stack following combustion. While some progress has been made in the development of stack gas clean-up methods, and this may be an interim solution for existing plants, I feel a long-range program should be pursued with the objective of eliminating sulfur oxide emissions in a more efficient manner. I believe the application of low-Btu gas using the basic technology being developed through the high-Btu gas research program offers the most attractive solution.

Sincerely yours,

JAMES R. GARVEY,
President and Director of Research.

Mr. RANDOLPH. Mr. President, the opinion expressed by EPA that:

It appears that the only satisfactory method for maintaining Eastern seam coal in the energy market is through conversion to synthetic gaseous or liquid fuels.

Elimination of environment regulation displaced coal production would represent a loss of $1 billion annually in sales, a loss of a critical energy resource; and a reduction of about 30 percent in the current work force employed in the bituminous coal industry. Some 44,500 mine workers would be affected adversely, including 15,000 in West Virginia.

SURFACE MINING CONTROLS

Added to the factors I have mentioned is concern for the environmental impacts of surface mining. In many areas of the country, surface mining has become a highly emotional issue. Unfortunately, a polarization of viewpoints is developing with one side advocating total abolition of surface mining and the other, in effect, insisting that surface mining has produced substantially good results.

I understand and sympathize with the feelings of both groups. People who have seen the country ravaged by reckless mining have every right to be disturbed. At the same time, the responsible surface mine operator should not be victimized by the shortcomings of his less responsible associates.

In recent years, more than half of the coal mined in the United States has been produced by surface mining methods. Accompanying this increase in surface mining activity has been a heightened public awareness of the potentially adverse environmental impacts resulting from the extraction of coal by this method. In West Virginia, surface mining is perhaps the most intensely debated public issue. In 1967, the West Virginia State Legislature enacted new controls over surface mining. Since then, additional surface mine law amendments have been enacted and other proposals have been made. And there have been recommendations that all surface mining be banned in West Virginia.

Mr. President, after examining carefully a number of legislative proposals relating to surface mining of coal, on February 24, 1972, I introduced a bill (S. 3282) on this subject. The legislation

would establish a program of strict controls of surface mining operations and require reclamation of the highest quality. It would provide for neither abolition of surface mining nor its conduct without careful attention to its consequences.

In a study commissioned by the Legislature of West Virginia, it was estimated that approximately 8,000 people would lose their jobs if surface mining were prohibited in our State. I do not believe that irresponsible surface mining can be condoned; neither do I believe that total abolition is necessary to protect the environment.

FUTURE TECHNOLOGIC OPTIONS

The Air Quality Act of 1967 authorized a major Government-industry program for the development and demonstration of methods for the control of air pollution from the combustion of high sulfur fuels from the regions I have mentioned. While there has been progress under this program, accomplishments have not met congressionally estimated needs. Some processes have fallen far short of expectation while others are approaching commercial status; but the effort, as a whole, has been seriously inadequate, and both Government and industry are to blame.

Section 104 of the 1967 Air Quality Act provided for research and development activities into new and improved methods for the prevention and control of air pollution resulting from the combustion of fuels. These provisions contain two special features:

First, funds remain available until expended providing a flexibility that is useful in the planning and scheduling of research and development and demonstration projects which may extend beyond one fiscal year; and

Second, a legal basis is defined for supporting projects involving construction and installation of pollution control equipment on private property; this authority is very useful since industrial plants are the best possible sites for making a realistic evaluation of the economic and technological feasibility of new processes for the control of problems such as sulfur oxides pollution.

In 1969 a National Academy of Engineering—National Research Council Ad Hoc Panel on the Control of Sulfur Dioxide—concluded that "contrary to widely held belief, commercially proven technology for control of sulfur oxides from combustion processes does not exist," and a 5-year research plan was recommended to assure that the technology was available to meet 1975 air pollution control requirements.

Today, many industry spokesmen quote this almost 3-year-old report extensively as the current recognized judgment of experts and as their basis for not installing sulfur oxide control methods. Except for the foresight and leadership of a few companies, the progress that has been made would not have been accomplished. There also has been an obvious reluctance by industry to participate in this 5-year-old Federal program which has been consistently underfunded and understaffed by the Congress and by the executive branch alike.

As anticipated in 1970, one of the recommendations of the first annual report of the Council on Environmental Quality was:

Federal research and development on sulfur oxides and nitrogen oxide control technology should be accelerated. Sulfur oxides control technology for large coal-and-oil-fired power plants should be demonstrated in actual operation so that the technology can be applied throughout the industry.

The Council's first annual report also recommended:

A more balanced research and development program is necessary to hasten the development of more efficient energy processes. Although control technology for sulfur oxides will provide appreciable improvements for several decades, a longrun answer to this type of air pollution lies in better energy conversion processes which will emit less pollutants per unit of energy produced. Gasified coal, fluidized bed combustion, breeder reactors, and nuclear fusion all hold promise. Although research for new nuclear power sources has already received significant support, greater attention must be given to these other processes. Even now, the Nation needs to use its fuel resources more effectively through development of a national energy policy. Such a policy would guide the use of natural gas, low-sulfur coal and oil, and other energy resources to assure their availability and minimize air pollution.

ADEQUACY OF EPA FUNDING AND EXPENDITURES

The Congress responded to this need in 1967 and authorized in the Air Quality Act $370 million for the 5-year period, 1968 through 1972, for the total research and development program under section 104. Appropriated funds fell short of these estimates and authorizations, the actual appropriations for the 5-year period having been $133.5 million. Although the full amounts appropriated reportedly have been obligated, expenditures have been only $85.6 million, leaving $38.9 million of appropriated funds unspent. Of these amounts, expenditures for stationary source pollution control research and demonstration were some $50.5 million.

I propose to place these levels of funding in perspective. In 1967, the then National Air Pollution Control Administration projected Federal expenditures for a 5-year research and development plan for the control of sulfur oxide emissions from stationary sources alone should be $394 million.

A separate study by the Stanford Research Institute at the agency's request estimated sulfur oxide control technology development alone would require a Federal commitment of $255 million in the same 5-year period between 1968 and 1972 in order to have available an adequate sulfur oxide control capability by 1975. Yet, expenditures for the whole technology development program have been $85.6 million—for sulfur oxide, nitrogen oxides, particulates, special industry problems, and incineration control problems.

Congress increased the administration's budget request and appropriated $45 million for fiscal year 1970 for EPA's effort under section 104 of the Clean Air Act. However, only $36 million was obligated to this effort by the executive and expenditures were only $14 million. Obviously, Federal program efforts and funding have been unresponsive to anticipated requirements and this lack of foresight has contributed significantly to the potential coal supply problems I have mentioned. Mr. President, I ask unanimous consent to have printed at this point in the RECORD correspondence from EPA Administrator Ruckelshaus and Deputy Administrator Greenfield indicating expenditures and obligations for this program.

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

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., December 1, 1971.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: Enclosed, with exceptions, is the information you requested in your letter dated November 11, 1971, on the research, development, and demonstration program conducted pursuant to Section 104 of the Clean Air Act, as amended.

Since the President's program and related funding level are still in the formulating stage, and will not be available until January 1973 when the President submits his Budget to Congress, data for FY 1973 is not reflected. Similarly, and for the same reason, funding data for subsequent years is also not provided.

I hope this information that is provided will be helpful. If we can be of further assistance to you, please let us know.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

SEC. 104—FUNDING HISTORY, FISCAL YEARS 1967–72

[Dollars in thousands]

	1969	1970	1971[1]	1972[1]
I. Appropriations and expenditures:				
Appropriations	$18,700	$45,000	$29,100	$40,700
Expenditures	3,587	14,289	27,684	39,000
II. Expenditures by major program:				
a. Stationary source pollution control	2,844	8,028	14,199	22,514
b. Mobile source pollution control	443	2,315	6,684	15,181
c. Other related programs	300	3,946	6,801	1,305
Total	3,587	14,289	27,684	39,000

[1] Estimates.

Note: Fiscal year 1969 1st years funds appropriated for this purpose, therefore fiscal year 1967 and fiscal year 1968 not shown.

CHANGES IN EMPHASIS IN SO_x CONTROL TECHNOLOGY R.D. & D. PROGRAM, 1971 THROUGH 1972

SHORT TERM SO_x PROGRAM

The major change in emphasis will concentrate funding in flue gas treatment so that it is focused on the completion of major demonstrations which can impact on the attainment of primary SO_x standards by 1977 and earlier, where possible. Two new demonstrations will be added during fiscal 1972, making a total of six major demonstrations. Beginning in fiscal 1972, second generation flue gas treatment processes will be deemphasized. These processes generally tended to represent processes which could not be carried through a demonstration stage in time to impact on attainment of primary standards. The processes being dropped generally represented new ways of accomplishing the same results.

Physical desulfurization of fuel will be

deemphasized starting in fiscal 1973. Coal producers and consumers have generally been dispassionate about the cost sharing of a demonstration for physical cleaning of coal. By the end of fiscal 1972, the washability of over 80 percent of Eastern coal production will have been defined. Projects will have been completed which provide design guidelines on the optimization of physical cleaning processes with respect to sulfur removal. This information can provide considerable guidance to coal producers in the building of any new coal cleaning plants.

The potential for chemical cleaning of coals will be evaluated and any work undertaken in the period fiscal 1973 through 1975 will emphasize these processes as opposed to physical methods. It is not anticipated that chemical cleaning of coal can be demonstrated in time to impact on the attainment of primary standards.

Long-Term SO_x Program

The emphasis of the long-term SO_x program will be more sharply focused on a specific end product, namely the demonstration of an advanced power cycle. Such a cycle represents a systems approach in which the derivation of energy from the combustion of fossil fuels can be considered in terms of the resulting environmental pollution problems. The system takes into consideration the desirability of removal of potential air pollutants in concentrated rather than dilute gas streams resulting from final combustion. It furthermore provides the opportunity for less waste heat, thus increasing overall efficiencies and minimizing thermal pollution. The existing program will be reoriented so that the present contributing components (new combustion techniques and fuel conversion) will be sharply focused on the needs of the state-of-the-art demonstration of the advanced power cycle.

III—SO_x CONTROL PROGRAM FISCAL YEARS 1971-72, FUNDING LEVELS AND MAJOR CONTRACTORS

[In thousands of dollars]

	Funded prior to fiscal year 1971	1971	1972	P—Planned A—Active
I. SHORT TERM SOX CONTROL				
A. Flue Gas Treatment				
(i) 1st generation—demonstration:				
Dry limestone		857	509	
TVA (Demo)	Yes	750	390	A
Research Cottrell (tests)	Yes	40	----	A
Other contracts and in-house	Yes	67	50	A
West Virginia University (injection process).	Yes	----	15	A
Illinois Geological Survey (carbonate rock).	Yes	----	54	A
Wet limestone		3,528	3,243	
Bechtel (demo)	Yes	367	800	A
TVA (demo)	Yes	2,005	1,630	A
Cottrell (Venturi)	No	163	95	A
Radian (study of limestone wet scrubbing).	Yes	262	25	A
Combustion engineering (marble bed scrubber).	No	249	----	A
West Virginia University (Venturi)	No	30	----	A
West Virginia University (Flyash)	Yes	57	----	A
USAF Aerospace (Flyash)	No	100	117	A
Environmental engineering (pilot study)	Yes	20	----	A
Other contracts and in-house	Yes	183	106	A
TRW (holographic techniques)	Yes	92	----	A
Monsanto (pilot scrubber)	No	----	115	A
McCrone (sampling train)	No	----	20	A
International minerals and chemicals (pore volume).	Yes	----	10	A
Catalytic oxidation		107	350	
Mitre (test program)	Yes	100	350	A
Illinois Power Co. (scale model)	No	7	----	
Magnesium oxide (oil)		39	----	
Babcock-Wilcox	No	39	----	A
Magnesium oxide (coal)		----	500	
Chemico/Boston Edison	Yes	----	500	P
Soluble alkaline scrubbing		----	5,958	
(2 demonstrations)	No	----	5,958	P
Total		4,531	10,560	
(ii) Second generation-pilot plant				
Sodium citrate	No	----	----	P
Ammonia scrubbing		240	173	
TVA (pilot study)	Yes	240	173	A
Molten carborate		40	----	
North American Rockwell (development of process).	Yes	35	----	A
Sigmaster-Breyer (evaluation of process)	Yes	5	----	A
Regenerable char		347	----	
Westvaco (development of process)	No	347	----	A
Total		627	173	
(iii) Second generation—other:				
Modified chamber		130	170	
Tyco (development of process)	No	130	170	A
Aqueous formate	No	----	----	P
Conceptual design		225	225	
TVA (evaluation of process)	Yes	225	225	A
Metal oxides		80	----	
USBM (evaluation of sorbents)	Yes	80	----	A
Total		435	395	
Total flue gas treatment		5,593	11,128	
B. Fuel Desulfurization				
Coal cleaning	Yes	822	609	
USBM (support)	Yes	649	404	P
USAF-NITRE (technical reviews)	Yes	90	105	P
Bituminous coal research (evaluation of Pyritic Sulfur).	Yes	83	100	P
Chemical fuel desulfurization		69	397	
TVA (removal of NOx and SOx)	No	69	398	P
High sulfur combustor study		15	----	
Chemico (Study)	Yes	15	----	A
Other contracts		----	262	
Total		906	1,269	
C. Other Direct Related Effort				
Total		2,960	6,529	
Analysis and measurements		1,558	2,454	
Industrial processes		428	2,175	
General support		974	1,900	
Total short term SOx		9,459	18,926	
II. LONG TERM SO_x CONTROL				
A. New Combustion Techniques				
Total		1,484	2,685	
Westinghouse (evaluation of fluidized bed combustion)	Yes	375	400	A
ESSO (fluid bed)	Yes	179	----	
Argonne National Lab. (atmospheric pollution)	Yes	441	300	A
USBM (fluidized bed combusion)	Yes	265	150	A
Pope, Evans, & Robbins (char. of air pollutants)	Yes	224	35	A
ESSO, England (coal gasifier)	Yes	----	350	A
ESSO (regenerable fluidized bed of limestone)	Yes	----	200	A
National Coal Board (reducing emissions)	Yes	----	400	A
Other contracts and in-house	Yes	----	850	A,P
B. Fuel Conversion				
Total		852	535	
Black, Sivalls, & Bryson (submerged combustion)	Yes	667	----	
Scientific Research Inst. (sulfur sequestering)	Yes	185	300	A
Pittsburgh-Midway (de-ashed/de-sulfurized coal)	No	----	200	P
Other Contracts & in-house	Yes	----	35	A
C. Advanced Power Cycles				
Total		282	808	
Consolidated Coal Co. (CO_2 acceptor)		282	400	A
Other contracts and in-house		----	408	P
D. Other Direct Related Effort				
Total		300	484	
General support		300	484	
Total long term SOx		12,377	23,438	
NOx adjustment		—560	—970	
Adjusted total		11,817	22,468	

• Includes $25,000,000 in addition to the budget currently being planned for 1973.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., March 9, 1972.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your February 14 request for additional material in support of my February 8 testimony, I am enclosing the following:

1. Data to update Administrator Ruckelshaus' December 1, 1971 information on the research, development, and demonstration program pursuant to Section 104 of the Clean Air Act, as amended.

2. Status report on EPA fuels combustion research program.

3. Briefing document describing estimated effect of standards for stationary coal-fired steam generating sources on the use of Eastern coals.

4. Information and current status of proposals to demonstrate advanced or combined power cycles.

I trust this information is responsive to your needs. If I can be of further service, please let me know.

Sincerely yours,

STANLEY M. GREENFIELD, Ph. D.,
Assistant Administrator for Research and Monitoring.

SEC. 104. CLEAN AIR ACT, STATUS OF EXPENDITURES

FUNDING HISTORY

[Dollars in millions]

	Fiscal years—				
	1969	1970	1971	1972	1973
Appropriated	$18.7	$45.0	$29.2	$34.8	$39.5
Carried over from previous year		5.6	14.1	15.9	3.7
Available for obligation	18.7	50.6	43.3	50.7	43.2
Obligated	13.1	36.5	27.4	47.0	43.2
Carry-over to subsequent year	5.6	14.1	15.9	3.7	

Note: The status of funding for sec. 104, Clean Air Act, is summarized and updated in the table below for fiscal years 1969 through 1973.

Mr. RANDOLPH. Mr. President, without the development of economically and technically feasible methods to control sulfur oxide and other emissions, the Nation's commitment to effective air pollution control cannot be honored. The effect of underfunding this vital activity has delayed important research and development work in control technology, thus delaying the establishment and implementation of emission standards and new source performance standards, and impeding vital efforts to improve the quality of our air resources.

AVAILABLE SULFUR OXIDES CONTROLS

Recently, the research emphasis of EPA's sulfur oxide control program was changed to concentrate on completion of major sulfur oxide flue gas treatment demonstrations which can influence the attainment of primary air quality standards for sulfur oxides by 1977 and possibly earlier. This implies a possible 2-year extension for compliance with the primary quality standard from 1975 to 1977. The data for existing sources suggests a slippage to possibly 1980 for compliance. This is hardly pollution control progress.

