

SENATE—Tuesday, May 1, 1973

The Senate met at 12 o'clock noon and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

PRAYER

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

Almighty God, who has made and preserved us a nation, we thank Thee for men of high vision and steadfast fidelity to Thy law who in every age have lifted high the banner of truth and righteousness which exalts a nation. We thank Thee for citizens who love and serve Thee, who abhor the wrong and disdain to do evil. We thank Thee too for every painful period of scrutiny which leads to cleansing and renewal. Purge us of all that blemishes, corrupts, or defiles our common life, and fill us with Thy grace that we may walk in paths of righteousness for Thy name's sake. Keep us under Thy transcendent rulership, that in the final judgment it may be said we have ever been a "nation under God."

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 1, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGE FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. CLARK) laid before the Senate a message from the President of the United States submitting the nomination of Elliot L. Richardson, of Massachusetts, to be Attorney General, which was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 4682) to provide for the immediate disposal of certain abaca and sisal cordage fiber

now held in the national stockpile, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker has affixed his signature to the enrolled bill (S. 1494) to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to limit the number of employees that may be retired under such act during specified periods.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. CLARK).

HOUSE BILL REFERRED

The bill (H.R. 4682) to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in the national stockpile, was read twice by its title and referred to the Committee on Armed Services.

THE JOURNAL

MR. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, April 30, 1973, 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.

REDUCTION OF U.S. FORCES IN EUROPE

MR. MANSFIELD. Mr. President, in the Christian Science Monitor, under date of Monday, April 30, 1973, there is published an article entitled "United States Wants Help Funding NATO," with a subtitle "Pay Fair Share," Allies Told."

For the benefit of the Senate, I should like to read certain excerpts from the article written by Charlotte Saikowski:

Americans last year devoted about 7.5 percent of their gross national product to defense. West Germans contributed about 4 percent, Belgians 3.3 percent, Norwegians 3.8 percent, Italians 3.1 percent, and the British 5.8 percent.

Further on, again quoting:

There are two aspects of the problem. One is that the United States spends a larger proportion of its annual budget and GNP on defense than do its Atlantic partners. The other derives from the fact that the U.S. maintains some 300,000 troops in Europe, which creates a balance-of-payments drain larger than that of any West European country.

Last year the total American trade deficit amounted to \$10.5 billion. Of that, \$2.1 billion represented the balance-of-payments cost for NATO defense in Europe—the stark statistic

that has given rise to congressional pressure for a withdrawal of American troops.

What troubles administration officials is a growing disinterest in defense on the part of some European nations. The Danes, for instance, have decided to reduce their armed forces by several thousand men. They also have a plan for reducing the period of conscription from 12 to nine months.

The Belgians, to cite another example, decided to withdraw a number of troops stationed in West Germany and bring them back to Belgium.

Further on, again quoting:

West Germany, where the bulk of American troops are stationed, alone helps share the U.S. defense cost. Since the 1960's the two countries have concluded "offset agreements" to neutralize the adverse impact on the U.S. balance of payments. Bonn helps stem the flow of U.S. dollars abroad by obtaining military equipment in the United States, renovating facilities used by American troops in Germany, and purchasing U.S. Government securities.

Under the current two-year accord, which expires June 30, the West Germans have purchased more than \$1.2 billion worth of airplanes, helicopters, and other sophisticated hardware in the United States. They also have spent \$186 million rehabilitating run-down barracks for American troops.

Total benefits to Washington come to more than \$2 billion—about 80 percent of the cost of stationing the troops there.

The purchase of securities is only a temporary advantage, however. In the long run the loans must be paid back—

With interest, I might add—

so nothing is really gained. For this reason, say U.S. officials, there is a good chance this aspect of the offset agreement will not be renewed.

Mr. President, I ask unanimous consent that the complete article by Miss Saikowski be printed in the RECORD.

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

UNITED STATES WANTS HELP FUNDING NATO
(By Charlotte Saikowski)

Americans last year devoted about 7.5 percent of their gross national product to defense. West Germans contributed about 4 percent, Belgians 3.3 percent, Norwegians 3.8 percent, Italians 3.1 percent, and the British 5.8 percent.

The average GNP defense outlay for NATO countries as a whole was 4.2 percent.

It is figures such as these that gave impetus to Henry A. Kissinger's blunt warning to West Europeans this week: The United States will not pull out its troops from Europe unilaterally, but it expects each Atlantic ally to bear "a fair share" of the defense burden.

While Mr. Kissinger boldly set the stage for the development of a new compact with Europe, various departments of government—State, Treasury, Defense, and others—were in the throes of working out a new defense burden-sharing plan as one component of that compact. The search goes on. A highly complex problem that relates also to trade and monetary questions, it is certain to be raised when President Nixon meets with West German Chancellor Willy Brandt next week.

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Last year the total American trade deficit amounted to \$10.5 billion. Of that, \$2.1 billion represented the balance-of-payments cost for NATO defense in Europe—the stark statistic that has given rise to congressional pressure for a withdrawal of American troops.

What troubles administration officials is a growing disinterest in defense on the part of some European nations. The Danes, for instance, have decided to reduce their armed forces by several thousand men. They also have a plan for reducing the period of conscription from 12 to nine months.

The Belgians, to cite another example, decided to withdraw a number of troops stationed in West Germany and bring them back to Belgium.

Militarily this is not viewed as significant. But U.S. officials voice concern that if countries like Denmark or Belgium take actions which suggest less determination to maintain their defense strength, this could have a contagious effect.

West Germany, where the bulk of American troops are stationed, alone helps share the U.S. defense cost. Since the 1960's the two countries have concluded "offset agreements" to neutralize the adverse impact on the U.S. balance of payments. Bonn helps stem the flow of U.S. dollars abroad by obtaining military equipment in the United States, renovating facilities used by American troops in Germany, and purchasing U.S. Government securities.

Under the current two-year accord, which expires June 30, the West Germans have purchased more than \$1.2 billion worth of airplanes, helicopters, and other sophisticated hardware in the United States. They also have spent \$186 million rehabilitating run-down barracks for American troops. And, lastly, they have purchased \$612 million worth of U.S. Treasury securities.

Total benefits to Washington come to more than \$2 billion—about 80 percent of the cost of stationing the troops there.

The purchase of securities is only a temporary advantage, however. In the long run the loans must be paid back, so nothing is really gained. For this reason, say U.S. officials, there is a good chance this aspect of the offset agreement will not be renewed.

What Mr. Kissinger has in mind by a "fair share" is yet far from clear, for proposals under discussion in the administration are only in the formative stage. The goal, say U.S. officials, is to achieve some arrangement where the cost of stationing troops in Europe would be no more than maintaining them at home. Besides the agreement with Germany, there could be similar agreements with other NATO countries, which provide no budgetary support to the U.S. at present, or possibly some form of multilateral burden-sharing.

In broad terms, too, the administration seeks greater equity not merely between the United States and Europe but between the European nations themselves. And, at a time when Washington is thinking about decreasing its forces vis-a-vis those of the Soviet Union, it is expected President Nixon will ask the Atlantic allies to devote more resources to their own defense.

At this stage the entire complex of defense, trade, and monetary matters is under review. High administration officials have denied that Mr. Nixon will link trade and defense—threatening to pull back on the U.S. military commitment if Europe does not come up with suitable arrangements in the GATT (General Agreement on Tariffs and Trade) talks.

A TIME FOR RENEWAL

The ACTING PRESIDENT pro tempore. Does the minority leader desire recognition?

Mr. SCOTT of Pennsylvania. Yes, Mr. President.

It is written in the Great Book that where there is no vision, the people cast off restraint. We need, from time to time, to assess where we are, how we are doing, and where we are going.

The year 1972 was a good year for peace; 1973 is a year in which we can build upon the achievements of the peace so as to make the enjoyment of peace more widespread and more secure.

The people of this country, as they feel the need for a vision of the future, can look around and see that 25 years ago we were not speaking to 25 percent of the people of the world. Today we are. They can look back to a period of far less affluence than they enjoy today. They can look back to a period of class struggle, of class hatred, and of great and terrible labor conflicts and the oppression of the workingmen of the country.

They can look forward, it seems to me, to better relationships with the great powers of the world—to an emerging strong Europe, to a Soviet Union with whom we are in constant discussion and growing accord, to the People's Republic of China, where thoughts that could not even be thought a few years ago are turning, hopefully, into realities.

If the people had no vision, they would, of course, cast off restraint. But their vision needs to be a whole vision, a vision of all the Union and of all the elements on which we base our pride.

The Romans had a custom, every 5 years, of lustration, or cleansing. In our system of government, we have our lustrations every 6 years in this body, and in the other body every 2 years. But a time of cleansing comes, and we are going through one in this fifth year. This cleansing is salutary. This lustration is one which can only put behind us memories of when we have not always been as perfect in our system of governing ourselves as we would like. But we can look ahead of us to the fact that the system works, the democratic processes work, the government works, and the people have seen for themselves that a lustration has occurred and that it is working, too.

So I plead for a whole vision, a vision not only of those things which ought not to have happened but also a vision of things which have happened—and a greater vision, still, of all those things which can happen to this great Nation as it nears its 200th birthday.

I think we have much to be proud of. Above everything, we have the right to be proud of ourselves, that we are accommodating to a world in which change races apace and ahead of our footsteps.

So as I end, I praise the President of the United States for a quality which I admire in public men particularly, the quality of grace which can be defined as courage under pressure. The President exhibited that courage last night, and we have every reason to be proud of him for it.

Difficult situations require difficult remedies. I can only hope now that in a spirit of mutual tolerance, one to another, we will go ahead and build the future the better for the lessons of the past.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado is recognized for not to exceed 15 minutes.

NUCLEAR TESTS IN COLORADO

Mr. HASKELL. Mr. President, I rise today to alert my colleagues of yet another encroachment on the prerogatives of this institution. To some, the issue may seem small, but I believe it is yet another example of the administration's arrogance in dealing with this body.

For some time now the Atomic Energy Commission and a private organization called Geonuclear Corp. have been making plans to detonate three 30-kiloton nuclear explosive devices in Colorado. The attempt will be to stimulate a flow of natural gas. The experiment, called project Rio Blanco, is part of the AEC's Peaceful Share program, designed to find peaceful uses for atomic weapons.

The test was first planned for March. It was then delayed, for unexplained reasons, until mid-May. I have been investigating the project since I was sworn in as a Member of the Senate. I announced my opposition to the project in March and have been continuing further investigation since that time.

I have written letters to Dr. Dixy Lee Ray, Chairman of the Atomic Energy Commission and to Rogers C. B. Morton, Secretary of the Department of the Interior. My most recent letter to Secretary Morton was sent on March 29. A copy of that letter was sent to Chairman Ray. I have not even had the courtesy of a reply to the detailed information I set forth in that letter.

I also wrote to the Department of the Interior, objecting to a transfer of 360 acres of public land from the Bureau of Land Management to the AEC. The land transfer was necessary before the blast could proceed. I did not receive a reply to that protest, either. The land transfer was carried out last Friday. I learned that from my Denver office, and I finally received a tardy notification from the Liaison Office of the Department of the Interior.

Mr. President, I asked Chairman Ray for detailed information concerning the radioactive elements resulting from the blast. Instead of a complete and straightforward answer, I was given a partial answer and was offered a classified briefing by the Atomic Energy Commission. This test affects the health and the welfare of the people of Colorado and our Nation, and the information about this test and its side effects must be made available to all of us.

Just a moment ago, at a hearing of the Interior Committee, I asked Dr. Ray why this information was not forthcoming as a public matter. I was told that, for some reasons not known to the chairman, it was prohibited by the Department of Defense.

In an attempt to get some answers to my many questions, a hearing on the project has been scheduled on May 11 before the Subcommittee on Public Lands of the Senate Interior Committee. I have

the honor of chairing that subcommittee.

Just yesterday, another affront was added to the growing list of complaints. The AEC announced that the blast would take place on May 17. I was first told of this by a competent newspaper reporter from Colorado. The chronology of events, with the hearing on May 11 and the blast on May 17, might seem to indicate that nothing is wrong. But appearances, as usual, are deceiving. Due to the time it takes for final preparations, the nuclear devices will be lowered into the hole on May 9, 2 days before the hearing. The hole will be sealed and filled for the blast; and even if the hearing results, as I am sure it will, in new evidence coming to light, there will be no way to stop the device from being buried. Neither the Atomic Energy Commission nor the company conducting the test has made any plans for removing the device from the ground should there be a reason not to continue.

In short, we are ignored by an arrogant administration and bureaucracy. The AEC refuses to listen to outside comments, to answer outside questions, and the bureaucracy grinds on and on.

Mr. President, I ask unanimous consent that my letters addressed to Secretary Morton and Chairman Ray, a synopsis of the project prepared by my office, Dr. Ray's answer to my first letter, and the numerous protests lodged by citizens of Colorado be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

MR. HASKELL. Mr. President, I would be delighted to insert in the RECORD the answers to some of my letters directed to the Department of the Interior, but unfortunately I do not have any.

This project will not solve our critical national gas shortage. Literally hundreds of nuclear detonations would be required to develop the full field. The specter of hundreds of atomic bombs being detonated in Colorado is appalling and is unacceptable to me and to my fellow citizens in Colorado.

We must work toward developing alternate methods, such as hydrofracturing, for developing this vital natural resource. The wellhead price of natural gas must rise to between 50 and 60 cents before the nuclear method will be economically feasible. Reliable estimates indicate that there would be sufficient inducement at this price level to find alternate measures of extracting this gas. In fact, expert testimony indicates that hydrofracturing would be economically feasible at the same price; that is, between 50 and 60 cents. Such hydrofracturing would not have the obvious problems associated with radioactive blasts, to say nothing of using radioactive gas in homes.

At the very least, the many unanswered questions can no longer be ignored. I have requested that the test be delayed until Congress has an opportunity to investigate the matter.

Mr. President, Project Rio Blanco does not make sense. The people of Colorado will not accept full field development us-

ing nuclear devices. An alternative must be found and used to make that vast resource of natural gas available but in an acceptable manner.

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

EXHIBIT 1

SYNOPSIS OF PROJECT RIO BLANCO

Project Rio Blanco is an experiment sponsored by the Atomic Energy Commission designed to stimulate production of natural gas from tight gas reservoirs by detonating nuclear explosives. Unless the project is halted or delayed, three 30 kiloton nuclear explosives will be detonated simultaneously in a single well bore in Rio Blanco County in mid-May.

Project Rio Blanco is Phase I in a three part demonstration program designed to study the feasibility of producing natural gas for consumer use from underground reservoirs by means of nuclear stimulation. Phase II contemplates nuclear stimulation of four to six wells with three to five nuclear explosives per well for a total of 12 to 30 detonations. Its purpose is to provide the experimental, reservoir, and operational data necessary to justify the large investment required in Phase III. Phase III would be the last or pilot plant step in demonstrating that natural gas can be commercially produced by nuclear stimulation. Phase III contemplates stimulation of 20 to 60 wells and detonation of probably 60 to 300 nuclear explosives, the number necessary to justify construction of a major gas pipeline into the area. Full field development would follow Phase III and would require 140 to 280 wells and detonation of probably 420 to 1400 nuclear explosives. Gas produced by nuclear stimulation is radioactive and, if used commercially, would be brought into the homes and factories of persons living in Colorado.

Doctors, scientists, environmentalists, legislators, and interested citizens are concerned about the impact of Project Rio Blanco. Their concerns focus primarily on threats to public health and the environment which the Project poses. Another primary concern is the waste of money, resources and men which would occur if the Project were undertaken. Not only is it extremely unlikely that the federal government will permit, much less encourage, detonation of about a thousand nuclear devices to produce but a few percent of projected national energy needs, but it is extremely likely that tight gas reservoirs can be stimulated more economically, and without the attendant public health and environmental risks, by hydraulic fracturing. Finally, these people raise important questions about the overall concept of recovering natural gas by nuclear stimulation. A summary of the major objections and questions raised by the proposed Rio Blanco project follows.

Three documents will frequently be cited in this summary. They are the original Environmental Statement published by the United States Atomic Energy Commission in April, 1972, the Addendum to the Environmental Statement published by the AEC on March 12, 1973, and Project Rio Blanco, a fact booklet jointly published on March 1, 1973, by the AEC and CER Geonuclear Corporation, the industrial cosponsor of the project.

CONCERN RAISED OVER THE INITIAL RIO BLANCO NUCLEAR GAS STIMULATION EXPERIMENT

1. **Property Damage:** Non-industrial property damage resulting from the ground movement caused by the detonation is estimated by the AEC to range from \$38,000 to \$64,000. Considering the sparsity of the population in the area, this damage cannot be considered negligible.

2. **Rock Falls and Slides:** The Environmental Statement and the Project Rio Blanco

fact book both state, "Road and railroad cuts in the Western Slope region, frequently bordered by steep and sometimes perpendicular bluffs, are susceptible to rock falls and slides, especially during the spring thaw period." (ES 3-11, PRB 16) The Rio Blanco detonation is scheduled for spring.

3. **Disposal of Tritiated Water:** Rio Blanco gas must be dried before flaring. The AEC has proposed four methods of disposing of the tritiated water accumulated from the drying process. Injecting the water into the gas to be flared, evaporation from ponds, or release to nearby streams all allow the tritium to enter the biosphere. A highly preferable method of disposal involves injecting the tritiated water down the Fawn Creek Government No. 1 Well into low permeability gas sand at the same depth as the Rio Blanco chimney. According to the AEC, once the water is pumped into place, it is immobilized and isolated from any aquifer. While this method indeed sounds preferable to the others suggested, the AEC offers no guarantee that it will work. The Addendum to the Environmental Statement states that the feasibility of this approach will be investigated before the detonation, but, even now, only a few weeks before the detonation is scheduled, there appear to be no definite plans as to how or when these tests will occur. Prudence would suggest that feasibility experiments be carried out with tracer amounts of radioactivity in advance of Rio Blanco rather than using the much more radioactive tritiated water from the full scale project. Approval for Rio Blanco should certainly be delayed until the results of the preliminary experiments have been evaluated and feasibility determined.

4. **Radioactive Materials Released into the Biosphere by the Flaring:** The estimated radiation dosage from the planned flaring is small, but, as the AEC's Environmental Statement notes, "While the radiation exposure to man from dry deposition is estimated to be a very small fraction (<1%) of the natural annual background, there is the opinion held by some scientists that any exposure above annual background (approximately 140 mrem per year at this location) should be avoided." (ES 3-14) While the calculated radiation exposures which may result from the Rio Blanco experiment appear below normal standards, they must be viewed in the light of the recent report of the National Academy of Sciences—National Research Council Advisory Committee on the Biological Effects of Ionizing Radiation (BEIR Report). This report was released in the fall of 1972 after the original Rio Blanco Environmental Statement, and there is no evidence it was considered in preparing the Addendum. This report makes among others the following recommendation: "No exposure to ionizing radiation should be permitted without the expectation of a commensurate benefit." Thus, the exposures of the Rio Blanco Project must be evaluated in light of the direct benefits of the experiment, not of the full-field development. And the estimated benefits of full-field development must be evaluated in light of potential exposures which result from using gas produced by the 420 to 1400 nuclear explosives.

5. **Release of Carbon 14:** The most dangerous of the radioactive isotopes to be released by flaring is Carbon 14. Because carbon is a basic building block of life, there is a tendency for Carbon 14 to become part of the life chain. The mitigating factors are (1) a relatively small amount of Carbon 14 will be released, and (2) it will be in the form of CO_2 (carbon dioxide) with a high dilution factor.

6. **Alternative Methods to Flaring:** The AEC considered two alternative methods for disposing of the gas withdrawn during production testing: (1) storage of the produced gas, and (2) controlled combustion of the gas and storage of the combustion products.

Either of these procedures would more than double the cost of the Rio Blanco experiment. The process of flaring is the one point in the experiment, however, where it is certain that radioactive materials will be released into the biosphere. Since the Rio Blanco project is an experiment and full-field development may not occur, it seems reasonable that the extra expense might be justifiable to limit or prevent radioactive material from entering the biosphere.

7. Failure to Contain the Explosion: This is considered highly unlikely, but it is possible.

8. Accidental Venting: Accidental venting has occurred in more than 20 U.S. nuclear tests at the Nevada test site including those in the lower yield ranges. Despite precautions and a thorough knowledge of the Nevada test site, radioactive materials have been released into neighboring communities which are much more distant than those surrounding Rio Blanco. Even though the depth of the Rio Blanco explosions will be greater than normally used in Nevada, the risk that venting will occur here cannot be disregarded, particularly since three simultaneous explosions in a single shaft have never been carried out before.

9. Non-detonation: This is very unlikely, but if it should occur, there is no plan to remedy the situation. The Environmental Statement states: "Should a Rio Blanco explosion fail to detonate upon command, it will not be in a condition where it can be inadvertently detonated at a subsequent time. It is not planned to attempt to retrieve any such explosive; the re-entry plan will be altered as necessary to compensate for the presence of the explosive." (E-66) This situation would result in large quantities of either Uranium 234 or Plutonium being left in the ground. The Handbook of Chemistry and Physics describes Uranium as "highly toxic, both from a chemical and radiological standpoint" and Plutonium as "one of the most dangerous poisons known."

10. Escape of Radioactive Debris from Wellcasings or Chimneys: In addition to the planned release of radioactivity due to flaring, there will be considerable amounts of radioactivity remaining in the well bore and chimney region. The exact isotopic composition of this radioactivity is not reported in the Environmental Statement, presumably because of security reasons. There is the risk that the radioactive debris will seep out of the wall casings of the chimneys created by the explosion into the water layers and eventually into some use points. The dangers of this occurring are hard to evaluate since the geologic situation in the Nevada desert is radically different from Colorado; subsurface ground water is known to be present, and the distance the materials must travel from the explosion site to uncontrolled human habitation is very much less. Very large quantities of the most dangerous long life fission products Sr 90 and Cs 137 will be left in chimneys in a form, according to the Environmental Statement, capable of being dissolved in any liquid water present. This hazard is disregarded without detailed analysis because no mechanism can be hypothesized whereby it can get into ground water. If Sr 90 accidentally leaches into the water-table, some mechanism will be hypothesized after the fact, but then it will be too late to prevent pollution of Colorado water supplies. It is worth noting that the Colorado River, which serves 27 million people, is about 10 miles from the Rio Blanco site.

11. Social, Economic and Environmental Costs: It is difficult to evaluate the cost-benefit from Rio Blanco without considering it a part of future development. Yet, *Project Rio Blanco* states that "Neither the AEC or CER is committed to planning or conducting any nuclear gas stimulation tests beyond this scheduled Rio Blanco test." (PRB 13) The experiment has definite social, economic and

environmental costs. The principal benefit of the project against which these costs must be weighed is the acquisition of technical information concerning the feasibility of stimulating the gas reservoir in question by nuclear devices. The Environmental Statement mistakenly compares to a great extent the benefits to be gained from full-field development with the costs of this experiment instead of those of full-field development. In the Plowshare excavation program, premature experiments were carried out, spreading large amounts of radioactive material over large areas of the U.S. It was not until later that careful economic, technical, safety and public attitude analyses showed that the use of nuclear explosives to build a sea level Panama Canal was obviously impractical. Project Rio Blanco's only value lies in information it provides about the feasibility of the subsequent phases which may never be carried out in view of the large number of nuclear explosions required. Furthermore, the funds for the development of sequentially fired nuclear explosives which are considered to be superior to the type to be used in Rio Blanco have been removed from the AEC program with the indefinite postponement of Project Wagon Wheel. If the gas stimulation is important, then this development should precede the exposure of Colorado to environmental damage.

12. Dangers of Seismic Disturbances: The AEC states that the Rio Blanco test will result in a series of innocuous small aftershocks, none having an equivalent Richter magnitude greater than 3 (compared with equivalent Richter magnitude 5½—body wave—for the explosion itself). They also note that "... it is not impossible in principle that some future explosion, if fired in a region where high natural stress had built up, might trigger an earthquake with greater seismic energy and greater hazard potential than the explosion itself." (ES 3-13)

13. The Environmental Statement Addendum and Public Comment: The AEC Notice of Availability, published in the *Federal Register* of March 12, 1973, does not invite comments from interested members of the public on Project Rio Blanco and does not indicate that any comments which might be submitted would be considered prior to a decision to undertake the project. In addition, the Department of the Interior, which must formally transfer the land involved to the AEC for use during the test, has not furnished specific information as to the procedures to be followed if protests to this land withdrawal are filed. These two examples, from among many, raise questions as to whether the public has had adequate time and opportunity to make its views felt on the Rio Blanco project.

CONCERN RAISED ABOUT PHASE II, PHASE III, AND FULL FIELD DEVELOPMENT

1. Lack of an Environmental Statement on Phase II, Phase III, and Full Field Development: The Environmental Statement and subsequent Addendum pertain almost exclusively to the initial Rio Blanco experiment. The Environmental Statement, when referring to the various effects of such testing on the environment, notes that more complete treatments of these questions would, of necessity, be contained in subsequent environmental statements. It has been suggested that failure to consider the environmental impact of subsequent testing and development violates the National Environmental Policy Act (P.L. 91-190) which requires a detailed statement by the responsible official which should include, among other things, (1) "the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity," and (2) "any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented." It should be noted that the three hundred ex-

plosions required for Phase II and Phase III are more than the AEC has conducted in the entire ten years since the Limited Test Ban Treaty came into effect in 1963. The entire program must be examined.

2. Property Damage: In order not to inconvenience the local residents, the AEC suggests that in the future phases, when more wells and detonations are involved, multiple well stimulations will occur within a single day: "A typical day might involve a number of well simulations, each consisting of two or more detonations. Thus, the number of such disruptive days would be minimized in the development of the entire unit." (ES 9-3) If non-industrial property damage from the single Rio Blanco test may run as high as \$64,000, how much property damage and resulting inconvenience can be expected from multiple well simulations conducted on one day?

3. Rock Falls and Slides: If rock falls and slides are expected to result from the single test, what will be the result of multiple well stimulation.

4. Seismic Disturbances: Again, the AEC provides no adequate assessment of the effect of multiple well stimulations in this area. According to Thomas Ten Eyck, Colorado's Director of Natural Resources, quoted in *Time*, April 9, 1973, "I just don't know what would happen seismically after you've wracked the earth 140 times."

5. Escape of Radioactive Debris from Well-casings or Chimneys: According to *Time*, April 9, 1973, "Denver Geologist David Evans believes that the blasts would create subterranean radioactivity that would sooner or later seep into the Colorado River system—and contaminate the drinking water of 27 million people in seven states." Such a claim should be thoroughly investigated.

6. Environmental Hazards Resulting from Carelessness: Dangers to the environment posed by multiple well stimulations proposed for Phase II and Phase III will be greater than the simple multiple of the explosions conducted. Such a large number of explosions in a short time can never be carried out with the equivalent care of a single one.

7. Resident Response to Multiple On-Going Detonations: No research has been done to determine whether the population of the Rio Blanco area would be amenable to the idea of the construction of the rather substantial number of wells envisioned in the plans for Phases II and III and for full field development. In addition to resident feeling about disruption of their daily routines by continuing detonations and the constant threat of property damage, their reactions to having large amounts of radioactive materials stored in the chimneys of the wells in the area should be assessed. Although the population in the area is relatively sparse, the views of the community on the problems posed by the project cannot be overlooked.

8. Continuation of Flaring: Although the AEC expresses the hope that flaring of radioactive gas into the atmosphere for production testing will not normally be anticipated as time goes on, they admit that some flaring may still be necessary. The problem of disposing of the tritiated water, discussed above, reoccurs here as does the possibility of releasing other radioactive materials into the environment. Because of the number of wells involved in the latter phases of the experiment, the possibility of continued flaring poses increased problems. If the one flaring anticipated with the original Rio Blanco experiment adds about 1% to the yearly radiation background, what would multiple flaring do to the level of radioactivity in the biosphere?

9. Effect on Oil Shale Recovery: The natural gas deposit to be recovered in the Rio Blanco area lie under a vast reserve of oil shale. Though it is unlikely, there is a possibility that radioactive materials could penetrate the layer of oil shale. In addition,

if the blasts continue, scientists predict that immense amounts of radioactive fission products left in the earth will pose a lingering danger to workers who may eventually mine the shale.