The EPA's principal and overriding criteria for funding sulfur oxide demonstration proposals is the nearness of the technology to a commercial system. The Department of Commerce and the Federal Power Commission have interpreted "available technology" to mean a process has been demonstrated on 100 megawatt—electric—facility for at least 1 year. In light of this definition, the current program does not provide sufficient latitude to fund proposals which will not produce a commercial process by 1975 to 1977.

As a result of this policy, second generation or advanced flue gas treatment methods have been deemphasized. These processes generally represent new and often more economic ways of accomplishing the same results. These "second generation" processes, which offer potential improvements in efficiency and cost in the post-1977 period, cannot be pursued under current budgetary restrictions. Therefore, control of sulfur oxides may very well be imposed at a premium cost which ultimately must be borne by the consumer.

Four control systems are being advanced to the stage of demonstration on the scale of about 100 megawatts electrical:

A dry limestone injection process developed by the Air Pollution Control Office and the Tennessee Valley Authority;

A limestone and wet scrubbing process being undertaken by the same group;

A magnesium oxide wet scrubbing process developed by the Chemico Corp., to be demonstrated by the Boston Edison Co.; and

A catalytic oxidation process developed by the Monsanto Company, to be demonstrated by the Illinois Power Co.

Two new demonstration processes for the control of sulfur oxides were called for in the President's June, 1971, energy message, raising the total to six major demonstrations. Yet, neither of those processes has been selected and announced by the Environmental Protection Agency from such potential candidates as:

The Westvaco regenerable char process, which produces elemental sulfur;

The Tyco modified chamber process to remove sulfur oxides, nitrogen oxides, and particulate matter with the production of sulfuric and nitric acids as by-products;

The Atomic International's molten carbonate process, which produces elemental sulfur;

An ammonia scrubbing process, which can be made to produce sulfuric acid; and

A Venturi wet scrubbing process under development by De Seversky.

Considering the significant impact that the lack of this technology could have on increasing the availability of Appalachian and Interior Region steam coal, a crash program is warranted to develop environmentally acceptable means for generating electricity from these coal supplies.

NITROGEN OXIDE CONTROL

Development of technology for controlling nitrogen oxide emissions to meet established standards lags well behind that for sulfur oxides. Although there is considerable potential for improvement in controlling nitrogen oxide emissions from the combustion of oil and gas, techniques for controlling emissions from coal-fired plants have yet to be demonstrated at even the pilot or prototype scale.

According to the Environmental Protection Agency, at the present rate of development it may well be 10 or more years before methods are available which can control nitrogen oxide emissions from powerplants. Significant reductions may well take even longer unless special attention is given to the development of reliable control alternatives for both new and existing facilities. In the interim, nitrogen oxide levels in the ambient air can be expected to almost double in the next 30 years.

On March 17, 1972, a panel of the National Academy of Engineering and National Research Council released an EPA contracted report which concluded that:

No proven process is currently available for substantial removal of nitrogen oxides from combustion stack gases once the nitrogen oxides have been formed.

The report, which deals with the Abatement of Nitrogen Oxides Emissions from Stationary Sources, the panel recommends that first priority in research and development should be given to methods of combustion modification. A substantial reduction—50 to 80 percent—in the amount of nitrogen oxides released into the atmosphere will come most economically from modifications of the combustion process rather than from stack scrubbing or absorption systems. Mr. President, I ask unanimous consent to have printed at this point in the RECORD the conclusions and recommendations of the panel.

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

INSERT IV

ABATEMENT OF NITROGEN OXIDES EMISSIONS FROM STATIONARY SOURCES

Prepared by *Ad Hoc* Panel on Abatement of Nitrogen Oxides Emissions from Stationary Sources, Committee on Air Quality Management, Committees on Pollution Abatement and Control, Division of Engineering, National Research Council, National Academy of Engineering (Washington, D.C., 1972)

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

A. Summary

National and regional standards for air-quality management are being defined under the Clean Air Amendments of 1970 (Public Law 91-604). Keeping the costs of meeting these standards within bounds and minimizing the burden on our national economy will call for the best efforts and most careful planning at all levels, from individuals, civic groups, and companies to local, regional, state, and federal agencies.

The nitrogen oxides emitted from industrial sources are essentially nitric oxide (NO) and nitrogen dioxide (NO_2). They are generally grouped together and, for convenience, termed NO_x. Nitrous oxide, N_2O, at the levels emitted by most chemical processes, is believed to be innocuous and is not included in the definition of NO_x. About 53 percent of the total manmade NO_x emissions in the United States are from stationary sources. (The remainder is emitted by vehicles.) The

largest stationary-source contributions are from the fossil-fuel-fired boilers of electric utilities and from industrial furnaces. At the 1970 level of control, NO_x emissions from stationary sources would approximately double by the year 2000. The need to reverse this trend is clear.

On a world-wide basis, man-made sources of NO_x produce but a tenth of that produced naturally. But the distribution of man-made NO_x is closely related to population distribution; over 60 percent of the emissions in the United States occur in urban areas. The relative contributions from stationary and mobile sources vary substantially from city to city and the proportionate contribution at ground level is presumably more from mobile sources than from stack emissions. Stack height and meteorological factors also affect the relative contributions. NO_x has a residence time in the atmosphere of three to four days. Thus, pollution from NO_x is a regional rather than a global problem.

Unlike emissions of sulfur oxides (SO_x), which are directly proportional to the sulfur content of the fuel, NO_x is formed largely by the reaction of nitrogen and oxygen from the atmosphere at the high temperatures existing during combustion. A smaller contribution is from organo-nitrogen compounds in the fuel. *The most promising prospects for significant early reduction of NO_x in fuel-combustion stack gases lie chiefly in application of some combination of combustion-modification processes to reduce the NO_x formed. The probability that processes can be developed for removal of NO_x from stack gases is not encouraging.*

B. Conclusions

With regard to combustion-control modification the following conclusions are drawn:

1. Of the three fuels used in firing, gas, oil, and coal, gas allows the most precise control in the attainment of the lowest levels of NO_x. The term "coal" covers a variety of types of solid fuels varying greatly in their combustion characteristics and the nature of the ash formed. A variety of boilers and burners are required to burn these various types satisfactorily. Present emission levels from coal firing vary greatly. Of the three fuels, least is known about coal relative to minimizing NO_x formation from combustion. *A realistic objective for new plants using natural gas to be placed in operation by 1980, is a reduction in NO_x concentration to about 100 ppm from present-day uncontrolled levels, which average about 350 to 400 ppm, but range as high as 1,400 ppm.* However, natural gas may not be available as a fuel for utility boilers very far into the future. For oil, the most common range today, when the combustion process has not been modified, in about 180 to 280 ppm for tangentially fired units and 300 to 700 ppm for horizontally fired units. *A realistic objective for oil-fired plants placed in operation by 1980, achievable by the flue-gas recirculation and off-stoichiometric combustion, is about 150 to 200 ppm. For smaller* furnaces or where low-nitrogen oil is available, there is a possibility of reaching this objective at an earlier date. *Control methods are not yet established for coal. The Panel recommends a review to establish realistic objectives after more data become available in the next two or three years.*

2. Both theory and practice indicate that NO_x emissions from combustion sources can be lowered by: (a) reducing the amount of oxygen present in the flame zone, as by use of staged admission of air (or off-stoichiometric combustion), and (b) reducing the peak flame temperature, as by use of flue-gas recirculation to the flame zone. *The practicality of these abatement techniques has been developed primarily in furnaces burning gas or oil. Little has been done on coal-fired units.*

3. The principal problem in reducing NO_x emissions by the use of staged combustion is to avoid the significant increase of emissions of CO, hydrocarbons, and smoke. In addition, with coal, it is important to avoid increasing the hazard of flame-outs, the rate of corrosion of boiler components caused by a reducing atmosphere, and the percentage of unburned carbon in the ash. The applicability of the above techniques to coal firing is not well understood and it will vary considerably with burner design; e.g., flue-gas recirculation may be less effective with cyclone burners than with other burner designs.

4. The amount of NO_x formed per unit quantity of heat released on combustion can vary by a factor of about 10 depending on a number of interrelated factors: (a) the fuel (coal, oil, or gas); (b) the percentage of excess air used in combustion; and (c) the size of the furnace—as furnace sizes increase from domestic heating units to large utility boilers, the amount of NO_x formed per Btu released usually increases, probably because lower surface-to-volume ratios and increased heat-release rates per cubic foot lead to less rapid thermal quenching of the combustion process. For large utility boilers, increased furnace volume (while holding all other variables constant) will act to reduce the average temperatures and will therefore always act to reduce NO_x. However, it appears that the effect of furnace volume on NOx formation is of secondary importance when compared with other combustion-control modifications such as off-stoichiometric combustion. This is not to say that furnace volume is insignificant. In designs in which combustion is spread out in the furnace, e.g., tangentially fired units, it seems likely that increasing furnace volume would cause a reduction in NO_x; (d) burner design—designs that produce more intense combustion and higher temperatures, e.g., cyclone burners for coal, produce considerably more NO_x than designs that allow combustion to occur out in the furnace, e.g., tangentially fired boilers. It is impractical, however, in an existing installation to replace cyclone burners with tangential burners located in the furnace corners, for this would require nearly complete rebuilding of the furnace. It is not the fact that the burners are positioned to admit fuel and air in a tangential configuration that brings about a reduction in NO formation, but rather the manner in which fuel and air are admitted and mixed; and (e) load—as load is first reduced in any particular installation, the concentration of NO_x formed at first drops. With further reduction in load, the change in NO_x concentration is determined primarily by the degree to which increased air-fuel ratio may be required to prevent excessive carbon monoxide or smoke at lower loads.

5. Preliminary data exists regarding the relative importance of conversion to NO_x of fixed nitrogen in oil fuels. These data suggest that combustion of oil or coal under reducing (sub-stoichiometric air) conditions in a first stage helps reduce the amount of fuel nitrogen converted into NO_x or increases the conversion of NO_x to N_2 and the combustion products, but additional research is needed.

6. Presently feasible technology that can be applied to NO_x control in utility boilers varies with the fuel utilized and the nature of the installation—retrofitting an existing boiler or designing a new boiler. Furnace design (e.g., opposed vs. tangential firing), burner configurations (e.g., cyclone vs. conventional burners), and provisions for adjusting fuel and air flows and recycling combustion gases determine the degree of NO_x control achievable in an existing installation. Research, development, and design studies are needed to determine combustor configurations and designs that will facilitate complete combustion of coal and oil (avoiding carbon, hydrocarbon, and CO losses and preventing smoke and soot formation), and will at the same time minimize emission of NO_x (formed either by N_2–O_2 fixation or oxidation of nitrogen in the fuel).

7. Combined-cycle systems involving the combustion of coal or oil in combinations of gas and steam turbines are of considerable interest to utilities. Some of these may involve external coal gasification closely coupled to a turbine or boiler. NO_x emissions are expected to be low, comparable to those from natural gas, but little information is available.

8. On the basis of laboratory and pilot-scale tests, fluidized-bed-combustion boilers show promise of appreciably reduced NO_x emissions, compared with conventional coal-fired boilers. Burning of the coal is carried out at relatively low temperatures, 1400–1900° F.; tests indicate that the NO_x emissions originate almost entirely from nitrogen in the fuel. In fluidized combustors burning coal at atmospheric pressure, two-stage combustion has reduced NO_x emissions to about 70 ppm. In pressurized combustors, NO_x emissions have been reduced substantially in single-stage combustion. Fluidized-bed-combustion boilers, therefore, show excellent potential for NO_x control, and their development should be pursued.

Removal of NO_x from stack gases may offer potential for control in the future. *However, no proven process is available for substantial removal of NO_x from combustion stack gases.* Conclusions based on presently available information are:

9. Any wet scrubber system for NO_x removal will be expensive for two reasons: (a) Most of the NO_x is in the form of NO, which is relatively unreactive and insoluble. The maximum rate of absorption in an aqueous system occurs at a NO/NO_2 mole ratio of unity, which requires either (1) recycle of NO_2 and a method of generating NO_2 from the scrubbing system, in turn requiring very high scrubbing efficiencies for substantial overall removal of NO_x, or (2) oxidation of about half of the NO to NO_2 prior to scrubbing. The rate of oxidation of NO to NO_2 is slow and decreases with increasing temperature; and (b) large vessels are required for scrubbing because of the large volumes of gas that must be handled and the necessity for low pressure drop.

10. Catalytic reduction of NO_x to N_2 by a reducing agent as a process for treating stack gases from large utility boilers requires a sulfur-resistant catalyst if coal or oil is used as a fuel. Space velocity (i.e., catalyst activity) and catalyst life also limit this approach at present. The catalytic reduction of NO_x with ammonia or other reducing agents is being studied by several groups. Information is insufficient to assess fully the potential of any catalytic reduction methods of control.

11. Decomposition of NO_x in the absence of a reducing agent requires such high temperatures, on even the best catalysts known, as to be impractical.

The following conclusions have been reached for other stationary combustion sources and for chemical manufacture:

12. Somewhere between two percent and 21 percent of the NO_x emissions from stationary sources are produced by internal-combustion engines (burning natural gas or diesel fuel, used in conjunction with pipelines and gas plants). With diesel engines, techniques such as control of fuel injection, exhaust-gas recirculation, water injection, and alteration of combustion-chamber design, are available to reduce NO_x emissions. With gas turbines, redesign of combustors and methods of fuel injection accompanied by more fuel-lean conditions in the combustion zone should produce significant reduction in NO_x emissions.

13. More data are required on emissions from industrial process and commercial furnaces, residential furnaces and heaters, and incinerators.

14. Emissions from nitric acid plants and chemical operations may be "decolorized" (conversion of NO_2 to NO) by catalytic reduction with natural gas. A similar method can be used to reduce NO to N_2 (typically from 3,000 ppm to 100 to 500 ppm), but requires careful control. Adsorption by molecular sieves has been shown in the laboratory to produce even lower emission levels but no demonstrated commercial process is yet available. Alkaline scrubbing may be used but involves liquid-waste disposal problems.

15. In some chemical processing with nitric acid, a substantial portion of the nitrogen oxides emitted may be in the form of N_2O, which is considered to be harmless.

C. Recommendations

On the basis of its review and in conjunction with the above conclusions, the Panel recommends that:

1. *Combustion-modification studies be given first priority in research and development to control NO_x emissions. Studies of coal combustion are especially required. Studies of the effect of fuel nitrogen on NO_x emissions and the potential of flame-temperature-control techniques in oil and coal burning are also needed.* A substantial reduction in the amounts of NO_x released to the atmosphere (i.e., of the order of 50 to 80 percent) will come least expensively from modifications of the combustion process rather than from scrubbing or adsorption systems to remove NO_x from stack gases.

2. Experimentation to develop firing methods for minimizing NO_x emissions be accompanied by data correlation and theoretical analyses of the data obtained in order to develop the basic understanding for configuring and designing new combustors and for choosing operational modes in a variety of applications.

3. Boiler manufacturers and utilities incorporate as much flexibility as possible in the design of new boilers to permit taking advantage in the future of increasing knowledge of the factors affecting NO_x emissions in combustion.

4. Additional work be funded on new energy-conversion concepts—such as fluidized-bed combustion, coal gasification for electric-power production, and combined-cycle gas- and steam-turbine generating plants operating in conjunction with such combustors and gasifiers—to develop their potential for reducing NO_x and other pollutants.

5. New concepts claiming potential for the economic simultaneous removal of NO_x and SO_x be evaluated carefully.

6. Evaluation of all new electric-power-generation techniques utilizing fossil fuels—including magnetohydrodynamics (MHD), fuel cells, and combined-cycle plants with fluidized-bed combustion or coal gasification—incorporating estimates of NO_x formation and the economic cost of NO_x control, begin as soon as practicable.

7. Careful consideration be given to improving present methods of sampling and analysis of NO and NO_2 particularly in the presence of other pollutants from stationary sources.

8. The potential for the generation of NO_x by such sources as stationary internal-combustion engines, industrial and commercial furnaces, residential furnaces and heaters, incinerators, electrostatic precipitators, and other high-voltage equipment needs further evaluation. If the level of emissions is significant and the effect on ambient air quality is detrimental, then control techniques should be sought.

Mr. RANDOLPH. Mr. President, I am informed that the current Environmental Protection Agency program on nitrogen oxides control is largely restricted to two components: the National Academy of Engineering contract I mentioned and spinoff or side benefits from its sulfur oxide control program.

It is clear from EPA reports that a drastic reduction in nitrogen oxide emissions is required if the health problems of our smog-bound cities are to be solved. Yet, limited, if any, control technology is available or under development. Here also there is a need for a major Federal commitment of funds and manpower if this Nation's air resources are to be preserved.

ADVANCED POWER CYCLES

Although progress can be made in developing stack gas cleanup methods for sulfur oxides and nitrogen oxides, the long-range program should be pursued with the objective of eliminating these pollutants more efficiently.

On the basis of a hearing which I chaired before the Senate Committee on Interior and Insular Affairs on February 8, it is apparent that the emphasis of EPA's long-term sulfur oxide control program must continue to be on advanced power cycles for the generation of electricity. Such methods employ coal gasification without going to the lengths necessary to produce coal gas of pipeline quality. Development of this technology is anticipated to assure the future use of the ample coal reserves of the Midwest and Appalachia. These processes not only offer pollution-free energy but an efficiency considerably higher than that of conventional powerplants, thus decreasing thermal pollution and prolonging the life of our coal reserves.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a summary of the National Fuels and Energy Policy Study, Senate Resolution 45, hearing I chaired on advanced power cycles which appeared in the February 1972 issue of Energy Digest.

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

ENERGY DIGEST,
Washington, D.C., February 1972.

COAL GASIFICATION

U.S. efforts, in the meantime, remain focused on advancing technology for producing synthetic gas from coal, with federal responsibility being increasingly split between Dept. of Interior and the Environmental Protection Agency (EPA).

EPA is concentrating on advanced power cycle technology, involving one-site production of low-Btu fuel gas for use in gas turbines, while Interior's programs are emphasizing synthetic pipeline quality gas that can be mixed with natural gas for distribution through existing natural gas pipelines, Administration officials told the Senate Interior Committee. Dr. Richard E. Balzhiser, assistant director for natural resources in the White House Office of Science and Technology, told the Committee that 3 major topping cycles are under consideration for continued federal R&D funding: gas turbines, magnetohydrodynamics (MHD), and alkali metal topping cycles.

"A low-Btu gasification system with hot gas cleanup feeding a gas turbine topping cycle and steam bottoming cycle is one of the more promising approaches to producing electricity cleanly and efficiently from coal," Balzhiser reported. He said preliminary estimates by one of EPA's contractors suggests that the cost of such a system might be comparable to the capital costs of existing power systems, without flue desulfurization systems." One of the advantages of the advanced power cycle technology is that it solves particulate and sulfur oxide emission problems and eliminates the need—and costs—for other desulfurization technologies.

However, according to Balzhiser, developing these technologies will be no overnight achievement—at least at present funding rates. Increasing the size of individual gas turbines and increasing gas inlet temperatures are two advancements that must be made to improve combined cycle performance. This calls for, he said, "a significant advancement" in materials technology as well as application of advanced aircraft turbine technology to industrial turbine design. "Significant progress in this area is expected in the next 5 years," he said, from large turbine manufacturers already working in conjunction with the Dept. of Defense (DOD) Advanced Research Project Agency, which is working to develop the technology necessary for higher temperature operations.

The Lurgi system for low-Btu coal gasification, developed and in use in Europe and now being adapted by some U.S. firms, "suffers from low efficiency and small unit size," he noted, and also "can't now be used with all of the available American coal." Interior Dept.'s Hollis Dole told the Senate Interior Committee that for utility purposes, fixed-bed gasifiers for low-Btu gasification do not appear to be "sufficiently attractive in terms of capital costs and potential efficiencies." He said the Interior Dept. does not anticipate "major expenditures" in this area. Instead, he noted, Interior has asked for $6.4 million for the 25–50 ton/hr. entrained-bed gasifier for the pilot plant slated to be built in Homer City, Pa. (see also ENERGY DIGEST; Vol. 2, p. 22). "This system should be of sufficient interest to power utility and to coal companies to elicit financial participation in the project" as well, Dole predicted.

He said Interior hoped to develop sufficient engineering data on all three topping cycle systems "so that a utility can choose a system for the coal they use and to fit their system's needs." However, "the real (engineering) contribution will probably not come until very late in the decade and probably no real substantial contribution to the generation of electricity through these combined cycles before the mid-80s," he said.

In questioning by Sen. Jennings Randolph (D–W. Va.), EPA's Dr. Stanley Greenfield, assistant administrator for research and monitoring, admitted that EPA has received $38.9 million between '69 and '72 which hasn't been spent; and that, although unsolicited industry proposals have been received for R&D funds for advanced power cyle R&D, EPA still has awarded no R&D contracts for it. Sen. Randolph hinted at a Government Accounting Office (GAO) probe of the matter, but will wait until after EPA oversight hearings in April before the Public Works Committee (of which he is chairman) before making a decision on the GAO investigation.

Specifically, an industry consortium submitted a proposal to EPA last year requesting some $25 million—to be matched to $35 million of their own money—to help fund a combined cycle plant fueled by low-Btu gas from coal. The consortium, headed by Westinghouse, has now submitted the proposal to the Office of Coal Research (OCR) in Interior Dept. in hopes of tapping funds there. Other industry members of the consortium include Bechtel Corp., AMAX Coal Co. and Public Service of Indiana.

One major reason Sen. Randolph is push-

ing so vigorously for low-Btu gasification is that without it, much of the coal in his home state of West Virginia would be unsaleable under current environmental regulations. One EPA study estimated that without coal conversion, the bituminous coal industry would lose $1 billion a year, and 44,500 coal miners would lose jobs—one-third of them in West Virginia.

In a related development, North American Coal Corp. and Michigan Wisconsin Pipe Line Co. are jointly exploring the possibility of North American dedicating more than a billion tons of coal reserves to Michigan Wisconsin Pipe Line for eventual conversion into synthetic gas. Because of the long lead time for synthetic gas development, "it isn't too early to enter in to the planning stages of the project, including a determination of the availability of adequate coal reserves," Michigan Wisconsin president Wilber Mack told news media.

In the meantime, Washington observers are predicting that the Coal Gasification Development Corp. Act (S–1846) will pass this year despite opposition to the bill by the Nixon Administration. Hearings have concluded, and the Subcommittee on Mining, Minerals and Fuels—before which the hearings were held—is working on an interim report and hopes to get the bill approved by the full Committee soon. The House will probably take no action on the bill until the Senate has acted on it.

Mr. RANDOLPH. Mr. President, Congress specifically provided expanded authority in the Clean Air Amendments of 1970 authority for the Environmental Protection Agency to undertake research and development in the area of "improving the efficency of fuels combustion so as to decrease atmospheric emissions; and producing synthetic or new fuels which, when used, result in decreasing atmospheric emissions."

It has been under this statutory authority that the Environmental Protection Agency has pursued, as an air pollution control strategy, the development and demonstration of advanced power cycles for the generation of electricity.

In the opinion of principals within EPA and the Department of the Interior, that advanced or combined power cycle offers the potential for assuring that eastern and interior region coals remain in the energy market. Therefore, development of the advanced power cycle is important from the standpoint of energy, environment, and economy. The Environmental Protection Agency program which was initiated in 1969 should be encouraged and adequately funded for fiscal year 1973.

The Environmental Protection Agency has estimated that the total cost for demonstrating commercial advanced power cycles for the environmentally acceptable generation of electricity from coal would be approximately $75 million. In a joint Government-industry venture, industry contractor teams have indicated they are prepared to fund two-thirds of this cost. Several unsolicited proposals have been received by the Environmental Protection Agency.

Recently, however, the administration fragmented this program, admittedly without any assurance that the advanced power cycle will be developed to alleviate the emerging gap between coal demands and environmentally acceptable means for conversion of this resource into electricity.

Reportedly EPA requested $25 million for fiscal year 1972 to implement this program: The funds were apparently denied by the Office of Management and Budget. Instead the Department of the Interior, with a recognized expertise on synthetic high-B.t.u. coal gas, was allotted $3 million to pursue low-B.t.u. gas development. EPA is to pursue the development of fuel and stack gas cleaning methods and phase out its low-B.t.u. coal-gas program.

To date, however, there has been a difference between EPA's advanced power cycle program and the Department of the Interior's coal gasification program. As I understand it, the principal difference is EPA's emphasis on a combined system for the on-site production and combustion of a low-B.t.u. coal-gas, while the Department of Interior's program emphasizes the production of a synthetic pipeline quality coal-gas which can be mixed with natural gas for distribution through existing natural gas pipeline distribution systems.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD materials furnished by the Environmental Protection Agency describing its fuel combustion research and development programs for assuring the environmentally acceptable generation of electricity from coal.

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

STATUS OF EPA FUELS COMBUSTION RESEARCH AND DEVELOPMENT PROGRAM

Combustion of fossil fuel is the major single source of sulfur oxides, nitrogen oxides, and particulates.

The principal goal of the EPA fuels combustion research program is to develop and demonstrate technology that will permit the continued use of fossil fuels to supply increasing energy demands without excessive pollution. Specific objectives include the development and demonstration of hardware that is capable of providing high efficiency combustion of fossil fuels and concurrently provide maximum availability of energy. A second objective of this program is to minimize or eliminate in the fuel preparation or combustion system the formation of sulfur dioxide, particulate and nitrogen oxide. A third objective is to develop combustion systems thus partially offsetting the cost of pollution control.

A major thrust of the EPA program is directed toward control of emissions from utility power plants. Industrial combustion of fossil fuels is the second principal source frequently making the major impact on the ambient air qality. Increasing attention is being given to the control of this segment of the fossil fuel combustion control problem.

Specific programs and their status are as follows:

SUBMERGED COMBUSTION PROCESS

The submerged combustion process being developed under contract with Allied Technologies Corp., 135 Delta Drive, Pittsburgh, Pennsylvania 15238, is a 2-stage combustion process which is based on the principle of combusting coal with air in a molten iron bath. The process in analogous to a basic oxygen furnace technology practiced in the steel making industry. Coal is injected beneath the surface of the molten iron bath where it dissolves freeing both organic and inorganic sulfur constituents. Iron has a strong affinity for both carbon and sulfur which consequently will dissolve readily in the molten iron. Sulfur migrates from the iron bath to collect in the floating molten alkaline slag to form calcium sulfide. The resultant calcium sulfide can be subsequently regenerated to form a concentrated stream of SO_2 or elemental sulfur.

Carbon dissolved in the molten iron is oxidized by air blown into the molten bath to form carbon monoxide. Combined with hydrogen methane and nitrogen from the gasification step, the product is a low BTU fuel gas which can be subsequently combusted in a power plant.

In addition to capturing sulfur from the fuel the molten process also retains most of the ash from the fuel. The ash becomes part of the recycling slag. Because of the contamination by the ash, slag must be continually purged from the system to avoid excessive build up. This slag is expected to have characteristics which would make it suited as a building material.

Development of the submerged combustion process has proceeded to the point that a single lance pilot scale has been constructed and is presently in operation. This pilot unit has a cylindrical bed 28" in diameter and a depth of 4 feet.

The contractor is currently conducting a test series to evaluate the several process operating viables and to characterize the performance of the device and further establish its operating feasibility. Initial results are very promising indicating that the majority of the sulfur from the fuel is captured in the slag. Indications are that SO_2 emissions, less than 100 parts per million are obtained almost without regard to the initial sulfur content of the fuel. Particulate removal efficiency has not been measured.

The process continues to look quite promising. It is planned to push the development of this system as rapidly as possible into the demonstration phase.

Application of the 2-stage combustion system to existing power plants and industrial boilers appears quite promising. Insufficient data are available to definitively assess the process economics although preliminary estimates are quite encouraging.

FLUIDIZED BED TWO-STAGE COMBUSTION OF OIL

EPA is currently cost sharing a study with Esso England to develop a process for two-stage combustion of residual oil. Residual oil is injected into a chemically active fluidized bed containing calcium carbonate. Calcined calcium carbonate reacts with the reduced sulfur (H_2S) from the partially combusted residual oil forming calcium sulfide which is subsequently regenerated to produce a high concentration stream of SO_2. Sulfur-free fuel gas from 150–250 BTU is produced for second stage combustion. This process has potential for both retrofit to existing power plants and to industrial boilers.

A pilot scale facility has been operated in England to evaluate the effect principle process operating variables. Extended runs of up to two hundred hours have been made. To date, results from the pilot plant study have been encouraging resulting in 90% sulfur oxide removal and efficient regeneration of the spent calcium sulfide. Further tests are needed to complete the design data requirements that must precede the scale up of this process. EPA has entered into a second contract in Esso England to complete the test program and develop scale-up design data. These studies will be completed in Fiscal Year 1973 with design of a 100 megawatt demonstration initiated in early 1973.

PRESSURIZED FLUIDIZED COAL COMBUSTION

During the past four and one-half years, the Environmental Protection Agency has researched the fluidized bed coal combustion system as a new technique for pollution-free combustion of coal. This work has been conducted under several contracts with Westinghouse, Pope-Evans-Robbins, BCURA England, Atomic Energy Commission (Argonne

National Laboratories) and Esso, USA. This work has progressed to the point of design of a small scale pilot facility to further evaluate the feasibility of this system. While data concerning this fluidized bed combustion concept appears encouraging as a power generation system, there is some question about its future impact on the air pollution control problems, particularly as applied as a combustion system for utilities. From the air pollution control standpoint the greatest impact could be made if the system could be applied to the industrial boiler combustion area. At present, EPA is re-evaluating the merits of the fluidized bed combustion and reassessing its potential for application to the industrial combustion problem.

If pursued further by EPA, the project has now reached a point of constructing a pilot scale facility of the I–5 MW size. A decision on this portion of the EPA combustion program will be reached within the next month.

SOURCE.—Letter of March 9, 1972 to Senator Jennings Randolph from Stanley M. Greenfield, Assistant Administrator for Research and Monitoring, Environmental Protection Agency, Washington, D.C.

STATUS OF PROPOSALS TO EPA TO DEMONSTRATE ADVANCED OR COMBINED POWER CYCLES

The Environmental Protection Agency, during the period July 1, 1969–December 31, 1970, funded a technical and economic study with the United Aircraft Corporation (EPA contract 22–59–114).

The results of this study were published in December 1970 in a report entitled "Technological and Economic Feasibility of Advanced Power Cycles and Methods of Producing Non-Polluting Fuel for Utility Power Systems." As a consequence of this study three unsolicited proposals were submitted to EPA:

1. United Aircraft Research Laboratory proposal P–K 32 "Proposal for the Conceptual Design for the Gasified Coal Fired COGAS pilot plant," dated March 12, 1971.

2. Industry team consisting of Westinghouse Electric Corporation, Public Service Company of Indiana, Bechtel Corporation, American Metal Climax Corporation; proposal number 70M318A "Coal Gasification for Air Pollution Control" dated April 29, 1971.

3. Institute of Gas Technology; proposal number P17G371AK "Combined Cycle Power Generation Utilizing Fuel Gas Produced by Hydro-Gasification of Coal" dated March 1971 and revised October 6, 1971.

EPA reviewed the United Aircraft Research Laboratory report and the above mentioned proposals and came to the following conclusions:

1. The concept of advanced power cycle appears economically and technically attractive if developmental problems can be successfully solved. These problems include: (a) development of advanced low BTU gasification systems (b) development of high temperature gas turbine (c) development of high temperature gas clean-up systems.

2. The proposals were heavily oriented towards early demonstration of a current state-of-the-art plant. Although one advocated simultaneous development of advanced components, the whole program effort appeared to be underestimated. The principle advantage of an early state-of-the-art demonstration was that it appeared to be a means of attracting substantial industry funds to the overall program.

3. EPA concluded, after thorough evaluation of the proposals, that none should be accepted, but that if the program were to be pursued, it would be formulated differently from any of the proposed approaches and in a way more suitable to the EPA objectives. It was also concluded that if pursued the projected should be competitively contracted.

It was subsequently decided that the Federal government will pursue development of the advanced power cycle in the following manner:

1. The Department of Interior would pursue development of a fluid bed low BTU gasifier.

2. EPA will develop high temperature gas clean-up systems and combustion systems such as submerged molten iron gasifier and 2-stage combustion of residual oil. It was felt that the component technology was sufficiently well developed and involved sufficiently low risk to expect that this stage of development could be left to industry. When OCR and EPA have developed significant improvements in gasifier and fuel gas clean-up systems, federal participation in a development/demonstration project can again be considered. The development of advanced gas turbine technology, a tremendously difficult and costly problem in itself, is expected to spin off from ongoing federal and industry sponsored programs.

SOURCE.—Letter of March 9, 1972 to Senator Jennings Randolph from Stanley M. Greenfield, Assistant Administrator for Research and Monitoring, Environmental Protection Agency, Washington, D.C.

Mr. RANDOLPH. Mr. President, I question the desirability of the transfer of EPA's activities on low-B.t.u. coal gasification to the Department of the Interior at this time. This program has been in existence since 1969 and to fracture it now could easily result in a 3-year delay in demonstration of advanced power cycles. There also is no assurance that the advanced power cycle would even be developed under such arrangements. These factors cause discouragement.

There are other unconventional uses of coal being pursued by the Department of the Interior which offer low pollution and high efficiency utilization of coals. These include magnetohydrodynamics—MHD—coal-based fuel cells, synthetic petroleum from coal, and the solvent refining of coal to yield to low-ash, low-sulfur product which can be handled as either a solid or a liquid.

Some of these methods have begun to receive modest Government research funds. The need for them is so great, however, and their prospects are so attractive in terms of benefits to the Nation's environment and energy supply, that there should be substantially increased funding for these purposes, also.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD materials furnished by the Department of the Interior describing its fuels combustion research and development programs for assuring the environmentally acceptable generation of electricity from coal.

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

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., March 2, 1972.

Hon. JENNINGS RANDOLPH,
Chairman, Public Works Committee,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: In response to your letter of February 14, 1972, there are enclosed responses to 8 questions for assistance of your Committee in evaluating the hearings held February 8 on new energy technologies.

We hope this will be useful to the Committee and we are most desirous to supply such additional information that it may require.