10. Possibility of Full Field Development: Many experts have expressed grave doubts about the likelihood of full field development. Colorado's Governor John Love has indicated that his approval of the initial Rio Blanco experiment does not in any way imply that he is in favor of full field development. From that perspective, the risks involved in the planned initial test are unacceptable, regardless of how minimal they may be assessed to be. Why accept any risk of radioactive contamination of air or water, or create a radioactive cavern demanding perpetual monitoring if the program will produce nothing of value.

11. Consumer Acceptance of Gas Procured by Nuclear Means: One would expect that before large amounts of money are spent developing the technology for retrieving natural gas by nuclear stimulation, the safety criteria for selling that gas would at least have been developed and approved. This has not been done. In addition, no studies have been undertaken to discover whether consumers would be willing to buy gas obtained in this way for use in their homes. The possibility exists that consumers would rather pay more for some other kind of fuel than risk the dangers, no matter how minimal, of using radioactive gas.

12. Experience with Project Rulison: The AEC contends that Project Rulison was successful. According to a recent study funded by the National Science Foundation, which examined the experiment from the financial, social, and environmental angles, the project was a failure on all counts. To quote from *Time*, April 9, 1973, "The researchers found that Rulison cost a total of \$11 million but yielded gas that would be worth only \$1.5 million—if it were uncontaminated and of high quality. Unfortunately the gas released by Rulison is chemically inferior to gas from conventional wells in the same field and contains excessive amounts of radioactive by-products like tritium."

CONCERN RAISED REGARDING THE VALUE OF THE CONCEPT OF RECOVERING NATURAL GAS BY NUCLEAR STIMULATION

1. Inadequate Exploration of Alternative Methods of Procuring Natural Gas Trapped in Underground Reservoirs: The Addendum to the Environmental Statement refers to the use of hydraulic fracturing as an alternative to nuclear stimulation. This technique has shown increasing potential in recent years and is considered economically competitive with nuclear stimulation. This Addendum notes, "Preliminary estimates by experts in both fields indicate that the range of potential production costs per MSCF of gas is similar." (A-ES 6-2) On the other hand, hydraulic fracturing has none of the possible hazards involved in carrying out hundreds of nuclear explosions. The Addendum refers to its potentialities as "presently achievable but not yet demonstrated" (A-ES 6-2) which, after all, is not less advanced than nuclear gas stimulation. In fact, the purpose of the first 20 to 60 Rio Blanco nuclear explosions would be to determine whether economic nuclear gas stimulation can be achieved in Rio Blanco type reservoirs and to demonstrate its feasibility. In view of these similarities and the reduced risks from hydraulic fracturing, this technique should certainly be investigated thoroughly before entering a program involving hundreds of nuclear explosions. In this connection, the new FPC regulation, which was not considered in any of the Environmental Statements, allows higher prices for natural gas, and this should have a profound effect on the economics of conventional gas exploitation and the size of the supply.

2. The Nature of the Energy Crisis: Considerable questions have been raised as to how critical the short-term energy crisis really is. The Environmental Statement asserts, "A shortage of natural gas exists in the United States." (ES 2-1) According to the Lawrence Livermore Laboratory report, "An Analysis of Gas Stimulation Using Nuclear Explosives" (p. 15), there were about 13 years supply of proven U.S. natural gas reserves as of December 31, 1970. The report estimates that there is a potential supply for about 49 years at current usage without using nuclear stimulation. According to the Colorado Interstate Gas Company, "There is a general agreement that the current deficit in natural gas supply from conventional sources is the result of regulatory and economic conditions and is not due to shortage of potential gas reserves. The Potential Gas Committee reports undiscovered natural gas reserves in the U.S. as of December 31, 1973, estimated to be 1,178 trillion feet. This figure compares with 679 trillion feet discovered to date (1973). These undiscovered potential reserves are defined by the Potential Gas Committee as 'reserves that will be found by test wells which can be expected to be drilled in the future under assumed conditions of adequate but reasonable prices and normal improvements in technology.' Assuming some of the gas goes undiscovered, and the rate of usage continues to climb, 25 years supply of natural gas within the boundaries of the U.S. is a very reasonable, conservative estimate. The estimates of recoverable gas from nuclear stimulation in the Rio Blanco Field range from 3.4 to 6 trillion feet or from about two to three months supply at current usage rates. The total Piceance Basin might provide an estimated 20 trillion feet and would require more than 600 nuclear events.

3. Inadequate Exploration of Other Energy Sources: In its Environmental Statement, the AEC discusses the progress of research being done on developing numerous other energy sources and modifying existing sources so as to make them conform to environmental standards. Many legislators and scientists feel strongly that money currently devoted to projects such as Rio Blanco should be diverted to more intensive investigation of other promising energy sources.

U.S. SENATE,

Washington, D.C., February 14, 1973.

Hon. DIXIE LEE RAY,
Chairman, U.S. Atomic Energy Commission,
Washington, D.C.

DEAR DR. RAY: I would appreciate it if you would have a member of your staff let me know as soon as possible two items concerning the proposed Rio Blanco shot in Colorado—

(1) The quantity of each radioactive element resulting from the shot; and

(2) The Commission's recommendations as to disposal or containment.

I realize the answer to my second question might take a little time but assume that the answer to my first question is immediately available and therefore would appreciate an answer to this as promptly as possible.

Thank you in advance for your courtesy.

Sincerely,

FLOYD K. HASKELL,
U.S. Senator.

ATOMIC ENERGY COMMISSION,
Washington, D.C., March 2, 1973.
Hon. FLOYD K. HASKELL,
U.S. Senator.

DEAR SENATOR HASKELL: The following information is provided in reference to your letter to Chairman Ray of February 14, 1973. Enclosure 1 provides a description of what happens when a nuclear explosive is detonated underground and is included as background information.

The radioactive material resulting from a

nuclear explosion is produced by three different processes. There is a certain amount of unfissioned fissionable material. In the case of the DIAMOND device which is planned to be used on the Rio Blanco project (three 30-kiloton devices), the amount and composition of this material is classified to protect nuclear explosive design information.

The second type of radioactive material is the fission products which are the new elements of lower atomic weight produced when a heavy fissionable nuclide is split or fissioned. The amounts of these materials per kiloton of fission yield are constant and the amounts for Rio Blanco are given in Table I, Enclosure 2.

The third source of radioactivity is neutron activation. During the fission process, some neutrons interact with the explosive parts and with the surrounding rock to produce radioisotopes. The amounts and types of neutron activation products will vary depending on the elemental makeup of the rock at the detonation point. The primary neutron activation products for Rio Blanco are listed below:

PRIMARY NEUTRON ACTIVATION PRODUCTS FOR RIO BLANCO

42 _x	56 _{Mn}	46 _{Sr}
24 _{Nu}	55 _{Fe}	45 _{Ca}
54 _{Mn}	59 _{Fe}	203 _{Hf}

The amounts are classified, again to protect nuclear explosive design information.

With the exception of the gaseous radioactive materials which I will describe in more detail, it is not expected that any of the radioactivity produced by the Project Rio Blanco detonations will be transported outside of the immediate cavity area. Most of this remaining radioactivity is nonvolatile and will be permanently incorporated either in three zones of resolidified molten rock (puddle glass) or on rock surfaces in the chimney region. It is estimated that the total amount of nonvolatile radioactivity one hour following the detonation is 4×10^{10} curies. One year after the detonation the total in the immediate chimney region will be about 10^6 curies. The amount of radioactivity continues to decrease with time.

The only radionuclides which reach the surface are those gaseous products which are removed from the chimney with the natural gas. The total amounts produced and the quantities estimated to be released during flaring are given in Table 3-3 of the Rio Blanco Environmental Statement. The total amounts produced are given below in curies and grams. All these numbers except Kr-85 are maximum values since the actual values are classified to protect nuclear explosive design information.

INITIAL RADIOCHEMICAL COMPOSITION OF RIO BLANCO CHIMNEY GAS

[90 days after detonation]

Nuclides	Half life	Total production (Ci)	Total production (g)
Tritium (H-3)	12.3 years	3,000.0	0.3
C-14	5,730 years	22.5	5.05
Ar-37	35.1 days	15,000.0	.15
Ar-39	270 years	20.0	.50
Kr-85	10.76 years	2,000.0	5.1

In addition, there may be trace amounts of Hg-203 (46.6 day half life). The concentration in the gas would be extremely low (estimated at less than 0.001 pCi/cc) and there would be no health effects from this source.

With respect to your second question, the Commission's position as to disposal and containment are outlined in Sections 3, 4

and 5 of the Rio Blanco Environmental Statement (copy enclosed).

I hope this information will be of use to you. I regret that we cannot be more quantitative in an unclassified letter; however, we would be happy to provide you with a classified briefing on this subject if you desire.

Sincerely,

E. H. FLEMING,

(For Gerald W. Johnson, Director, Division of Applied Technology).

TABLE I.—FISSION PRODUCT ACTIVITY IN CURIES AT VARIOUS TIMES AFTER DETONATION OF 330 KT NUCLEAR EXPLOSIVES

Nuclide	Activity		
	D+30 days	D+90 days	D+180 days
85Kr	2.05×10^8	2.03×10^8	2.00×10^8
89Sr	1.6×10^8	6.8×10^7	2.0×10^8
90Sr	1.4×10^8	1.4×10^8	1.4×10^8
90Y	1.4×10^8	1.4×10^8	1.4×10^8
91Y	1.8×10^8	9.2×10^7	3.2×10^8
95Zr	2.0×10^8	1.1×10^8	4.0×10^8
95Nb	1.1×10^8	1.3×10^8	7.2×10^8
99Mo	3.6×10^8		
99Ru	3.6×10^8		
103Ru	1.2×10^8	4.3×10^8	9.2×10^8
103mRu	1.2×10^8	4.3×10^8	9.2×10^8
106Ru	4.5×10^8	4.0×10^8	3.4×10^8
106Ru*	4.5×10^8	4.0×10^8	3.4×10^8
111Ru	1.7×10^8	6.7×10^8	
115mCd	1.2×10^8	4.5×10^8	1.1×10^8
115Cd	5.8×10^8		
115mRu	6.1×10^8		
123mSn	1.3×10^8	9.2×10^8	5.6×10^8
124Sb	2.7×10^8	1.3×10^8	4.7×10^8
125Sn	4.9×10^8	5.8×10^8	
125Sb	5.4×10^8	5.6×10^8	5.4×10^8
125mTe	2.9×10^8	7.4×10^8	9.9×10^8
126Sb	2.0×10^8	7.2×10^8	
127Sb	1.6×10^8		
127mTe	1.6×10^8	1.1×10^8	6.3×10^8
127Te	3.4×10^8	1.1×10^8	6.3×10^8
129mTe	3.2×10^8	9.4×10^8	1.5×10^8
129Te	2.0×10^8	5.9×10^8	9.5×10^8
131I	9.7×10^8	5.6×10^8	2.3
131mXe	1.6×10^8	1.1×10^8	
133mXe	2.0×10^8		
133Xe	5.8×10^8	2.2×10^8	
136Cs	1.7×10^8	6.8×10^8	5.6×10^8
137Cs	1.7×10^8	1.7×10^8	1.6×10^8
137mBa	1.6×10^8	1.6×10^8	1.5×10^8
140Ba	2.5×10^8	1.0×10^8	7.7×10^8
140La	3.1×10^8	1.2×10^8	8.8×10^8
141Cs	2.7×10^8	7.6×10^8	1.2×10^8
143Pr	2.5×10^8	1.2×10^8	1.3×10^8
144Cs	4.7×10^8	4.1×10^8	3.2×10^8
144Pr	4.7×10^8	4.1×10^8	3.2×10^8
147Nd	9.2×10^8	2.2×10^8	7.9×10^8
147Pm	5.6×10^8	6.5×10^8	6.1×10^8
149Pm	1.6×10^8		
151Sm	4.7×10^8	4.7×10^8	4.7×10^8
153Sm	7.6×10^8		
155Sm	3.2×10^8	2.0×10^8	2.7×10^8
156Sm	1.2×10^8	7.4×10^8	
Total	2.3×10^7	7.0×10^6	2.9×10^6

*Nuclides in transient or secular equilibrium with the isotope listed immediately above.

TABLE II.—PRIMARY NEUTRON ACTIVATION PRODUCTS FOR RIO BLANCO

42K	56Mn	46Sc
24Na	55P ₆	45Ca
54Mn	59P ₆	203H ₈

U.S. SENATE,

Washington, D.C., March 2, 1973.

Re Project Rio Blanco.
Hon. ROGERS C. B. MORTON,
Secretary of the Interior, Department of the
Interior, Washington, D.C.

DEAR MR. MORTON: Since writing the attached letter to the Chairman of the Atomic Energy Commission—to which I have not received a reply—I have made a further investigation of the above project.

My conclusion, based upon available data and conferences with informed individuals, is that full field development of the project is out of the question. The number of atomic blasts involved would result in unacceptably

high levels of radioactivity, and, of course, there are other obvious dangers endemic to nuclear explosions. Since full field development is out of the question, the above project, involving three nuclear blasts in one hole, seems unjustifiable.

The Atomic Energy Commission itself admits that very high levels of radioactive material—particularly remaining in the hole—will result from the three blasts. Its opinion, however, is that this radioactive matter can be safely contained or disbursed. Perhaps the Atomic Energy Commission is correct in this regard, but since full field development will not be undertaken, no reason exists to take the risk involved in creating this amount of radioactive matter.

Furthermore, Rio Blanco is but a single part of a program with significant environmental effects, and I am advised that Section 102(2)(c) of the National Environmental Policy Act requires your department to examine the project as a whole as one "significantly affecting the quality of the human environment." Therefore, as an additional reason, I request that unless and until this is done you suspend the permit for the three-blast experiment.

In light of the foregoing, I hope that you will reconsider your decision in the above matter.

Very truly yours,

FLOYD K. HASKELL,
U.S. Senator.

MARCH 29, 1973.

HON. ROGERS C. B. MORTON,
Secretary, Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: This is in further reference to my letter of March 2 urging reconsideration of your decision to proceed with the Rio Blanco test.

Since my March 2 letter, I have continued researching the Rio Blanco question. From that research I wish to comment further and to ask some additional questions. My comments and questions relate to three general categories: Full field development; procedural problems; events since publication of the AEC impact statement.

I. FULL FIELD DEVELOPMENT

Full field development at Rio Blanco is a dubious proposition. This view is shared by virtually every competent scientific, economic and governmental authority with whom I have discussed the proposal. From that perspective I find the risks involved in the planned test and unacceptable, regardless of how minimal the risks are assessed to be. Why accept any risk of radioactive contamination of air or water, or create a radioactive cavern demanding perpetual monitoring, if the program will produce nothing of value?

It would appear to me only reasonable that prior to exposing people to such a risk the government develop more information on these points:

A. *The development of technology on conventional fracturing to achieve similar results.* Most certainly, conventional fracturing should be attempted prior to nuclear fracturing. The AEC's March, 1973, addendum reflects the opinion that not enough information exists on conventional fracturing methods to sufficiently assess costs and capabilities.

B. *The economic value of the gas produced.* How does that value compare with alternative forms of energy? Considering the changing economic pattern related to energy, changes that have occurred since Rio Blanco was first conceived, does the program make economic sense? Related questions are those involving agreement between the government and commercial entrepreneurs. How much will the government charge for the nuclear service? How much will the government charge for perpetual monitoring? How much would be charged for future tests and fur-

ther development? These questions have everything to do with the economic justification of the enterprise. Yet, to my knowledge, they remain unanswered. How can decisions be made among alternative sources of energy and potential government subsidies for these developments without a clear definition of costs and proposed cost sharing? Is it proper for the AEC to determine on its own initiative the extent of a subsidy for one form of energy? Should not that decision be made in concert with national energy considerations?

C. *Consumer acceptance.* If full field development were to be successful in technological terms, what assurance is there of consumer acceptance? What research or experience is there leading to a judgment that consumers would readily purchase natural gas developed by means of nuclear explosion and which would contain some measure of radioactive contamination?

These are some of the questions regarding full field development that remain after reviewing available data. It appears that the purpose for the first test would be that as a forerunner of full field development. Considering the widespread objections to full field development, it appears to me that the larger question needs a more complete hearing prior to the first test explosion.

2. PROCEDURAL PROBLEMS

Mr. Edward Strohbehn's March 14 letter to Assistant Secretary Larson raises some compelling procedural problems to which I am certain your department is addressing itself.

I am concerned, further, with the manner in which the department will meet its obligations to permit public review and comment on transactions that must be taken if the project is to proceed, i.e., the granting of special land use permits, granting of transmission line rights-of-way, and amendment of the existing contracts with the private companies involved.

3. EVENTS SINCE PUBLICATION OF THE AEC'S ENVIRONMENTAL IMPACT STATEMENT

Some events have occurred in recent months which would appear to me critical to decision-making with respect to Rio Blanco. Yet, I find no evidence that they have been considered by your department or the AEC.

On August 3, 1972, the Federal Power Commission issued a policy statement regarding the future price of natural gas, designed to significantly increase the value of the product.

This development would seem to be of direct consequence to the Rio Blanco project. It could mean that conventional fracturing methods would produce a supply of natural gas at a competitive price. As stated earlier, I believe that conventional fracturing methods should certainly have priority, since they carry with them none of the long-term environmental disadvantages that would result from a nuclear explosion.

Another major development since publication of the AEC's environmental impact statement was the National Academy of Sciences' publication last November of "The Effects on Population of Exposure to Low Levels of Ionized Radiation." The report warns that "No exposure to ionized radiation should be permitted without the expectation of a commensurate benefit." It declares that prior assumptions of a safe "threshold" level of radiation exposure were incorrect.

That finding is an important new element in any calculation as to potential risks from radioactive seepage or venting from the Rio Blanco test, and the acceptability of the product should the field be fully developed. I cannot find evidence that this new factor has been considered with respect to Rio Blanco, nor that public or expert comments have been solicited.

I believe that full and careful evaluation of questions raised regarding the Rio Blanco test must lead to the conclusion that the test should be delayed until more information is available, and until the public has sufficient notice and opportunity to review and comment upon all aspects of the test and its relationship to public lands and public policy.

Sincerely,

FLOYD K. HASKELL,
U.S. Senator,

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 30, 1973.
Hon. FLOYD K. HASKELL,
U.S. Senator,
Washington, D.C.

DEAR SENATOR HASKELL: As requested by Miss Betsy Moler of your staff, we are enclosing copies of 86 protests received with regard to AEC's Rio Blanco Phase I experiment in the detonation of nuclear explosives to stimulate natural gas production in Colorado.

Responses to the protests are presently under consideration, and will be sent to the protestants when finalized.

Sincerely yours,

ED HASTEY, Acting Director.

U.S. SENATE,
Washington, D.C., April 9, 1973.
Mr. BURTON W. SILCOCK,
Director, Bureau of Land Management,
U.S. Department of the Interior,
Washington, D.C.

DEAR DIRECTOR SILCOCK: With regard to your notice in the Federal Register of March 12, 1973 announcing the proposed withdrawal of certain lands currently administered by the Bureau of Land Management. The use of these lands is for a site for the first phase of the Rio Blanco project. I urge your deferral of this decision until a more appropriate time.

You are aware, undoubtedly, of the heated controversy which surrounds the economic viability of the nuclear stimulation program. Currently, the Federal Power Commission is in the final stage of preparing a report which analyzes the comparative benefits of the nuclear and the conventional gas recovery technologies. Furthermore, the Atomic Energy Commission itself is requesting money for Fiscal Year 1974 to more carefully study the comparable advantages of these technologies.

Therefore, in the interest of wise judgment and the spirit of unbiased inquiry, I urge your recommendation to the Secretary of the Interior that these lands not be withdrawn until such time as the pursuit of this technology can be recommended with more convincing data.

Sincerely,

GALE McGEE,
U.S. Senator.

CONGRESS OF THE UNITED STATES,
Washington, D.C., April 9, 1973.
Hon. ROGERS C. B. MORTON,
Secretary, Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: In response to the proposed withdrawal of approximately 200 acres of public lands in Rio Blanco County for the use of the AEC Project Rio Blanco Phase I experiment, as published in the March 12 Federal Register, I object strongly.

Project Rio Blanco is the third nuclear explosive experiment in developing the technology for recovering natural gas. Its stated purpose is "to study the economic and technical feasibility of using multiple underground nuclear explosions to stimulate production of natural gas from deeply buried low productivity gas-bearing formations of the Piceance Basin in Northwestern Colorado" (Project Rio Blanco Joint Office of Information, March 1, 1973). However, I understand that full field development is quite improbable because of the

risks involved in the perhaps thousands of nuclear events that would be required. Why, then, should we turn over public land for this test and run the risk, however small of contamination?

Even though an environmental impact statement was made on the Rio Blanco test, I understand than an environmental impact study has not been made on the entire project. This, in effect, leaves many important questions unanswered. What will be the consumer reaction to radioactive gas? What alternative methods are there that might extract the gas for about the same cost and not contaminate so much of it? Why not explore and develop technology for conventional fracturing?

This test involves public land and public policy. I feel deeply that it is essential that legislative bodies be responsive to the needs of the people, but there has been no full and rigorous public review of this project. The AEC has a built in conflict of interest, in that it is responsible for both promoting and regulating atomic energy projects. Promotion and regulation, however, are not always compatible functions.

Sincerely,

PATRICIA SCHROEDER,
Congresswoman.

FEDERATION OF AMERICAN SCIENTISTS,
Washington, D.C., April 4, 1973.
Hon. FLOYD K. HASKELL,
Washington, D.C.

DEAR SENATOR HASKELL: We understand that the Rio Blanco Gas Stimulation Project is presently planned to occur in mid-May with the simultaneous detonation of three 30 KT nuclear explosives in a single well bore in western Colorado. According to the Environmental Statement (Wash. 1519) of April 1972 and its Addendum of March 1973, this Phase I experiment will, if successful, be followed by Phase II with 4 to 6 well stimulations using 3 to 5 explosives each, and this in turn will be followed by 20 to 60 well stimulations before it can be determined that this method is commercially feasible and the construction of a major pipeline justified. Thus, 300 nuclear explosives with yields of 30 KT are proposed to be detonated just to determine the feasibility of this technique. Full-field development may require firing about a thousand underground nuclear explosives.

A nuclear test program of this magnitude is a cause of great concern and should not even be started until all its potential ramifications have been carefully explored and balanced against its potential value. Unless a decision has been made that the benefits of a full program override its potential drawbacks and that one is prepared to proceed all the way, it would be foolhardy to undertake even the Phase I Rio Blanco test with its smaller risks. The value of the first experiment is zero if one does not exploit the full field. Yet, the Environmental Statement mistakenly fails to consider the consequences of the full program while justifying Phase I on its benefits. We should not repeat the mistakes made in the Plowshare excavation program in which premature experiments were carried out, spreading large amounts of radioactive material over extensive areas of the U.S. It wasn't until later that careful economic, technical, safety and public attitude analyses showed that the use of nuclear explosives to build a sea level Panama Canal was obviously impractical. Excavation with nuclear explosives has now been dropped from the U.S. Plowshare program.

First looking at Project Rio Blanco (Phase I): its only value lies in information it provides about the feasibility of the subsequent phases which may never be carried out in view of the large number of nuclear explosions required. Furthermore, the funds for the development of sequentially fired nuclear explosives which many consider to be superior to the type to be used in Rio Blanco

have been removed from the AEC program with the indefinite postponement of gas stimulation experiment in Wyoming. The AEC budget for Plowshare has been cut from \$6.8 to \$3.8 million in FY 74. If the gas stimulation is really important, then the most effective methods should be available and this development should precede the exposure of Colorado to environmental damage. The proposed approach seems to be one of first, endanger the environment and, later, develop the operational techniques.

The risks to the environment are not negligible. The Environmental Statement describes some of the physical damage that is expected to occur from the explosions. In addition to this, there are significant hazards from the radioactive debris released in the explosion. These can occur shortly after the explosion, due to accidental venting, from the flaring of the gas during production testing two months later, or by the slower migration into subsurface water streams.

Accidental venting has occurred in more than 20 U.S. nuclear tests at the Nevada test site including those in the lower yield ranges. Despite extreme precautions and a thorough knowledge of that test site, radioactive materials have been released into neighboring communities which are much more distant than those surrounding Rio Blanco. Even though the depth of the Rio Blanco explosions will be greater than normally used in Nevada, the risk that venting will occur here cannot be disregarded, particularly since three simultaneous explosions in a single shaft have never been carried out before.

Flaring of the gas will automatically place large quantities of radioactive nuclides, particularly Tritium Carbon 14, Argon and Krypton, into the atmosphere. The Tritium hazard might be reduced by pumping the tritiated water into a neighborhood well and thence into a sand lens several thousand feet underground. But now, only a few weeks before the Rio Blanco test (and after the originally planned date), the AEC has not even carried out the tests to determine whether this is feasible. Safety is again being given second priority. Prudence would suggest that feasibility experiments be carried out with tracer amounts of radioactivity in advance of Rio Blanco rather than using the more radioactive water from the full scale project. Approval for Rio Blanco should certainly be delayed until the results of the preliminary experiments have been evaluated and feasibility determined.

Finally, there is the risk that the radioactive debris will seep out of the wall casings or of the chimneys created by the explosion into the water layers and eventually into some use points. The dangers of this occurring are hard to evaluate since the geologic situation in the Nevada desert is radically different from Colorado, subsurface ground water is known to be present, and the distance the materials must travel from the explosion site to uncontrolled human habitation is very much less. Very large quantities of the most dangerous long life fission products Sr 90 and Cs 137 will be left in chimneys in a form, according to the Environmental Statement, capable of being dissolved in any liquid water present. This hazard is disregarded without detailed analysis because the AEC has not been able to hypothesize any mechanism whereby it can get into ground water. If in the experiment Sr 90 accidentally leaches into the watertable, some mechanism will be hypothesized after the fact, but then it will be too late to prevent pollution of Colorado water supplies.

While the calculated radiation exposures which may result from the Rio Blanco experiment appear below normal standards, they must be viewed in the light of the recent report of the National Academy of Sciences-National Research Council (NAS-NRC) Advisory Committee on the Biological Effects of Ionizing Radiation (BEIR Report). This report was released in November 1972 after the original Rio Blanco environmental state-

ment, and there is no evidence it was considered in preparing the Addendum. This report makes among others, the following recommendation: "No exposure to ionizing radiation should be permitted without the expectation of a commensurate benefit." Thus, the exposures resulting from the Rio Blanco Project must be evaluated in light of the direct benefits of that experiment, not of the full-field development which in turn should be evaluated in light of the potential exposures from a thousand explosions. The exposures to people, when the radioactive gas is used by the public, should also be reconsidered in light of the BEIR Report.

The Phase II and Phase III parts of the Rio Blanco Demonstration program, which must be carried out before commercial feasibility is determined, must be similarly evaluated before action is taken on Phase I. No Environmental Impact Statement has been issued, but the dangers will obviously be much enlarged in scale. The three hundred explosives proposed to be fired for these phases is more than the AEC has detonated for its whole weapons development program in the entire ten years since the Limited Test Ban Treaty came into effect in 1963. The public repercussions to such testing in a relatively uncontrolled area merely to determine the feasibility of gas stimulation are liable to be tremendous. Furthermore, no evaluation has been made of the amounts of radioactivity, if any, the public will tolerate in the gas in their homes. Rio Blanco should not be started until some estimate of these impacts has been made. Furthermore, the environmental hazards will be greater than the simple multiple of the explosions conducted. Such a large number of explosions in a short time can never be carried out with the equivalent care of a single one. The probability of running into some anomalous geologic or atmospheric situation will be much higher. Opening up fissures by one explosion can allow seepage of material from another into the water. Any single explosion out of the total can have very serious consequences if an accident occurs.

Finally, the risks of the full-field development will be even greater and public opposition to firing a thousand nuclear explosives in a small section of Colorado even louder. Yet, until this is done, Rio Blanco provides no benefits to the public. Even when fully developed, the Rio Blanco Stimulation will only produce approximately $\frac{1}{3}$ trillion cubic feet per year, about 1% of the U.S. estimated 1985 gas requirements, which in turn are only a small fraction of our overall energy needs. We can see no evidence that this benefit outweighs the consequences of firing 1000 nuclear explosives in Colorado.