Sincerely yours,

HOLLIS M. DOLE,
Assistant Secretary.

Question 1: In your prepared statement it is estimated that the Department of the Interior's program to produce pipe-line quality gas from coal contemplates a total expenditure of $120 million over a four year period. Would you supply for the record the estimated Federal and industry funding contributions for each process by year to demonstrate these processes?

Answer: The Department commitments for pipeline quality gas (high B.t.u.) are allocated among three projects for 1972, with AGA contributions as follows:

Project and contractor (prospective contractor) and location	Fiscal year 1972		
	OCR	AGA	Total
Hydrogasification: IGT, Chicago, Ill.	$4,670	$2,330	$7,000
Lignite gasification: Consol, Rapid City, S. Dak.	3,870	1,930	5,800
Bi-gas: BCR, Homer City, Pa.	7,377	3,220	10,597

Beyond 1972, the Department is contemplating the allocation of funds among seven additional projects, as appropriate, as follows:

1. Steam Iron Process;
2. Liquid Methanation;
3. Lurgi Gasifier Studies;
4. Hydrogen/Synthetic Gas;
5. Molten Iron Process;
6. Process Selection; Evaluation Designs; & Engineering Assessments Studies; and
7. Demonstration Plant Engineering, Planning, & Design.

Question 2: Would you supply for the record a description of the synthane process being developed at Bruceton, Pennsylvania, including estimated funding?

Answer: *Expenditures Related to the Synthane Process for Converting Coal to Pipeline Gas:* From 1961 through 1970, in-house coal gasification and related studies led to the development of the Synthane Process. In 1971, contracts were let to Hydrocarbon Research, Inc. (HRI) and to the Lummus Company for pilot plant research and plant design.

HRI had a larger gasifier than was available in the Bureau, and the purpose of the contract was to gasify selected coals under conditions that would provide data additional to those from the Bureau's in-house research, thus providing additional assurance that the Synthane Process would be commercially feasible.

The Lummus Co. contract was to design a pilot plant capable of converting 75 tons of coal daily to a gas of pipeline quality. In fiscal year 1973, a contract will be let for the construction and operation of the pilot plant.

EXPENDITURES FOR BUREAU RESEARCH RELATED TO THE SYNTHANE PROCESS

	In-house	Contract	Cumulative total
1961–69 (inclusive)	$1,140,000	----------	$1,140,000
1970	878,000	----------	2,018,000
1971	596,000	$1,246,000	3,860,000
1972	649,000	1,500,000	6,009,000
1973	649,000	6,000,000	12,658,000

The publications entitled "Status of the Synthane Coal-to-Gas Process" and "A Process to Make High-Btu Gas From Coal" are attached.

Question 3: Would you supply for the record an indication of past and future research expenditures for the development of improved power generation systems by the Department of the Interior, including fuel

cells, binary alkali metal cycles, combined gas turbine-steam turbine cycles, and MHD (magnetohydrodynamics)?

Answer: The Interior Department has been interested in improved power systems for many years. This interest has included work on the coal-fired gas turbine and conventional power systems as well. For the past six to eight years our principal interest has been in fuel cells and open cycle-magnetohydrodynamics for central station power. This effort has been in Bureau of Mines laboratories and by the Office of Coal Research contractors. The total expenditures are approximately:

Fuel Cell	$4,500,000
Magnetohydrodynamics	2,500,000
For FY 73 the budget includes:	
Fuel Cell (reprogrammed)	$400,000
Magnetohydrodynamics	3,700,000

We have made internal studies and evaluations of improved cycles, including:

1. MHD—steam;
2. MHD—gas turbine;
3. Gas turbine-steam turbine;
4. Steam turbine-ammonia; and
5. Alkali metal turbine-steam turbine.

Additionally, we have evaluated closed cycle MHD and liquid (alkali) metal MHD systems. The Office of Coal Research has good proposals for work in each of these important areas and work will begin during the coming year if our budget is approved. Improved power generation systems are needed on a national basis but are particularly necessary in the Eastern U.S. to meet projected demand and satisfy environmental constraints.

Question 4: The National Petroleum Council last December issued the second volume of its interim appraisal of the U.S. Energy outlook. The task force report estimates that synthetic pipeline gas produced from western surface mined coal would cost from $.90 to $1.10 per million BTU; from eastern shaft mined coal the price would be $1.05 to $1.25, or $.15 more per million BTU.

Can it not be concluded from these economic estimates that eastern shaft mined coal has no immediate future as a supply for synthetic pipeline gas?

Is it reasonable to assume this price differential between eastern and western synthetic pipeline gas will continue?

Answer: (a) No. The price difference should be considered at *the point of use*. As an example, Appalachian coal converted to gas and transported to New York City would be cheaper than gas manufactured from Western coal after it had been transported to New York City. Pipeline costs are significant.

(b) We would expect the price difference *at the mine* to continue, but the delivered cost should continue to favor Appalachian coal by virtue of the geography.

Question 5: What specific proposals have been received for demonstration of advanced or combined power cycles for the generation of electricity? When were these received? What action has been taken? What action is anticipated?

Answer: The Office of Coal Research has received proposals for development of advanced gasification systems from the Institute of Gas Technology and Bituminous Coal Research, Inc. Additionally, preliminary exploratory proposals have been received from Westinghouse and United Aircraft. These latter proposals are related to turbine rather than gasifier, development. Proposal dates are as follows:

Proposal No.	Company	Effort	Date
536	Burns & Roe	Design study	June 22, 1970.
538	BCR	Entrained bed	July 27, 1970.
563	Burns & Roe	Fuel cell technology	Mar. 18, 1971.
571	United Aircraft.	Gas turbine	June 29, 1971.
(1)	Westinghouse	Gasifier and gas turbine.	July 1971.
586	do	Improved power cycles.	Sept. 23, 1971.
592	General Electric.	Alkali metal	Nov. 1, 1971.
605	Inst. of Gas Tech.	Fluid bed gasifier	Dec. 21, 1971.

[1] None.

To date we have not taken any action with respect to these proposals because of budget limitations. However, the budget request, now before the Congress, proposes $3 million for development of low-B.t.u. fuel gasification, $3 million for the development of magnetohydrodynamics, and $500,000 for the fluid-bed boiler. With these funds, we will begin work on an entrained gasifier and a fluid-bed gasifier as I indicated in my statement to the Committee. We will be seeking cosponsorship from the utility and coal industries but propose to begin the work as soon as the funds are available.

We believe our clean fuel/improved power cycle program holds great promise for improved efficiency and potential elimination of all air pollution and drastic reduction of water requirements for central station powerplants. This will allow utilities more latitude in siting their plants and allow us to mine the coal we need, convert it to power, and restore the earth. In effect, the cost of environmental controls will be offset by improved efficiency and lower capital cost for the power station.

EPA OVERSIGHT HEARINGS

Mr. RANDOLPH. Mr. President, as I have discussed, the Environmental Protection Agency's research, development, and demonstration program has been totally inadequate considering the anticipated impact of proposed and existing air pollution standards on Appalachian and Interior region coal supplies. The response of the electric utility industry to the problem, except for a few isolated utilities, also has left room for improvement.

Anticipated effects on coal production in the Appalachian and Interior regions could have been minimized or even avoided had both Government and industry accepted the responsibility set forth in the Air Quality Act of 1967. Their leaders should have responded as prudent men, dedicated to assuring an environmental quality which protects the health of our citizens and assures the viability of our coal resource developments.

There is reason to suspect that much of the progress that was made prior to the formation of the Environmental Protection Agency has almost been lost. There are signs that there actually has been a reduction in scope of Federal efforts for the demonstration of methods for the environmentally acceptable generation of electricity.

Mr. President, on April 10, 11, and 17 the Committee on Public Works has scheduled hearings before its Subcommittee on Air and Water Pollution to review the research programs of the Environmental Protection Agency in this critical area.

The subcommittee is particularly interested in four aspects of the accelerated research and development program required by section 104 of the Clean Air Amendments of 1970.

These aspects are the availability of alternative fuels, the efficiency of those fuels, new developments in technology to reduce emissions from combustion of fuels, and the impact of Federal support for this research on State air quality programs.

The hearings will begin at 10 a.m. each day in room 4200 of the New Senate Office Building. Witnesses invited to testify are:

MONDAY, APRIL 10

Dr. Ralph Lapp, Quadri-Sciences, Washington, D.C.

Dr. Vincent E. McKelvery, Director, U.S. Geological Survey.

Carl E. Bagge, president, National Coal Association.

TUESDAY, APRIL 11

Arthur M. Squires, chairman, Department of Chemical Engineering, City University of New York.

Carl Beard, director, West Virginia Air Pollution Control Commission.

Jean Schueneman, chief, Division of Air Quality Control, Maryland Department of Health and Mental Hygiene.

B. Hudson Milner, president, Louisville Gas and Electric Co.

MONDAY, APRIL 17

Dr. Stanley Greenfield, Assistant Administrator for Research Environmental Protection Agency.

Although these Public Works Committee hearings are of an oversight character by its Air and Water Pollution Subcommittee, they are also of particular importance to the National Fuels and Energy Policy Study, Senate Resolution 45, on which I serve as an ex-officio member of the Committee on Interior and Insular Affairs. Hence, I have discussed these matters with Senator HENRY M. JACKSON, chairman of the Interior Committee and of the fuels and energy policy study group. We are in agreement that the critical nature of these issues to the formulation of a comprehensive and effective national fuels and energy policy will necessitate that they be considered as part of the official National Fuels and Energy Policy Study.

FEDERAL WATER POLLUTION CONTROL ACT

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

Mr. BLACKBURN. Mr. Speaker, we have considered today a bill dealing with one of the most emotional issues which we face as a Nation. The great and justified demand of the American public that abuses of our waterways be dealt with has created an atmosphere which requires action. The House today indicated that when action is demanded, action will follow in the Congress.

For myself, however, I must look upon the purposes of this bill and the ambitions of its framers and ask if the action which the Congress is taking today is as much the result of a reasoned approach as it is a nervous reaction.

Several years ago we established the Environmental Protection Agency. We granted to this new organization broad powers reaching into every facet of environmental concern, as well as into the functions of State and local governments in the area of clean environment. We combined in one agency authorities dealing with every facet of environmental protection where previously such authorities had been spread among many departments. I supported this reorganization, because I felt that the time had come when expertise in the field of environmental protection should be concentrated into one agency for a more efficient effort.

Today, we are granting to this same organization contract authority over the next 3 years totaling $17 billion for the construction of waste treatment facilities. The Environmental Protection Agency has many fine and dedicated persons in its employ, but to assume that this relatively new agency, with very little experience, is now qualified to commit the taxpayers of the country to expenditures of $17 billion is to me extremely questionable.

Have we forgotten so soon the lessons from the Great Society days when new agencies were created and huge sums of money placed at their disposal to abolish poverty in America. No serious student of government today argues that the war on poverty was won or that any major engagement was successful. The lesson to have been learned from that approach to government was to warn us that new agencies with broad and noble purposes, manned by dedicated and sincere people and armed with huge sums of money, did not necessarily achieve the result intended.

The responsibility of the Congress to exercise a continuing review of executive agencies is just as great in areas dealing with the environment as it is in areas dealing with social programs, or any of the other areas now considered proper for governmental action.

In the past few months my personal experience with an oversight of operations of the Department of Housing and Urban Development and its various FHA and public housing programs only affirms the necessity for alert congressional oversight into the operations of executive agencies.

I see no reason to believe that EPA with its still new organizational and untried methods, can or should operate apart from congressional oversight.

Only today, the newspapers carried an article calling to our attention the fact that the balance-of-trade deficit was more serious during the past months than during any time in the history of our Nation. This legislation could jeopardize the jobs of American workers by compelling industries to purchase equipment that is extremely costly, if not prohibitive, at a time when the economy needs a boost. Workmen without jobs, by reason of plant closings, by reason of precipitous and unreasonable demands upon their employers, or by reason of lack of orders for the goods being produced, because they are priced out of the international market, will show little patience with a Congress that failed to take these factors into account.

It is a well-known fact that the incremental cost of achieving successively higher levels of discharge removal accelerates rapidly once your standards exceed 85 percent of the pollutants in the discharge. Former Chairman Paul McCracken, of the Council of Economic Advisers, cautioned that pollution removal costs will skyrocket as we approach 100 percent removal of all pollutants. Specifically, Chairman McCracken argued that to remove 85 to 90 percent of all discharge pollutants would cost the Nation about $61 billion, or $700 million for each percentage point of removal. However, when you get into the 95 to 99 percent removal range, the cost would double, or come to nearly $120 billion—about $6 billion per percentage point of removal. To move one more percentage point to 100 percent removal, or no discharge, would cost the Nation about 2½ times the previously mentioned amount, or $317 billion. As you can easily see, this figure is many times more costly than if we stayed in the 85 to 90 percent range. It has been estimated that if we were somehow able to achieve no discharge over a 25-year period, the total cost to the Nation would be about $2.34 trillion. Undoubtedly, the cost of cleaning up our rivers and streams is going to be expensive and will have a significant impact upon our economy.

In light of the above-mentioned facts, it must be remembered that the United States is today facing an ever-increasing trade deficit. American industry is finding it extremely difficult to compete in world markets. The requirement that we attempt to have zero discharge into our waterways by 1985 could cause economic havoc; unemployment would increase; American industry would not be able to compete; and the cost of goods to the consumer would rise astronomically. I believe that for this reason we should impose those limits which will still allow American industry to compete while making a serious effort to clean up our rivers and streams at the same time. It is hoped that technology will be developed within the next few years which will allow the recycling of our liquefied wastes in a manner which will alleviate the need for complete reliance upon the "no discharge" method of water pollution abatement.

As all Members of this body are aware, laws already exist to regulate what can and cannot be discharged into the Nation's waterways. The present regulations are going to have a significant affect on the Nation's economy. Recently, the Council on Environmental Quality released a report summarizing the economic impact of present pollution control requirements. They studied the effects of these requirements on approximately 12,000 plants currently operating in the industrial sector of our national economy. The study concluded that 300 of these plants will be forced to close, because of present pollution abatement requirements. These plant closings and production curtailments, because of pollution abatement requirements will have both a direct and indirect impact on the Nation's economy. There will be a significant loss of jobs and a reduction of equity in plants and equipment. Furthermore, an indirect impact is that certain suppliers and related firms will be forced to close or reduce production. The study indicates that because of present environmental regulations, prices in the affected industries are expected to rise over 10 percent in the period from 1972 to 1976. Furthermore, the study suggests that job losses directly attributable to environmental regulations will be between 50,000 to 125,000 over the 1972–76 period. This will create a 1-percentage point increase in the Nation's unemployment rate.

Pollution control devices will have a direct affect on the national economy in the form of higher produce prices and new demands for investment in pollution control equipment. It is expected that in order to comply with today's regulations, industry must immediately invest in $26 billion worth of additional equipment. Undoubtedly, prices will rise as a result of the cost push impact of pollution control costs. It is a well-known economic fact that as prices increase, this tends to slow down the growth of demand in the economy. Consequently, the growth of our gross national product will be severely retarded. Furthermore, unemployment will increase, because of the slow-down in real product work. The current amount balance of our international trade position will deteriorate primarily as a result of increasing domestic prices when compared with world market prices. Beyond the shadow of a doubt, foreign prices will not increase due to environmental regulations overseas. It is clear that net exports from the United States will decline.

Mr. Speaker, the reason I point out these facts regarding present regulations is to emphasize the devastating economic impact that the changes proposed in this bill would have.

There are several other portions of this bill that gravely concern me. The position of States with regard to initiative in the water pollution abatement area would be seriously eroded. We see a good example in my own State of Georgia, where the Georgia Water Quality Control Board has made continuing progress in cleaning up and preserving Georgia's waterways. I believe that the States have a valuable role which they could play in this area. However, the provisions of this bill would allow EPA to overrule many of the State programs if they did not conform to Federal guidelines. We had the situation in Georgia where the State guidelines were stronger than those of the Federal Government and where the State had to reduce its standards in order to conform with Federal guidelines.

Finally, the bill would allow the Environmental Protection Agency to make contracts for a 3-year period with different units of State and local governments for construction of waste treatment facilities. By giving this contract authority to EPA, we have placed another uncontrollable expenditure provision in our budget. In a time of continuing deficits which are being fostered because of continuing uncontrollable expenditures,

I do not believe this is the time or place to give such commitment authority to an executive agency.

We recognize a noble cause, and to demonstrate our degree of concern for the cause, we obligate the Treasury for huge sums of money with little thought as to its availability in the coffers. The uncontrolled items in the budget now constitute 71 percent of the Federal budget. Although we hope to come to grips with this most serious problem, the procedures adopted here today have made any serious congressional effort toward fiscal control almost impossible.

I believe that we should do everything reasonable to clean up the Nation's water systems and I have consistently cosponsored legislation which I feel would do this. During this session of Congress I have cosponsored legislation to increase grant authorizations for State and interstate water pollution prevention and control programs; a bill to provide financial assistance for the construction of waste treatment facilities and for the development of financial and other capabilities responsive to future waste treatment needs; a bill to strengthen and clarify the authority of the Administrator of the EPA to establish and enforce water quality standards; and the Environmental Financing Act. In addition, I have voted for the Water Quality Improvement Act of 1970 and the Water Resources Planning Act of 1971. Furthermore, I have consistently worked to preserve and protect our Nation's wetlands from unnecessary destruction by stream alteration.