The Addendum to the Environmental Statement (pp. 6-1 to 6-3) refers to the use of hydraulic fracturing as an alternative to nuclear explosion stimulation. This technique has shown increasing potential in recent years and may be tried first in place of the indefinitely postponed nuclear stimulation Project Wagon Wheel in Wyoming. It is now considered economically competitive with nuclear stimulation and, on the other hand, has none of the possible hazards involved in carrying out hundreds or thousands of nuclear explosions. The Environmental Statement refers to its potentialities as "presenting achievable but not yet demonstrated"; certainly this description does not place hydraulic fracturing behind nuclear gas stimulation. In fact, the purpose of the entire Rio Blanco Project is to determine whether nuclear gas stimulation can be economically achieved in Rio Blanco type reservoirs and to demonstrate its feasibility. In view of this, similarities and the negligible hazards from hydraulic fracturing, this technique should certainly be investigated thoroughly before entering a program involving hundreds of nuclear explosions. The inadequate consideration of the hydraulic

fracturing alternative is underscored by the total failure of the AEC to consider in its Environmental Statement the new FPC regulation of August 3, 1972 which will allow higher prices for natural gas. The FPC stated that it seeks to produce incentives to domestic production and accelerated development of that portion of potential supply which is economically recoverable. The new FPC policy therefore should have a profound effect on the economics of conventional gas exploitation and the size of the supply, possibly making it unnecessary to pursue nuclear gas stimulation techniques.

In view of these facts, we support your efforts to seek cancellation—or at least postponement—of the Rio Blanco Project. Certainly it should be delayed until the AEC and the Department of the Interior have evaluated the impact of full-field development of Rio Blanco and until the public acceptance of a nuclear explosion program of this scale and of the use of radioactive gas in their homes has been investigated. Without full-field development, the Rio Blanco experiment has no value and even small risks cannot be justified. Before any decisions are made, the nuclear stimulation program should be looked at again in light of the recent NAS-NRC report on radiation hazards and in light of the potentialities of such alternate new methods of exploiting gas reservoirs as hydrofracturing.

Sincerely,

GORDON J. F. MACDONALD,

Director, Environmental Studies Program, Dartmouth College, and former Member of President Nixon's Council on Environmental Quality.

HERBERT SCOVILLE, JR.,

Deputy Director for Science and Technology, Central Intelligence Agency (CIA) under Presidents Eisenhower and Kennedy; Secretary, Federation of American Scientists.

EDWARD L. TATUM,

Professor of Biochemistry, The Rockefeller University; Nobel Prize for Medicine and Physiology, 1958.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, Calif., April 6, 1973.

Dr. DIXIE LEE RAY,
Chairman, U.S. Atomic Energy Commission,
Washington, D.C.
Hon. C. ROGERS MORTON,
Secretary, Department of Interior,
Washington, D.C.

X To Mr. Joseph Rothstein, Office of Senator Floyd Haskell, Old Senate Office Building, Washington, D.C.

In re (a) Department of Interior Regulation 43CFR 4.50.2. (b) In Response to Notice 38 in Federal Register 6697 (1973)—On the Land Transfer for the Purpose of Conduct of the Rio Blanco Test.

DEAR DR. RAY AND MR. MORTON: I should like to register my strong objection and urgent protest to the action of the Interior Department in transferring to the Atomic Energy Commission land for the purposes of conducting the Rio Blanco test.

It should be quite obvious, and will certainly be proven in the courts that such a transfer is illegal and in obvious violation of United States Laws as passed by the Congress of the United States.

Specifically, two laws are being flagrantly violated by both the transfer of land and the planning and conduct of this test.

The first law being violated is the Atomic Energy Act of 1954.

The second law being violated is the National Environmental Protection Act.

The violations are obvious to any rational person making rational considerations.

1. VIOLATION OF THE ATOMIC ENERGY ACT

This ACT requires that the AEC promote peaceful uses of atomic energy consistent

with the health and welfare of the public of the United States.

The entire Plowshare gas stimulation program, and specifically the Rio Blanco test, is in violation of this Congressional mandate.

There is no way to conduct underground nuclear explosions without releasing some radioactivity to the biosphere. Furthermore, the use of gas stimulated by nuclear explosions inevitably means increasing the radiation dose to the public. It is a travesty upon rational thinking for anyone to hide behind the claim that the amount of radiation exposure will be "small". Particularly fraudulent is the effort to compare such ostensibly "small" exposures with natural background radiation. All this is fraudulent because all responsible authoritative bodies, including the BEIR Committee of the National Academy of Sciences are on public record as stating that there is no evidence for any safe threshold of ionizing radiation exposure. Therefore, the so-called "small" radiation exposures from Rio Blanco test and from the entire Plowshare gas stimulation program will undoubtedly cause increased leukemia and cancer deaths plus serious deaths and deformities by gene mutation. No authority will contest this statement.

I know of no Congressional authorization to either the Interior Department or the AEC to wilfully take action to cause the murder of any citizens of the United States or to any descendants of present citizens of the United States. Over and above the violation of the "consistent with public health and safety" features of the Atomic Energy Act, there is the very serious question concerning criminal charges that should be appropriately placed against any officials of the AEC and the Interior Department for wilfully participating in an act of human murder. Whether such charges should be filed in U.S. Courts or in International Courts can be decided later, but certainly criminal charges for aiding and abetting human murder are clearly in order.

2. VIOLATION OF NEPA

It is obvious nonsense for AEC, or any other agency, to claim that a meaningful compliance with NEPA has been made with respect to the Rio Blanco test or the entire gas stimulation program. No meaningful benefit-risk evaluation has been made, and only arrogance can suggest that sufficient information exists at this time to make one.

Any claim that gas and oil requirements, or an energy crisis, dictate the need for gas stimulation represent manifest nonsense—indefensible on any grounds whatever.

There exists a perfectly rational, guaranteed-to-work, method of making all the oil and gas needed for the U.S. future requirements by solar energy conversion to plants and then conversion to gas or oil. This is well-documented, and will not carry the certainty of murder that inheres in the Rio Blanco test and the program it supports.

The entire history of the Atomic Energy Commission on public record, proves beyond any doubt that its assurances on radiological danger have invariably been wrong. The experience with radioliodine in Utah, the entire strontium-90 fiasco, and the Marshall Islands are cases in point.

Moreover, numerous officials of the AEC are on public record in support of the existence of a fraudulent "safe threshold" of radiation exposure.

There has rarely been a case of more overtly illegal action than the transfer of land, planning, and conduct of the Rio Blanco test.

I urge that any idea of transferring land for this purpose be reconsidered, that the action be stopped or reversed because of its illegal violation of at least two laws of the United States.

Sincerely yours,

JOHN W. GOFMAN, M.D., Ph.D.,
Professor, Medical Physics.

C. COMMITTEE FOR ENVIRONMENTAL INFORMATION,
St. Louis, Mo., April 9, 1973.
Subject: Project Rio Blanco.
Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Department of the Interior,
Washington, D.C.

DEAR SECRETARY MORTON: This letter is in response to the notice in the Federal Register, calling for comments to be submitted by 11 April 1973, in connection with Project Rio Blanco. As I understand it, the decisions that remain to be made are:

(i) by the Department of the Interior, in regard to the application by the Atomic Energy Commission for withdrawal of public lands for this project;

(ii) by the Department of the Interior, in regard to applications for special land use permits, a right of way for transmission, and a modification of the original lease of CER Geonuclear, and

(iii) by the Atomic Energy Commission, in regard to the final decision as to whether to proceed with this test explosion.

The burden of my letter to you is to request that, via the Department of the Interior and in regard to points (i) and (ii) above, no decision be made at this time, in order to permit further discussion of major points that have been avoided or inadequately discussed in the various Statements, Hearings, Comments and responses to date. I shall document some of this in this letter. It is my contention that Project Rio Blanco should not be continued, pending these discussions.

At the same time, a copy of this memorandum is being submitted to Chairwoman Ray at the Atomic Energy Commission, with the request that the AEC's decision (under (iii) above) be similarly delayed.

In subsequent paragraphs, I shall argue that the Environmental Statement (WASH-1519) for Rio Blanco is seriously deficient in that it does not contain adequate treatment of the anticipated consequences of full-field stimulation of the gas field in the adjacent states of Colorado, Utah, Wyoming, New Mexico and Arizona. In the Statement, it has been argued that no decision has yet been made for proceeding with any program beyond Rio Blanco and possibly Wagon Wheel; that these are exploratory shots and need to be evaluated on their own prospective merits and hazards; and that data from these tests are a necessary prerequisite for any full-field program. Consequently, it appears to have been decided that the environmental effects for only these two tests need to be considered.

In opposition to this position, I shall argue that enough is already known, both from earlier tests as well as from the general aspects of Plowshare Program tests and the general technology of the nature of underground nuclear explosions, so that certain major consequences of a full-field program can now be quite accurately predicted, and that these alone very strongly suggest that it will, in fact, be impossible to proceed with a full-field program, no matter what the results of Rio Blanco and Wagon Wheel turn out to be.

The basis of this argument will now be set out:

1. MAGNITUDE OF FULL-FIELD STIMULATION PROGRAM

Differing figures have been given for the total number of nuclear explosions that will be needed for full-field stimulation. The estimate of the Lawrence Livermore Laboratory is 5665 for the total number of wells, with the average number of shots per well being about 3, for an equivalent total of around 90 KT per well. (Rio Blanco Environmental Statement, WASH-1519, Addendum, March 1973, p. E-72). Independently, Dr. David M. Evans, of the Potential Gas Agency

of the Colorado School of Mines has given a figure of about 13,000 shots. (See attached copy of a statement by Evans.)

For the present argument, I shall use a figure of 10,000 shots for a total of $10000 \times 30 \text{ KT} = 3 \times 10^5 \text{ KT}$, although it would seem that this figure might be raised by perhaps 50%.

This number of shots is the projected total through the year 2016 AD. The average number of shots to be fired then turns out to be one to two, every day for about 30 years. The requirements in skilled manpower would seem to be exorbitant and almost certainly impossible to meet. For the earlier test, Gasbuggy, re-entry drilling proceeded at about 300 ft/day. At this speed, it would seem to require about $1\frac{1}{2}$ –2 months to drill each well that will be needed (if they are as deep as Rio Blanco), and further time is needed for the emplacement of each nuclear device. At the very least, it should be shown that the manpower needs for the drilling and the highly specialized skill of nuclear device emplacement, could be met for a full-field program.

2. SEISMIC EFFECTS OF FULL-FIELD STIMULATION PROGRAM

The Environmental Statement WASH-1519 (p. 9-3) records some awareness of the problem:

"It would be annoying to the local residents to have their activities disrupted every few days because of detonations, so particular care would be taken with the scheduling. From this consideration has come a field development based on multiple well stimulations in a single day. The detonations could be fired a few minutes or more apart, and continue until all explosions are completed. A typical day might involve a number of well stimulations each consisting of two or more detonations. Thus, the number of such disruptive days would be minimized in the development of the entire unit."

I would submit that this is a major understatement of the probable annoyance of a full-field program. Quite apart from the total damage costs, the full-field program would impose on this area, for a continuous period of about 30 years, a burden that would "be annoying to the local residents." To be asked to put up with some inconvenience and to be compensated for damage due to a single test is one thing; to make an area possibly uninhabitable, is another.

3. RESIDUAL RADIOACTIVITY FROM FULL-FIELD PROGRAM

Full-field stimulation will require at least 10^4 shots, totalling around 3×10^5 kilotonnes. Each shot would produce radioactive debris underground, to a total of 10^6 Curies per shot one year later. (The radioactivity is, of course, much more intense at times sooner after the shot.) (See WASH-1519, April 1972, p. 3-23.)

The total quantity of radioactivity (measured as of 1 year after each shot) is thus 10^{10} Curies.

For comparison, we can examine figures produced by the A.E.C. and the Oak Ridge National Laboratory for the radioactive wastes anticipated to be produced by a national program of electric power generation with a growing proportion of nuclear power stations. (I.A.E.A. Conference: Peaceful Uses of Atomic Energy; 1971 Conference: Vol. 11, p. 427.)

The total of 10^{10} Ci anticipated from full-field stimulation can now be compared with 2×10^8 Ci high-level wastes accumulated to 1970; with projected accumulations to 1980 of 2×10^{10} Ci; to 1990 of 1.1×10^{11} Ci; and to 2000 of 2.7×10^{10} Ci.

In other words, full-field stimulation would produce half as much radioactive wastes as that of the projected total national atomic power program through 1980, and still amount to around 5–10% of the accumulated totals of 1990–2000. This is an

enormous quantity, and it must be pointed out that, as of this date, the A.E.C. does not yet have a final accepted program for the long-term storage of the anticipated wastes from a power program.

This immediately raises the question of the long-term containment of the radioactivity from a full-field program. WASH-1519 and its addendum do not adequately meet the objections that have been raised by Dr. Evans and by the Colorado Committee for Environmental Information. (See attached statement by Evans, and WASH-1519 Addendum p. E. 101–105.) The responses are simply inadequate.

In WASH-1519, p. 3-12 it is stated that:

"Underground nuclear explosions sometimes generate small aftershocks in the immediate vicinity. The specific mechanism for the generation of these small earthquakes is not known, but they are clearly related to residual stress changes produced by the explosion, and it has been proposed that disturbance of the local groundwater regime may also play a role." (Italic added.)

In the light of this comment, I do not see how there can be any concrete reassurance that groundwaters will not directly, later, penetrate to the shot cavity. Once there, the solubility of the radioactive wastes (discussed by Dr. Martell of the C.C.E.I.) becomes a major concern, and the figures for rate of gas seepage to aquifers then become moot. Aftershocks have been observed in many tests in the N.T.S. and in general these are at similar depths to the shot. If (according to the extract quoted above) local groundwaters may be disturbed, this must imply the presence of groundwaters at shot depth, i.e. at far greater depths than so far considered. (e.g. WASH-1519 p. 5-6.)

To sum up: the total radioactivity left behind after the shots, together with the question of access of water to the shot cavities, poses serious questions that have not been sufficiently addressed, if at all.

4. ALTERNATIVE TO NUCLEAR STIMULATION

At numerous places in the statements, etc., there has been a rapid traversal of this question: whether hydraulic or chemical explosive methods of stimulation could be considered competitive with the nuclear method. Here again, the responses are inadequate and evade the real question which is: if even a fraction of the investment in Plowshare projects were to be invested in these other technologies, would they become commercially viable? Neither of these has the long-term and adverse possibilities of nuclear methods, and Evans (attached statement) has comments that require a detailed reply.

5. ECONOMIC ASPECTS

It is by no means clear that these gas stimulation tests or a later full-field program are economically viable, nor that all of the real costs have been included in the estimates on which the anticipated gas prices have been based.

Mason Willrich ("Global Politics of Nuclear Energy", Praeger 1971; p. 145) states:

"The cost of developing such an advanced explosives technology is not economically justifiable on the basis of the conceivable benefits from Plowshare applications alone. A Plowshare program is possible, therefore, only as 'spin-off' from a pre-existing, sophisticated weapons program."

It must therefore be asked just how the well-head price of 30–60c/MCF has been arrived at, and which developmental costs have been absorbed by the A.E.C. Further, is a continued weapons program for the next 30 years needed, in order to subsidize a Plowshare program for full-field development?

Brooks and Krutilla ("Peaceful Uses of Nuclear Explosives", Resources for the Future, 1969) have extensive discussion of the economic aspects, and point to the need for much more detailed analyses. Stern and Verdiell ("Natural Gas Production by Nuclear Stimulation"; paper presented at the Energy

Conference at M.I.T., February 1973), point out that conventional drilling is economically competitive with the anticipated nuclear-method costs. Evans, too (attached statement) makes a similar point.

Overall, then, it would seem that the economic attractiveness of full-field nuclear stimulation needs to be much more carefully re-examined.

6. ACCEPTABLE LEVELS OF RADIOACTIVITY IN CONSUMER GAS

It is quite unacceptable (WASH-1519 p. E. 69) to "reserve for a later Environmental Statement which specifically deals with the potential impact of the use of nuclear stimulated gas" the discussion of possible exposure levels, and to thus "delete from the final Statement" this important topic.

Dr. Martell, for C.C.E.I. (WASH-1515 Addendum p. E. 101-105) has raised serious questions that require a better-documented answer than the brevity of the A.E.C.'s reply (WASH-1519 Addendum, p. E-106) which merely asserts that "we believe the questions raised by Dr. Martell are treated in the Statement". In fact, their treatment is inadequate.

To sum up, therefore: substantial arguments have been produced to show that a full-field program poses sufficient problems that it may well be impossible. Until these questions are answered, the viability of a full-field program is open to serious doubt. If these objections are sustained, then there is no reason to proceed with Project Rio Blanco, nor any other similar tests. None of the questions and objections set out above relies for its answer on results anticipated from Rio Blanco.

Accordingly, I request that the applications now pending before your Department be denied, to permit a more extended discussion of the problems that have been raised.

Yours sincerely,

MICHAEL W. FRIEDLANDER,
Co-Chairman, Scientific Division, Committee for Environmental Information.

DAVID M. EVANS,

Evergreen, Colo., April 9, 1973.
Notice of Withdrawal: 38 Fed. Reg. 6697
(1973) Dept. Reg. 42 CFR 4.450.2.

Dr. BURTON W. SILCOCK,
Director, Bureau of Land Management,
Washington, D.C.

DEAR DR. SILCOCK: This letter constitutes my formal protest to the proposed actions granting withdrawal of lands pursuant to Department of the Interior regulations from the Bureau of Land Management to the Atomic Energy Commission for the firing of a nuclear blast in Rio Blanco County, Colorado, and known as PROJECT RIO BLANCO.

A detailed statement of my objections to Rio Blanco is enclosed. However, briefly, I have concluded that:

1. Seismic damage resulting from nuclear blasts would be unacceptable.

2. There is a very dangerous probability that radionuclides will migrate from nuclear blast cavities and into underground potable waters and the Colorado River.

3. Nuclear completion methods would be wasteful of the nation's energy resources.

4. Nuclear completion methods would be noncommercial at anything less than from three to six times the present wellhead price of natural gas.

5. Nuclear completion methods would be hazardous to the development of oil shale and future exploration for oil and gas in the areas subjected to bomb blasts.

Very truly yours,

DAVID M. EVANS.

LIST OF ADDRESSES

Copies to:

Dr. Rogers C. B. Morton, Secretary, U.S. Department of the Interior, Washington, D.C. 20240.

Dr. Dixie Lee Ray, Chairman, Atomic Energy Commission, Washington, D.C. 20545.

The Honorable Floyd K. Haskell, U.S. Senator, 204 Old Senate Office Building, Washington, D.C. 20510.

The Honorable Peter H. Dominick, U.S. Senator, 24 Old Senate Building, Washington, D.C. 20510.

The Honorable Donald G. Brotzman, Congress of the United States, House of Representatives, 403 Cannon House, Washington, D.C. 20510.

The Honorable James P. Johnson, Congress of the United States, House of Representatives, 514 Cannon House, Washington, D.C. 20515.

The Honorable Teno Roncallo, Congress of the United States, House of Representatives, 1814 Longworth Building, Washington, D.C. 20515.

Mrs. V. Crane Wright, President, Colorado Open Space Council, Inc., 1742 Pearl Street, Denver, Colorado 80203.

Miss Kay Collins, President, Denver Audubon Society, 1742 Pearl Street, Denver, Colorado 80203.

[Cause No. 264—Application by CER Geonuclear Corp., Rio Blanco Unit Area, Rio Blanco County, Colorado.]

STATEMENT OF OPPOSITION

(By David M. Evans*)

CER Geonuclear Corporation has filed with the Oil and Gas Conservation Commission of the State of Colorado an application for an order approving a Unit Agreement and Unit Operating Agreement for the development and operation of the Rio Blanco Unit Area and requesting approval of the use of nuclear completion methods in the Rio Blanco Unit Well No. RB-E-01, located in the NW $\frac{1}{4}$ of Section 14, Township 3 South, Range 98 West, 6th P.M., by the use of three (3) nuclear explosives of thirty (30) kilotons each.

I respectfully request that the Commission deny the applicant's request for the use of nuclear completion methods for the Rio Blanco Unit Well No. RB-E-01 and for the development of the Rio Blanco Unit Area. My reasons for requesting that CER Geonuclear's application be denied are:

1. Nuclear completion methods would be hazardous to the exploration for oil and gas in horizons below the formations being stimulated.

2. Nuclear completion methods would be wasteful of natural gas, and would involve a wasteful use of energy.

3. Nuclear completion methods would be noncommercial at anything less than three (3) times the present interstate price of natural gas, whereas other completion methods would be commercial at or very

NUCLEAR COMPLETION METHODS WOULD BE HAZARDOUS

Enormous seismic damage would result from nuclear full-field development

In the Environmental Statement, Rio Blanco Gas Stimulation Project, Rio Blanco County, Colorado, which I will refer to as the Environmental Statement or Statement,¹ the Atomic Energy Commission says (p. 1-2)

**I am director of the potential Gas Agency of the Colorado School of Mines. I am a graduate geological engineer (Colorado School of Mines, 1936), and a Certified Professional Geologist. I am a member of the American Association of Petroleum Geologists, the American Institute of Professional Geologists, and a past president of the Rocky Mountain Association of Geologists. I am a member of the Audubon Society, and a director of the Denver Audubon Society. I am an associate member of the Colorado Open Space Council (COSC). (See attachment for COSC organizational memberships.)*

Footnotes at end of article.

that Project Rio Blanco is the third experiment to develop nuclear gas stimulation technology and that the ultimate aim of this technology is the recovery of an estimated 300 trillion cubic feet (tcf) of natural gas. I have studied the report² which is the basis of this estimate and, using the figures cited as the basis for the 300 tcf estimate, I have determined that about 13,000 wells would have to be stimulated with from one to five nuclear bombs each in order to liberate the gas. The bombs would be from 30 to 100 kt in size.

Enclosed is a figure from the above report showing the area from which this gas would be recovered (Fig. 1).³ This area is also known as the Upper Colorado River Basin (Fig. 2).

While the Director of the Commission has given me to understand that the Commission is not concerned with the problem of seismic damage resulting from nuclear completion methods, I would like to point out that Project Rulison, the second nuclear gas stimulation experiment, involved the use of one 40-kiloton nuclear bomb and seismic damage claims paid thus far have amounted to more than \$135,000.

The AEC estimates that the seismic-damage resulting from each nuclear completion on the Rio Blanco Unit will amount to about \$30,000. On page 1-2 of the Environmental Statement, the AEC says ". . . damage to some buildings within a radius of 36 miles may occur, with such damage estimated at approximately \$50,000." And on page 1-5 of the Environmental Statement, the AEC says "The underground explosion effects for each detonation will be similar to that from Rio Blanco."

However, the reason for the AEC's estimating less damage from the Rio Blanco blasts is that fewer people live within the zone of expected seismic damage because the Rio Blanco blasts are expected to be equal to a seismic source more than three times the size of the single 40-kt bomb used at Rulison. The AEC says, on page 3-3, of the Environmental Statement, "The proposed Rio Blanco experiment involves the simultaneous detonation of three 30 kt. nuclear explosives in a single wellbore . . . The equivalent seismic source, as proposed by the Environmental Research Corporation, an AEC contractor, for Rio Blanco is postulated to be a single detonation with a yield of 123 kt."

The object of the Rio Blanco experiment is to develop a technology that will lead to full-field development. On page 2-13 of the Statement, the AEC says "Current speculation is that the total field may be developed with about 140-280 wells."

Using the AEC's estimates, it can be seen that if 280 wells are completed using nuclear bombs, the expected damage would be \$14 million (280 × \$50,000).

Since the seismic effects of three 30-kiloton bombs are much greater than a single 40-kiloton bomb, it can be seen that when nuclear development of the 300 tcf of gas in the Upper Colorado River Basin takes place that very extensive seismic damage will occur.

In addition to the seismic effects described above, the planned underground effects of the proposed nuclear blasts would be the creation of large underground chimneys partially filled with rubble. Many fractures would lead away from these chimneys. It is planned that natural gas will enter the chimney along these fractures. If mobile waters are present, they, too, will be free to migrate into and out of the blast chimneys along these fractures.

Water soluble Strontium-90 and Cesium-137 will not be trapped in the puddle glass

In its Draft Environmental Statement, the AEC went to great lengths to create the impression that "most of the radioactivity is nonvolatile and will be permanently incorporated in three zones of resolidified molten rock (puddle glass) and the chimney region

(p. 35).⁴ After the falsity of these statements was pointed out at the 27 March 1972 Denver hearings, the AEC revised (without explanation) the Environmental Statement to properly read "Included in the fission products remaining one year and more after the detonation are the nuclides 90s, (Strontium-90) and 137Cs (Cesium-137). A significant fraction of these isotopes are deposited on rock surfaces in the chimney region, and would be capable of being dissolved should these be exposed to any liquid water."

Specifically, the predicted fission activity, 180 days after detonation, is 13,500 curies of strontium-90 and 16,500 curies of cesium-137.⁵ With half-lives of 28 years, these radionuclides are dangerous for hundreds of years. Considered two of the most biologically dangerous radionuclides, deadly doses are measured in millionths of a curie.

The proposed 300 tcf nuclear stimulation program involving 13,000 wells would result in hundreds-of-millions of curies of long-lived radioactivity deposited on rock surfaces in the blast chimneys. This 90s, and 137Cs would be in water soluble form underground in the Upper Colorado River Basin.

Strontium-90 and Cesium-137 Will Move in Underground Water. It is clear from the Environmental Statement that water will be produced with the natural gas from all nuclear chimneys.

The AEC says (p. 3-15):

"... The chimney gas will be partially dried and the resulting water collected. . . ."

However, the AEC says (p. 3-23) that:

"It should be emphasized that no liquid water is expected to either enter or leave the chimney region: while some water is present in the pores of the tight formation within which the chimney will be created, this water is not mobile and will not migrate through the chimney as liquid. Thus, no mechanism can be hypothesized whereby the surface-deposited radioactivity can be incorporated into mobile groundwaters."

A translation of the above AEC statement is that after the nuclear blasts, the temperature in the cavities will be so hot that all water will be in the form of steam which will not dissolve the radionuclides. The water in the chimney is "pore-space water" and is not moving.

However, there is evidence that moving, or mobile, water has entered both of the first two nuclear gas stimulation cavities.

Water is entering the Gasbuggy chimney. It is my understanding from the technical staff of El Paso Natural Gas Company that it is believed this water is entering the chimney through a defective cement job which has not succeeded in obtaining a water-tight bond between the casing and the formation. The mobile water is believed to be entering the blast cavity from a water-bearing formation above the cavity and migrating down the hole behind the casing.

Mobile water appears to be entering the Rulison blast cavity from the gas-bearing formation. Originally, it was calculated that the non-mobile "pore-water" in the Rulison blast cavity would total about 35,000 barrels (1.5 million gallons). When the well was shut in after the third, and last, test, it was estimated that 25,000 barrels of water had been produced. However, instead of tapering off, which would be expected as the pore-water exhausted, the water production was increasing.⁶

During the first test of the Rulison well (26 October-3 November 1970), flow rate was 11.3 to 12 million cubic feet per day. Of this, water production (steam) amounted to 200 to 225 barrels per day. This amounted to 19 barrels of water per million cubic feet of gas.

During the second test (1 December-20 December 1970), the Rulison well flowed 5.3

million cubic feet of gas per day and water production was estimated at 300 to 360 barrels per day. This amounted to 34 barrels of water per million cubic feet of gas.

During the third, and last test of the Rulison well, final gas production amounted to slightly less than one million cubic feet per day. Water production was 233 barrels per day, or 250 barrels of water per million cubic feet of gas.

Water production was increasing at the end of the test

All of the water produced from the Rulison cavity thus far has been in the form of steam. What will be done with this water when the blast cavity cools and liquid water dissolves the strontium-90 and cesium-137?

Contrary to what we are told by the AEC, there is evidence that water will enter nuclear blast cavities. And when these cavities cool, this water will dissolve the extremely dangerous radionuclides, 90s and 137Cs.