Our hope to successfully upgrade the quality of our Nation's waterways lies in a continuing evolution of improved technology. I fear that the Federal Water Pollution Control Act will force commitments for huge expenditures by industry, as well as Government bodies, based on present technology which could well become obsolete in the very near future. For example, this bill has an overwhelming emphasis on limiting discharges into our streams. However, this fails to take into account the increasing appeal of recycling liquid instead of the "no discharge" approach. If we had more certain congressional oversight each year, errors in policies enunciated by this act could be more readily corrected.

In summary, I fear that Congress has gone too far in this legislation. I fear that we have granted too much authority to a relatively new Federal agency, promised far more money that we can reasonably hope to make available, and abdicated congressional responsibilities to the executive branch of the Government to a degree which is not necessary.

AUTO THEFT

HON. HERMAN E. TALMADGE

OF GEORGIA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 5, 1972

Mr. TALMADGE. Mr. President, there has been brought to my attention an interesting editorial column from the Bethesda-Chevy Chase Tribune regarding the auto theft problem.

Written by Charlie Belt, formerly of Midville, Ga., the column recommends changes in title laws and auto inspection regulations in order to render car theft less profitable and less possible. Mr. Belt points out that such laws have effectively reduced the rate of auto theft in the State of Georgia.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

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

REDUCE CAR THEFT 70 PERCENT

(By Charlie Belt)

An examination of the auto theft situation indicates a substantial reduction could result from a few changes in the title laws.

First, the principal purchasers of stolen parts should be pinpointed. Eliminate the purchaser, and the profit factor is removed. Without profit from sale of stolen property, no theft would exist.

The insurance industry is the single largest national purchaser of stolen auto parts. It has a built-in constant demand for used cheap parts to repair damaged autos. The companies also purchase parts to repair a car stripped by auto thieves. This is a vicious cycle—buying parts stolen from one car to repair or replace parts stolen from another. This then creates demand for parts again and again in a never ending circle.

To eliminate this situation would be very simple: change the title laws and automobile inspection laws. Adopt a policy that when a vehicle is damaged or has sustained a loss that would not permit it to pass the automobile inspection in its present condition, require the insurance company to execute a form of triplicate, identifying the vehicle by I.D. number, color, year, model, make and type of damage. The adjuster would send one copy to the state explaining whether or not the vehicle was declared a total loss or repairable. When totaled out, the I.D. number would have to be physically removed by the adjuster, and sent in to the state. If repairable, the adjuster would have to indicate the repairing garage, showing address and trade name when repaired. The repairing garage would also receive one copy of the form, and would have to attach a notarized affidavit of I.D. number of the vehicle used parts were removed from for repairs. New parts would have to be shown by dealer's invoice.

This would eliminate parts being sold from any vehicle without an I.D. number or record of origin of the parts. It should also be illegal to repair any vehicle without an I.D. number. This would greatly reduce the ability to sell stolen vehicles or parts.

The insurance companies will say this will increase handling cost by requiring extra paper work, and reduce the value of salvage since rebuilders would have to apply to the state for a reissue of an I.D. number.

I grant that the paper work cost will be more, but it will be more than offset by the reduction in the companies' losses brought about by reduced theft.

Also, the companies contention that salvage vehicles will not sell for as high a price as they do now is true. With a special state reissue I.D. number, everyone would be able to recognize a formerly salvaged vehicle. This would eliminate palming off a vehicle as being only used driving to church on Sunday by a nice "little old lady."

How do I know this proposal will work? The State of Georgia in 1960 was one of the states with a very high rate of auto theft, having rebuilding garages for stolen vehicles. An Act such as I have described was passed in 1962 in that state, and the increase in auto theft has been held to about a 70% increase through 1970. The increase in Maryland and Virginia has been about 158% during the same period. It is evident that Georgia must be doing something right.

To have a question on insurance answered in this column, mail it to Charlie Belt. Certified Public Adjuster, c/o Bethesda-Chevy Chase Tribune, P.O. Box A, Bethesda, Maryland, 20014, or call 654-3496, 7-9 p.m. This service will be limited to what time and space permit.

DRUG TREATMENT IN PHILADELPHIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

Mr. EILBERG. Mr. Speaker, two new methadone treatment centers were opened recently in my city of Philadelphia. Each of these centers will have a treatment capacity of 200 addicts.

While the opening of these facilities is an important step forward in the city's fight against drug addiction, it is a very small step.

Drug addiction is undoubtedly the most important domestic problem facing this country, but at the Federal level we continue to fight it with a minimum amount of resources.

The cities and States simply do not have the money to deal adequately with the problem of drug addiction. The main thrust must come from Washington.

Methadone is an answer to one part of the problem. It will help some addicts. It certainly will not help all addicts, probably not even a majority. Methadone is not a remedy for the disease of drug addiction; it is a treatment for one of the symptoms. If we are going to end the problem of drug addiction we are going to have to deal with the problems which force people to turn to drugs for relief and we are going to have to cure the social and psychological problems of the addicts so they will not go back to drugs when things get tough.

At this time, I enter into the RECORD a statement by the city representative of Philadelphia on the drug treatment situation in the city, not to show how well we are doing, but to point out how much more must be done.

The statement follows:

METHADONE TREATMENT CENTERS

The first of two new methadone treatment centers for heroin addicts began caring for patients today (Monday, March 27), it was announced by Acting City Health Commissioner Dr. Lewis D. Polk. Located at 830 N. Board st., the clinic is operated by the Health Department's Office of Mental Health and Mental Retardation.

The second methadone clinic operated by the Health Department, at 716 South st., is expected to begin functioning within the next two to three weeks, Dr. Polk said.

Funds for the establishment of the centers come from a $293,835 grant from the Law Enforcement Assistance Administration of the U.S. Department of Justice, plus $125,930 matching funds from the Office of Mental Health and Mental Retardation.

Each of the new centers will have a treatment capacity of 200 addicts, 50% of whom will be referred through the criminal justice

system and 50% enrolling on a voluntary basis, according to Dr. William Wieland, Director of the Addictive Diseases Division of the Office of Mental Health.

"Approximately 1,000 addicts are already being treated in three other methadone maintenance clinics housed in City health facilities and staffed by West Philadelphia Mental Health Consortium," Dr. Wieland noted.

"Another 700 are enrolled in methadone programs at St. Luke's Hospital, Mantua Halfway House, and Rehabilitation A.I.D. In addition, addicts are receiving therapy from other treatment programs in the city that do not utilize methadone but offer alternative approaches to drug abuse and addiction.

"We are working to expand both the methadone and the alternative treatment programs in the coming year, since all of the present programs have long waiting lists and some areas of the city have no programs at all at the present time," he said.

Heroin addicts who are 18 years or older are eligible for treatment at the City's methadone treatment centers. The center at 830 N. Broad st. will care for addicts who live in the Hahnemann Community Mental Health Center catchment area, between the Delaware and Schuylkill and from Montgomery ave. to Chestnut st. The center at 716 South st. will treat those who live in the Pennsylvania Community Mental Health Center catchment area, south of Chestnut st. and east of Broad.

The new City centers will be open seven days a week—from 8 a.m. to 6 p.m. Monday through Friday, and from 10 a.m. to 1 p.m. Saturday and Sunday.

Each methadone treatment center is staffed by a director, psychiatrist, social worker, registered nurses, ex-addict counsellors, a rehabilitation counsellor, and supportive clerical staff.

When an individual comes to the center for the first time, he will be registered and given an appointment for a medical and psychological evaluation, prior to any methadone being prescribed. In addition to the methadone medication, Dr. Wieland stressed that treatment will involve group therapy, peer pressure groups, and marital and family counselling groups.

The methadone maintenance program located at Philadelphia General Hospital and operated by the West Philadelphia Mental Health Consortium is currently caring for 600 patients, most of whom live in West Philadelphia south of Market st. About 220 residents of West Philadelphia north of Market st. are being treated for addiction at the clinic located in District No. 4 Health Center, 4400 Haverford ave., operated by the Consortium on behalf of the Philadelphia Psychiatric Community Mental Health Center.

The Consortium also staffs the clinic presently located in the District No. 2 Health Center, Board and Morris sts., on behalf of the Jefferson Community Mental Health Center. Approximately 200 residents of the area south of Chestnut st. and west of Broad st. are enrolled in that clinic.

NATIONAL WEEK OF CONCERN FOR AMERICANS WHO ARE PRISONERS OF WAR OR MISSING IN ACTION

HON. QUENTIN N. BURDICK

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Wednesday, April 5, 1972

Mr. BURDICK. Mr. President, although U.S. soldiers now held prisoners of war or missing in action in Southeast Asia are never far from the minds of our people, this country has just observed a National Week of Concern for these men and for their welfare.

I sponsored the resolutions creating this remembrance both this year and last. Last year, I had hoped that the observance would be the only one. I am saddened and disappointed that 1 year later we are still in the same situation, still paying tribute to the bravery of men locked up thousands of miles away.

We are still concerned about the same issues as we were last year, for the conditions of our POW's and MIA's have not improved. Although the North Vietnamese endorsed the Geneva Accords regarding the treatment of prisoners of war in 1957, they have ignored those humanitarian agreements.

The North Vietnamese and Vietcong have continually refused to give any information about their prisoners. We do not know whom they hold, who is missing, who is sick, or who has died. They refuse to exchange seriously ill prisoners or permit proper medical treatment. International organizations have been refused access to the prisoners, and the prisoners have been denied the right to correspond freely with their families.

This conduct is hardest on the families of those missing or held prisoner. The suffering they must feel is almost beyond comprehension. Still, they have maintained the courage to work for the freedom of their loved ones in every way, through every channel. Throughout it all, they have been brave, courageous, and dignified.

If I were a member of one of those families, I do not know that observing a National Week of Concern would bring me much peace of mind. The attention it focuses on the matter is important, but strong, positive action is needed. We must continue to work to better the conditions for our POW's and for the safe return of every one of our men.

The surest and quickest way to bring this about is to set a date for the withdrawal of all American troops, contingent only on the release of our prisoners. I have voted for such a provision over and over again. The majority of Senators have also done so. In spite of our actions and the feelings of hundreds of thousands of Americans, the war drags on. More American soldiers are killed. More are missing. More are taken prisoner.

The fixing of a definite date for withdrawal would give renewed hope to our prisoners and their families. I deeply and sincerely hope that the President will agree to this step. History has shown that the release of prisoners comes after, not before, a commitment to withdraw.

This National Week of Concern is a sad reminder to all Americans to rededicate their efforts to end U.S. involvement in Southeast Asia and bring our troops—all our troops—home safely and soon. I would hope that the people, the Congress, and the President will heed this reminder and work to insure that this will be the last Week of Concern we must proclaim.

The city of Fargo, N. Dak., has also declared this week as a Week of Concern. I ask unanimous consent that the proclamation be printed in the Extensions of Remarks.

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

PROCLAMATION

Whereas, over 1500 members of this nation's Armed Forces are currently held prisoner or declared missing in action in the conflict in Southeast Asia, and

Whereas, the government of North Vietnam has continuously refused all efforts by this nation and the International Red Cross to secure repatriation or humane treatment for these men, and

Whereas, never in this country's history have its fighting men been held for so long, with little hope for release and with severely limited contact with their families, and

Whereas, it is incumbent upon the citizens of this great country to support its fighting men held as prisoners of war or declared missing in action;

Now, therefore, I, Herschel Laskowitz, do hereby declare the period of March 26-April 1, 1972, as a "Week of Concern" for our POW/MIAs, and I call upon the citizens of this city in remembering these men through prayer and further through letters to our elected representatives, and I join with the families of these men when I ask of you:

Don't Let Them Be Forgotten.

AN INTERVIEW WITH GREEK AMBASSADOR BASIL VITSAXIS ON AMERICAN-GREEK RELATIONS—RARICK REPORTS TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

Mr. RARICK. Mr. Speaker. I recently reported to my people in an interview with the Honorable Basil Vitsaxis, Ambassador of Greece to the United States, on Greece and relations between Greece and the United States. I insert the report at this point:

RARICK REPORTS TO HIS PEOPLE IN AN INTERVIEW WITH GREEK AMBASSADOR BASIL VITSAXIS ON GREECE AND GREEK-AMERICAN RELATIONS

RARICK. Americans have good cause to be concerned over the increasing domination of the Mediterranean by the Soviet Navy. From North African countries in the West to Turkey in the East, deep water ports, support facilities and air bases once available to the United States and to NATO have been closed. Anti-Americanism is increasing and American warships are no longer welcome to make good-will visits to many once friendly ports.

One of the very few exceptions to this unfriendly attitude toward the United States is the Kingdom of Greece. The history of Greece has been the story of a constant struggle to keep burning the flame of liberty. Greece stands today as the greatest bulwark against communist tyranny in all of Europe. Were it not for the present friendly Greek Government the U.S. Sixth Fleet might well have been excluded completely from the Mediterranean.

Today, we are very privileged to have as our guest to talk about Greece and Greek-American relations His Excellency Basil Vitsaxis, the Ambassador from Greece to the United States and a personal friend of mine during his assignment in Washington over the past two years. Welcome, Mr. Ambassador, into the homes of our TV viewers.

Mr. Ambassador, the Soviet Union just last month reportedly warned the United States that its plan to establish naval bases in Greece can only provide a corresponding reac-

tion from the Soviets. A State Department spokesman rejected the Soviet allegation that the U.S. is setting up naval bases in Greece. What can you tell us without violating military security, of course, about the U.S. naval facilities in Greece and any arrangement between our two countries regarding the United States Navy.

VITSAXIS. Well, first of all let me thank you, my dear John, for allowing me to be on your program. Coming to your question, I believe it is only proper to first say a few words on the importance of this sea, in the framework of World Strategy.

The Mediterranean stretches from the southern flank of Europe to the northern shores of Africa and represents a shortcut for some very important nations, between the Indian Ocean and the Atlantic. Three watergates, i.e. Gibraltar in the West, the Bosporus and the Dardanelles in the North-East and Suez, in the South-East, render this waterway extremely vulnerable. Some of the richest oil producing countries are largely dependent for their communications on this sea and, it is needless to add that, one of the hottest spots of today's world, is the Middle East.

All this make the Mediterranean—the least one can say—a very important sea.

The Soviet military and, consequently, political presence in this area is a new phenomenon and is, naturally, watched with ever increasing concern by the Western powers. The Western presence in this sea is represented by the NATO Naval forces, the backbone of which is the 6th United States fleet.

Greece belongs to NATO and is wholeheartedly committed to the cause of common defense. It was then only natural for my Government to give its approval in principle to the request formulated by the friendly and allied United States Government to establish home port facilities in the Athens-Piraeus area for the 6th Fleet.

I wish to take this opportunity to stress the fact that home porting facilities are not *military bases*. They aim at facilitating the officers and the crews, serving in the 6th Fleet, to meet more often and easier with their families without having to sail back to the United States.

The Soviet Union, I know, has launched a protest alleging that the United States are building new military bases in Greece. This allegation, as I said, does not correspond to the facts; but I wish to underline in this respect that though no American military bases are built in Greece, Soviet military bases—in the true meaning of the term—are being sought in the area—mainly on the Northern shores of Africa. I really cannot see how one can protest for even imaginary intentions of somebody else, while he himself not only entertains such intentions but also puts them into action.

RARICK. I think that it is safe to say that in Greece your people still like America and Americans and anyone who loves freedom is still welcome.

VITSAXIS. The ties between the United States of America and Greece are long-standing bonds of warm mutual friendship. They were hammered since our war of Independence of 1821. At that time many Americans came and fought in Greece and, by the way, it is noteworthy that Americans "fighting abroad for the cause of freedom" are not a new phenomenon, since, as early as in the 19th century, these brave sons of the United States came as volunteers to my country, fought shoulder to shoulder with us and died on our battlefields for the cause of our independence.

The ties between Greece and the United States were eventually strengthened during the two World Wars, during the communist invasion of my country and during the Korean war. On the other hand, many Greeks have come and settled in the United States, thus representing a living bond between the two countries.

I am happy to state, my dear John, that the relations between the Governments of our countries, truly reflecting the relations between our peoples, are excellent.

RARICK. Mr. Ambassador, could you tell me what was the effect of the recent realignment of currencies on the drachma and perhaps, more generally, what is the present state of the economy of Greece?

VITSAXIS. Well, let me first start with the second part of your question. If one takes April 1967 as a starting point, the Greek economy completes five years of sustained and rapid economic development. This has been particularly true during the last three years, when the national income grew by over seven per cent on the average. Mind you, this rapid economic growth was accompanied by a high degree of price stability, in spite of steadily rising prices in foreign countries and world inflation. Economic growth and industrialization has been dependent on imports, as most capital equipment has to be imported. Thus, imports have been increasing with the widening trade gap reflecting the accelerating growth and the ensuing higher standards of living. However, the inflow of foreign credits and investments, as well as remittances from Greeks working abroad, earnings of the merchant marine and the unprecedented receipts from tourism, more than kept pace with Greece's external trade deficit. In other words, the current account deficit had been more than offset by capital inflows, especially in 1971 and during the first months of this year, leading to a substantial increase in the total reserves of our Central Bank.

Referring to the latest well-known realignment of currencies in the world, I wish to state that my country did not change the purity of the drachma vis-a-vis the dollar. By allowing our currency to follow the dollar, we have improved our competitive position with regard to other European countries and especially the major countries of Western Europe, which constitute our main export markets.

It is worth noting that at the present stage of our development there is a great need for capital imports and the mobilization of our internal resources. From that point of view, the fact that the influx of private savings, both in local and foreign currencies, into the Greek banking system is at an all time high, is most encouraging. May I add, in this respect, that the confidence shown to the Greek economy and to the stability in my country by the international capital, as evidenced by this influx, is a clear proof of the healthy situation in Greece. As is well known, international capital does not obey any laws other than those of cool, objective appraisal and reason.

If the past is to serve as a guide, the dynamism of the Greek economy in recent years and its highly development-oriented character cannot but lead to an optimistic prognosis of the future of our economy.

Let me also remind our viewers that, like the United States, Greece maintains an economic system that gives private initiative and enterprise full opportunities and our trade is fairly liberal and in accord with the rules of the General Agreement of Tariffs and Trade.

RARICK. Mr. Ambassador, our people hear from time to time conflicting reports about your country today. On several occasions I have referred to Greece to my people as the last remaining bastion of peace in the entire Mediterranean as being pro-American and anti-Communist. Then, of course, our people also hear the small but very vocal minority in our country who for some strange reason seem to get front-page and wide press coverage as they constantly refer to the government of Greece as some kind of dictatorship. I believe it'd help our viewers to have a correct understanding of Greece today if they knew the background of how the present Greek government came to power. Would you care to enlighten our viewers as the representative of your country?

VITSAXIS. Thank you for asking this question because it will allow me to shortly refer to what happens in my country.

Following the war, the communists tried to take over Greece . . .

RARICK. You are referring to World War II?

VITSAXIS. Yes, World War II.

They wanted to control the country because of its strategic importance in the eastern basin of the Mediterranean. The world was led to believe, that it was an internal upheaval. In reality, as proved by an on the spot investigation of a special United Nations Committee, it was a camouflaged invasion from the North (we had similar phenomena in Korea and in North Viet Nam). The Greek people vigorously fought the communists. Our American friends gave us material support and advice; but *we* alone provided the necessary blood . . . Rivers of blood.

For four long years we fought to stay out of the Iron Curtain. Four years which brought destruction and catastrophe to our country beyond any description. The communist invasion was eventually crushed and we hoped that a brighter tomorrow was to come. The communists, nevertheless, did not abandon their aims. They only changed their tactics. Since they had not succeeded in conquering Greece by the force of arms they tried other, more subtle, though equally dangerous ways. They started infiltrating into the public offices, into the various services, hoping to get control of our country. The situation worsened with every passing year so that in the years immediately preceding 1967 the country was plunged into chaos. Democracy had virtually ceased to function; the economy was paralyzed by continuous strikes; and disorders broke out in all major cities, causing a well understood anxiety to the people of my country.

Something had to be done if Greece, as a free country, was to be saved. The armed forces of Greece did it. They intervened on April 21st, 1967, and took complete control of the destinies of the country. Their intervention was motivated by the desire to save democracy, not to destroy it. Immediately after the new Government came to power, it proclaimed to the people that it did not intend to establish a new form of government, dictatorial or otherwise. What it promised and what it is step by step promoting is the establishment in Greece of a real democratic life under the guarantee of the Constitution. Among the first acts of the new Government was to establish a Committee of highly competent persons, Professors of Universities, Magistrates and so on, to draft a new Constitution. The Constitution was publicly debated and then put to a vote. The Greek people by an overwhelming majority accepted this Constitution at a national referendum which took place in 1968.

May I, my dear John, take this opportunity to stress the fact that the Constitution, which is actually the fundamental Charter under which political life in my country evolves, provides for elections by secret ballot and for multi-party representation of the people in the Parliament. It also provides for all checks and controls which are to be found in every Constitution of western type democracies. Let me quote from Article 2, which reads:

"All powers emanate from the people, exist in favor of the people and the nation and are exercised by the manner prescribed by the Constitution."

The same Constitution guarantees all human freedoms. In some instances it provides for even a greater protection of human rights than does the International Convention of Rome on Human Rights. In short, the political system which is prescribed by our Con-

stitution is a western type democracy and I do not think that anybody who would examine it could come to a different conclusion. Many, for reasons which I do not want to discuss now, continue to label Greece as a "dictatorship". To them I should like to say that Greece is the country where democracy was born and Greece continues to be the home of democracy.

RARICK. In listening to your explanation, Basil, I think its interesting to note that the Communists who would seemingly try to call or smear Greece as a dictatorship certainly don't practice in their own country what they preach about Greece. In Russia, for example, elections are a farce. The people have a right to exercise the ballot but they can vote for no one except a Communist. There have been some charges made by this same vocal minority, probably friends of the Soviet Union, that the Greek government does not allow freedom of the press. Would you care to comment on this?

VITSAXIS. Well, this allegation is less and less put forward today even by the staunchest opponents of the Greek Government. The flow of foreign tourists in Greece has allowed many people to see for themselves that censorship does not exist in my country. Our newspapers and magazines are also read abroad and it is easy for everyone to see that the press is free in Greece. Our Constitution guarantees the freedom of the press and adds: *"Censorship and every other preventive measure is prohibited."*

Our newspapers express freely their opinion with regard to the Government and to the course followed by it. Some are favorable, some are critical, as is the case in any free country.

RARICK. We also hear, Mr. Ambassador, about Greece being under martial law and that your country has political prisoners today. Would you care to comment on that?

VITSAXIS. I think I should start by explaining what is meant by martial law and what is the situation in my country with regard to this.

Martial law is in any country a legislative measure applied whenever certain conditions of national emergency prevail, whereby all human rights, with very few exceptions, are suspended. This happened immediately after the revolution of the 21st of April 1967. Then, little by little, and as the situation in Greece became less dangerous, human rights, the one after the other, were re-established and guaranteed. The only provision of the all embracing martial law which remained in force during the last years was the provision according to which a very limited number of crimes—mostly those against national security—should be judged not by ordinary Courts—as the case would be under the Constitution—but by Court Martials. This only last remnant of martial law was also lifted a few months ago for the quasi-totality of the country. It remains in force in very small areas and I am confident that in those areas also it will soon be lifted.

From what precedes you can see, my dear John, that the so often repeated allegation that my country is living under martial law is totally unfounded.

RARICK. Are there any political prisoners in Greece today?

VITSAXIS. I am glad to tell you in the most categorical way that there is not a single political detainee in Greece today. In order to better understand the question of political detainees I wish to briefly refer to the history of the matter.

During the communist invasion and immediately after it, various Governments of Greece have applied a law, voted by the Greek Parliament, according to which persons who were considered dangerous for the national security—because of their past record or because of their activities—could be confined in certain places in order to prevent them from undermining the security of the country. Such political detainees existed in Greece in the 50's and in the 60's. Their number—quite substantial—was decreasing every year. It was substantially increased again immediately following the revolution of the 21st of April 1967. This was quite normal if one takes into account the fact that the revolution took place in order to stop the downhill course of the country.

At this point, two facts should be stressed:

(a) That political detainees existed in Greece long before the revolution of the 21st of April 1967,

(b) That their confinement was—before as well as after the revolution—in accordance to a long-standing Greek law voted by an elected Greek Parliament and applied by the Governments of Greece both before and after the revolution.

It should also be noted that in the years following the revolution of 1967 the decline in the numbers of political detainees was much faster than before, and finally all confinement places were completely dismantled and all political detainees set free.

This is the truth, dear John, about the so-called question of political detainees in Greece.

RARICK. Any tourist who would care to go to Europe this summer to visit Greece would be safe in their property and their protection? They'd have no threats against them?

VITSAXIS. My answer is yes. And may I add that Greece is expecting all her friends. They will find at her shores not only safety but also the traditional hospitality for which Greece is known all over the world.

RARICK. And they would be welcomed. Mr. Ambassador, it has indeed been a pleasure having you on our program. I only wish we had more time. I welcome you to visit Louisiana. As you know our ties are very close with your friendly people.

A NATIONAL COACHES DAY

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, April 5, 1972

Mr. GRIFFIN. Mr. President, I am pleased to join the distinguished senior Senator from Texas (Mr. TOWER) in cosponsoring Senate Joint Resolution 213, authorizing the President of the United States to issue a proclamation which would designate a "National Coaches Day."

The great Knute Rockne once gave Frank Leahy this advice:

> Coaching is a life of heartaches, but it's the life for you and me.

Along with many heartaches every good coach carries with him the personal satisfaction and knowledge that, in a very special way, he is molding among his students the capable self-reliant, team-spirited, and mature young men and women who will be the future leaders of our Nation.

Participation in athletics not only develops the skills required for a particular sport, but it also builds respect for opponents as well as a sense of fairplay. Experience on an athletic team teaches not only that great effort is necessary to achieve victory in competition, but also that there is much to be gained even in defeat when one does his best.

From the early days of Greece and Rome, it has been noted that young people mature into stronger adults if they set high goals for themselves and work steadily toward them. In so doing, they overcome obstacles which add to their strength of character and to the development of their native and acquired abilities.

The coach is actively involved in molding the character of youth from the time preseason tryouts begin until the last play of the season's last game. He is a teacher; but he must also be a good student—a student of human nature; of the differences among individuals and the various ways in which they respond to direction and leadership.

A good coach is capable of welding together the personalities and abilities of a variety of individuals into a team that functions as a unit. Indeed, the greatest contribution to the Nation of a good coach is the development in youth of a sense of teamwork.

And, in the final analysis, it is teamwork that makes possible much of what we call civilization.

Mr. President, I believe the joint resolution I have cosponsored is worthy of favorable consideration by Congress. I believe that the coaches of our Nation merit and deserve this kind of recognition.

TORRANCE SCHOOL DISTRICT RECOGNITION BANQUET

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

Mr. ANDERSON of California. Mr. Speaker, the hope of the future lies in our educational system, and the very heart of our educational system is the personnel who make an individual school a vibrant, living place of learning.

The teacher, the administrator, the secretaries, the custodians—all have an important role in educating the youth of today so that they will be prepared to meet the challenge which lies ahead. All must dedicate themselves to a cause which is above personal renown, a cause which does not bring riches or fame, but rather a cause which arouses the curiosity and results in a student's inspired feeling to make this earth a better place.

This is the reward of those who toil to educate our children. For, as the author Henry Brooks Adams said:

> A teacher affects eternity; he can never tell where his influence stops.

The reward is the future.

To express our appreciation to those dedicated people who have such a powerful influence in shaping the future, the Torrance, Calif., Unified School District has scheduled a recognition banquet to honor 29 persons who are retiring after years of service.

All of us owe a special debt of gratitude to the school personnel, and I would like to offer a word of thanks to all of those who have given so much of themselves to direct our children toward tomorrow with a spirit of helping their fellow man.

Those retiring are: Mrs. Mary Rutherford, Mrs. Florence Porter, Mrs. Emily Young, Mrs. Florence Pratt, Mrs. Rosa

Malott, Mrs. Helen Carpenter, Mr. George Marich, Mr. Raymond Collins, Mrs. Mary Miller, Mr. Gordon Williams, Mrs. Margaret Gaedke, Mrs. Virginia Bradshaw, Mrs. Virginia Booher, Mr. Richard Pueschel, Mrs. Merle Laskaris, Mr. Arie Blackman, Mrs. Velora Murphy, Mr. Jesse Gladgo, Mrs. Bernice McCoy, Mrs. Evelyn Brosius, Mr. Howard Bales, Mr. Jerome Peoviak, Mrs. Faye Hawks, Mr. Theodore Diamond, Mrs. Margaret Meyer, Mr. Charles Stimson, Mr. Roy Bravick, Mr. Vernon Briegel, and Mrs. Inez Thompson.

Mr. Speaker, their influence will never stop; it can be seen in future generations for eternity.

Because of the dedication of these individuals, and the philosophical tenets of the Torrance Unified School District which teach that "education is a dynamic, evolving relationship with subject matter the means, man the product, and society the result," we can look to the future with great optimism and hope.

For this, our entire community and country is eternally grateful.

JERUSALEM

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

Mr. ROSENTHAL. Mr. Speaker, in an age of brotherhood and enlightenment, it is all the more appalling to see the ugly head of bigotry raised in high places.

So it is that the Palm Sunday sermon of the Very Reverend Francis B. Sayre Jr., dean of the Washington Cathedral, is deeply disturbing and most out of place. His denunciation of Israel as an "oppressor" in Jerusalem was not only unfortunate but grossly inaccurate.

I would hope, for his sake, that Dean Sayre was speaking not so much out of prejudice as out of ignorance.

His allegations of mistreatment of Israeli Arabs is unjust and untrue. Since Israel assumed political control over both the old and new sections of Jerusalem, the Holy City has been open to persons of all lands and all religions. As the Washington Post points out in an editorial today:

> Freedom of religion and open access to the shrines in Jerusalem are better protected now, by the Israeli state, than at any time in memory.

Has Dean Sayre so conveniently forgotten that from 1948 to 1967 the Arab rulers of East Jerusalem denied Jews the right to visit the holy places of their religion and kept Moslems who were Israeli citizens from going to their own religious shrines?

Where was Dean Sayre during those years when the Jordanians destroyed all but one of the 35 snyagogues in the Old City, desecrated Jewish tombs, barred Jews from visiting the cemeteries of their friends and families, and evicted or killed the Jewish residents of East Jerusalem?

Why did his Palm Sunday sermon ignore these facts? Why did he fail to point out that Jerusalem today is a truly international city, open to all persons, regardless of their faith and their nationality?

I am inserting in the RECORD news reports of Dean Sayre's sermon plus editorial and reader reaction from two publications, the Washington Post and Jewish Week. I also am including a synopsis of a sermon by Rabbi Bernard H. Mehlman of Temple Micah in Washington, D.C.

[From the Washington Post, Mar. 27, 1972]

ISRAEL CALLED OPPRESSOR OF JERUSALEM

(By William R. MacKaye)

Once-oppressed Israelis have become the oppressors of Jerusalem, the Very Rev. Francis B. Sayre Jr. charged yesterday in a Palm Sunday sermon at Washington Cathedral.

Emphazing his conviction that contemporary events in Jerusalem are simply one of many examples of "the moral tragedy of mankind," the Cathedral dean exclaimed:

"What a mirror, then, is modern Israel of that fatal flaw in the human breast that forever leaps to the acclaim of God, only to turn the next instant to the suborning of his will for us."

Dean Sayre recalled that many people around the world cheered in 1967 when Israeli forces "surged across the open scar" that divided Arab Old Jerusalem from the Israeli sector.

"But now oppressed become oppressors," he declared. He asserted that Arab residents of Jerusalem are deported or deprived unjustly of their land and forbidden to bring their relatives to settle in Jerusalem.

Arabs "have neither voice nor happiness in the city that is the capital of their religious devotion, too."

The dean indicated that he was basing his position largely on the views of Israel Shahak, a Jew and professor at Hebrew University, who has lived in Jerusalem for 18 years. He is a survivor of the Bergen-Belsen concentration camp.

Dean Sayre quoted Shahak's assertion in the current issue of Christianity and Crisis, a bi-weekly journal of religious and social opinion, that Israel's annexation of East Jerusalem is "an immoral and unjust act."

Until the non-Jews of Jerusalem are given freedom, Shahak wrote in a passage quoted by the dean, "the present situation of one community oppressing the other will poison us all—and us Jews first of all."

Dean Sayre's comments on contemporary Jerusalem were contained within a longer reflection on the religious significance of the holy city, which forms a traditional topic for Palm Sunday. Palm Sunday recalls for Christians the day that Jesus entered Jerusalem and, only days before his crucifixion, was hailed by his followers as a king.

At the Episcopalian Cathedral a special procession including players of shofars, the rams' horns sounded by Jews on solemn occasions, wound through the gothic arches in a ritual re-enactment of Jesus' action.

"We are Jerusalem this morning," the dean declared to worshippers. And he warned them that this was an identity of sorrow as well as of joy.

"Jerusalem," he said, "in all the pain of her history, remains the sign of our utmost reproach: The zenith of our hope, undone by the wanton meanness of men who will not share it with their fellows, but choose to kill rather than to be overruled by God."

[From the Washington Post]

DEAN SAYRE ON JERUSALEM

If Dean Sayre's choice of words was unfortunate, in his Palm Sunday sermon at Washington Cathedral, his choice of a target was even more deplorable. He was on firm ground as long as he devoted himself to the moral shortcomings of mankind in general, as exemplified in the betrayal of Christ in Jerusalem. But when he turned the sermon into an intemperate denunciation of current Israeli policy in Jerusalem, and coupled it with a highly unjust allegation of mistreatment of Israeli Arabs, he committed an error of a particularly serious character.