Contaminated water will leave the blast cavity

Once contaminated water is in the blast cavities of nuclear stimulated wells, there are several ways it can leave—and find its way into man's biological environment:

1. As we have seen, the water can leave the blast cavities with the produced gas. After the cavities cool sufficiently, contaminated liquid water will leave the cavities with the produced gas.

2. The water will leave blast cavities via channels through corroded casing.

The National Academy of Sciences—National Research Council has recommended⁷ that "wastes containing the long-lived isotopes strontium-90 and cesium-137, which have half lives of 28 and 30 years, be isolated at least 600, and possibly as long as 1,000 years, to render them biologically harmless."

After the natural gas has been produced from the tens-of-thousands of nuclear-stimulated wells and the wells have been abandoned sometime during the next 50 years, the radionuclides in the blast cavities will still have a dangerous life of from 550 to 950 years. The life of steel casing is estimated at about 25 years maximum. After the steel casing has corroded, these wells will be poor insurance for keeping hundreds-of-millions of curies of dangerous radioactivity trapped for another 975 years.

3. The contaminated water will leave the blast cavities through natural and induced fractures. As we have already seen, the purpose of nuclear stimulation is to produce underground cavities and fracture systems. In addition to showing extensive faulting and fracturing in the Rio Blanco Unit Area, the Environmental Statement of the AEC says (p. D-3)

"Interpretation of subsurface faulting in the basin is based heavily on geophysical studies. The relatively wide well spacing, the small fault displacement, the local variations in stratigraphic thickness, and the lenticular and discontinuous nature of the sandstone elements make it difficult to pick fault cuts from the well logs."

Notice that the location of faulting in the natural gas zones is based upon "interpretation" and geophysical studies. And notice, too, that the AEC says it is difficult to pick "fault cuts" from well logs. I agree. The effect of hundreds of blasts in the Rio Blanco Unit area and tens-of-thousands of blasts in the Upper Colorado River Basin would be to activate and extend known and unknown natural faults and fractures. These, in turn, would be connected with blast fractures extending from nuclear cavities. Along these known and unknown fracture systems, contaminated waters will be free to move between blast cavities and surface waters—and, ultimately, sometime in the next 600 to 1,000 years, the Colorado River.

Exploration and development of deep horizons below nuclear stimulated zones would be hazardous

Oil and gas, valued at hundreds of millions of dollars, have been produced from geologic formations underlying the Mesaverde formation in the Upper Colorado River Basin. Geologists agree that as much or more remains to be found.

The proposed nuclear stimulation program would hinder future exploration and development of these deep formations. Every hole drilled through the Mesaverde formation, in—or near—a nuclear stimulated area, will run the risk of lost circulation in nuclear fracture zones. And they will run the risk of poisonous blowouts.

Every well drilled through the Mesaverde formation near a nuclear stimulation area will increase the risk of releasing radionuclides from the fractured zones into surface waters.

Future oil and gas injection projects in nuclear stimulation areas will run the risk of breaking into nuclear zones and forcing contaminated water into surface water zones and the Colorado River.

NUCLEAR COMPLETION METHODS WOULD BE WASTEFUL OF THE NATION'S ENERGY

On March 27, 1972, Dr. E. A. Martell, President of the Colorado Committee for Environmental Information, presented testimony at the AEC's hearing on the Rio Blanco Draft Environmental Statement. Concerning Energy Waste, Dr. Martell said:

"A comprehensive evaluation of alternative methods of gas stimulation and the benefits and costs involved should include evaluation of the energy consumed in the process for each method. The AEC statement omits discussion of (1) the electrical energy consumed in the manufacture of the nuclear explosive devices to be used in nuclear gas stimulation applications, (2) the energy represented by the fissionable material of these devices, were it to be used in fission reactor for electric power production, (3) the natural gas consumed and wasted as the result of its disassociation and oxidation in the cavity under the influence of the intense heat and radiation from the explosion.

"The presence of a large excess of carbon dioxide, carbon monoxide and molecular hydrogen in nuclear explosion stimulated gas may be explained in large part by disassociation of methane (natural gas) by ionizing radiation and chemical reactions of the disassociation products.

"If nuclear gas stimulation consumes significant amounts of our dwindling energy and fuel resources this fact should weigh heavily in the cost assessment of alternative methods of gas stimulation. A quantitative estimate of such energy consumption and fuel waste is essential to the proper evaluation of nuclear gas stimulation versus alternatives.

"To have omitted these vital estimates in the discussion of costs and alternatives reduces this aspect of the AEC environmental statement to mere promotional literature." (Italic is mine.)

NUCLEAR COMPLETION METHODS WOULD BE NON-COMMERCIAL

A study of the Rulison nuclear stimulation experiment reveals that in order for this natural gas to be commercial it must sell for about \$1.00 per thousand cubic feet. Estimates of the necessary price for gas from the proposed Rio Blanco Unit and the proposed Wagon Wheel gas stimulation project vary from 60¢ per thousand cubic feet to \$1.20. The present interstate price for natural gas in the Upper Colorado River Basin ranges from less than 20¢ per mcf to slightly over 20¢. In other words, this gas will not be commercial until the price is three times the present price.

Footnotes at end of article.

In the meantime, contrary to the claim of the AEC that "there is no known economic alternative to nuclear gas stimulation for recovering the 300 trillion standard cubic feet of gas from tight formations" (Environmental Statement p. 1-4), it is a fact that the job is being done by hydraulic fracturing and at today's prices. Here are some examples:

In a paper entitled "Successful Stimulation of a Thick, Low Pressure, Water-Sensitive Gas Reservoir by Pseudolimited Entry," author J. Paul Mathias, Continental Oil Company,⁵ describes the successful hydraulic fracturing of tight gas-bearing formations in an area originally proposed for nuclear stimulation—the Dragon Trail Unit, Rio Blanco County, northwestern Colorado.

On page 187, the author says "The average gas flow rate of these wells has been increased from 422 Mcf/D to 3,970 Mcf/D."

In a paper entitled "Successful Deep Well Stimulation Utilizing High Proppant Concentration," authors S. A. Holditch, Shell Oil Company, and John Ely, Halliburton Services,⁶ state that "The second type of stimulation, which is undergoing limited study today, is the use of both conventional and nuclear explosives. At this time, two nuclear explosive projects have been conducted. These tests were apparently successful in safely setting off a nuclear device and achieving some stimulation. However, the economic feasibility of nuclear stimulation is still questioned by a large segment of the industry." (Italic mine.)

Let me cite two more technical papers: "A Staged Fracturing Treatment For Multi-Sand Intervals," by B. B. Williams, Esso Production Research Company; G. Nieto, Creole Petroleum Corporation; H. L. Graham, Exxon Company; and R. E. Leibach, General Consulting, S.R.L.;¹⁰ and "Use of Liquified Gases as Fracture Fluids for Dry Gas Reservoirs," by R. E. Hurst, Dowell Division of the Dow Chemical Company.¹¹

These papers are of interest because they show that tight, thick sandstone formations containing natural gas are successfully being stimulated by present hydraulic fracturing techniques at today's prices.

CONCLUSION

I would like to conclude this statement by paraphrasing my conclusion at the 27 March 1972 Rio Blanco hearing:

Tens-of-thousands of nuclear bombs would release hundreds-of-millions of curies of radioactivity in the underground circulating waters of the Upper Colorado River Basin. Who will inspect the tens-of-thousands of nuclear gas wells twenty * * *?

When corroded casings begin to leak radioactive water, and poisonous springs erupt some time during the next 1,000 years, who will clean up the mess? The answer is no one. Nothing man can do will keep the radioactivity out of the Colorado River. The damage will have been done, and it will be too late to do anything about it.

(Note.—Figures 1 and 2 are not shown here.)

FOOTNOTES

¹ United States Atomic Energy Commission, "Environmental Statement, Rio Blanco Gas Stimulation Project, Rio Blanco County, Colorado," WASH-1519, April 1972.

² Atkinson, Charles H., "The Concept and Testing of Formation Fracturing and Nuclear Explosives, and Thoughts on Future Application," SPE Paper 2061 presented at Symposium on Petroleum Economics and Evaluation, Dallas, Texas, March 4-5, 1968.

³ "The Concept and Testing of Formation Fracturing and Nuclear Explosives, and Thoughts on Future Application," SPE Paper 2061 presented at Symposium on Petroleum Economics and Evaluation, Dallas, Texas, March 4-5.

⁴ United States Atomic Energy Commission, "Draft Environmental Statement, Rio

Blanco Gas Stimulation Project, Rio Blanco County, Colorado," WASH 1519, January 1972.

⁵ A Compilation of Technical Studies Performed Prior to Design of the Wagon Wheel Experiment, "Project Wagon Wheel, Technical Studies Report," PNE-WW-1, December 31, 1971, Edited and Printed by El Paso Natural Gas Company.

⁶ Telephone conversation with Mr. Reg Gotchy, U.S. Atomic Energy Commission, Las Vegas, Nevada, information quoted from Report TNE-4-52, Project Rulison—Post-Shot Well Test Data, Austral Oil Company.

⁷ National Academy of Sciences—National Research Council, "Resources and Man, A Study and Recommendations," by the Committee on Resources: W. H. Freeman and Company, San Francisco, 1969.

⁸ Mathias, J. Paul, "Successful Stimulation of a Thick, Low-Pressure, Water-Sensitive Gas Reservoir by Pseudolimited Entry," Journal of Petroleum Technology, February 1971.

⁹ Holditch, S. A., and John Ely, "Successful Deep Well Stimulation Utilizing High Proppant Concentration," SPE Paper 4118, presented at Society of Petroleum Engineers 47th Annual Fall Meeting, San Antonio, Texas, October 8-11, 1972.

¹⁰ Williams, B. B., G. Nieto, H. L. Graham and R. E. Leibach, "A Staged Fracturing Treatment for Multi-Sand Intervals," SPE Paper 4093, presented at Society of Petroleum Engineers 47th Annual Fall Meeting, San Antonio, Texas, October 8-11, 1972.

¹¹ Hurst, R. E., "Use of Liquified Gases as Fracture Fluids for Dry Gas Reservoirs," SPE Paper 4116, presented at Society of Petroleum Engineers 47th Annual Fall Meeting, San Antonio, Texas, October 8-11, 1972.

COSC—COLORADO OPEN SPACE COUNCIL, INC. ORGANIZATIONAL MEMBERSHIPS

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Colorado Wildlife Federation.

Denver Botany Club.

Izaak Walton League of America, Colorado Division.

Nature Conservancy Plan—St. Vrain.

Planned Parenthood.

Thorne Ecological Institute.

Ex Officio (representatives from):

Bureau of Land Management.

Bureau of Outdoor Recreation.

Colorado Game, Fish and Parks.

Colorado Geological Survey.

Colorado State Forest Service.

National Park Service.

U.S. Forest Service.

Environmental Protection Agency.

ASPEN SCHOOL DISTRICT NO. 1,

Aspen, Colo., April 14, 1973.

Bureau of Land Management,

Washington, D.C.

Attn: Dr. Burton W. Silsick.

DEAR DR. SILSICK: This is a letter of formal protest for the transfer or land withdrawal requests No. 17528 to the Atomic Energy Commission for the Rio Blanco project.

More and more facts and scientific data have been compiled by knowledgeable scientists exposing the risks and probable water contamination and increased amounts of radioactivity in the atmosphere which will result from this blast.

There have been no public hearings on the safety and security from lethal radiation or seismic damage the Rio Blanco Blast could cause; nor, has the Atomic Energy Commission taken any emergency measures in the event of a possible failure with this blast.

Failures have already been evidenced in the Rulison and Gasbuggy projects—failures to the degree of being questionable whether the cost and risk were worth the effort. It is apparent that far more economical and safer methods can be employed to tap the natural gas (such as the use of hydraulic pressure); yet, the Atomic Energy Commission deafly responds to these methods or alternatives.

When the risks mount up and the environment and lives by the thousands are endangered, it is time for the Bureau of Land Management to halt these hazardous tests by refusing sale of this land for the Rio Blanco project; to stop the sale before it is too late to prevent continued experiments and blasts augmenting eventual disasters; to stop the sale so that other alternatives may be considered, eliminating the threat to environment and security to life we are entitled to.

I am only one of hundreds who share in this protest.

Sincerely,

JUSTINE RODRIGUEZ,
Aspen Middleschool teacher.

CITIZENS FOR COLORADO'S FUTURE,

April 10, 1973.

Mr. GEORGE L. TURCOTT,
Acting Director, Bureau of Land Management,
Washington, D.C.

DEAR MR. TURCOTT: Citizens for Colorado's Future is the group which spearheaded the successful opposition to the Winter Olympics in Colorado. Although we have avoided taking stands on any issue since then, we feel that Rio Blanco is a serious enough extension of an inappropriate technology so as to require comment.

Specifically and initially we ask that this letter be considered a formal objection to the Notice of Proposed Withdrawal, 38 Federal Register 6697 (1973).

Citizens for Colorado's Future opposes the withdrawal primarily because no hearings have been held. The project is obviously controversial, and thus public hearings are appropriate.

We also feel that the land, given for an indefinite period for essentially private use

without charge, is a subsidy of significant size to warrant public discussion.

Sincerely,

DWIGHT FILLEY,
Coordinator.

BOULDER, COLO.,
April 7, 1973.

MR. BURTON W. SILCOCK,
Director of the Bureau of Land Management,
Department of Interior, Washington, D.C.

DEAR SIR: I would like to state a formal protest, under Department Regulations Title 43, Code of Federal Regulations paragraph 4.450.2, to the proposed withdrawal of lands from the Bureau of Land Management to special use status by the Atomic Energy Commission and CER Geonuclear Corporation at the Rio Blanco test site near Meeker, Colorado as cited in Notice of Proposed Withdrawal, Vol. 38 Federal Register 6697 (1973).

Over the past 20 years evidence that irradiation, viruses and chemical mutagens cause cancer has accumulated. Because of the statistical link between increase in radioactive isotopes in the environment following atmospheric atomic bomb tests and the increase in leukemia in children (as one of several effects), biologists in the past have attacked atmospheric atomic bomb testing and have added to the world pressures that eventually forced cessation of above ground atomic bomb explosions.

Although the Rio Blanco project is to occur 6,000 feet underground, the three atomic bomb explosions of 30 kiloton capacity planned in the experiment will eventually release tritium into the environment. Tritium, a radioactive isotope of hydrogen, will be flared off the wellhead. There is also a possibility that underground waters may become contaminated. Since the half life of tritium is 12.26 years (in 12.26 years one half of the radioactivity will have disintegrated), this release represents a long term contamination of the Piceance Creek Basin. 20 to 60 times the original level of radioactivity will occur when the full Basin pilot program is complete and 300 times the original level of radioactivity will occur if the Rio Blanco gas field is developed for commercial purposes.

In view of the contamination of the Rio Blanco area as well as the environment into which radioactive isotopes may drift, of the probable infeasibility of using tritiated gas in homes and schools and of the difficulty of extracting oil from overlying shales if the region is completely developed by atomic blasting for gas, I would suggest that this project is both detrimental and inefficient.

I am enclosing an article from the British journal *Nature* on the Colorado Rio Blanco project which, with some impartiality, discusses our problem from an outsider's point of view.

Very truly yours,

ELIZABETH CAPLAN, M.A. (Biology).

ENERGY CONSULTANT TO RALPH NADER,
Washington, D.C., April 11, 1973.

DIRECTOR,
Bureau of Land Management,
Department of the Interior,
Washington, D.C.

DEAR SIR: This is in comment on the "Notice of Proposed Withdrawal and Reservation of Lands", published in the Federal Register, Monday, March 12, 1973. We strongly object to the proposed transfer being actualized at this time. We find that there are many pressing problems which the BLM should investigate before cooperating in the execution of the proposed Rio Blanco Phase I gas stimulation project.

The problems which must at first be answered include:

1. Alternatives for storage of the tritiated water produced by the explosion. The large quantities of Tritium, Carbon 14, Argon

and Krypton that are planned to be released into the atmosphere through flaring of the radioactive gas represent an inacceptably large environmental and public health risk.

2. With the striking trend towards increasing of natural gas prices, it appears that conventional stimulation methods would be economically competitive, and given the lesser risks involved in the latter approach, this would be vastly preferable. Further BLM analysis on this point would seem warranted.

3. The National Academy of Science National Research Council Advisory Committee on the Biological Effects of Ionizing Radiation concluded in their report released November, 1972 (subsequent to the AEC NEPA statement), that "(n)o exposure to ionizing radiation should be permitted without the expectation of a commensurate benefit". The natural gas industry maintains that the present supply shortages are derived from problems related to the regulation of the price structure, and not with the scarcity of gas supplies. We therefore have extra time to consider alternatives to a large scale nuclear gas stimulation project.

At the very minimum, the BLM should delay transfer of the land until a full public review is held on a number of transactions which will occur with the Rio Blanco test, these include: granting of special land use permits; granting of transmission line rights-of-way; and amendment of the existing contracts with the private companies involved.

We believe that the test presents an unacceptably large risk to the environment, and to the health and safety of the public. Therefore, we urge the BLM not to accept the application of the U.S.A.E.C., Serial No. Colorado 17528.

Sincerely,

RICHARD H. SANDLER,
SAM LOVE,
Environmental Action.

NATIONAL RESOURCES DEFENSE
COUNCIL, INC.,
Washington, D.C., April 10, 1973.

HON. ROGERS C. B. MORTON,
Secretary, Department of the Interior,
Washington, D.C.

DEAR SECRETARY MORTON: The Natural Resources Defense Council (NRDC), National Wildlife Federation, Friends of the Earth, Sierra Club, and Environmental Policy Center protest¹ the Department's proposed actions to grant a land withdrawal application filed by the Atomic Energy Commission² and special land use permit and transmission line right-of-way applications filed by CER Geonuclear Corp.³ in order to allow a proposed nuclear gas stimulation project—Project Rio Blanco—to be conducted on public lands.

These environmental organizations believe that the Department should deny the pending applications because granting them would not be in the public interest. Specifically, the Secretary is required by law "to find" prior to granting a right-of-way application that the grant "is not incompatible with the public interest." 43 U.S.C. 959, 961. See also 16 U.S.C. §§ 4, 5, 420, 523; 43 C.F.R. § 2920.3(b). First, on the basis of available information it appears that stimulation of the natural gas in question could be accomplished either by hydraulic or by nuclear fracturing. Nuclear fracturing, however, poses substantial threats of harm to the environment and to public health and welfare which hydraulic fracturing does not. (These facts are discussed in the comments attached to this letter as well as in the AEC's Environmental Statement on Project Rio Blanco (WASH-1519)). Therefore, since a reasonable alternative to nuclear stimulation is available which poses less severe

threats to the environment and to public health and welfare, it would be "incompatible with the public interest" to permit use of the public lands for the Rio Blanco nuclear stimulation project.

Second, as discussed in greater detail below and in the attached comments, the Department has not complied with the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. This Act declares that environmental protection is in the public interest and that every federal agency is obligated to protect the environment "to the fullest extent possible," 42 U.S.C. § 4332. See also 42 U.S.C. §§ 4321, 4331. Therefore, it would be "incompatible with the public interest" to permit use of the public lands for Project Rio Blanco until the Department has complied with NEPA.

The Secretary must also find that detonating the Project Rio Blanco nuclear devices in mid-May, 1973, with flaring to follow in approximately three months, as is now planned, is "not incompatible with the public interest." This is not the case. First, as documented in the AEC Environmental Statement, this is a time, as compared with other times of the year, at which the risk of concentrating radioactive contamination from radioactive emissions such as venting or flaring is increased, particularly by "looping," an event which is most likely to occur during warm, sunny days which predominate during summer months. (Environmental Statement 3-20). Therefore, the Department should deny the pending land withdrawal and land use applications related to Project Rio Blanco at least until a safer time of year is proposed.

Second, no careful and current analysis has been made of the costs and benefits of hydraulic fracturing as compared with nuclear fracturing. The Addendum to the Environmental Statement reports that "[p]reliminary estimates by experts in both fields indicate that the range of potential production costs per MSCF of gas is similar" for the two stimulation techniques. (Addendum 6-2). And the Department itself recently stated: "Presumably recovery would be lower than after nuclear stimulation, but hydraulic fracturing might offer environmental and economic advantages." (Final Environmental Statement on OCS Lease Sale Offshore Louisiana, dtd. Oct. 13, 1972, at 405n.1). Therefore, the Department should deny the pending land withdrawal and land use applications related to Project Rio Blanco at least until a careful study and assessment of the total costs and benefits of these two stimulation techniques is completed.

Regarding the National Environmental Policy Act (NEPA), *supra*, the Department is required to comply with the requirements of the Act and implementing regulations such as CEQ Guidelines, 36 Fed. Reg. 7724 (1971), and Department of the Interior Manual, § 516.2, prior to acting on the pending applications for a land withdrawal, a transmission line right-of-way, and special land use permits related to Project Rio Blanco. As detailed in the attached comments, the AEC's Project Rio Blanco Environmental Statement, which the Department considers as meeting its NEPA obligations with respect to these proposed actions, is seriously deficient in several respects and inadequate under NEPA. The major deficiencies discussed in the comments are: (1) inadequate discussion of reasonable alternatives, and their environmental impacts, to the proposed actions; (2) omission of material information; and (3) non-compliance with NEPA procedures.

Attached, in addition, are the April 14, 1972, comments of NRDC on the AEC's April 1972 Project Rio Blanco Environmental Statement. Since many of the deficiencies identified in those comments were not remedied by the Addendum, these deficiencies are pertinent to the Environmental Statement

Footnotes at end of article.

which the Department now considers as being in fulfillment of its NEPA obligations. The Department should not act to permit Project Rio Blanco to proceed at least until it has complied with its NEPA obligations by preparing and circulating for comment an adequate environmental statement.

Sincerely yours,

EDWARD L. STROHBEHN, JR.

FOOTNOTES

¹ See 43 C.F.R. §§ 450.2, 2351.4(a); 38 Fed. Reg. 6697 (Mar. 12, 1973); ltr. fr. J. W. Larson, Asst. Secy. of Interior, to E. L. Strohbehn, dtd. Mar. 2, 1973.

The attached comments on the Project Rio Blanco Environmental Statement are submitted as part of this protest.

² "Notice of Proposed Land Withdrawal and Reservation of Lands," 38 Fed. Reg. 6697 (Mar. 12, 1973); C-17528, AEC Land Withdrawal Application, filed Jan. 10, 1973.

³ C-12677, Weather & Microwave Station, filed Mar. 31, 1971; C-14154, Office Complex & Microwave Control Station, filed Sept. 23, 1971; C-14638, Radio & Telephone Control Station, filed Dec. 15, 1971; C-15095, Trailers, Offices, & Laboratory, filed Jan. 4, 1972; C-15116, Transmission Line Rights-of-Way, filed Jan. 12, 1972; C-15515, Installation of Radio Equipment on Existing Tower, filed Feb. 2, 1972.

NATIONAL RESOURCES DEFENSE

COUNCIL, INC.,

Washington, D.C., April 11, 1973.

Hon. ROGERS C. B. MORTON,
Secretary, Department of the Interior,
Washington, D.C.

DEAR SECRETARY MORTON: I respectfully request that the time for submission of comments on the Department's proposal to grant an Atomic Energy Commission land withdrawal application (C-17528, filed January 10, 1973; published in the *Federal Register* on March 12, 1973, 38 Fed. Reg. 6697) be extended ten days from April 11, 1973 to April 21, 1973. The land withdrawal is requested by the AEC in order to allow a nuclear gas stimulation project—Project Rio Blanco—to proceed on public lands.

On March 14, 1973, four weeks ago, I wrote Mr. John Larson, Assistant Secretary of the Interior, to request information about Department actions relating to, among other things, the proposed land withdrawal application. Despite repeated requests during the last four weeks for a reply, I received an answer only last night about 5 p.m. (April 10, 1973). I noted in the comments which were prepared prior to receipt of this answer and which were submitted as part of the protest which I filed this morning on behalf of five environmental organizations against, *inter alia*, the proposed land withdrawal application that "Upon receipt of a reply to NRDC's March 14th letter to the Secretary of the Interior regarding, *inter alia*, compliance with NEPA procedures, NRDC will have further comments." (at p. 21)

The comments will be relevant to the proposed Department decision to grant the AEC land withdrawal request. In order to prepare these comments, I request that the time for submission of comments on the proposed land withdrawal be extended ten days.

In addition, with respect to the protest against the proposed land withdrawal application which I have filed on behalf of Natural Resources Defense Council, National Wildlife Federation, Friends of the Earth, Sierra Club, and Environmental Policy Center, pursuant to 43 C.F.R. § 2351.4(a)-(b) and the *Federal Register* notice, 38 Fed. Reg. 6697 (March 12, 1973). I request that public hearings be held on the proposed land withdrawal. I also request a conference with the Secretary prior to his deciding whether to grant the proposed Department land with-

drawal and land use applications related to Project Rio Blanco.

I would appreciate hearing from you as soon as possible concerning these requests.

Sincerely yours,

EDWARD L. STROHBEHN, JR.

COLORADO COMMITTEE FOR

ENVIRONMENTAL INFORMATION,

Denver, Colo., April 10, 1973.

ROGERS C. B. MORTON,
Secretary of the Interior, Department of the
Interior, Washington, D.C.

Regarding: Notice of Proposed Withdrawal
38 Federal Register 6697 (1973). Special
Land Use Permit Application CER Geo-
nuclear Lease Modification Application.

We respectfully request that this letter be considered a formal protest to these actions (reference Department of the Interior Regulation 43 C.F.R. Paragraph 4.450.2) and that the proposed withdrawal and special land use permit be denied.

This request is based upon the fact that in our judgment the AEC Environmental Impact Statement for the Rio Blanco Gas Stimulation Project (Wash-1519) and its Addendum, both of which will be referred to herein as reference 1, are seriously deficient in the following areas:

1) Consideration of the environmental hazards involved in the full field development of the Upper Colorado River Basin.

2) Consideration of the radiation exposure hazards involved in the public distribution of gas resulting from this full field development and of the appropriate radiation exposure guidelines upon which such distribution must rest.

3) Technological and economic definition of what constitutes success of the Rio Blanco experiment.

Two previous underground nuclear gas stimulation experiments, Gasbuggy and Rulison, have demonstrated the technical feasibility of releasing natural gas from tight underground formations by means of nuclear explosions. The third of this series, Rio Blanco, can only be viewed as an experiment to demonstrate the economic feasibility of commercial gas production from vertically distributed lenticular gas bearing sands in the Upper Colorado River Basin. Indeed on page 1-1 of reference 1 the AEC indicates that the ultimate aim of the Rio Blanco series is the economic recovery of an estimated 300 trillion cubic feet of natural gas. With this aim in mind, it becomes absolutely imperative that project Rio Blanco be viewed in the light of the anticipated full field development. It must survive on its merit in this context or not at all.

To discuss project Rio Blanco in the smaller context of only the ecological, social, and radiation hazards involved with the experimental 90 kiloton, three bomb explosion is at best, self deception and at worst, intentional deception of the public at large. Viewed in the larger context of full field development, reference 1 falls seriously short in the three areas mentioned above which will be dealt with separately.

1. Environmental Hazards of Full Field Development.

The initial step of project Rio Blanco is to be the detonation of three 30 kiloton nuclear devices in a single emplacement well in Rio Blanco County Colorado. On page 2-13 of reference 1 the AEC says of the Piceance Basin development "current speculation is that the total field may be developed with about 140-280 wells". David Evans of the Colorado School of Mines, in his statement before the public hearing on Project Rio Blanco held in Denver March 9, 1972 estimated that about 13,000 wells would have to be stimulated to recover the estimated 300 trillion cubic feet of gas from the entire western basin four corners area. This breaks

down to considerably more than the upper AEC limit of 280 well stimulations for the Rio Blanco Piceance Basin area. It seems apparent that a serious discussion of Project Rio Blanco must consider the effects, both desirable and undesirable, of the detonation of at least 1000 30-kiloton devices.