The status of Jerusalem is neither less complex nor more easily soluble than any other point of contention between Israel and the neighboring Arab states. As a political issue it is open to vigorous debate, both in Israel and throughout the world. Here it suffices to say that the dean's description of the Israeli treatment of its Arab minority is not supported by most of the Christians who speak with authority on the subject. We print on the opposite page today a sample of the letters that we have received, and several of them address this point.

Dean Sayre's purpose was evidently to chide the Israelis for asserting political control over East as well as West Jerusalem, and its special meaning to three faiths, and to reproach the world's nations in general for their lack of support for the United Nations. But freedom of religion and open access to the shrines are better protected now, by the Israeli state, than at any time in memory.

But Dean Sayre was not delivering a political lecture. He is a high clergyman who, in a solemn celebation, denounced Israel as re-enacting "the moral tragedy of mankind" in the city of Jerusalem: "Now the Jews have it all. But even as they praise their God for the smile of fortune, they begin almost simultaneously to put Him to death." The words run painfully close to a very old, very familiar line of the worst bigotry. Undoubtedly Dean Sayre did not intend to evoke this recollection. But it is profoundly dangerous all the same. The gun is loaded, whether the dean acknowledges it or not. As the letters published here today indicate, a number of prominent clergymen have publicly dissociated themselves from the sermon. Dean Sayre himself might usefully reconsider his words.

[From the Jewish Week]

PALM SUNDAY SERMON STIRS PROTEST THROUGHOUT NATION—DEICIDE THEME USED BY DEAN AN ATTACK ON JEWS

A reference in a Palm Sunday sermon at the Washington Cathedral to Israel as an "oppressor" of Jerusalem who would prefer to "kill rather than to be overruled by God" has stirred a storm of indignation among Jews and friendly Christian church people throughout the country.

The sermon was delivered by The Very Rev. Francis B. Sayre, Jr., a grandson of President Woodrow Wilson and Dean of the Cathedral. Sayre cited events in Jerusalem as one of many examples of "the moral tragedy of mankind" and he added:

"What a mirror, then, is modern Israel of that fatal flaw in the human breast than forever leaps to the acclaim of God only to turn the next instant to the suborning of his will for us."

But what roused the greatest indignation in the sermon was the statement that "Jerusalem, in all the pain of her history remains in the sign of our utmost reproach. The zenith of our hope, undone by the wanton meanness of men who will not share it with their fellows, but choose to kill rather than to be overruled by God."

The clergyman said "the oppressed had become the oppressors" and that Arabs "have neither voice nor happiness in the city that is the capital of their religious devotion, too." He said he was basing his position largely on the views of Israel Shahak, a professor in chemistry at the Hebrew University of Jerusalem, who said he is a Jewish survivor of the Bergen-Belsen concentra-

tion camp and has lived in Jerusalem for 18 years. His opinions appear in the current issue of Christianity and Crisis, an organ of social and religious opinion. Shahak called Israel's unification of Jerusalem "an immoral and unjust act."

The ancient anti-Jewish deicide theme was also suggested in Dean Sayre's sermon when he said:

"Around the world, 'Hosannah' was echoed as Jewish armies surged across the open scar that used to divide Arab Jerusalem from the Israeli sector. Now the Jews have it all.

"But even as they praise God for the smile of the future upon them, they begin almost simultaneously to put Him to death—as if Jerusalem could ever be altogether theirs—or any one's."

Dean Sayre, according to Abe Foxman, mideast affairs chief of the Anti-Defamation League, organized a national prayer meeting at the Cathedral in January 1970 on behalf of the Palestinian Arabs which "all the pro-Arabs that exist" attended. Washingtonians who sought to deliver a contrary point of view were prevented from speaking.

National and Washington-area rabbinical and Jewish community organizations as well as leading non-Jewish clergymen have issued statements repudiating the sermon. A meeting of the Council of Churches of Greater Washington, a Protestant group, was called to discuss the implications of the incident.

A sampling of the statements issued on the sermon will appear in our next issue.

Arnold Forster, general counsel of the Anti-Defamation League of Bnai Brith, commented that "an attack from Dean Sayre on Israel comes as no surprise to us. His attitude has long been known. We read with dismay the inaccurate and unfair statement charging Israel as oppressing Jerusalem which he used to build his Palm Sunday sermon.

"His charge that Jewish rule of the Holy City is a 'moral tragedy' seems as far from the spirit of this holy season as it is from the fact."

DEAN SAYRE'S PALM SUNDAY SERMON RECALLS TIRADES OF CZARIST RUSSIA'S PRIESTS

The Very Rev. Francis B. Sayre Jr., Dean of Washington Cathedral and grandson of President Woodrow Wilson, observed Palm Sunday with a sermon that seemed singularly inappropriate to this presumably ecumenical age.

The harsh language was more reminiscent of anti-Jewish tirades in East Europe during the pre-Easter season. Denouncing Israel as an "oppressor" of Jerusalem, the Dean did not shrink from extreme invective. Referring to present-day Jerusalem, he said: "The zenith of our hope, undone by the wanton meanness of men who will not share it with their fellows, but choose to kill rather than to be over-ruled by God."

The same theme was echoed by a number of other Christian clergymen, all of them apparently inspired by a pro-Arab campaign.

We do not recall that the reverend gentleman or any of his like-minded colleagues ever denounced or even deplored the oppression of Jerusalem between the years 1948 and 1967, when Arabs ruled the city and would not permit a Jew to visit any of his holy places. Yet, now when the city is open to people of all races and religions, there are Christian clergymen who choose the Easter-Passover season to incite hatred against the only people who ever exalted Jerusalem as their national capital.

According to the daily press, the Dean indicated that he based his cruel judgment on Israel on a comment made by an Israeli, Israel Shahak, a new leftist chemistry professor at Hebrew University. The fact that one Jew has found Israel at fault is apparently conclusive proof to the Dean that all Israel is to be condemned. That the Israeli people are of many opinions and that they are completely free, even in time of crisis, to excoriate their government evidently gains Israel no points with this Christian Dean. He evidently prefers also to assume that Arab governments are rendered pure by the fact that no Arab dares to express a dissenting view.

Even if the Dean were innocently misled by the fact that an Israeli dissident has pleaded guilty for his country, there would still be no warrant for the Dean's reference to killing in Jerusalem. Israel's harshest critics have admitted that Israel has maintained the most liberal administration of the holy places in the city's modern history, and that its rule has been singularly mild in view of the tensions of war.

We are certain, nevertheless, that the Very Rev. Francis B. Sayre, Jr., did not consciously mean to emulate the traditional anti-Semitism of Czarist priests, who would make a practise of delivering blood-curdling indictments of Jews during their holy season. In singling out Jews for criticism that he withheld from Arab oppressors of Jerusalem, he may be betraying anti-Arabism more than anti-Semitism, since his only excuse for not having condemned the Arabs during their bigoted rule of Jerusalem would be that they are not criticism-worthy.

Grateful as we may be for being considered criticism-worthy by the Dean, we wonder whether Palm Sunday, which has long had fearsome connotations for the Jewish people, was an appropriate occasion for thus honoring us.

[From the Washington Post]

LETTERS TO THE EDITOR: REACTION TO DEAN SAYRE'S PALM SUNDAY SERMON ON JERUSALEM

On a fact-finding trip to Jerusalem a few weeks ago, both signatories of this letter failed to find any evidence of Israeli oppression in that city, of which Dean Francis B. Sayre Jr. spoke in his sermon in Washington Cathedral, as reported in The Washington Post (March 27). He named as his source of information Israel Shahak's letter in Christianity and Crisis, which we have read and found on the whole distorting and moreover, a singularly weak basis upon which to build a sermon in the Cathedral.

Shahak's technique of criticism is a familiar one. Every untoward action of the Israeli government of many months, and even years, is listed together in a way to convey the impression of an intense and ongoing oppression. The technique deceives no one at all familiar with the real conditions in the city.

Dean Sayre would have been better advised had he checked his information and his perspective with his co-churchman in Jerusalem. Anglican Archbishop George Appleton. One of us had the privilege of a long interview with him on the situation in Jerusalem, and we can assure the dean that the impression received from the archbishop was quite the contrary of that given by his remarks in Washington Cathedral.

Is there not something very wrong with Christians employing anti-Zionist Jews to witness for them against Israel? Is it not too close to the old anti-Semitic stratagem of using passages from the Hebrew prophets in order to scold Jews?

The Rev. EDWARD H. FLANNERY,
Executive Secretary, Secretariat for Catholic-Jewish Relations.
The Rev. Msgr. GEORGE G. HIGGINS,
Director, Division for Urban Life, United States Catholic Conference.
Washington.

NOTE.—The writer, a guest lecturer at the University of Maryland, is professor of English at Bar-Ilan University in Israel.)

If the Rev. Francis Sayre Jr. is indeed correctly quoted in your edition of March 27, I find it hard to credit that the Dean of the Washington Cathedral should have devoted his Palm Sunday address to an intemperate and entirely partisan attack upon Israel as "the oppressors of Jerusalem." When confronted with so clear an example of prejudice and distortion it seems pointless to offer a merely logical or statistical rejoinder. I shall therefore confine myself to one or two pertinent questions.

Who are the Arab residents who have been "unjustly deported" from that city? Has the Rev. Mr. Sayre acquainted himself with the files on the persons in question? Of what civil and religious liberties are the Arab residents of Jerusalem deprived? On what moral or legal grounds should Israel be required to permit the unrestricted immigration of additional Arabs into her territory? Is the Rev. Mr. Sayre aware that at the time of the foundation of the State of Israel in 1948 close to one million Jews were driven out of the Arab lands without the right of return? (Some 700,000 eventually found a haven in Israel). He raises his voice against the imaginary oppression of the Arabs in East Jerusalem. Did he, I wonder, raise his voice against the expulsion of the Jews from their homes in the Old City (East Jerusalem, note) in 1948 and the consequent deprivation of their rights by the Jordanian authorities for a period of 20 years? During that whole period Jews were not allowed access to their holy places including the Western Wall of the (Jewish) Temple. Did he, when the facts became known to him, similarly raise his voice against the destruction of the synagogues in the Jewish quarter of the Old City by the Arab Legion (after the fighting there was over) and the wanton desecration of Jewish tombs on the Mount of Olives? Or would these matters have been inappropriate for mention in a Palm Sunday sermon? I forbear to question the accuracy of Mr. Sayre's information regarding the primacy of Jerusalem in the faith of Islam (though I believe it is at least questionable). But surely Mr. Sayre can be in no doubt regarding the primacy of Jerusalem in the faith and history of the Jew.

I am not sure how to understand the last sentence of the Rev. Mr. Sayre's reported sermon, and indeed I imagine it must have puzzled many of your readers. He speaks of "the meanness of men who will not share it [i.e., Jerusalem?] with their fellows, but choose to kill rather than be overruled by God." Is this the theological language appropriate to a Christian living in the post-Auschwitz era? Is Israel indeed on trial at the bar of Christian truth, or is it not rather the Church of Christ which must search its conscience and question its conduct for standing by silently (as so many of its leaders did) whilst the Jewish people were being murdered and reviled? If now that people has regained its stature and dignity and has won a place for itself in one corner of the world, one might expect the leaders of the church if not to rejoice then at least to maintain a decent and humble silence before these mighty acts of the Lord of History—your history as well as ours.

HAROLD FISCH.
WASHINGTON.

Passing through on *my* way back to Jerusalem, my home town, I chanced upon your report of Dean Sayre's talk on Palm Sunday.

How can a high church official spout such non-factual garbage?

I don't know who this so-called professor Shahak is (since I am connected with the Hebrew University myself and have never heard of him, he may well be a figment of some Arab propaganda machine) but the facts are—and easily ascertainable—that the East Jerusalem Arabs can be Israeli citizens if they wish, with all the rights and privileges of such citizenship (although they do not have to serve in the Israeli Army) and unless there is a clear-cut security reason, Arab families have long been able to be reunited, not only in Jerusalem but in all of Israel and the administered territories.

Furthermore, all Christians and Moslems,

as well as Jews, have unrestricted access to their holy places. The oppression of the Israelis is expressed in such things as the first free elections in the West Bank, greatly improved social, health, and educational services, and a much higher standard of living.

Where was the prelate during the Jordanian occupation of East Jerusalem (carried out by force of arms, incidentally) from 1948 to 1967, when Jews were thrown out or killed, the Jewish holy places destroyed or desecrated, and no Jews allowed access to their cemeteries, *yeshivot*, or holy places (including the Western Wall)?

This churchman illustrates well the typical liberal gentile bleeding-heart attitude to the Jews—we'll commiserate with you as long as you're dependent on our goodwill for your survival, and we'll weep for you when you are slaughtered every few years by our co-religionists—but Lordy, don't you start winning and controlling your own destiny!

The hell with them, I say. We don't exist to justify their emotional hangups. We validate our own existence.

A. GRONMAN.

Jerusalem.

Dean Francis Sayre to the contrary I do not believe it is possible or appropriate for any believer faithful to a *loving* God to look for spiritual fulfillment in an attitude of hatred toward one side or the other in the Near East tragedy. Dean Sayre's Palm Sunday remarks about Jerusalem are incredible to anyone sensitive to the whole situation. In fact, Israel Shahak's observations, which the dean quotes, reveal not a "wanton meanness of men who . . . choose to kill" but instead they indicate in Shahak himself a Jewish conscience astir *in* Jerusalem *about* Jerusalem. Please, in this season celebrated simultaneously by Christians and Jews, let us shore up the respect for one another, not the suspicions.

NANCY MCMURRAY,
Convert to Judaism.

Washington.

It was with dismay, but no surprise, that we noted the inaccurate and unfair statements upon which the Very Rev. Francis B. Sayre built his Palm Sunday sermon at the National Cathedral (Washington Post, March 27). His false assertions that Israelis are "oppressors" in Jerusalem and that Jewish rule of the city is a "moral tragedy" seem as far from the conciliatory spirit of this holy season as they are from the facts.

Dean Sayre's strange suggestion that Jewish rule of Jerusalem (which has had a predominantly Jewish population for well over a century) is somehow not in accord with God's "will for us," serves to explain why no ringing sermons of protest were heard from him during Jordan's 19-year illegal occupation of the Old City. From 1948 to 1967 all Jews, Christians and Moslems from Israel were forbidden access to their holy places and all but one of the old City's 35 synagogues were wantonly destroyed.

Nor during this entire period did we hear Rev. Sayre's voice raised for the Jews of the Arab countries, who are being persecuted and humiliated even to the present time. In contrast, Israel has provided religious freedom, access and a boost into the 20th century for its Arab citizens.

Another distinguished minister, the Rev. Dr. G. Douglas Young, president of Jerusalem's American Institute of Holy Land Studies, is much closer to the facts. He lives in Jerusalem, has for many years, and he reports that Palestinian Arabs living under Israeli rule "are not keen to go back under Egypt or Jordan" and are not afraid to say so.

The most disturbing aspect of Dean Sayre's sermon, however, involves his charge that Israel is a "mirror" of religious hypocrisy and that the people of the Jewish State "choose to kill rather than be overruled by God." This is a venomous sort of fantasy that hardly lends grace to a pulpit on the day marking the entry of the Prince of Peace into that holy city of three faiths.

Rabbi JUDAH A. CAHN,
Chairman, Middle Eastern Affairs Committee, Anti-Defamation League of B'nai B'rith.

NEW YORK.

This period of special religious significance for Christians and Jews is scarcely the time for churchmen to engage in public dispute. Neither is it a time to keep silent when one's brothers and sisters of another faith have suffered a hurt. Dean Francis Sayre Jr. apparently was preaching good theology last Sunday in the Washington Cathedral, but questionable history. I'm no Jerusalem expert who can pit his knowledge against the gracious and learned dean, but I recall official statements by reputable Christians that give quite a different picture of religious and civil liberties in Jerusalem today. For example, two groups of Christian churchmen issued statements last June on what they saw and studied in Israel, commending that nation for its care for human rights, its fairness in housing, its practices of religious liberty, and its respect for holy places. Only this week I checked this kind of assessment with an American Catholic specialist in this field, just returned from Jerusalem, and he substantiated their basic findings.

I'm no apologist for Israel and I've found things in her short history to criticize. But to term Israel the oppressor today in Jerusalem in any serious way is to ignore the history of Jerusalem with respect to the same issues from 1948 to 1967.

The Rev. GRAYDON E. MCCLELLAN,
Presbytery Executive, National Capital Union Presbytery.

Washington.

When I was a child I was hypnotized by tales of childhood for a Jewish lad in Russia before the turn of the century. I remember still vivid descriptions of frightened Jews locked in their homes to avoid pogroms as red-eyed Russian peasants left their church screaming for Jewish blood on Palm and Easter Sundays. How wonderful it was, I thought, to be in America where even the church was enlightened.

So I thought until I read of Dean Sayre's vicious attack on Israel from his pulpit last Sunday. His was one of many attacks from various pulpits in this city. He accuses Israel of being aggressive, engaging in genocide and brutalizing the Arabs of that city—all of which is directly contrary to every report from every church group to visit unified Jerusalem. How crudely he attempts to defend this anti-Jewish diatribe with his meager evidence. One can only wonder about the depth of the ecumenical spirit of which we hear so much, when viewing this appropriate heir to the worst there is in the Christian tradition.

SOLOMON L. MARGOLIS.

Washington.