1A. Strontium 90 and Cesium 137

In its Draft Environmental Statement, the AEC maintained that most of the radioactivity created by the blast would be nonvolatile and would be trapped in resolidified molten rock in the bottom the blast cavity. The incorrectness of this assumption was pointed out at the March 27, 1972 Denver hearings and the final Environmental Statement was revised to read "Included in the fission products remaining one year or more after the detonation are the nuclides 90_s (Strontium —90) and 137_s (Cesium —137). A significant fraction of these isotopes are deposited on rock surfaces in the chimney region, and would be capable of being dissolved should these be exposed to any liquid water". These are two of the most biologically dangerous radio nuclides known for which deadly doses are measured in millions of a curie. At the anticipated production rate of some 10 to 20 thousand curies of both 90_s and 137_s per well stimulation, full field development would deposit literally millions of curies of these two radio isotopes in water soluble form in the Piceance Basin.

The AEC goes to great lengths to show that these water soluble radio isotopes present no hazard with regard to the first Rio Blanco shot. Page 3-23 states that "It should be emphasized that no liquid water is expected to either enter or leave the chimney region. . . . Thus no mechanism can be hypothesized whereby the surface-deposited radioactivity can be incorporated into mobile ground waters." Water is currently entering the Gasbuggy chimney presumably from a failure of the water tight bond between the installed casing and the penetrated rock formation. Based on the increasing percentage of water in the gas coming from the Rulison well, water appears to be entering the Rulison blast cavity, also. When this cavity cools and entering water will be in the form of liquid rather than steam and will thus be able to carry away soluble radio nuclides present. Once dissolved such radio nuclides will possibly find their way out of the blast cavity into underground waters, and thus into man's environment, by the cracks and fissures intentionally created by the initial blast to stimulate gas flow. How much more likely are unanticipated casing failures and deep inter-connecting fractures under the repeated seismic disturbance of many successive nuclear blasts? This question is entirely unanswered.

1B. Economic Damage

In the process of full field development, a significant portion of the state of Colorado will be subject to recurring seismic shock. No consideration in the Environmental Impact Statement is given to the possible economic depression which is likely to result.

2. Radiation Hazards from Radioactive Natural Gas.

Since the ultimate aim of Project Rio Blanco is the economic recovery of natural gas for distribution for public consumption, it is appropriate that consideration be given to the current state of knowledge of the level of radioactivity to be anticipated from nuclear stimulation and to an assessment of the public hazard involved in its distribution and use. Both of these topics are notably absent from the Environmental Impact Statement.

Projects Gasbuggy and Rulison have both undoubtedly resulted in the amassing of considerable data concerning the level of radioactivity as a function of time after

detonation to be expected of gas produced by nuclear stimulation. A critical discussion of these radioactivity levels and their relationship to accepted criteria for public exposure must be presented in a satisfactory evaluation of Project Rio Blanco.

The question of what constitutes an acceptable level of exposure to the public in the distribution of radioactive gas to consumers has not been adequately resolved and is hardly a matter to be left to the discretion of the agency which is promoting the technology in question. It appears that such questions should be addressed by the National Council on Radiation Protection, the Department of Health, Education and Welfare and by the Environmental Protection Agency and resolved prior to the initiation of a production feasibility experiment. Certainly decisions regarding the public use of radioactive gas will significantly effect decisions related to Project Rio Blanco and must be included in a discussion of the environmental impact of this project. Such decisions must be based upon accurate and worst possible case assessments of the exposure risks involved and in doing so the question of exposures to citizens who are not beneficiaries or consumers should be separated from those who are.

3. Definition of Experiment Success.

Since Project Rio Blanco is essentially an economic feasibility study, it becomes germane to include, in its discussion, the criteria by which success or failure of the experiment is to be judged, and on what basis the further development of the gas field is to proceed. Minimum acceptable flow rates after detonation and maximum acceptable radiation levels as related to public exposure (discussed in 2 above) should be stated so that public judgments may be made as to whether continued development should proceed.

Summary and Conclusion.

In the welter of technical data which has been presented in the Environmental Impact Statement and its Addendum, the basic fact that Project Rio Blanco is an economic feasibility study for the commercial production of natural gas is often lost. When viewed in this light, it becomes immediately obvious that, not only must the hazards and environmental impact of the first 90 kiloton detonation be considered, but that a rational evaluation of Project Rio Blanco as a viable experiment requires the consideration of the full field development as well. The Environmental Impact Statement for Project Rio Blanco is almost entirely devoid of assessments of the ultimate effects of full field development and is therefore seriously inadequate.

We therefore feel that in the best interest of the public at large and the population of Colorado in particular, who must bear the brunt of the anticipated development, the special land use permit and land withdrawal request be denied; at least until such time as these serious questions have been satisfactorily resolved.

PAUL D. GOLDAN, Ph. D.
(For the Colorado Committee for Environmental Information.)

UNIVERSITY OF COLORADO,
Boulder, Colo., March 22, 1973.

The DIRECTOR,
Bureau of Land Management,
Washington, D.C.

DEAR SIR: I object to BLM's withdrawal of land for the Rio Blanco shot of the AEC, on the grounds that environmental effects have not been sufficiently studied. Evidence which is currently available on water pollution effects, both salinity and radioactivity, has been ignored.

I think it would be highly irresponsible for any Federal Agency to set aside public lands for the use of another Agency when it is

widely acknowledged that environmental problems have not been adequately addressed.

Sincerely,

CHARLES W. HOWE,
Chairman and Professor of Economics.

DENVER AUDUBON SOCIETY,
Denver, Colo.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior,
Interior Building,
Washington, D.C.

DEAR MR. MORTON: We were dismayed to learn of the proposed land withdrawal of 360 acres on the Rio Blanco proposed site for management by the Atomic Energy Commission. This withdrawal is important to the citizens of Colorado and not to be done without consultation with them. As you know, Project Rio Blanco is very controversial and any procedure connected with it should allow for citizen input. Project Rio Blanco is for private purposes, not public ones and no compensation has been provided for. Other federal and state agencies should be involved and it is my understanding that this withdrawal would in many ways exclude them from this project. This pertains to the Bureau of Land Management in particular. Do you wish to give up any of your controls over this project?

It is with these points in mind that we are asking that public hearings on this withdrawal be held, not only in the Rio Blanco area but within other sections of the state as well. Denver should be one of these alternative sites.

We will be awaiting your action on this matter.

Sincerely,

MS. KAY COLLINS,
Chairman, Conservation Committee.

BOARD OF COMMISSIONERS,
COUNTY OF PITKIN,
Aspen, Colo., April 11, 1973.

Secretary ROGERS C. B. MORTON,
Department of the Interior,
Washington, D.C.

DEAR SIR: This letter is formal protest under Department of the Interior Regulation 43CFR No. 4.450.2 to the Notice of Proposed Withdrawal 38-FR 6697 (4973). We understand that by the terms of this Withdrawal certain Bureau of Land Management (BLM) lands will be transferred to the Atomic Energy Commission (AEC) to assist in implementing the purposes of the nuclear blast experiment in Rio Blanco, Colorado. We officially oppose such a transfer because no attempt has been made to satisfy us as local officials upon the following concerns:

1. Pitkin County is located approximately 50 miles downwind of the sites proposed for extensive nuclear blasting. Virtually no effort has been made by the AEC to assure our residents that their County is protected from all possibility of radiation contamination. Information is not available to the effect that anyone has confident knowledge about safe levels of radiation exposure especially the long term effects thereof. We do not know why it is assumed that natural gas sold commercially as a result of this project will not be harmful.

2. The City of Aspen, in Pitkin County, Colorado is underlain with elaborate mine tunneling constructed approximately 100 years ago. Geological faulting is extreme on the Aspen, Shadow and Smuggler Mountains surrounding the town of Aspen. The Reudi Dam on the Frying Pan River is built on a serious geological fault and land behind the dam is unstable. Further danger exists to our residents from snowslides or avalanche which could be triggered by physical disturbances to our area. Again, no examination of these possibilities has been disclosed to our local residents or to their elected officials.

3. We are concerned about possible radiological contamination of the underground water systems engendered by hundreds of nuclear underground explosions. Where does this underground water flow? Will wells be contaminated? We have hot springs in our County which comes from deep in the earth much below the level of the nuclear testing.

4. Substantial investments have been made in our area to attract and maintain a tourist economy. In addition a high percentage of our government operating revenues are derived from a tourist based sales tax. We wish to be assured that these considerations have been evaluated and are not jeopardized by the AEC project.

We strongly protest the transfer of BLM land at this time and will continue to do so until our citizens and their elected officials have received adequate information concerning the risks and benefits, and have had an opportunity to make valid judgments thereon.

Sincerely,

DWIGHT SHELLMAN,
Chairman, Pitkin County Commissioners.

ASPEN, COLO.

DALE ANDRUS,
Director, Bureau of Land Management,
Washington, D.C.

DEAR MR. ANDRUS: In response to your request for public comment on the proposed release of 360 acres of your land to the AEC for Project Rio Blanco, I am sending you the enclosed petitions.

The signatures total 333 and request that Governor Love use his veto power to stop the atomic explosion for the reasons listed. I think that this also indicates that a large number of people in Western Colorado (we petitioned for two days in the Aspen area) would hope that you do not release the proposed tract to the AEC.

Thank you for your attention to our concern.

Sincerely,

JOAN NICE.

CITIZENS CONCERNED ABOUT
RADIATION POLLUTION,
Denver, Colo., April 7, 1973.

ROGERS C. B. MORTON,
Department of the Interior,
Washington, D.C.

DEAR MR. MORTON: Under the terms of 38 Federal Regulation 6697-1973, I am filing an official protest of the proposed nuclear detonation known as Project Rio Blanco. Despite the major radiation hazard represented by this operation the Atomic Energy Commission and its sub-contractor have begun their operations in the target area before giving the required "formal notice of proposed withdrawal" to the residents.

It is hoped that your office will intervene at this time to protect the public interest and see that the law is upheld. Perhaps the "shot" might be permanently cancelled in light of the growing evidence that it is both dangerous and a technical fiasco.

A prompt consideration and reply to this request would be greatly appreciated.

Sincerely,

REV. WILLIAM SULZMAN.

MARCH 23, 1973.

DEAR SIR: The allowance of atomic blasting in the earth ecosystem is something that must be stopped. It is madness to revert to such means to perpetuate the energy needs of this country. You people ought to be pushing for funds for clean energy research and development. Please consider our ecosystem. It is the only one we have, and it re-cycles w/air currents every one hundred and thirty eight days, and that is for everyone.

Sincerely,

WILLIAM W. SPAIN.

May 1, 1973

CONGRESSIONAL RECORD — SENATE

13713

BOULDER, COLO., April 10, 1973.

BURTON W. SILCOCK,
Director of the Bureau of Land Management,
Department of the Interior, Washington,
D.C.

DEAR MR. SILCOCK: I would like to make a formal protest in accordance with Department regulations 43 C.F.R. Paragraph 4.450.2 to the AEC's land withdrawal application, 38 Federal Regulation 6697 (1973).

I strongly oppose project Rio Blanco and the other proposed underground nuclear tests in Colorado. I also object to any act of Congress enabling the marketing of radioactive gases produced by nuclear stimulation.

Please consider the following points:

I. As a citizen I believe that I should be consulted and agree before radioactive gases are to be flared into my environment.

II. The argument that 'safe' levels of radiation only will be released is not valid.

A. There is no such amount of radiation which can be considered safe. There is only a benefit versus risk evaluation.

B. The point is often made that we don't know precisely what the biological results are of long term 'low level' radiation. I don't think that flaring radioactive gases on Coloradans is a suitable method for finding out.

C. We are getting so-called 'safe doses' of radiation from many other sources; medical X-rays, nuclear reactor pollution, fallout, Rulison flaring etc. These doses add up to quite a bit of cumulative exposure.

III. The AEC stands to lose a great deal if 'peaceful uses' for atomic energy are curtailed. It therefore would be difficult to expect an unbiased opinion about safety to the public when these projects are acted upon.

Thank you very much for registering my protest.

Sincerely,

BARBARA KENNEDY.

ASPEN, COLO.

BUREAU OF LAND MANAGEMENT,
Department of Interior,
Washington, D.C.

GENTLEMEN: I urge you not to accede to the demand of the A.E.C.—(whose forecasts of damage of many sorts have been since the beginning of that body's existence—been over optimistic and not reliable—to make the necessary land adjustment, for the explosion "Rio Blanco"—this is a national—not merely a Colorado problem.

Yours truly,

ELIZABETH ICKES.

H. L. Ickes did not sell helium to Germany!
APRIL 8, 1973.

MARCH 19, 1973.

BUREAU OF LAND MANAGEMENT,
Washington, D.C.

GENTLEMEN: Please do not allow the AEC to withdraw the 360 acres of land surrounding Project Rio Blanco in Colorado.

Due to the threat of underground pollution plus air pollution plus who knows what and the plans of so many more underground shots, the AEC should not be allowed to proceed with any part of Rio Blanco.

Thank you.

Yours very truly,

Mrs. R. E. BLAINE.

MARCH 22, 1973.

BUREAU OF LAND MANAGEMENT,
Washington, D.C.

GENTLEMEN: I am writing to object to BLM's withdrawal of 360 acres of land from public use for the A.E.C. to blast in its Rio Blanco nuclear oil shale search.

I urge a public hearing on the entire matter. I would like to hear testimony from public health experts on the radiation danger from Rio Blanco and the many subsequent nuclear blasts in our State which will

be required to make the project economically feasible. I'd like also to hear from geologists and seismologists about earthquake reactions.

My husband and our two sons and I are permanent, taxpaying residents of Colorado. What good will the oil do us if our State (and our lives) are destroyed in the process of reclaiming it?

Sincerely,

ELLEN H. VANNES.

BOULDER, COLO.,
March 16, 1973.

DEAR SIR: I have just read in the newspaper that the AEC is asking withdrawal from the public domain of 360 acres of land surrounding the Project Rio Blanco site near Meeker.

I feel this is typical of the AEC's total lack of responsibility. They are saying, "If you don't want us to radioactively contaminate public land, turn the land over to us, and then the land we contaminate will not be public land". A frightful suggestion.

Please use all your influence to prevent radioactive contamination rather than to call it by another name. I ask you to prohibit the whole Rio Blanco project, and specifically at this time to prevent AEC management of land properly in your care.

Sincerely,

EDITH DE CHADENEDES.

To the DIRECTOR,
BUREAU OF LAND MANAGEMENT,
Washington, D.C.

The local TV newscaster reported last night that the BLM had formally requested the removal of 360 square miles from the Public Domain in the Piceance Basin of western Colorado to support and provide a site for the oil shale "development" known as Project Rio Blanco. He further indicated that the public had until 11 April to write to the Director, BLM Wash. D.C. to comment on this action.

My purpose in writing you is to protest in the strongest terms this high handed action on your part. How dare you to arbitrarily withdraw the public's land from the public domain to further your own, other governmental agencies and oil company interests at the expense of public interests and do it at public expense through expenditure of tax monies? Your proposal is an affront to your supposed mission to administer the public lands in the public interest.

This action and the whole Rio Blanco Project does not appear to be in the public interest, but rather seems to be another "make work" project to maintain and expand your operations at public expense regardless of benefit to the public. The only people who seem to be in favor of Rio Blanco are certain oil interests, your agency and the Atomic Energy Agency plus a few others all of whom stand to benefit from expanded operations and public financed oil explorations.

Project Rulison was a similar boondoggle that cost the public millions of dollars in agonizingly long planning, minimal execution operations and continuing evaluation costs, and hasn't benefitted the public in any fashion as yet.

As a matter of fact, project Rulison is a pretty typical example of your operations in recent years, little or no public benefits from extremely costly, frequently ill conceived and in some cases actually harmful projects that are carried out solely to "make work" for your agency at taxpayers expense and thereby get a bigger part of the public funds each year.

I sincerely believe the foregoing and reiterate that I am opposed to pouring more public monies into project Rio Blanco and specifically opposed to withdrawing 360

square miles, or any other amount of land from the Public Domain to provide a site for project Rio Blanco.

I doubt that this letter will be permitted by the maze of the bureaucracy to reach anyone in a position of authority, much less the director, or that it would get much, if any, consideration if it did get to the director, however I believe that I have performed my civic duty in writing my comments on this matter.

Sincerely,

CAMERON D. PATERSON.

DENVER, COLO.

March 21, 1973.

DIRECTOR, BUREAU OF LAND MANAGEMENT,
Washington, D.C.

DEAR SIR: If some property owners in Rifle, Colorado (approximately 17 miles from the Rulison blast site) reported damage from one (1) 46-kiloton bomb, how can the Atomic Energy Commission feel that Rio Blanco is completely safe being only 20 miles away from a blast site which will blow up three (3) 30-kiloton bombs?

I am not well informed on Atomic blasting, however, I am sure that the atmosphere of the earth could do very well without the blast. What was gained by the blast at Rulison? What was gained by the blast up in Alaska about a year ago (besides a lot of dead wildlife along the coast)?

I am aware that the purpose of the blast is to make useable natural gases below the earth's surface. Why doesn't the Atomic Energy Commission work on ways to conserve the energy which is available today? Instead, they keep on looking for new sources of energy which will be depleted in the same thoughtless way as before.

You might not be aware of how Denver so outrageously used its energy during the winter energy crisis. The newspapers were telling the Denver people to turn off lights when not in use and to try to cut down the use of electricity, etc. At the same time these statements were being issued, the Denver Civic Center was blazing away with millions and millions of Christmas lights. These lights burned every night until midnight—until the Stock Show (the Stock Show is for the cowboys who come to Denver for the Rodeo—with bundles of money in their hands) left town sometime around February 1, 1973.

Why must public lands be used for this test anyway? I'm sure it isn't the public that wants the blasting. Put the test on some government land. Let the government installations pay for cracked foundations and damages as a result of the blast. Let the government people slowly mutate from the effects of the radiation. They want the blast, let them have it!

NANCY HARRISON,
1448 Humboldt Street.

March 21, 1973.

DIRECTOR, BUREAU OF LAND MANAGEMENT,
Subject: Rio Blanco 320 acre withdrawal protest.

This test might fracture the oil shale layers hence prevent all presently developed plans for mining the shale. The project Rulison test must be evaluated for this fracture effect by an independent geologist.

F. N. Bosco.

LAKWOOD, COLO., March 17, 1973.

Re: Oil Shale tests and Piceance Basin AEC bomb Tests, delay for study.
Hon. FLOYD HASKELL,
House Office Building,
Washington, D.C.

DEAR SIR: You are truly on the right track, in criticizing the AEC tests in the Shale area, until the effect of the last test has been evaluated.

I personally knew the bomb was going to be put off under Piceance Basin, and was watching, and have a picture, taken from 70 miles East, near Vail, Colorado, showing the arc of rising dust which came up, highest over the bomb, into the sky. This was a result of the shaking of the ground in a large diameter, probably 40 miles, around the explosion. This rose to the freezing level, then leveled off, and made a cloud, and then a rain storm, that evening.

The main point is, this might have fractured the oil shale layers, like a fracture of glass plate, so that planned mining methods with wide roof space between pillars, may not be possible! This must be checked before another test is fired! A valid criticism. A reason for delay.

Cordially, yours for a better America!
FRANK BOSCO,
Professional Engineer, Geologist.

LAKWOOD, COLO., March 22, 1973.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

DEAR SIR: Please register my objection to the transfer of land to the Atomic Energy Commission for detonation tests on the Rio Blanco Project.

Sincerely,
JUDITH A. KAUFFMAN.

BOULDER, COLO., March 24, 1973.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

Sir: I feel that your recent decision granting the Atomic Energy Commission use of land for the Rio Blanco project is a mistake and an incredible disservice to the public. Surely we can find a better use for this land than to make it into a radioactive rubbish heap.

Sincerely yours,
KEVIN PHILLIPS.

DENVER, COLO., March 25, 1973.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

Sir: News has come to me that the Bureau of Land Management has recently approved the request of the Atomic Energy Commission for the use of land in Colorado for the purpose of conducting the Rio Blanco test, employing a nuclear device.

I implore you to reverse this regrettable decision. I am not expert concerning the use of nuclear explosives for peaceful purposes, but I do firmly believe that it is always a form of recklessness to employ a nuclear device for any purpose, regardless how "peaceful," and regardless of how harmless it seems. The sad fact is, radiation is radiation no matter in what sector or at what level it is released on this increasingly poisoned planet.

My argument, rather, concerns the attitude common to the majority of the producers and consumers of fuel and resultant power in our culture. It should be quite obvious to anyone who has really thought about it that, at some point in a country's history of natural resource exploitation, the idea of progress becomes meaningless. Our so called "progress" from this point on can only destroy. We must stop blindly consuming those things we can never replace. The outlook for the future is not as rosy and favorable as when this country had more than it needed, and we cannot put off our fuel crisis much longer.

Therefore, I ask you to reconsider. Wouldn't the funds needed for Rio Blanco be better spent in finding alternatives that will have to be found sooner or later?

Thank you.
Sincerely,
THEODORE W. McCRARY.

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Denver, Colo., March 29, 1973.

To: Director (322),
From: State Director, Colorado,
Subject: C-17528, Withdrawal, Atomic
Energy Commission—Project Rio Blanco.
Attached please find a postcard from Josephine S. Mann to our Glenwood Springs District Office commenting adversely on Project Rio Blanco. Also attached are a brief reply from our Glenwood Springs office and an acknowledgment of the receipt of the protest which we sent to Mrs. Mann. As discussed between Robert Officer of your staff and Rod Roberts of this office on March 27, 1973, we have considered the postcard as an adverse comment on the withdrawal rather than as a protest to the issuance of special land use permits.

J. ELLIOTT HALL,
Acting.

March 22, 1973.

JOSEPHINE S. MANN,
Aspen, Colo.

DEAR MS. MANN: This will acknowledge receipt of your card on which you state your opposition to the Rio Blanco Project.

Since the public lands involved in this project are not under the jurisdiction of this office, I am forwarding your card to our State Office in Denver, Colorado for consideration.

Sincerely yours,
STEWART A. WHEELER,
Area Manager.

BOULDER, COLO., March 31, 1973.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

DEAR SIR: We would like to state our opposition to the AEC's detonation of nuclear devices in the Rio Blanco area at this time. We feel that the undoubtedly costs in terms of human health have not been adequately weighed, and that the unproven benefits to be accrued do not justify such a cost.

It is unclear to us whether your refusal to transfer the land you hold to the AEC would halt the project or not. Naturally, if your withholding the land meant that the AEC would go ahead with its plans while residents were still in the area, we are not asking you not to transfer the land. However, if you could halt the project by retaining the land, we would like to lend our voices to the request to do so. We realize the extreme seriousness of the energy shortages facing our country, and we realize that all means of deriving new sources of energy carry some dangers with them. But we feel convinced that no method is so potentially hazardous as one connected with radioactivity, and that any and every alternative should be sought until the public can be assured that such alternatives are less feasible, and that those in charge have enough knowledge to responsibly monitor such effects as radioactivity must have.

Thank you very much for your attention to this letter. We beg that you, and everyone with any power over our environment and the future health of our species, act responsibly in this matter.

Sincerely,
JEFFREY AND JEAN ROBINSON.

THORNTON, COLO.

DEAR SIR: We object very strongly to your plans to give 360 acres to be used for Project Rio Blanco. We object to using nuclear explosions to free natural gas because we feel these blasts release unnecessary radiation into the atmosphere and we feel that we, the public, should not be exposed to radioactive gas used for cooking and heating.

Please reconsider Project Rio Blanco and all other projects like it.

Sincerely,
MICHAEL AND MOLLY KAYE.

DENVER, COLO.

DEAR SIR: I am a taxpayer in the State of Colorado and am writing in regards to the matter of the proposed underground nuclear test known as the Rio Blanco Project.

From the information I've gathered reading the newspapers in Denver it seems the test is really not necessary. Not only not necessary, but carries with it a chance, however slight, of damage to the natural resources and environment (not to mention human life) of the areas surrounding the test.

The issue is one to which I wish my profound vote of dissent may be recorded at your office.

Yours truly,

DAVID HALL.

DENVER, COLO.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

DEAR SIR: I read in the paper this morning you plan to close 360 Acres for use in the RIO BLANCO nuclear oil shale test area. I have also read your proposed rules for off the road vehicles on BLM land and it appears the standard government and big business verses the common man applies in these cases.

Why in the rules, do you state that you cannot use off the road vehicles unless you are in pursuit of mineral and or oil. This to me means if I am EXXON oil company, I can tear up the land with graders, bulldozers, etc. but if I am John Jones I can't take my four wheel drive thru the same land.

If I am an oil company, I can close large tracts of public land for oil shale exploration and if I am John Jones I cannot hunt in what at present is the largest deer herd in the nation.

Enclosed please find a copy of the official publication from the Colorado Division and Wildlife stating the lack of consideration given to the wildlife of the proposed area.

I think I understand the problem of the diminishing oil supply in this country but again I hear CBS news state that it is an artificial crisis, and I see pictures of natural gas escaping into the sea around the off shore rigs. The oil companies at one time complain they don't have the resources but on the other hand they allow them to escape.

I am opposed to the Rio Blanco project.
Thank you.

DALE D. MOSER.

ROCK SPRINGS, WYO.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

No BLM lands should be transferred to the AEC for underground nuclear testing. The AEC wants 360 acres for project Rio Blanco only to short-cut adverse public reaction to this and future tests.

Sincerely,

LARRY EDWARDS.

DENVER, COLO.

DEAR SIR: I am writing in opposition to Project Rio Blanco as a whole and specifically to their request of 360 acres of land surrounding the project. As a Colorado citizen who has experienced earthquakes caused by pumping radioactive contaminated water underground, I can only plead that we stop this entire project before we've created even worse disaster. I can see no sense in even the initial test when we know the entire series in the magnitude proposed by the AEC would never be acceptable. Please, let's quite ruining our environment. The mere fact they are

requesting this acreage because of unavoidable underground contamination should move us to act against the project. Let's learn from our past mistakes.

Sincerely,

Mr. and Mrs. JAMES CULHANE.

— BOULDER, COLO.

March 25, 1973.

DIRECTOR OF LAND MANAGEMENT,
Washington, D.C.

DEAR SIR: I am writing to you both as a concerned United States citizen and as a long time resident of Colorado concerning the upcoming, proposed atomic-type test at the Rio Blanco site in my state. The very conception of using such atomic devices, even though used underground, is certainly against the best interests of all living things in the test area, the State of Colorado, the United States of America, and the World. Please understand that I am not a member of any specific group of individuals interested in any particular local issue. What is most critical to both my wife and I is the total lack of concern of government, state, and local peoples in proceeding with such unnecessary testing—no matter what the specific goals are designated!

Therefore, we would like to make ourselves perfectly clear that this Rio Blanco Test is not only a massive waste of money for the taxpayer, but also a total scourge of the entire natural surroundings. We will attempt to do whatever is within our power to stop any such test or other such type tests in the future. Further tests of this nature are not needed to try to gauge any levels of radiation in the environment around us! We can already see quite well that numerous types of pollutants are constantly threatening our future existence and this proposed test is just another source of contaminating the land, air, and water around us. No matter what kind of logic you may employ can change the fact any type of device used will in some way distribute waste materials of various sorts everywhere! Finally, I strongly feel that all types of explosive tests, atomic or other, should not be continued until the people of this nation have an opportunity to vote on such measures.

Sincerely yours,

Mr. and Mrs. JOHN A. DEGUTIS.

— DENVER, COLO.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

DEAR SIR: I'm sure its too late for my meager opinion to halt the transfer of the 360 acres of land from B.L.M. to the A.E.C. However I'm going to write this protest anyway.

If my only concern were the 360 acres I'd forget it. What really concerns me is how many square miles (not acres) of this country will suffer. Anyone familiar with this Mesa mountain type country knows how bad it erodes naturally. I can imagine what it will do with help. If the Rulison project shook Rife, I wonder how Meeker, Rio Blanco and Rangely will suffer from twice the blast source of Rulison.

I'm also wondering how many square miles will erode indefinitely. Also what about ecology today or radiation tomorrow, then what about wildlife that depend on the underground water that feed the springs of the area (which become more scarce each year) which surely will be affected. Or worse I'm told by some of our Wildlife Officials they could become contaminated by oil or radiation. I'm sure our days of filling our canteens in the springs of Roan Creek are over.

Again I'll say the 360 acres are of little concern but if the A.E.C. can acquire this land, I'm sure there are many other agencies and private interests that would gobble up much more of Our land.

Lets think of Mother Earth for a change. It's the only one we'll ever have.