SYNOPSIS OF SABBATH EVENING SERMON DELIVERED BY RABBI BERNARD H. MEHLMAN

This past weekend, the Jewish and Christian communities of Washington were preparing to celebrate their respective holidays. For the Jewish community, this year's Festival of Passover had a special significance as the Festival of Freedom.

Not only are we celebrating the liberation of our ancestors from Egyptian bondage thousands of years ago, but we were also mindful of the liberation of Jews and the historic center of their faith: Jerusalem. No longer are Jews denied access to the holy ground of Jerusalem. No longer were Jewish graves in East Jerusalem desecrated, their tombstones used to pave the streets.

No longer were Jews denied even a glimpse of their holiest site: The Western Wall.

Joining with us in this celebration of freedom and human justice were the voices of such church leaders as Mrs. Cynthia Wedel, President of the National Council of Churches; Monsignor John M. Oesterreicher, an acknowledged leader in Catholic-Jewish studies at Seton Hall; the World Council of Churches; the Armenian Patriarch of Jerusalem; and such lay opinion leaders as the Editors of Time magazine and the New York Times—all of whom do attest, affirm, and acclaim Israel's administration of the Holy City and its fair treatment of the populace of East Jerusalem, Jew and non-Jew alike.

But one voice was missing. Speaking alone, discordant, and with the chill of winter, Dean Francis B. Sayre, Jr., of the Washington National Cathedral rose to the pulpit on Palm Sunday morning to deliver a homily. His lonely teaching harkened back to the days of bloodshed, to the mentality of bondage and oppression, and was a stark note of religious division. He delivered his homily on Palm Sunday, a day revered by Christians—but in the past deeply feared by Jews, for it was frequently the signal day for the beginning of pogroms. Every good preacher knows the significance of timing; I must assume that Dean Sayre was aware of the timing of his homily of Palm Sunday.

Grave questions are raised as to the rationale, if not also the consequences of his statement. Clearly he chose to ignore the weight of reputable Christian opinion concerning Israel and the Jewish administration of Jerusalem and instead seized an isolated observation by one individual which appeared in Christianity and Crisis. That he chose this particular article to generalize—again, on this particular day, Palm Sunday—leads us to ask a series of painful questions: Could this be a re-surfacing of a vestigal type of anti-Semitism? Or could this be an anti-Jewish posture concerning the questions of Israel and the administration of a united Jerusalem? Or—the worst of all—did he mean to do both?

Dean Sayre must answer such questions not merely to satisfy Jewish opinion, which he might choose to ignore; but he must answer his Christian brethren and colleagues in the clergy, for whom such a homily would be totally out of the question and, indeed, anathema to their feeling of brotherhood, the one-ness of mankind, and their diligent efforts to make ecumenism a living reality.

For me personally and for us as a community, linked in one sanctuary with an Episcopal Communion, St. Augustine's Church, this sermon strikes exceedingly close to home. In an age of growing improved Christian-Jewish relations, to which our joint effort here in Washington is a rich witness, Dean Sayre's lonely stance of division cannot be lightly dismissed by men of good will of any faith.

Despite the shock we have all felt at his Palm Sunday homily, we are turning once again to the richnesses of this holiday season and now feel a lingering sense of deep regret. Those of us who still strive for justice and brotherhood in an imperfect world—and who would welcome his return and assistance—now await his answers to our painful questions.

BRIG. GEN. JAMES F. LAWRENCE, U.S. MARINE CORPS

HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

Mr. HÉBERT. Mr. Speaker, upon the occasion of his recent retirement from

the Marine Corps, I include in the RECORD the biographical sketch of a truly dedicated and distinguished military officer, Brig. Gen. James F. Lawrence, USMC. Jim Lawrence has served his country with distinction for 30 years. And as most of you know, since 1967 he has served this body well as the Deputy Assistant to the Secretary of Defense for Legislative Affairs.

It is with deep regret that I see the general go into retirement, but it is a retirement richly deserved for a man who performed in the best traditions of the Marine Corps. I know my colleagues will join me in wishing the general the very best in the years ahead.

Also, Mr. Speaker, I insert in the RECORD a news release announcing the second award of the Distinguished Service Medal presented to General Lawrence by Defense Secretary Laird:

DISTINGUISHED SERVICE MEDAL

Secretary of Defense Melvin R. Laird will present the Distinguished Service Medal, Gold Star in lieu of second award, to Brigadier General James F. Lawrence, USMC, during a ceremony at 3 p.m. today in the Secretary's office, 3E880.

General Lawrence, who has served as Deputy Assistant to the Secretary of Defense for Legislative Affairs since 1967, will retire from active duty Saturday, April 1, resuming inactive status on the retired list of officers of the United States Marine Corps.

General Lawrence was born March 17, 1918, at Rutledge, Tennessee, and was graduated from high school at Asheville, North Carolina. He holds degrees from the University of North Carolina and George Washington University. He has served in the Marine Corps for 30 years.

In 1963, General Lawrence reported for duty as military assistant to the Assistant Secretary of Defense (Manpower); became Deputy Director in the Office of Legislative Liaison to the Secretary of Defense in 1965, and has held his present assignment since May 1, 1967.

Among General Lawrence's other awards is the Navy Cross received for gallantry in action in Korea in 1950.

He is married to Diana Harrison Foote. They have three children—Diana, James and Richard. They reside at 8720 Waterford Road, Alexandria, Virginia.

BRIG. GEN. JAMES F. LAWRENCE

James Fugate Lawrence was born March 17, 1918, in Rutledge, Tennessee, and graduated from Sand Hill High School, Candler, North Carolina, in 1936. He was graduated from the University of North Carolina, Chapel Hill, North Carolina, in 1941, receiving a Bachelor of Science Degree in Commerce. In 1953, he received an LLB degree from The George Washington University, Washington, D.C.

He attended the Platoon Leaders Course during the summers of 1938 and 1940 as a private first class in the Marine Corps Reserve, and was commissioned a Marine Reserve second lieutenant on July 1, 1941. Lieutenant Lawrence completed the Basic School, Marine Barracks, Naval Shipyard, Philadelphia, Pennsylvania, in April 1942.

During World War II, he served first as a platoon leader and then as a company executive officer with the 1st Battalion, 1st Marines, 1st Marine Division on Guadalcanal and New Britain. For his service during this period, he was awarded the Bronze Star Medal with Combat "V," the Purple Heart, and the Presidential Unit Citation. He was promoted to first lieutenant in December 1942 and to captain in September 1943.

Upon his return to the United States in August 1944, Captain Lawrence was assigned duty as Commanding Officer, Marine Detachment, Marine Barracks, Naval Base, Norfolk, Virginia, until September 1945. He completed the Japanese Language School, Yale University, New Haven, Connecticut, in December 1946. He accepted appointment in the regular Marine Corps in August 1946.

From December 1946 until May 1947, he served as Assistant Division Legal Officer with the 1st Marine Division. Ordered to the Marine Barracks, Yokosuka, Japan, he became Commanding Officer and Fleet Activities Provost Marshal, U.S. Fleet Activities until June 1949. While in Japan, he was promoted to major in August 1947. He completed the Amphibious Warfare School, Junior Course, Marine Corps Schools, Quantico, Virginia, in June 1950.

During the Korean conflict, Major Lawrence again served with the 1st Marine Division, this time as S–3 Officer; Battalion Executive Officer; and finally as Commanding Officer of the 2d Battalion, 7th Marines. He received the Navy Cross, a Gold Star in lieu of a second Bronze Star Medal with Combat "V," and the Presidential Unit Citation with two bronze stars for his Korean service.

Upon his return to the United States, Major Lawrence attended Law School at The George Washington University, completing the course in July 1953. He was promoted to lieutenant colonel in October 1952.

Lieutenant Colonel Lawrence reported to Headquarters Marine Corps where he served as Assistant Legislative Assistant to the Commandant of the Marine Corps from July 1953 until July 1956. He completed the Amphibious Warfare School, Senior Course, Marine Corps Schools, Quantico, Virginia, in June 1957. Colonel Lawrence was Staff Assistant for Doctrines and Development until November 1957, then served as a Member on the Marine Corps Board at Quantico until June 1959.

Assigned to Headquarters, Fleet Marine Force, Pacific, he saw duty in the G–1 Section until 1960; following this he served as the Force Legal Officer until July 1962. While serving as Force Legal Officer, he was promoted to colonel in April 1962. Assigned next to the 3d Marine Division on Okinawa, he served as Division Legal Officer until August 1963.

Returning to the United States later that month, he reported for duty as Military Assistant to the Assistant Secretary of Defense (Manpower), until October 1965, then became Deputy Director in the Office of the Legislative Liaison Office to the Secretary of Defense. He received a Letter of Commendation from the Honorable Norman S. Paul, Assistant Secretary of Defense (Manpower), and was awarded the Joint Service Commendation Medal for service as Military Assistant from September 1963 until October 1965. Advanced to the rank of brigadier general on May 1, 1967, he began his current assignment.

A complete list of his medals and decorations includes: the Navy Cross, the Bronze Star Medal with Combat "V" and Gold Star in lieu of a second Bronze Star Medal with Combat "V", the Joint Service Commendation Medal, the Purple Heart, the Presidential Unit Citation with two bronze stars, the Asiatic-Pacific Campaign Medal with four bronze stars, the American Campaign Medal, the World War II Victory Medal, the China Service Medal, the Navy Occupation Service Medal with Asia clasp, the National Defense Service Medal with one bronze star, the Korean Service Medal with one silver star in lieu of five bronze stars, the United Nations Service Medal, the Korean Presidential Unit Citation, Distinguished Service Medal, and a Gold Star in lieu of the second award in March 1972.

Brigadier General Lawrence is married to the former Diana Foote of Charlotte, North Carolina. They have three children: Diana H. James F., and Richard W. His parents are Mr. and Mrs. James F. Lawrence of Candler, North Carolina.

DRAFT RESISTERS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

Mr. McKINNEY. Mr. Speaker, with the success of President Nixon's Vietnamization policy, the thoughts of many Americans have turned to the thousands of young men who resisted induction into the Army. Several hundred of these men had the courage of their convictions and went to jail rather than serve their country in what they believed to be an unjust war. The vast majority, however, decided to flee the United States and are now living in other countries.

What do we do with these young men? On the one hand, there are those who believe they should never be allowed to return to the United States or, if they do return, they should spend untold years wasting their lives in jail. On the other hand, there are many people, including some of the resisters themselves, who believe they should be invited back to the United States, saying it is we, not they, who have done wrong.

I cannot aline myself with either of these groups. No matter what their reasons, the 70,000 or so young men who refused to be drafted violated the law and, if we are to remain a nation of laws, they must accept the consequences of their acts. At the same time, I do not believe they should be subject to the ordinary criminal justice process with its consequent prison sentence. Requiring all of these men to go to trial would put an additional strain on prosecutors and courts which are already overburdened with work. More importantly, however, requiring these young men to go to prison would be counterproductive toward our goal of having them become responsible citizens.

Therefore, I have given my support to Senator TAFT'S proposal which would permit draft resisters to return to the United States on the condition that they serve 3 years either in the Armed Forces or some form of alternate service. I believe this is a realistic approach to an extremely complex problem. Unfortunately, my views on this issue have been misinterpreted by many who believe I favor general amnesty, welcoming the draft resisters back and attaching no consequences to their acts. I have drafted a reply to the numerous constituents who have written to me on my position, and I want to take this opportunity to insert a copy of that letter in the RECORD:

LETTER TO CONSTITUENTS

DEAR SIR: I am disturbed that through what I hope is only a simple misunderstanding, my position on the approach the United States should take toward those who refused to serve their country during the Vietnamese conflict has been misinterpreted. I have never said, nor is it my intention, that they should be allowed to "saunter back, free and unhampered."

May I state the facts as they are. First, I am a veteran and a member of the American Legion who has for years worked for the cause of the veteran. As such, I would never attempt to take anything away from their honor or service. In fact, I am the sponsor of

quite a few bills intended to give them the help and recognition they truly deserve.

Second, I do not intend that there should be any action or any vote on this issue until the war has ended and all of our prisoners of war and American soldiers have returned to the United States.

Third, I am in no way attempting to exonerate these young men who have violated the law of the land. We are a nation of laws, and those who disagree with those laws must change them, not put themselves above them. Even the highest moral beliefs cannot give a man the right to put himself ahead of his obligation to obey the law of the land, without being willing to accept the consequences for his act.

Finally, I would like to point out that many young men who fled this country in the early days of the war could possibly have obtained deferments as conscientious objectors later on. Prior to 1967, this deferment was based on the belief in a Supreme Being. The 1967 Selective Service Act, however, dropped this section from the legislation, and from that point on, a deeply held moral conviction has been enough to qualify for a deferment.

Senator Taft has proposed that draft resisters be permitted to return to the United States on the condition that they serve three years either in the Armed Forces or in some form of alternate service. By giving my support to this proposal, I am not denying the principles which have guided our nation for the last two hundred years. Rather, I am trying to offer a realistic alternative to prison which will avoid national chaos.

Anyone who has followed the recent news stories on American prisons knows that they have beeen dramatic failures. They were designed to punish a man for his wrongdoing, but most importantly, to rehabilitate him so he would not commit a crime again. Yet, after more than 100 years of following this policy, 80% of those who have been to prison return.

Prisons have been aptly described as schools for crime, and the director of the U.S. Bureau of Prisons, Norman Carlson, has observed that "anyone not a criminal will be when he gets out." I see no reason for sending a draft resistor to prison where the only trade he will learn may be burglary and his alienation toward his country will only increase. Instead, I believe these men should be permitted to pay their debt to society in a more constructive manner, namely some form of public service. Three years of public service will benefit the individual and society much more than three years in prison.

Finally, I would like to emphasize once again that amnesty is not a new idea. It has been granted in some form after every war since the days of George Washington. Yet, in spite of this, the nation has survived a civil war and two world wars. Therefore, I do not fear a chaotic social structure if we follow what we have always done in the past—offer every individual, no matter what his crime, a second chance to share both the responsibilities and privileges of living in the United States. The only difference with this war is that it has been more unpopular than others and has lasted longer than others. Therefore, talk of amnesty has perhaps been more prevalent than in other wars.

I suppose it would have been easier not to raise this issue until the war has ended. As I have repeatedly said, no action should be taken before that time anyway. In addition, the political controversy surrounding my statement could have been avoided. But I have always made it a policy to answer every question as directly as I can, and it would have been unfair to the student who asked me my views on this issue and to all of my constituents if, for the sake of political expediency, I gave only half an answer.

Sincerely,

STEWART B. MCKINNEY,
Member of Congress.

WPLN–FM RADIO, NASHVILLE

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 29, 1972

Mr. ANDERSON of Tennessee. Mr. Speaker, as of February 21, WPLN–FM radio in Nashville was expanded to 100,000 watts stereo. This expansion of an outstanding station, which has listeners from Kentucky, middle Tennessee, and Alabama, was made possible through the grant program funded by the Public Broadcasting Act. The residents of the Sixth District of Tennessee and the Nashville area are much richer for this experience. WPLN programing is not strictly educational, or musical, but blends a fine array of programs to produce an excellent format. Listeners can appreciate fine classical music, have the opportunity to hear congressional hearings and major speeches live, can enjoy science lectures from the British Broadcasting Corporation, delight in a European music festival and be kept up to date by in-depth news coverage and recent happenings in Nashville.

The modern history of public radio began in 1967 with the enactment of the Public Broadcasting Act. The Corporation for Public Broadcasting was also created and set its goal at developing noncommercial radio and television. The CPB functions in a nonprofit, independent manner and is the main financial supporter for the National Public Radio network. WPLN, as one of the 500 public radio stations in the Nation, actually belongs to the community. The operation is financed through municipal appropriations, individual contributions, plus the Public Broadcasting grants.

In a day when the media is being attacked for peddling pablum to the public, WPLN and its sister stations stand out as an attractive alternative leading the way in entertaining, informative and educational programing.

I hope my colleagues are aware of the fruits of the Public Broadcasting Act such as WPLN, and will vote in favor of continued funding for the corporation.

SENATE—*Thursday, April 6, 1972*

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

PRAYER

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

Eternal Father, we lift our hearts to Thee in thanksgiving for many blessings, but especially for this good land which Thou hast given us for our heritage. Help us to prize highly and to conserve carefully the rich endowment of natural and human resources and to use both for the common welfare.

Look upon all who serve in the Government of this Nation, giving them wisdom and strength for public action, and spiritual renewal and inspiration in home and family life. Bind leaders and people together for united action in concerting those measures which shall best further the kingdom of righteousness and peace befitting a nation under God.

In Thy holy 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 second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 6, 1972.

To the Senate:

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

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, April 5, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

KALISPELL, MONT., ROTARIANS CLEAN UP THEIR VALLEY

Mr. MANSFIELD. Mr. President, I am in receipt of an issue of the Rotarian, an international magazine, which published an article entitled "Kalispell Comes Clean."

Kalispell, Mont., is one of the most beautiful cities in the Nation. It nestles in one of the most beautiful areas of the Nation, in the Flatland Valley in the northwestern part of my State.

In recent months, the Kalispell Rotary Club, a subsidiary of the Planned Environment Committee, created in 1969 and