Sir I don't think we need the Rio Blanco nuclear blast.

Very truly,

BERT STAHL.

— APRIL 6, 1963.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

DEAR SIR: I, a concerned citizen of western Colorado am writing you to show my opposition to the Rio Blanco Project. I oppose this project on grounds both moral and scientific. There hasn't been enough scientific research on this project specifically or on use of Atomic Energy (in general). The AEC and Government thinks it can experiment on western Colorado to provide more ridiculous energy that will last only a short time. Why don't they concentrate on something lasting that won't completely disrupt the countryside and the inside, of the earth (solar energy). More research on the effects of radiation should be done not just going ahead with experiment projects in populated farm country. The AEC must involve the people in their decisions, not just big business. We are concerned for the country and future generations. We realize the need for more and better energy but the Rio Blanco project is not the answer.

MICHAEL JAMES KELLY.

— DENVER, COLO.

DEAR SIR: I am writing in protest to project Rio Blanco, underground nuclear blast. I feel there is great danger to underground water supplies, and the gas pockets that these projects create will be contaminated. There will be no way to undo the damage that will be caused by these blasts.

There are myriad reasons probably well known to you why this project is unwise. I hope you will listen to the voice of the people and refuse to allow these blasts to take place.

Sincerely yours,

MICHAEL STAHL.

— APRIL 7, 1973.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

DEAR SIRS: I would like to voice my opposition to the Rio Blanco project which is taking place in my area.

The lack of indepth research on the effects of the radiation on our future generations worries me and my family.

It seems to me that this project is not the answer to our energy problems. More of our money could be turned toward research in the solar energy field.

I feel that the people in my area must be heard on this issue and that a public hearing is most necessary.

I can see no economic benefit to this area by going through with this project. Please hear the people.

LEONARD G. HOLES.

DEAR SIR: As a resident of Colorado, I must voice my disapproval at the withdrawal of the 360 acres from the Natural Resource Lands in Rio Blanco County for the AEC's Project Rio Blanco.

I request that you do all in your power not to let this happen.

MELINDO S. NOTON.

— LAKEWOOD, COLO.

April 7, 1973.

BUREAU OF LAND MANAGEMENT,
Washington, D.C.

DEAR SIRS: I feel strongly about not going on with the Rio Blanco project for several

reasons; some reasoning, some feeling. As has been pointed out by our Senator Haskell, if there is no intention of continued massive detonating of the whole field, why start.

The evidence seems incomplete as to safe levels of tritium exposure. I'm not satisfied that tritium *may* not concentrate in an organism. Since this is not the only poison bombarding us in our food, air, and water, it needs every consideration possible. Too often, in the hurry for financial gain, side effects are left to discover by chance in the future.

If natural gas is a lost commodity at the site of oil "mining", why not collect it then? Why must we all take the chances in nuclear stimulation of gas bearing fields, such as possible run-off of radioactive poisons seeping into the Colorado River, possible destruction of oil deposits, and other possibly unthought of destruction of our thin-skinned earth.

There are Alternatives. Expenses in the form of destruction may override the expenses of using a less dramatic, less efficient, less potentially dangerous and accident-prone medium for losing our needed gas.

Sincerely,

KARA LANG.

— DENVER, COLO.

DEAR SIR: We don't need anymore atomic blasts in Colorado especially in the heart of the best and last good deer and rabbit area we have left. It will ruin the land and the underground water supply. Maybe I am only 14 years old but I'm not stupid enough to let people ruin our land without complaining about it.

MARK STAHL.

— BOULDER, COLO.,
April 7, 1973.

DIRECTOR,

Bureau of Land Management, U.S. Department of Interior, Washington, D.C.

DEAR SIR: I hereby file my formal objection to the proposed withdrawal of Federal land in Rio Blanco County, Colorado from BLM management and transfer to Atomic Energy Commission management. Notice of the proposed transfer was given in 38 Federal Register 6697 (1973).

My objection to the proposed transfer is based upon my opposition to the AEC's intended use of the land, i.e. Project Rio Blanco. My reasons for opposing Project Rio Blanco are described briefly in the enclosed statement.

Sincerely yours,

RONALD E. WEST, PE.

— STATEMENT OF REASONS FOR OPPOSING
PROJECT RIO BLANCO

(By Ronald E. West, PE)

It is my personal conviction that, because of the inherent hazards associated with their high explosive power and with their radioactive by-products, nuclear explosives should be considered for use for peaceful purposes only when certain conditions are met. These conditions are: (1) the particular application is generally agreed to as highly desirable, (2) there is either no other alternative technique or the nuclear explosive technique demonstrates clear, distinct advantages over any other, and (3) there is a public consensus on the use of nuclear explosives for the particular application. Given these conditions, nuclear explosives still should be used only with the utmost caution.

The proposed Project Rio Blanco is the third experiment in nuclear stimulation of natural gas. Based upon the results of the two previous experiments, Projects Gasbuggy and Rulison and on projections for the results of Rio Blanco and Project Wagon Wheel (a proposed fourth experiment), I

conclude that, at best, nuclear stimulation is of marginal economic utility.¹

Statement for Project Wagon Wheel (WASH-1524, April, 1972) predicts that the gas could probably be recovered economically at a well-head price in the range of 30 to 60¢/MSCF. This price should be compared with the prevailing well-head price of 20 to 25¢/MSCF.

Further, there is a stimulation technique alternative to the use of nuclear explosives.² Finally, there is substantial public opposition to the Rio Blanco and Wagon Wheel experiments as well as strong opposition to any use of this technique beyond a few experiments.³

I believe that Project Rio Blanco is unnecessary, because the potential of nuclear stimulation can be judged from the earlier experiments. Also, I believe that Project Rio Blanco is undesirable, because the side effects of seismic shock and the formation of radioactive materials will occur, even though it is virtually inconceivable that this technology will ever be used.

ASPERN, COLO.,
April 3, 1973.

DALE R. ANDRUS,
Director, Bureau of Land Management, Washington, D.C.

DEAR MR. ANDRUS: I would like to express my opposition to your proposed releasing of 360 acres of National Resource Land for use by the AEC in Project Rio Blanco (withdrawal #17528).

The AEC has not proven that a single blast, much less full field development of the area, would not harm the health and property of citizens of the Western Slope of Colorado. Until they can prove that the operation is safe, I do not feel that National Resource lands should be allocated for this purpose.

I hope that you will consider this when making your decision about the proposed withdrawal. Thank you very much.

Sincerely,

JOAN NICE.

DENVER, COLO.

DEAR SIR: Concerning the proposal to withdraw 300 acres of land from public use so that the AEC can make their oil shale blast. We don't want the AEC interrupting and destroying the ecology and the delicate cycle of life which sets north-western Colorado as some of the prettiest country in Colorado. As a concerned citizen I feel that the whole matter should be brought to public opinion and put on the ballot for the good of Colorado and the Nation.

Sincerely yours,

MALCOLM STAHL.

¹ The Environmental Statement for Project Rio Blanco (WASH-1519, April, 1972) states that neither Gasbuggy nor Rulison were sufficient to "... determine the economic potential of this technology." I interpret that statement, along with the non-development of the Gasbuggy and Rulison fields, to mean that the results proved that nuclear stimulation was not economically feasible.

² In the March, 1973 Addendum to the Rio Blanco Environmental Statement, it is conceded that hydraulic fracturing stimulation, while not proven under all field conditions, is competitive with nuclear stimulation.

³ Numerous examples of citizen opposition to Project Rio Blanco have been reported (cf., *Denver Post*, Feb. 15, 22, 25, March 2, 4, 18, 1973). Further, Gov. John Love and Sen. Floyd Haskell of Colorado have been reported as agreeing that full field development by nuclear stimulation is "... out of the question", in Colorado (*Denver Post*, March 4, 1973).

ASPERN, COLO.,
April 3, 1973.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

DEAR SIR: I am writing to express my belief that withdrawal request #17528 (the Atomic Energy Commission's proposed Project Rio Blanco) constitutes an improper use of public lands.

The dangers of this project are manifold. Contamination of the ground water which feeds into the Colorado River, which in turn is used for irrigation in five states, is one of many possibilities. Invasion of property rights of adjacent private landowners is an important legal objection.

Feeling against this project locally is strong. There will no doubt be court suits, injunctions, and possibly a public referendum. But all of this should be unnecessary if the BLM exercises proper jurisdiction over its lands. I hope you will see that withdrawal request #17528 is denied.

Sincerely,

BRUCE N. BERGER.

NORTHLAND, COLO.,
April 5, 1973.

MR. DIRECTOR: I am writing this letter to protest the withdrawal of 360 acres of public land so the Atomic Energy Commission can destroy it. Isn't that what it amounts to, total destruction by the A.E.C.

How can you allow this land, *our land*, to be used in a test that will contaminate, destroy, kill and ruin the wildlife, the underground water and the plantlife of the area?

According to the recent study by the National Science Foundation, the Project Rulison was examined from every angle—financial, social, environmental—their findings: the blast was a total failure.

The newspaper article, of which I have enclosed a copy, states that the B.L.M. may call a public hearing if circumstances warrant, but no such hearing has been scheduled. Why???

I certainly feel that the controversy generated over the project is warrant enough to hold a public hearing over the withdrawal of our land. We want our hearing!

I cannot understand how a man with your entrusted position can willingly agree to such fruitless waste of public lands. Re-consider and give us our hearing.

I am also enclosing a magazine article that has named the A.E.C. project as dubious. If you will read the article you will find that there are many concerned citizens who will fight these Atomic Blasts. We may lose the battle of Rio Blanco, but we will win the War of the Wagon Wheels Blast.

In closing I ask that you use the power and restraint of your office to help stop the A.E.C.'s growing plunder and pillage of our public lands.

A Concerned Citizen,

M. L. BOWMAN.

CEDARIDGE, COLO.,
April 6, 1973.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

DEAR SIRS: I'm writing you in regards to the Rio Blanco Project scheduled this spring in Western Colo. Being a resident near the proposed blast, I'm deeply concerned.

I don't feel there has been enough research done on the effects of radiation to the environment and people.

I don't believe nuclear explosions within the earth's crust is the answer to the energy crisis. Maybe more research on solar energy is needed.

I believe a public hearing is most necessary before we turn over the land to the A.E.C.

Please help the people of Western Colo. and the whole U.S. put the money to better use. Sincerely,

STEPHEN W. LEWIS.

ASPERN, COLO.,
April 3, 1973.

DEAR SIR: The Aspen ETF kindly requests your consideration of the dangers of the Rio Blanco nuclear program to the ecology of the Piceance Basin and to the people of the surrounding area, and urges you to refuse to grant withdrawal request #17528 of 360 acres of National Resource Lands for the AEC's project Rio Blanco.

Sincerely,

RICHARD SCALES,
Chairman, ETF.

Following public meeting, of Cosco-CER-AEC last night, we reaffirm objection to Rio Blanco withdrawal. Imperative BLM Act on hearings, plan.

COLORADO OPEN SPACES COUNCIL.

DWIGHT FILLEY, COLO.,
April 8, 1973.

BURTON W. SILCOCK,
Director of the Bureau of Land Management,
Department of the Interior,
Washington, D.C.

DEAR MR. SILCOCK: I am strongly opposed to project Rio-Blanco. It seems to me wrong to accept the possible risks of nuclear stimulation when conventional fracturing is probably more economic. It seems strange that this blast is scheduled before the full data from Rulison is available.

So, I'm opposed to your granting the AEC land withdrawal application. Please consider the notice of proposed withdrawal, 38 Fed. Reg. 6697 (1973). Further, consider this letter a formal protest to these proposed actions pursuant to Dept. regulations 42 C.F.R. paragraph 4.450.2.

Thank you for your expected and urgently needed help.

Sincerely,

DWIGHT FILLEY.

DENVER, COLO.,
April 10, 1973.

BURTON W. SILCOCK: I wish to register a formal protest against Project Rio Blanco and all nuclear gas stimulation blasts. It comes to my attention that there are many more desirable alternatives that have not yet been fully explored or financed in our search for energy. The risk of radio activity from all such testing could affect the entire population now and for future generations.

Specifically, now, I am objecting to the Notice of Proposed Withdrawal, 38 Federal Regulation 6697 (1973). I request this letter to be considered a formal protest to proposed actions pursuant to Department regulations 42 C.F.R. Paragraph 4.450.2.

DOROTHY FIEDELMAN.

APRIL 9, 1973.

DEAR SIR: I am a concerned citizen writing to ask the Bureau of Land management please not to transfer Federal lands to the AEC. Projects Rio Blanco, Rulison, and the 200 proposed underground blasts in our fair state demonstrate the AEC's continuing failure to put the lives and safety of our unborn generations ahead of their own selfish interests. Transferring BLM lands to the AEC would be insanity. Please don't let it happen.

Sincerely yours,

DEBORAH S. STUCKLEN.

CEDARIDGE, COLO.,

April 9, 1973.

BURTON W. SILCOCK,
Bureau of Land Management,
Washington, D.C.
Re Notice of proposed withdrawal 38, Federal Regulation 6697.

May 1, 1973

CONGRESSIONAL RECORD — SENATE

13717

DEAR SIR: In behalf of the Delta County Citizens Concerned about Pollution I would like to enter herewith a formal objection to the transfer of this land to the Atomic Energy Commission for the purpose of conducting an atomic experiment known as the Rio Blanco Project.

Yours truly,

CHARLES WORLEY,
Chairman, Delta County Citizens Concerned About Pollution.

YOUNG DEMOCRATIC CLUB OF DENVER,
Denver, Colo.

BURTON W. SILCOCK,
Director, Bureau of Land Management, Department of the Interior, Washington, D.C.

DEAR MR. SILCOCK: As citizens of Colorado, the members of the Denver Young Democrats wish to lodge a formal protest (pursuant to Department Regulation 42 C.F.R., paragraph 4.450.2) against the transfer of 360 acres of Colorado land from the jurisdiction of the Bureau of Land Management to the Atomic Energy Commission. Your policy of allowing public comment on the transfer is commendable; we hope you will seriously consider such comment.

We are opposed to this transfer. Notice of Proposed Withdrawal, 38 Federal Regulation 6697 (1973), because we are opposed to Project Rio Blanco. According to CER Geonuclear and the Atomic Energy Commission, the Rio Blanco blast is only one of a series of blasts to be used to release natural gas trapped underground. Using their estimates, full-field development would require as many as 15,000 blasts, a number which is unacceptable to Colorado citizens and to Colorado leaders. Even our Governor, who was persuaded to allow Rio Blanco, has said that full-field development is untenable.

Then why, we ask, should even one blast be allowed? Any nuclear explosion, no matter what its purpose, produces radioactivity, and all radioactivity is cumulative. The results of Project Gasbuggy in New Mexico and Project Rulison in Colorado are quite disturbing. Flaring was used to dispose of radioactive gas from these blasts, thereby releasing radioactivity into the environment. After flaring at Gasbuggy, the Public Health Service found that radioactivity in vegetation downwind from the project was increased tenfold. Background radiation in Colorado is already much higher than the national average, thanks to activities of the AEC, and we do not wish to increase our statistical lead.

A study done at the University of Colorado and funded by the National Science Foundation was strongly critical of Project Rulison. The amount of gas stimulated was less than predicted; the amount paid for compensation for damages was greater than expected. Even so, there are unhappy people living near Rulison who were not compensated because their claims did not have documentary proof.

We ask you most urgently not to transfer the land to the AEC. The Bureau of Land Management has itself been critical of CER Geonuclear's handling of Project Rio Blanco. There are too many doubts and dangers in this project.

We believe it is time for the AEC to quit taking unknown risks with the health of the people of Colorado. No one is quite sure how much radiation the human body can tolerate with constant exposure over long periods of time. We do not intend to be the ones to find out.

The possible benefits that could be derived from Rio Blanco are dwarfed by the possible dangers. We, as citizens of Colorado, ask you to act in the best interests of all the people of this state.

Sincerely,

PATTI WELLS,
Executive Committee Member, Young Democratic Club of Denver.

MONTROSE, COLO.,
April 8, 1973.

Department of Interior,
Washington, D.C.

DEAR SIR: I am a mother, taxpayer and citizen and am opposed to any BLM land to be transferred to the AEC.

I am one of many in Montrose County, Colorado who feel very strongly on this subject. Please note my protest.

Thank you,

DOROTHY SAWVEL.

MR. SILCOCK: I am writing this note to urge you to refuse to transfer 360 acres of public land in western Colorado to the AEC for project Rio Blanco. I do not believe that enough research has been done in areas such as possible effects on ground water and the water table, effects on geologic structures in the vicinity, the possibility of fissures opening up and releasing radioactive gas to the atmosphere, and the largely unanswered question of the overall radioactive effect of the blast. Colorado already has the highest background radiation of any State in the Union, and the AEC has done little to assure us that dangerous amounts of radioactive isotopes, all with long half-lives, will not be released by this blast. What is to be done with the first year's gas after stimulation has occurred; gas that is too radioactive to use and totals one-fifth of the total gas available from the project? The AEC has five "possible" solutions to this problem and anytime that a situation like that occurs, it means that the planning procedure has been very haphazard and slipshod indeed. Five "possible" solutions means no solution at all. Until this and other problems are solved, the AEC should not be allowed to proceed. And they cannot proceed without the 360 acres of BLM land being transferred to them. And that is your decision, Mr. Silcock. And I sincerely hope that you realize that there are thousands who feel as I do in the State of Colorado, and that you will listen to us and not transfer that 360 acres of our land to the AEC to be used as a stepping stone to full field development in western Colorado and a total ruination of the environment as well as the health of that State. I realize we are in an energy crisis, but nuclear stimulation has too many unknown as well as known problems and weaknesses to be a viable solution. Why is so little work being done on solar energy use, a clean, safe and abundant energy *** not make. I realize this is not your concern directly. But by refusing to transfer these 360 acres to the AEC, you can prevent the AEC from gaining a foothold in Colorado from which full-field development is but a small step. And, in doing so, you could help save the Colorado environment from another onslaught of abuse, and likewise save her people from health hazards and help make Colorado a continued fit place in which to live. There are many people who feel as I do; don't ignore us.

Thank you for your time,

LANNY CONRAD.

DENVER, COLO.,
April 11, 1972.

DEAR SIR: I am definitely protesting that land of our Colorado Rocky Mountains be released to the Atomic Energy Commission for experimentation and further testing to release natural gas.

Sincerely,

DENATE YANKE.

SNOWMASS, COLO.,
April 9, 1973.

DIRECTOR, BUREAU OF LAND MANAGEMENT,
Washington, D.C.

DEAR SIR: I am writing to you with deep concern regarding the proposed Rio Blanco

nuclear test detonation. I am sure that you are aware of the very grave dangers involved—namely, radioactive pollution of our air and water due to leakage and venting, seismic damage, and production of radiated natural gas exposing the consumer to constant low-level radiation.

I urge that you do not release to the Atomic Energy Commission the 360 acres of national resource lands to use for the Rio Blanco blast.

Sincerely,

F. KAYE BURE.

CSU ENVIRONMENTAL CORPS,
Fort Collins, Colo., April 10, 1973.

DIRECTOR, BUREAU OF LAND MANAGEMENT,
Department of the Interior,
Washington, D.C.

DEAR SIR: This letter is a request to urge your department to postpone the transfer of 360 acres of land on Fawn Creek in the Piceance Basin of Colorado to the AEC for use in their Project Rio Blanco. Because of the controversial nature of this project, its potential impact on adjacent BLM lands, and the growing opposition to Rio Blanco among Colorado's citizens, we feel it would be only fitting to postpone the land transfer until after formal hearings are held on the consequences of the transfer. Many questions remain unanswered concerning the environmental impact of Rio Blanco and, until they are adequately answered, we feel it would be irresponsible to BLM to give AEC the go-ahead by granting them the right to use the Fawn Creek tract. Thank you for your thoughtful consideration.

Sincerely,

BRUCE HAMILTON.

DENVER, COLO., April 10, 1973.

BURTON W. SILCOCK,
Director of Bureau of Land Management, Department of Interior, Washington, D.C.

MR. BURTON W. SILCOCK: In accordance to Department regulations 42 CFR Paragraph 4.450.2, I protest the withdrawal of land for the Rio Blanco Project (Notice of proposed withdrawal, 38 Federal Regulation 6697 (1973)).

The AEC is misleading us by not dealing with radiation from decaying tritium as particles *within body tissues* (incorporated from water vapor produced by combustion of tritiated cooking gas) in its estimates of radiation exposure.

Thank you,

JOHN CLAYDON.

DENVER, COLO., April 10, 1973.

DIRECTOR, BUREAU OF LAND MANAGEMENT,
Washington, D.C.

DEAR SIR: My wife and I are environmentalists, and we have read of the underground nuclear explosions of the Rio Blanco Project near Meeker, Colorado.

As it is now, we have a limited amount of natural beauty left. With the growing population, and the expanding cities and industries in Colorado, we are very jealous of our Colorado mountains and their beauty. Therefore, we write this letter as a request for your aid in stopping and controlling this and future nuclear underground explosions not only in our state, but in other states as well.

I do not have to explain how beautiful Colorado is and how proud we and other residents are of our state. We are deeply hurt by the expanding population and the pollution that it is causing. We are in hopes that a solution will be found to this problem. At this point, all we can do is stop further pollution as will be caused by the Rio Blanco Project. I'm sure that if the general public in Colorado, Utah, and other neighboring states were more aware of this threat to our environment and our health,

you would receive many more letters similar to this one, as well as an objecting petition. Again we beg you to aid us in our endeavor to keep Colorado beautiful.

We enjoy the resources that are developed from our land. However, given a choice, my wife and I, not mentioning many other people, would rather face the possibility of limited use of our automobile and heating fuels caused by underproduction of petroleum products than the disastrous results of an explosion of this kind. Perhaps the money saved can be directed toward other and safer means of claiming our underground resources.

We request a personal reply as to what you, the public, and we as individuals can do to avert this tragedy.

Sincerely,

FRANCIS SCHREFFLER.

ASPEN, COLO., April 10, 1973.

Dr. BURTON W. SILCOCK,
Director, Bureau of Land Management,
Washington, D.C.

DEAR DR. SILCOCK:

Notice of Withdrawal

38 Fed. Reg. 6697 (1973)

Dept. Reg. 42 CFR 4.450.2

This letter constitutes my formal protest to the proposed actions granting withdrawal of lands pursuant to the Department of the Interior regulations from the Bureau of Land Management to the Atomic Energy Commission for the firing of a nuclear blast in Rio Blanco County, Colorado, known as Project Rio Blanco.

I base my objection, in brief, on the following:

1. The dangerous possibility that Strontium-90 and Cesium-137 created in the blast cavity can migrate into underground, potable waters and into the Colorado River eventually.

2. Seismic damage is impossible to predict. Our Reudi Dam is built on the Bigelow thrust fault with another fault underlying the intake towers. The formations behind the dam are such that earthquake tremors could cause their slippage into the dam waters thus causing a disaster similar to the dam disaster in Italy. This site for the dam was heatedly fought on these grounds. There is also an earthquake zone of weakness from Glenwood towards the direction of the dam. An old water diversion tunnel up behind the dam collapsed after Rulison but was outside the specified hundred mile radius of accepted seismic damage from the Rulison shot. There is a town below the dam, about 11 miles at the mouth of the narrow canyon.

3. The produced gas would cost three times what we are now paying and would be radioactive, granted that it would be an "acceptable" low level.

4. As Dr. Theodore Puck, Head of the Eleanor Cancer Research Center in Denver, testified at the Rulison trial, that if one adds up the natural radiation background count, plus our medical x-rays, that we are already getting more than the so-called "safe" annual allowable radiation dosage. It was also put on the record at the trial that England takes into consideration the background radiation count when setting up standards of allowable radiations dosages. Why?

5. The estimated 300 trillion cubic feet of gas which is projected as obtainable would take, if they planned to get this in the ten to twelve year period that they sometimes state to placate the oil shale developers, five bombs every workday for twelve and a half years.

What do they plan to do with the first years gas production from each of the 1,300 to 2,400 wells (we get new figures every week out here)? The gas for the first year is too low in BTU's to be economically marketable and too highly radioactive and they wouldn't

have enough high energy gas which is clean to mix it with even if the locals would accept the constant exposure its use would mean to extra low level radiation. Our City Council has already passed a resolution against sale of radiated gas in Pitkin County.

6. A major tunnel on the main East-West Highway into Denver collapsed about six months after Rulison. At the time of the detonation major tremors were recorded in the Denver area on the University's Richter Scale. Did these tremors loosen up the rock over the tunnel? This was the first time one of these tunnels had ever collapsed. No one can answer this.

Aspen was 58 miles down wind, the first town in the quadrant for the fall-out and any venting of Rulison. This time we won't be directly down wind but we are about 70 miles away. Would you want your family to be subjected to this potential low level radiation if they flare these thousands of projected future detonations? Would you want your home located in Basalt, the town down the canyon from Reudi Dam? Would you want to heat your home (and we heat practically year around here) and cook with radiated gas, however low level? Would you want the ground water in your backyard contaminated, even though it might not affect your generation?

Will the tremors from these shots cause avalanches on our ski slopes? Will our storms pick up the radiation from the first flaring and deposit it in a fluke storm in our valley or on some rancher? Will these bombs endanger our coal miners by canning up new and old faults?

Are you willing to enslave your grandchildren and theirs to the impossible job of containing all this proposed radioactive garbage of which Rio Blanco, admittedly, is only a small part?

We have been told that the possible benefit to the nation justifies the possible risk to us few (Rulison trial). We were also told that the burden of proof that the forthcoming radiation might be harmful lay on the shoulders of the people that it was not the responsibility of the Government, to prove beyond doubt, that more radiation was harmless. This is because no one can prove this since there is no proven threshold of safe doses of radiation. In other words we can be experimented upon for the good of the fatherland. Does this remind you of another government's philosophy?

We are the nation's guinea pigs in an insane experiment for a few dollars for a few corporate enterprises which includes the AEC.

Colorado Guinea Pig,

LEE DODGE,

Ms Lee Dodge (mother, wife,
fed-up voter and taxpayer).

FORT COLLINS, COLO.

April 11, 1973.

Secretary ROGERS MORTON,
Department of the Interior,
Washington, D.C.

DEAR MR. SECRETARY, I am enclosing a copy of a letter I have sent to the Bureau of Land Management. The letter deals with my objection to Project Rio Blanco in northwestern Colorado.

Thank you.

Sincerely yours,

CYNTHA A. WARD.

FORT COLLINS, COLO.

April 16, 1973.

Mr. SILCOCK,
Bureau of Land Management, Department of
Interior, Washington, D.C.

DEAR MR. SILCOCK: I am writing in regards to the proposed Rio Blanco natural gas stimulation project. In my opinion this project should be cancelled, or, at the very least, postponed indefinitely. I have tried to educate myself in the area of the energy crisis

and in my own mind, and in the minds of many scientists and citizens, the safeness of the Rio Blanco project is not established to a satisfactory degree. There are secondary effects and possibilities not even explored by the Atomic Energy Commission (AEC). Furthermore, there are statements made by the AEC which are contradicted by scientists and other statements which have no factual basis. The result of my findings is that my opinion of the AEC's credibility has been lessened.

Because the statements by AEC are not totally accurate and because there is still a great controversy over the issue of nuclear tests, radiation and their effects, my position is that there should be a postponement of this project and future projects for an indefinite length of time.

However, it is my contention that the Rio Blanco project should be cancelled for further reaching reasons than the immediate danger. I feel that the answer to the energy crisis is not nuclear energy but alternate energies such as solar energy or energy derived from the moon's gravity. These types of energies have the advantages of being safe and nearly pollutant free, while these advantages are the two inherent problems of nuclear power. Therefore, I would like to see a greater emphasis laid upon clean, inexhaustible sources of energy such as solar energy rather than hazardous nuclear energy.

Although some may say that the ideas I have expressed are radical or impossible, there are even more who would agree that nuclear energy research is an undue risk to humanity. This risk weighs heavily when deciding from which source the energy of tomorrow should emanate.

I do not consider my opinions as radical, just as I do not consider myself as a radical. I have been a resident of Colorado for five years, am established in my community and in my chosen profession of accounting, and am a taxpayer and voter.

Please give consideration to these ideas. Thank you.

Sincerely,

DAVID BRERETON.

COLORADO STUDENT LOBBY,
Fort Collins, Colo.,

April 10, 1973.

DIRECTOR,

Bureau of Land Management, Department of
the Interior, Washington, D.C.

DEAR SIR: In light of the incomplete knowledge of the full ramifications of the proposed project Rio Blanco, I strongly urge you to postpone transfer of the 360 acres of land in Fawn Creek in the Piceance Creek Basin to the Atomic Energy Commission. Postponement would allow time for formal hearings to be held so that the citizens of Colorado who would be directly or indirectly affected by the blast could voice their opinions.

Sincerely,

S. A. BOND.

FORT COLLINS, COLO.,

April 10, 1973.

U.S. BUREAU OF LAND MANAGEMENT,
Washington, D.C.

DEAR SIR: I want to protest the explosion of the nuclear device in the Rio Blanco project in Colorado. The effect on human health of the radio-active residues in the gas produced has not been adequately studied. Of course optimistic statements are made by the industry involved on health effects because they are only concerned with the profitability and growth of their business and they want to allay our fears so we will not resist.

The chance of radio-activity escaping into the ground water and contaminating household and irrigation water is unknown.

I do not believe expansion, growth, and profitability of industries should be allowed

to jeopardize our health and safety, and that of future generations. Too often we are rushed into technological innovations to serve an economic system that does not have the well-being of humanity as a basic interest. We do not need to be stampeded into new technology for the extraction of energy sources whose side-effects are unknown by and alleged "energy crisis" that may be spurious. We can buy time by cutting down on the prodigious wastefulness of our style of living. It is insane and immoral that we, 6% of the world's population, are using 45% of a year's consumption of resources. I personally am willing to pay more for conservative use and forego comforts and conveniences that I don't need anyhow.

Sincerely yours,

PHILIP S. MILLER.

APRIL 10, 1973.

Mr. SILCOCK,
Bureau of Land Management, Department of the Interior, Washington, D.C.

SIR: We are writing this letter to ask you to withhold the 360 acres of land desired by the Atomic Energy Commission and the fossil fuel industry for the Rio Blanco project in Colorado. After looking into the situation, it is quite evident that not enough is known about the consequences to the environment of such atomic blasts to safely go ahead with them. As happened with the Rulison blast, private homes and holdings will be damaged, but more important, are the severe dangers of radioactive contamination of air and water, and thus food. As serious students, we have observed that the research carried out in these areas has been minimal and in many cases fraudulent.

At the same time, very little research has gone into alternative techniques resulting in the same ends without the radioactive and seismic dangers of subterranean nuclear detonations. At this time only 4 million dollars have been put into the research of solar energy possibilities as compared to the 6 million already spent on Rio Blanco.

Finally, the industry involved has both stated recently and demonstrated to us after the Rulison blast, that it is unwilling to bear the risks involved.

We are confident that after looking into this, you will see that the transfer of this land to the Rio Blanco project could only be irresponsible.

Sincerely,

R. MICHAEL FIELD.

ARVADA, COLO.,
April 10, 1973.

BURTON W. SILCOCK,
Department of the Interior,
Washington, D.C.

SIR: I oppose the Rio Blanco Blast. The negative aspects for full field development is much too distressing. The economic viability of the gas and the consumer acceptance of irradiated gas is very questionable.

In objecting to the proposed granting by the Interior Department of the pending A.E.C. land withdrawal application, refer to notice of proposed withdrawal 38 Federal Regulation 6697 (1973). I request that this letter be considered a formal protest to these proposed actions pursuant to Department regulations 42 CFR Paragraph 4.450.2.

Sincerely,

MARJORIE KEIM.

BOULDER COLO.,

April 10, 1973.

Re Notice of proposed withdrawal of land in western Colorado, 35 Fed. Reg. 6697 (1971).

BURTON W. SILCOCK,
Director of Land Management, Department of Interior, Washington, D.C.

DEAR MR. SILCOCK: As an attorney for the American Civil Liberties Union which represented the Plaintiffs in the lawsuit against

the nuclear blast known as "Project Rulison", and as attorney for the Colorado Defense Council, Inc., I wish to protest the proposed withdrawal of land from the Bureau of Land Management to the Atomic Energy Commission for purposes of the detonation of an underground nuclear device.

Pursuant to 43 C.F.R. 4.450.2, by this letter I wish to formally protest the withdrawal of said land.

Very truly yours,

ROBERT BRUCE MILLER.

HOUSE OF REPRESENTATIVES,
THE STATE OF COLORADO,
Denver, April 2, 1973.

Re Rio Blanco.
BUREAU OF LAND MANAGEMENT,
Washington, D.C.

DEAR SIRS: It is our understanding that B.L.M. is being asked to lease 360 acres of B.L.M. land for the purposes of a nuclear detonation (Rio Blanco) without a public hearing.

We, undersigned Colorado Legislators, urge a public hearing be held on this important and controversial matter.

Yours truly,

THOMAS L. FARLEY,
(And 9 others).

LAKWOOD, COLO.,
April 19, 1973.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

DEAR SIR: This month in Time Magazine I read of the Rio Blanco Project near Meeker, Colorado. I am writing in objection to the nuclear underground explosions.

Every person that is privileged to live in Colorado will be affected. Our environment is now so polluted from the by-products of our heavy population growth that it is endangering our existence. We now enjoy the natural beauty of Colorado and wish for it to remain that way.

I realize that in order to provide for our heating and transportation demand that there are certain compromises that must be made. However, must we sacrifice our lives?

I know that you may not have the answers but I do look to you and other representatives of our government to help stop blasting in our state and if possible in the entire United States. Help us keep our state beautiful.

Sincerely,

MARJORIE WIGGINS.

ARVADA, COLO.,
March 24, 1973.

DIRECTOR,
Bureau of Land Management,
Washington, D.C.

DEAR SIR: We, the members of Patrol 15 of the Mile Hi Jeep Club of Colorado, formally protest the withdrawal of 360 acres of land near Meeker, Colorado from public use for the Atomic Energy Commission to use in its Rio Blanco nuclear oil shale blast.

Colorado's population is growing at such a tremendous rate that public land which can be used for outdoor recreation (such as: jeeping, hunting, camping, and fishing) must be considered to be at a premium. There will be several four-wheel drive roads put out of commission for this project. Every time we turn around, there is some type of legislation taking away land from the public that was once used for recreational purposes.

We recognize the need for tapping our natural gas resources. We feel, however, that private land or other properties not at present open for public enjoyment could be purchased and used for this purpose without being seriously detrimental to outdoor activities.

Colorado has one of the largest deer herds

in the nation near Meeker, the site of this proposed test. The development of this land will have a significant effect on the growth and development of big game in that area.

We are willing to work with you in finding a site which will serve your needs and protect our valued public lands as well.

Sincerely,

RUSSELL W. TRICKER,
Chairman.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Nebraska is recognized for not to exceed 15 minutes.

WATERGATE

Mr. CURTIS. Mr. President, the Watergate affair has troubled all of us who believe in limited constitutional government and who have faith in the integrity of the U.S. Government.

The resignations of some top White House and administration officials appear to be the beginning of some constructive action to clear the air on this unprecedented scandal. In my opinion, the President made a fine statement last night. I am convinced that he intends to have this matter investigated thoroughly.

Unfortunately, the image of our Government has already been damaged in the eyes of the world. I just returned from a trip for the Department of Agriculture to Australia and New Zealand and I am sorry to report that I was able to keep up in Watergate matters just as if I had been here in Washington reading a local paper. This affair has damaged the credibility of the United States worldwide. What is more, the fact that White House aides were apparently involved in either the Watergate affair itself, or an attempted coverup of it later, has caused problems with the faith the American people have in their leadership. Even the most ardent Republican or administration supporter has come to the point where he is extremely uncomfortable, to say the least, with the way things have gone.

The time has come, in order to restore the integrity of our Government around the globe and to restore faith of the people in our leaders in the United States, to have an independent investigation of the Watergate mess.

The person who conducts the investigation should not come from the present ranks of government. The man's integrity should be above reproach. The man should have a proven record of courage. He should be able to withstand the inevitable scrutiny such an appointment would produce from the media. He should be willing to protect the innocent as well as expose the guilty.

Accordingly, I believe, and I have so informed the President by letter, that Mr. Nixon should consider the appointment of our former colleague Senator John Williams of Delaware as a special investigator for the purpose of once and for all getting to the bottom of Watergate.

With all due respect to my colleagues and their commendable efforts on the special Watergate Committee in the Sen-

ate, I think the very nature of the committee will prevent its disclosures from satisfying the American people that the truth has been achieved. The Senate's report could be interpreted by some as having partial political motivations. The Senate's report may produce some kind of minority views and that would again create confusion.

I further do not think that anyone from the Justice Department, even if he is completely honest and has not been in any way involved in the case, could adequately convince the world that some facts were not hidden from view.

Senator Williams, on the other hand, would never turn such a probe into a grandstand play for his own political advantage. He would protect the innocent as well as expose any wrongdoing. He would conduct an investigation solely in the interest of good government, and not for any partisan political gain.

The record of John Williams is unparalleled. He had the courage to stand up and be counted in the Sherman Adams affair when his own Republican administration was in office and he was fair to all concerned when he was investigating corruption in Democrat administrations.

He has received praise from newspapers like the Washington Post, the New York Times and the Milwaukee Journal which, considering their early concern over the Watergate issue, will be very hard to convince. I believe Senator Williams could stand the test of the probing media and would have the courage to state the facts regardless of who is involved.

As Senators well know, John Williams conducted his own affairs while he was in the Senate in such a way that no possible questions could be raised about any "conflicts of interest."

The White House itself could be confident that Senator Williams would launch any investigation honestly, fairly and without any sort of vindictiveness.

I hope the President will consider this suggestion carefully. I welcome the support and endorsement of this idea of any of my colleagues.

Mr. President, I yield the floor.

ORDER OF BUSINESS

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

Mr. ROBERT C. BYRD. Mr. President, how much time remains which has not been used by the distinguished Senator from Nebraska under his order?

The ACTING PRESIDENT pro tempore. Eight minutes.

Mr. ROBERT C. BYRD. Would the Senator allow me to reserve that time to myself for the purpose of quorum calls, and so forth?

Mr. CURTIS. Yes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to that effect.

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

Mr. ROBERT C. BYRD. Mr. President, I believe the distinguished Senator from New Mexico (Mr. DOMENICI) has an order to be recognized. Would the Senator like to proceed until such time as the

Senator from Illinois reaches the Chamber?

Mr. DOMENICI. Mr. President, I request that before our time began we await the arrival of the Senator from Illinois, so that he may proceed first and I may proceed thereafter.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, without prejudice to the distinguished Senator from Illinois; and I ask unanimous consent that the time be charged against the time allotted to me under my order.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I may yield to the distinguished majority leader on the basis that what he says will appear at the end of my remarks in reference to former Senator John Williams.

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

Mr. MANSFIELD. Mr. President, I am speaking on the Senator's time; is that correct?

The ACTING PRESIDENT pro tempore. Yes.

Mr. MANSFIELD. Mr. President, may I say that I had an idea of what the distinguished Senator was going to say, but, unfortunately, I was not in the Chamber because I was meeting in the reception room with some very good friends from Missoula, Mont.; but it is my understanding that the distinguished Senator has indicated that, if there is to be an investigator of the Watergate affair, he recommended the name of our former colleague, John J. Williams of Delaware.

May I say that if there is to be an independent investigation, I can think of no one of greater integrity, greater standing, greater capability than former Senator Williams, who made such an outstanding record as a Member of this body and who left us, incidentally, voluntarily, because he believed that there should be an age limit of 65 for Senators, and, as always, what John Williams said, he meant, and therefore he is to be commended.

However, as far as I am concerned personally, it does not make any difference whether or not there is to be a special investigator. The Senate will recall that the President last night stated, without qualification, that he had given authority to the Attorney General-designate, Mr. Elliot Richardson, to name such a special investigator if he saw fit, and if he sees fit I can think of no better person than former Senator John J. Williams of Delaware.

May I say also, speaking of special investigators, that there has been a good deal of talk in the press and discussion on TV and radio to the effect that it was special investigators, men like Owen Roberts, a Philadelphia lawyer, later a Supreme Court justice, and Atlee Pomerene, a former Senator from the State of Ohio, who were responsible for uncovering the Teapot Dome scandal.

As a matter of fact, the Teapot Dome scandal facts were uncovered and the

evidence was laid bare for all to see by a Senate committee, a committee on the order of the Ervin committee, and that committee was headed by one of the greatest Senators this Republic has ever produced, Thomas J. Walsh of Montana. It was on the basis of the job he did then, and not on the basis of special investigators—although I am sure they made a great contribution, but it was on the basis of a special Senate committee headed by the late Senator Thomas J. Walsh—that the facts were uncovered and the evidence laid bare, the guilty punished and sent to prison; and on that basis, that particular issue was resolved and that was the result of that particular case.

May I add that, in my opinion, while the Republic was in danger of crumbling until recently, now I think, as a result of what the President said, what the President has done, and what the courts, the grand jury, and the Ervin committee will do, that the rock on which this fragile democracy rests will be stronger.

Again I want to commend the distinguished Senator and to express to him, as I have so many times in public and in private, my extremely high regard for former Senator John Williams. If there is to be a special investigator, I can think of no better person to be it.

Mr. CURTIS. I thank the Senator.

Mr. PERCY. Mr. President, will the Senator yield? If the Senator has completed his remarks, I can speak on time under my own order.

Mr. CURTIS. If I have time, I am happy to yield.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska has 30 seconds.

Mr. CURTIS. I yield those 30 seconds to the Senator from Illinois.

Mr. PERCY. Just to comment on his remarks, because I am grateful that he has made them. I have publicly stated that if John Williams were appointed special investigator, I would hope the name would be sent to the Senate, so we could all join in what I hope would be overwhelming, if not unanimous, approval. We could then move forward with an investigation, and the legislative and executive branches of the Government would be joined together in this investigation. I will speak in greater detail on this matter. I think we indeed have a precedent for the Senate and the House acting in this matter in the Teapot Dome scandal.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PERCY. The majority leader was absolutely correct when he said Teapot Dome was uncovered by a Senate committee, but it was the President of the United States, responding to a resolution which passed the Senate and a resolution which passed the House that resulted in the appointment of a special prosecutor in that particular case, giving the special prosecutor all the powers necessary to bring all these matters out into the open and prosecute that particular case.

Mr. PERCY. I ask unanimous consent to have printed in the RECORD two brilliant editorials from the Christian

Science Monitor entitled "The Constitutional Crisis" and "Watergate: Clean-Up Precedent."

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

WATERGATE: CLEAN-UP PRECEDENT

On this page earlier this week we said that the housecleaning at the White House should be "put in the hands of someone free of all personal connections with the White House, with the defendants in the case and even with the high command of the Republican Party."

History points the way to a formula which worked once before under similar circumstances. Soon after Calvin Coolidge succeeded to the presidency in August of 1923 he discovered that he had inherited a housecleaning job. A Senate investigation uncovered the fact that Albert B. Fall, when Secretary of the Interior under Warren Harding, had received \$100,000 in cash in a "satchel" from oilman Edward L. Doheny. That was the beginning (Jan. 24, 1924) of the uncovering of the scandals of the Harding administration.

On Feb. 1 and 2 Senate and House passed a joint resolution calling on the President to appoint a special counsel independent of the Department of Justice. President Coolidge solved the selection problem by naming two men. One was a young Republican lawyer from Philadelphia, Owen J. Roberts, who later was elevated to the Supreme Court. The other was a retired former Democratic senator from Ohio, Atlee W. Pomerene.

The President gave the two men full authority and his support. They worked well together. Suits were immediately instituted to annul the Teapot Dome and Elk Hills oil leases which Fall had improperly granted to his benefactors. By June all concerned in the oil leases were under indictment and the leases had been voided.

The above does not necessarily mean that there should be a special two-man prosecutor. But it points the way we think might well be followed in the Watergate affair. As in the Teapot Dome case the prosecution should be taken out of the Department of Justice and put in hands which are either bipartisan or palpably nonpartisan. Above all, the prosecution must be divorced from the White House.

One of the worst things about the Watergate matter so far has been manipulation of the FBI by the White House in the effort to cover up what had happened. The main reason L. Patrick Gray III had to withdraw his candidacy for the directorship was because he had handed over all his material to White House counsel John Welsey Dean who is himself deeply involved in the affair. Now Gray is reported to have destroyed White House files of Watergate defendant E. Howard Hunt Jr.

The process of setting up a convincing and satisfying housecleaning might well start, as in the Teapot Dome case, with a joint resolution by the Congress.

THE CONSTITUTIONAL CRISIS

Watergate has long since become a political disaster for Richard Nixon and the Republican Party. It is now a constitutional crisis calling for drastic remedial measures. The issue is the capacity of the incumbent President to govern effectively during the remainder of his term of office. That capacity must be restored. There is no other practical way out of the crisis. The question is whether Mr. Nixon himself is yet ready to take the steps which he must take to restore the institution of the presidency to effectiveness.

To rescue the institution itself justice must be done, and seen to be done. This is a case where the housecleaning must be thorough, quick, and evident to all skeptics. Leaving the management of the housecleaning in the

hands of anyone connected with the White House itself will not be good enough. There is a cloud of suspicion over everyone in the administration who has anything to do with domestic politics. That cloud can be lifted only if the housecleaning is put in the hands of someone free of all personal connections with the White House, with the defendants in the case and even with the high command of the Republican Party.

As we are writing the prosecution is under Henry F. Petersen, Assistant Attorney General in charge of the Criminal Division of the Department of Justice. The burden fell on him when Attorney General Richard Kleindienst disqualified himself on grounds of "personal and professional relationships" with persons involved in the case.

We have not the slightest reason to doubt Mr. Petersen's probity. But he has served under Mr. Kleindienst and he is a long time personal friend of the lawyer now acting on behalf of John Mitchell. That is too close a relationship to a main character in the case. Mr. Mitchell was Mr. Nixon's Attorney General during most of the first term. He resigned to run the re-election campaign. He repeatedly asserted that he had never heard of the Watergate business until the arrests at the Democratic National Committee Headquarters. Yet, before a grand jury he has now confessed that the break-in and bugging operation were discussed in his presence at least three times prior to the burglary. He stands guilty on his own testimony of concealing the truth and thus of helping to try to conceal information about a criminal act.

Many eminent lawyers are doubtful as to whether Mr. Nixon has yet sufficiently divested himself of control over the investigation to allow it to rise above suspicion. When he changed course and announced "major new developments" in the case he also expressed "my view that no individual holding, in the past or at present, a position of major importance in the administration should be given immunity from prosecution." According to some lawyers this has the legal effect of discouraging defendants from talking.

Sooner or later the whole truth in this most unseemly and sordid affair is coming out. The question now is whether it will be dragged out by bits and pieces through the Senate committee hearing proceeds and in various lawsuits, with the administration holding back at every turn and doing its best to limit the disclosures. If it comes that way it will continue to do harm to Mr. Nixon's capacity to serve out his term effectively. The other way is for him to do what must be done to raise the official government prosecution above suspicion.

The reason to put it above suspicion is, in our opinion, of first importance. As many have already pointed out, the criminal actions and, even more seriously, the long devious effort to conceal them, would, in a parliamentary democracy have already forced the resignation of the Prime Minister and Cabinet. In the United States the presidency is for a four-year term. Mr. Nixon has just been reelected by an enormous majority, the second largest in the history of the country. There is no evidence that even an important minority want anything other than a chance to regain confidence in the man they elected less than six months ago. No reasonable figure is calling for his resignation. All are calling for a quick, thorough, and credible housecleaning. Hence we urge Mr. Nixon to put the prosecution of the case in the hands of a person who is so free of White House connections that the results will be believable.

But one more thing is needed to restore the prestige and authority of the man elected last November to the presidency. There has been a tone about the White House which was detectable during the first term, but has become strident since election day. It is a tone of self-righteousness bordering often

on arrogance. It has raised a formidable barrier between the White House and the Congress.

It has come out over foreign policy—the assertion of presidential power to bomb at will regardless of how contrary the sentiment might be in the Congress. It has come out in assertion of executive privilege—the alleged (now abandoned) claim of the White House to have the power to blanket the entire federal establishment under executive privilege. It has come out a thousand times in the cold contempt of the White House staff men toward those who disagree, including even high Republicans from Capitol Hill. It has come out above all, in the attitude toward Watergate—a bland assumption that whatever they do is right and moral and permissible.

Watergate will be purged and Mr. Nixon will be restored to the confidence of the country if and when the purging has been thorough, quick, and above suspicion and also when the White House itself acts with humility. Mr. Nixon must in the future be seen to consult the leaders of the Congress with respect, not give them orders in a manner too reminiscent of some imperial court.

The American people want, and need, a restoration to them of the ability to believe in the integrity and decency of the man they have chosen to be their President. But they also want a president, not a king-emperor.

Mr. Nixon can give them what they want and need. We urge him to do it—just as fast as possible.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

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

SPECIAL PROSECUTOR FOR WATERGATE INVESTIGATION—SENATE RESOLUTION 105

Mr. PERCY. Mr. President, yesterday was a day we shall not soon forget. In the words of the banner headlines in many of the newspapers around the country, "The President cleaned house." The Watergate scandal has rocked the administration and last night the President did what he had to: He accepted full responsibility for the actions which were taken by members of his administration and by members of his reelection committee. The reason he acted is clear—public faith in the Government had been badly eroded and the ability of the administration to govern was in jeopardy.

I had intended yesterday to submit a Senate resolution calling upon the President to appoint a special prosecutor in the Watergate matter. However, when I learned of the dramatic events of yesterday morning, and the announcement that the President would address the Nation last night, I decided to defer submission of the resolution until after the President's speech.

Now that the President has spoken, I remain convinced that the submission of this resolution is appropriate. A simple and very basic question is at issue: Should the executive branch investigate itself? I do not think so, and neither, I am convinced, do a majority of my colleagues.

In submitting this resolution, I am not attempting in any way to question the integrity or ability of Attorney General-designate Elliot Richardson, a distinguished public servant for whom I

have the highest regard. But Mr. Richardson cannot be regarded as independent of the executive branch of the Government.

Mr. President, I am pleased to announce to the Senate that Congressman JOHN ANDERSON of Illinois, is submitting this same resolution today in the House. The preliminary indications of support by the Members of the House have been very encouraging, with 23 cosponsors.

In the resolution, the President is called upon to appoint immediately a special prosecutor, grant him all the authority necessary to effectively perform his duties, and submit the name of such designee to the Senate for approval. If the President were to appoint the type of person this resolution envisions—a person of high character and unimpeachable integrity, without association with the executive branch of Government—and I can think of no name that would be better suited for this than that of Senator John Williams—then I do not think that there would be any delay on the part of the Senate in going on record in support of the President's choice.

I am very pleased indeed to be joined in this resolution by so many of my distinguished colleagues who have taken such a forthright position, regardless of party affiliation, in this matter. Democrats and Republicans have disregarded party lines, insisting that this is a national problem involving our Government. I am pleased to have as cosponsors of the resolution Senators DOLE, GOLDWATER, MATHIAS, JAVITS, CASE, SCHWEIKER, DOMENICI, BUCKLEY, CRANSTON, CLARK, SPARKMAN, YOUNG, ROTH, GRAVEL, PACKWOOD, RANDOLPH, ABOUREZK, and HUGHES.

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

Mr. PERCY. At this time I am happy to yield to my distinguished colleague from Arizona, who has played such an important role in this matter.

Mr. GOLDWATER. Mr. President, I am very happy to support my colleague, Senator PERCY of Illinois. I have a very deep concern and interest in this matter. I think it goes far past what might be suffered by the Republican Party or by a man named Nixon. I think what we are talking about now—and it has been bipartisan, and I thank God for that—is to protect the Office of the Presidency, this is what we are concerned with—the most important office in the world, the one that has to be held in the highest respect if it is to be of any value to the world.

In supporting the Senator's resolution, I do not in any way disregard any of my high regard for the Senator from North Carolina (MR. ERVIN). I cannot name a man in this world for whom I have greater respect. I know that the results of his investigation will be thorough. Likewise, I think it is natural that the President look to his Attorney General, because the Attorney General is the legal officer of the President.

I think that Mr. Richardson as Attorney General, a man for whom I have the highest regard, will find himself in the same position that former Attorney General Kleindienst found himself where, by virtue of the fact that he had clients so to speak in the executive branch, he found it impossible to act.

I think this Attorney General will want to conduct a complete investigation. However, I agree that it should not be done by the executive branch. As far as suggesting a name is concerned, I have no name to suggest, I think that former Senator Williams of Delaware, would be an excellent man. I am most happy that the Senator from Illinois has made this proposal.

I might say in conclusion that the President's speech last night confirmed exactly what I had felt all along. A number of years ago I sought this same office. During the course of my campaign, a security office was formed on my behalf. This new office of security started to do some things that I knew nothing about. Fortunately I found out about them the first weekend they were starting. So, I was able to stop them.

I believe implicitly that the President knew nothing at all about any matter in relation to the so-called Watergate affair. I believe that he is completely honest. He clearly stated that he was taking the blame. Anyone who has ever been in the corporate structure of this country or in the military knows that someone has to have the buck go no further. As Harry Truman said, "The buck stops here." And the buck stopped at the desk of the President last night, where the American people would like to see it stop, so that they can feel confident that within a relatively short period of time we can know the whole truth about this insane, stupid affair.

For the life of me, I cannot understand any person with an ounce of brains in his head ever doing anything like this. If we Republicans do not know what the Democrats are doing, or if the Democrats do not know what the Republicans are doing, we are wasting a hell of a lot of time.

Mr. MANSFIELD. Mr. President, may I say that we are wasting a lot of money, too.

Mr. GOLDWATER. The Senator is correct.

Mr. PERCY. Mr. President, I would say that the distinguished Senator from Arizona speaks with a great deal of strong feeling and intimate knowledge. I think that his counsel and advice to the President have been truly invaluable in this case.

I would hope that the appropriate Executive orders would be issued and signed by the President, as only he can do, so that full authority would be provided for the special prosecutor not only to issue subpoenas but also to have access to the internal revenue material that would provide an insight, now that the tax returns have been filed by corporations and individuals for 1972, into where these contributions came from. But we ought to go back and, if the law does not provide for such reporting, we ought to see that it be done in the future so that we might trace every single contribution to determine from the individual if it came from his personal resources, or, if he is a member of a corporation or labor union, we ought to be able to find whether it somehow was tucked away in some place in that tax return.

Let us put an end to this sordid practice that has somehow grown up over

the years of financing political contributions under the table instead of over the table and getting a quid pro quo or, as some term it, an investment that is made in a particular campaign or candidate.

The payoff comes out of the hide of the people. The people have a right to know what transpired in this particular case. We have a right to find out who was guilty and let the chips fall where they may. We can then cleanse this stain on this country.

Mr. President, in a moment I will be glad to yield to the Senator from New Mexico. However, before doing so I ask unanimous consent that material from the 86th Congress, 1st session, beginning with Senate Joint Resolution 54, together with other material dealing with the nomination of Atlee Pomerene and Owen J. Roberts as special counsel be printed in the RECORD at an appropriate point so that our colleagues in the Senate and House can have access to the precedent for the action we will be taking, I hope, today in this matter.

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

[S.J. Res. 54 (86th Congress, 1st session) with amendments; reference to congressional request for the President to employ special counsel to investigate the Teapot Dome case]

S. J. RES. 54

Proposed by Mr. Walsh of Montana to the joint resolution (S.J. Res. 54) to procure the annulment of the lease to the Mammoth Oil Company

Whereas it appears from evidence taken by the Committee on Public Lands and Surveys of the United States Senate that certain lease of naval reserve numbered 3, in the State of Wyoming, bearing date April 7, 1922, made in form by the Government of the United States, through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Mammoth Oil Company, as lessee, and that contract between the Government of the United States and the Pan American Petroleum and Transport Company, dated April 25, 1922, signed by Edward C. Finney, Acting Secretary of the Interior, and Edwin Denby, Secretary of the Navy, concerning oil in naval petroleum reserve numbered 1, State of California, and that lease and contract between the Government of the United States and the Pan American Petroleum Company, dated December 11, 1922, signed by Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, concerning oil in naval petroleum reserve numbered 1, State of California, were executed under circumstances indicating fraud and corruption; and

Whereas the said leases and contract were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress; and

Whereas such leases and contract were made in defiance of the settled policy of the Government adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said leases and contract are against the public interest and that the lands embraced therein should be recovered and held for the purpose to which they were dedicated; and

Resolved further, That the President of the United States be, and he hereby is, au-

thorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract, to enjoin the further extraction of oil from the said reserves under said leases or from the territory covered by the same, to secure any further appropriate incidental relief, and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of the said leases and contract.

And the President is further authorized and directed to appoint, by and with the advice and consent of the Senate, special counsel who shall have charge and control of the prosecution of such litigation, anything in the statutes touching the powers of the Attorney General of the Department of Justice to the contrary notwithstanding. [Senate approval of Senate Joint Resolution 54 (68th Congress, 1st session) as amended]

The PRESIDENT pro tempore. The Chair suggests to the Senator from Nebraska that Senate Joint Resolution No. 54 is now before the Senate, and under the agreement just entered into no further amendment can be offered to it.

Mr. ASHURST. Mr. President, I think the Senator from Arkansas acted well and wisely; but I believe in fair play. I think the Chair was under a misapprehension. I have no interest in the amendment which the Senator from Nebraska has attempted to propose, but it was obvious to all fair and discerning men that he intended and attempted to offer an amendment before the unanimous-consent agreement was agreed to. Therefore this body ought to reconsider its action long enough to permit him to offer that amendment if he desires to do so, because he was on the floor, and held the floor, and claimed recognition, and undoubtedly had that intention. As one who believes in fair play, although I earnestly hope the proposed agreement will be entered into, I ask that we let him offer his amendment.

The PRESIDENT pro tempore. The Chair asked the Senator from Nebraska whether he desired to object to the unanimous-consent agreement.

Mr. ASHURST. I have said what I wished to say. The Senator from Nebraska is able to take care of himself.

The PRESIDENT pro tempore. And the Senator from Nebraska answered that he did not desire to object.

Mr. HOWELL. Mr. President, I misunderstood the Chair's question and its application. I had offered my amendment before the Chair asked that question; and, as I understood it, the question was whether I objected if this agreement went into effect following the offering of my amendment and its discussion.

Mr. FLETCHER. May I suggest to the Senate what would probably be a way out of the difficulty? When one of the amendments already pending is offered the Senator could move to amend the amendment in the way he desires.

Mr. HOWELL. I shall not be able to pursue that course in view of the character of this amendment. I ask unanimous consent for the consideration of the amendment.

Mr. ROBINSON. Let the amendment be read, and let us see what it is.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The READING CLERK. In the substitute for Senate Joint Resolution 54, to strike out lines 1 to 10, inclusive, on page 2, and lines 1 to 7, inclusive, on page 3, and insert in lieu thereof the following:

Resolved, etc., That the said leases and contract are against the public interest, and the same were and are hereby declared null and void from the beginning.

Resolved further, That the President of the United States be, and he hereby is, authorized and directed immediately to seize

and take possession of the lands included in said leases and to cause suit or suits to be instituted and prosecuted for the annulment and cancellation of said contract, and all contracts incidental or supplemental thereto, and to recover the value of the oil thus far extracted under the provisions of said leases, and to prosecute such other actions or proceedings, civil or criminal, as may be warranted by the facts in relation to the making of the said leases and contract."

Mr. HOWELL. Mr. President —

The PRESIDENT pro tempore. The Chair can only reiterate his former statement.

Mr. ROBINSON. Mr. President, if I may be indulged for just a moment, the amendment now presented, as I understand it, is substantially identical with the original joint resolution presented by my colleague, the junior Senator from Arkansas [Mr. CARAWAY]. We have been prosecuting upon consideration of the substitute resolution proposed by the Senator from Montana, and I had not anticipated that at this juncture of the debate this question would be again raised.

On this side of the Chamber we had agreed to accept the Walsh substitute for the Caraway resolution. There were a number of Senators on this side who expressed the feeling that the original resolution was a proper expression upon the part of the Senate, but upon informal consideration of the matter an understanding was reached, as set forth by statements made in the Senate by a number of Senators on this side, including the author of the original resolution, that the Walsh substitute was acceptable.

I do not want to preclude the Senate from an expression upon this amendment if it desires to give such expression. The object of the unanimous-consent request was to terminate debate and get a vote and to make certain that the Senate should proceed promptly to the consideration of a related resolution, which I will call the Denby resolution.

If there is no objection, I shall ask unanimous consent that the amendment offered by the Senator from Nebraska be considered as in order, and that a vote be taken on that amendment without any debate.

Mr. LENROOT. Will the Senator yield?

Mr. ROBINSON. I yield to the Senator.

Mr. LENROOT. I am very sure the Senator from Nebraska misunderstood the situation.

Mr. ROBINSON. I am sure he did.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and the amendment to the amendment will be voted upon. The question now is upon the amendment to the amendment.

Mr. HOWELL. Mr. President —

Mr. LA FOLLETTE. May I ask the Senator from Arkansas to so modify his request as to permit the Senator from Nebraska to offer some observations regarding that amendment?

Mr. ROBINSON. My only reason for not doing that is that other Senators might feel constrained to state their views upon the subject and reopen the entire debate.

Mr. LA FOLLETTE. I feel very certain that the proposition has been so debated that it will not prolong debate. The Senator from Nebraska has had no opportunity, or at least —

Mr. ROBINSON. He has had opportunity.

Mr. LA FOLLETTE. He has not taken the opportunity to speak upon that question, and I think it would be a fair thing to permit him to do so.

Mr. ROBINSON. Then I ask that the Senator from Nebraska be allowed five minutes and the Senator from Montana five minutes, if they desire to use that time, and that the amendment to the amendment be considered as pending.

The PRESIDENT pro tempore. The Senator modifies his request for unanimous consent so that the Senator from Nebraska shall be

permitted five minutes for discussion and the Senator from Montana five minutes for discussion upon the amendment offered by the Senator from Nebraska to the amendment offered by the Senator from Montana. Is there objection?

Mr. HOWELL. Mr. President —

The PRESIDENT pro tempore. The Senator from Nebraska.

Mr. HOWELL. I am perfectly willing that my time should be limited, but I would not like to have it limited to five minutes.

The PRESIDENT pro tempore. Objection is made.

Mr. HOWELL. This is an amendment of importance, and I think it is worthy of some consideration, and I would like to make a statement as to the reasons why I have offered it.

Mr. ROBINSON. Mr. President, my only object in suggesting the limitation was to carry the purpose of the unanimous-consent agreement which is already in force. So far as I am concerned, I have no objection to reopening the debate, if the Senate wants to do it. I thought the Senate had reached the time when it was ready to vote. I thought the consensus of the Senate was that a vote should be taken upon this resolution. The request was stated clearly and agreed to; but if the Senator wants additional time, I shall make no objection upon my part.

Mr. HOWELL. I suggest to the Senator that 10 minutes be allowed.

Mr. ROBINSON. Then I ask that the Senator from Nebraska and the Senator from Montana each be allowed 10 minutes.

The PRESIDENT pro tempore. Is there objection to the agreement as now proposed that 10 minutes shall be given?

Mr. FERNALD. Mr. President, let us have order during that 20 minutes so that we may hear.

The PRESIDENT pro tempore. The Chair repeats, is there objection to the 10 minutes limitation? The Chair hears none and recognizes the Senator from Nebraska.

Mr. HOWELL. Mr. President, I am in favor of the purpose of this joint resolution, but I do not think it goes far enough to protect the interests of the United States Government.

The Senate has seen fit to approve the following preamble of this resolution:

"Whereas the said leases and contracts were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress."

I was impressed with the arguments made here that such was the fact, and the Senate decided that such was the fact. Therefore, having so decided, the logical course to pursue is to assume that the leases were void from the beginning and there never was a lease. If void from the beginning, those who are upon the lands at the present time are merely trespassers. Such being the case, and as it is not usual for the United States Government to go to the courts to get a "sooner" off the public land, why should we do so in this case? If we go into court, we will be in the courts for years.

True, it will be insisted that one of the purposes is to bring an injunction proceeding to prevent further depletion of the land, but we have been told that in the midst of the No. 1 oil reserve section 36 is being pumped by the Standard Oil Co. at the present time. The longer the lease litigation can be maintained in the courts the longer will those who are adjacent to these properties have the opportunity of draining the oil that belongs to the United States Government. Therefore if we want to do something that will be effective and immediately effective, if we want to put teeth into this measure, we should provide that the President shall proceed just as the United States Government would proceed in connection with "sooners" upon public lands.

Having declared these leases null and void, which the Senate has done by its action, the next thing to do is to seize the property immediately, stop further depletion of the properties by those who are now claiming under the leases, and, furthermore, take steps to go on with the pumping of the oil lands in order to prevent those adjacent thereto from securing the oil.

In a single instance, connected with public affairs, I have been in the courts for nine years and I know what it means. Here is an opportunity to do something that will be effective. What the people of the country want is not refined equity in this matter. They want raw equity, and I urge that we take the necessary steps at this time, irrespective of constitutional refinements and objections. Let us do in this case, with oil lands involved worth hundreds of millions of dollars, as the Government has done time and time again in connection with "sooners" who have gone upon the public lands and assumed to reside there.

I urge the adoption of this amendment, and I hope that it will not be defeated, because I know it would put teeth in the measure which is now before the Senate.

Mr. WALSH of Montana. Mr. President, the proposed substitute presents again a question which was considered at some length at an early stage in the debate, namely, as to whether the Congress of the United States could declare these leases to be void and canceled or whether they should ask the court to make a decree to that effect.

The amendment offered by the Senator from Nebraska goes further than that. It directs that possession of the property be taken and that those in possession be dispossessed of them. Touching the first part of the resolution, I desire to say that the procedure suggested is indeed pursued in some countries, notably some of the republics of America outside of the United States. A concession or grant is made by a government, either by the officers authorized by statute or the direct act or the legislature of the country. Some one comes along and gets a concession from the legislature. Then the legislature that comes into power the next time, or the executive, or whoever exercises the authority, cancels those concessions and gives them to some one else.

Now, the wise founders of our Government considered that that was contrary to the essentials of liberty, and away back in Magna Carta the principle was laid down that every man was entitled to a day in court to determine whether or not he has a right or he has not a right. We are satisfied that these leases were executed without authority and that they were executed corruptly. But tomorrow we may be confronted with a grant, the want of authority to execute which is not so plain, the evidence of corruption in connection with which is not so plain, and we will then be called upon to vacate that grant, and so on down through all the possible gradations. Now, it is a matter of doubt as to whether we have any right in the premises or not. Those are questions for the court to determine. We may urge the court to do it. We may declare our convictions that they were executed without authority, but that is as far as we can go under the American system of justice and liberty.

The principle is expressed in our Constitution in an amendment that no person shall be deprived of any property without due process of law. Now, he claims to own this property and we can not dispossess him of that property; we can not lawfully do it without the due process of law. The case of the "sooner" and the case of the janitor coming and taking possession of this body is a different thing. Some idiot or some child may take your horse away from you. You go and use the necessary force in that case to get back your horse. But if some one claiming he bought that horse from an agent of

yours who was authorized to sell it has possession of the horse the best thing for you to do is to go into court to determine the question of the validity of the grant that he claims.

The resolution then directs that possession be taken of this property. Possession how? Who shall take possession? Who shall act for the United States in taking possession? The United States marshal? The United States marshal is powerless. He is a trespasser in taking possession unless he is armed with a writ from some court. Will you use the Army and Navy of the United States to take possession of this property? Why, Mr. President, that is one of the things that we complain of in these proceedings against the late Secretary Fall. As we were told yesterday by the Senator from New York [Mr. COPELAND] he sent from the city of Washington out to the State of Wyoming a squad of marines—and that is also one of the sins of the Secretary of the Navy—to put a company off of naval reserve No. 3 that was actually engaged there in drilling a well under a claim of right. All he had to do was to go into the United States District Court for the State of Wyoming and secure promptly and without hesitation at all an injunction restraining those people from conducting any further operations until the court should have determined the matter.

The Senator from Nebraska, whom I am advised is not a lawyer and familiar with these matters, is quite too apprehensive about delay in the matter. The very first step in the proceedings which are authorized by the resolution would be to file a bill of complaint and thereupon to go to the judge and ask an injunction restraining the extraction of any oil from any of the lands until the question was determined. The procedure is thoroughly well known to those of us who are familiar with mining litigation in the West. A man is in possession of mining property. He is taking out the ore or other mineral.

I file a complaint against him, and I go into court and ask that he be enjoined from extracting the ore or extracting the oil pending the proceedings and until the court shall determine whether or not he is entitled to the property or I. That is done at the outset, and it goes almost as a matter of course in a private case that the complainant must give a bond to protect the defendant against any loss or damage he may suffer. But in the case of the United States they do not even have to give a bond. None is required whatever. So the very first step would be to shut the wells or put in control a receiver who shall hold the proceeds of them until the matter is determined.

So I say the Senator from Nebraska is unduly apprehensive about the matter and I am certain that the amendment ought not to be adopted. The Senate of the United States ought not to go upon record as establishing even a precedent for the cancellation of a grant purporting to have been executed by an officer of the United States under a pretended right or under color of authority. That would stigmatize the Government of this country in a way, so far as title to property is concerned, more threatening in its character than any of us can conceive. It would upset the stability of titles to property in the country if the Congress of the United States should undertake to do anything of the kind. I trust the amendment will not be agreed to.

Mr. DIAL. Mr. President—

The PRESIDING OFFICER (Mr. Moses in the chair). Does the Senator from Montana yield to the Senator from South Carolina?

Mr. WALSH of Montana. I yield.

Mr. DIAL. I call the attention of the Senator to the fact that only last week the Senate passed a bill to compensate the owner of land who had been dispossessed by the Army. The Army wanted to use the land for camp

purposes, and the Senate passed a bill compensating the owner of that property.

Mr. WALSH of Montana. That is true.

Mr. HOWELL. Mr. President, it will be readily understood, if one will consider that the proceeding to enjoin could be brought promptly and steps taken as suggested, but the proceedings to determine the validity of the leases may take years. They will begin in the district court and go to the court of appeals and then go to the United States Supreme Court, and then may go back again to the district court. In this case suppose the wells were shut down; then during all that period of time there would be an opportunity to drain the oil from those properties. We are assured, and it has been stated in connection with the Teapot Dome, that drainage is taking place.

Mr. WALSH of Montana. No; the Senator is in error there. If such a situation as that exists and it is necessary to continue operation of wells to prevent drainage, a receiver would be appointed to take the proceeds on both sides and await the determination of the matter by the court.

Mr. HOWELL. I have no purpose of depriving anyone of the right to go into court. My idea was simply to let them be the plaintiff and the United States be the defendant. Under the plan proposed by the Senator from Montana the United States would be the complainant.

Mr. WALSH of Montana. Will the Senator pardon a further interruption?

Mr. HOWELL. Certainly.

Mr. WALSH of Montana. That statement was made the other day, but it does not change the order at all. Suppose we pass the joint resolution with the Senator's amendment just as he wants it. Those people are in possession of the land. We would have to go into court to stop them from drilling in order to get them off the premises. It would not change the order a bit.

The PRESIDING OFFICER. The Senator from Nebraska has one minute more remaining.

Mr. HOWELL. But what this amendment will really do will be to put teeth in this measure. I have the greatest confidence in the efforts which the Senator from Montana (Mr. WALSH) is making to secure restitution for the people of this country, and I am very sorry to be in opposition to him in connection with this matter. I merely want to go a little further than the pending joint resolution goes, and I think, as I previously stated, what we need in a situation of this kind is a little raw equity.

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

Mr. CARAWAY. Mr. President, I was not present when the unanimous-consent agreement was entered into and—

The PRESIDING OFFICER. The Chair can not now recognize the Senator from Arkansas, under the unanimous-consent agreement, unless further unanimous consent is granted.

Mr. CARAWAY. I am merely intending to make a parliamentary inquiry. I repeat I was not present when the unanimous consent was granted, and I desire to ask if all the time allotted has been consumed?

The PRESIDING OFFICER. The Senator from Montana (Mr. WALSH) has three minutes more, if he wishes to claim the floor.

Mr. WALSH of Montana. Mr. President, I have nothing further to submit.

The PRESIDING OFFICER. Under the supplementary unanimous-consent agreement just entered into, the question is upon agreeing to the amendment offered by the Senator from Nebraska [Mr. HOWELL] to the amendment proposed as a substitute for the joint resolution.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. Under the original unanimous-consent agreement, the question now is upon agreeing to the amendment

offered by the Senator from Montana [Mr. WALSH] in the nature of a substitute for the joint resolution introduced by the Senator from Arkansas [Mr. CARAWAY].

Mr. HARRISON and Mr. LODGE demanded the yeas and nays, and they were ordered.

The reading clerk proceeded to call the roll.

The result was announced—yeas 90, nays 0, as follows:

YEAS—90

Adams, Ashurst, Ball, Bayard, Borah, Brandegee, Brookhart, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Copeland, Couzens, Cummins, Curtis, Dale, Dial, Dill, Edge, Edwards, Elkins.

Ernst, Fernald, Ferris, Fess, Fletcher, Frazier, George, Gerry, Glass, Goodling, Greene, Hale, Harrel, Harris, Harrison, Heflin, Howell, Johnson, Calif., Johnson, Minn., Jones, N. Mex., Jones, Wash., Kendrick, Keyes.

King, Ladd, La Follette, Lenroot, Lodge, McKellar, McKinley, McLean, McNary, Mayfield, Moses, Neely, Norbeck, Norris, Oddie, Overman, Owen, Pepper, Phipps, Pittman, Ralston, Ransdell, Reed, Mo.

Robinson, Sheppard, Shields, Shipstead, Shortridge, Simmons, Smith, Smoot, Spencer, Stanfield, Stanley, Sterling, Swanson, Trammell, Underwood, Wadsworth, Walsh, Mass., Walsh, Mont., Warren, Watson, Wheeler.

NOT VOTING—6

Colt.
McCormick.
Reed, Pa.
Stephens.
Weller.
Willis.

So the amendment of Mr. WALSH of Montana in the nature of a substitute was agreed to.

The PRESIDING OFFICER. Under the unanimous-consent agreement, no further amendments being in order, the joint resolution will be reported to the Senate.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The result was announced—yeas 89, nays 0, as follows:

YEAS—89.

Adams, Ashurst, Ball, Bayard, Borah, Brandegee, Brookhart, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Copeland, Couzens, Cummins, Curtis, Dale, Dial, Dill, Edge, Edwards, Elkins.

Ernst, Fernald, Ferris, Fess, Fletcher, Frazier, George, Gerry, Glass, Goodling, Greene, Hale, Harrel, Harris, Harrison, Heflin, Howell, Johnson, Calif., Johnson, Minn., Jones, N. Mex., Jones, Wash., Kendrick, Keyes.

King, Ladd, La Follette, Lenroot Lodge, McKellar, McKinley, McLean, McNary, Mayfield, Moses, Neely, Norbeck, Norris, Oddie, Overman, Owen, Pepper, Phipps, Pittman, Ralston, Ransdell, Reed, Mo.

Robinson, Sheppard, Shields, Shipstead, Shortridge, Simmons, Smith, Smoot, Spencer, Stanfield, Stanley, Sterling, Swanson, Trammell, Underwood, Wadsworth, Walsh, Mass., Walsh, Mont., Watson, Wheeler.

NOT VOTING—7.

Colt, McCormick, Reed, Pa., Stephens, Warren, Weller, Willis.

So the joint resolution was passed.

The PRESIDING OFFICER. The question now recurs upon agreeing to the amended preamble proposed by the Senator from Montana.

The preamble as amended was agreed to.

HOUSE APPROVAL OF SENATE JOINT RESOLUTION 54 (68TH CONG., 1ST SESS.) AS AMENDED

LEASES OF NAVAL OIL LANDS

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 54 and consider the same, and in that connection I ask unanimous consent that debate be limited to

30 minutes, one-half to be controlled by the gentleman from Tennessee [Mr. GARRETT] and one-half by myself.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table Senate Joint Resolution 54, of which the Clerk will report the title.

The Clerk read the title, as follows:

"Joint resolution directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes."

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of the resolution, and that debate be limited to 30 minutes, one-half to be controlled by himself and one-half by the gentleman from Tennessee [Mr. GARRETT]. Is there objection?

Mr. HOWARD of Nebraska. Mr. Speaker, I want to object to the limit of debate only.

Mr. GARRETT of Tennessee. How much time does the gentleman from Nebraska desire on the matter?

Mr. HOWARD of Nebraska. I may not desire any time, but there are many here who may.

Mr. LONGWORTH. Mr. Speaker, it seems to me that under the circumstances there is no necessity for prolonged debate on this question. The resolution was passed unanimously by the Senate and I have no question in the world but that it will pass unanimously here. What I would like to avoid would be protracted debate, and particularly I would like to avoid today any question of partisanship coming into the consideration of this resolution. Most disquieting rumors have reached us of the grave condition of an ex-President of the United States. I think under the circumstances it would be, to say the least, extremely bad taste that any partisan question should be brought into the debate. It is a simple resolution, we are all for it, and let us get this thing behind us.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LONGWORTH. Certainly.

Mr. GARRETT of Tennessee. Were there any amendments put on the original resolution?

Mr. LONGWORTH. None except a technical amendment.

Mr. GARRETT of Tennessee. I would like to get some printed copies for Members. I have a Senate copy myself.

Mr. LONGWORTH. I will call the gentleman's attention to the fact that in the first line, after the word "Institute," the words "and prosecute" have been inserted.

Mr. RAKER. Let me call the gentleman's attention to the fact that on page 1756 of the Record the resolution is printed as amended and passed.

Mr. GARRETT of Tennessee. Mr. Speaker, so far as I am personally concerned I have no objection to limiting the time as suggested by the gentleman from Ohio. I have conferred with some of the members of the Public Lands Committee who would have jurisdiction, and I suggest if it would be agreeable to the gentleman from Nebraska that we have 20 minutes on a side.

Mr. HOWARD of Nebraska. Mr. Speaker, in view of the great shadow that may fall upon this House within a few hours, as stated by the gentleman from Ohio, I am quite willing that there should be no debate at all, and I withdraw my objection.

Mr. LONGWORTH. I am perfectly willing that there should be no debate. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 54 and consider the same, and I ask unanimous consent that the previous question be considered as ordered on the resolution.

The SPEAKER. The gentleman from Ohio asks unanimous consent that Senate Joint Resolution No. 54 be considered without debate and that the previous question be considered as ordered. Is there objection?

Mr. JOHNSON of Washington. Reserving the right to object, I observe that this resolution contains a number of whereases. What chance is there going to be for Members of the House to have the information that—"said leases and contracts were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress."

Mr. LONGWORTH. I will say to the gentleman that if I was considering the question ab initio I would not be quite satisfied with one or two of the whereases; but they have nothing to do with the resolution proper.

Mr. JOHNSON of Washington. I agree that if we undertake to debate this question we might be here for some time; but I beg to submit that the several "whereas" clauses are of the snap-judgment order.

Mr. LONGWORTH. Let me say that a number of amendments were introduced in another body and they all failed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. LINEBERGER. Reserving the right to object, there are several categorical statements of fact contained in the resolution the reasons for which many of us would like to have explained in order to vote intelligently. I realize that the nominal majority in the other body is in the minority the same as the nominal majority here is in the minority, but I do not think an important resolution like the one before us and upon which we are asked to vote should be put without some serious consideration. We certainly do not wish to commit ourselves to the various "whereas" statements in the resolution unless we believe them to be founded in fact. The mob psychology and partisan prejudice which seeks to condemn and punish without a fair hearing and trial is all too prevalent at this moment. I shall vote for the resolution, but in so doing I do not commit myself to any future action except as based on the facts and my conscientious convictions.

Mr. ABERNETHY. Mr. Speaker, if there is going to be any debate on it—

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

"Joint resolution (S. J. Res. 54) directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes.

"Whereas it appears from evidence taken by the Committee on Public Lands and Surveys of the United States Senate that certain lease of naval reserve No. 3, in the State of Wyoming, bearing date April 7, 1922, made in form by the Government of the United States through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Mammoth Oil Co., as lessee, and that certain contract between the Government of the United States and the Pan American Petroleum & Transport Co., dated April 25, 1922, signed by Edward C. Finney, Acting Secretary of the Interior, and Edwin Denby, Secretary of the Navy, relating, among other things, to the construction of oil tanks at Pearl Harbor, Territory of Hawaii, and that certain lease of naval reserve No. 1, in the State of California, bearing date December 11, 1922, made in form by the Government of the United States through Albert B. Fall, Secretary of the Interior, and Edwin Denby, Secretary of the Navy, as lessor, to the Pan American Petroleum Co., as lessee, were executed under circumstances indicating fraud and corruption; and

"Whereas the said leases and contract were entered into without authority on the part of the officers purporting to act in the execution of the same for the United States and in violation of the laws of Congress; and

"Whereas such leases and contract were made in defiance of the settled policy of the

Government, adhered to through three successive administrations, to maintain in the ground a great reserve supply of oil adequate to the needs of the Navy in any emergency threatening the national security: Therefore be it

Resolved, etc., That the said leases and contract are against the public interest and that the lands embraced therein should be recovered and held for the purpose to which they were dedicated; and

Resolved further, That the President of the United States be, and he hereby is, authorized and directed immediately to cause suit to be instituted and prosecuted for the annulment and cancellation of the said leases and contract and all contracts incidental or supplemental thereto, to enjoin the further extraction of oil from the said reserves under said leases or from the territory covered by the same, to secure any further appropriate incidental relief, and to prosecute such other actions or proceedings, civil and criminal, as may be warranted by the facts in relation to the making of the said leases and contract.

“And the President is further authorized and directed to appoint, by and with the advice and consent of the Senate, special counsel, who shall have charge and control of the prosecution of such litigation, anything in the statutes touching the powers of the Attorney General of the Department of Justice to the contrary notwithstanding.”

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the resolution.

The question was taken; and on a division (demanded by Mr. GARRETT of Tennessee) there were 120 ayes and 4 noes.

So the joint resolution was passed.

On motion of Mr. LONGWORTH, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Signing of Senate Joint Resolution 54 68th Congress, first session, as amended

ENROLLED JOINT RESOLUTION SIGNED

The Committee on Enrolled Bills reported that they had examined and found truly enrolled joint resolution of the following title when the Speaker signed the same:

S.J. Res. 54. Joint resolution directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were subsequently signed by the President pro tempore:

S. 794. An act to equip the United States penitentiary, Leavenworth, Kans., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes; and

S.J. Res. 54. Joint resolution directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes.

PROCEEDINGS AND DEBATES OF THE 68TH CONGRESS, 1ST SESSION, SENATE FRIDAY, FEBRUARY 8, 1924

(*Legislative day of Thursday, February 7, 1924*)

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the Speaker of the House had signed the enrolled bill (H.R. 657) granting

the consent of Congress to the boards of supervisors of Rankin and Madison Counties, Miss., to construct a bridge across the Pearl River in the State of Mississippi, and it was subsequently signed by the President pro tempore.

CALL OF THE ROLL

MR. CURTIS. Mr. President, I suggest the absence of a quorum.

THE PRESIDENT pro tempore. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names.

Ashurst, Ball, Bayard, Borah, Brandegee, Brookhart, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Copeland, Couzens, Cummins, Curtis, Dale, Dial, Dill, Edge, Ernst.

Ferris, Fletcher, Frazier, George, Gerry, Glass, Gooding, Greene, Hale, Harrelid, Harris, Harrison, Heflin, Howell, Johnson, Calif., Johnson, Minn., Jones, Wash., Kendrick, Keyes, King, Ladd.

La Follette, Lenroot, McCormick, McKellar, McKinley, McLean, McNary, Mayfield, Moses, Neely, Norbeck, Norris, Oddie, Overman, Pepper, Phipps, Ralston, Ransdell, Reed, Mo. Reed, Pa., Robinson.

Sheppard, Shields, Shipstead, Shortridge, Simmons, Smoot, Spencer, Stephens, Sterling, Swanson, Trammell, Underwood, Wadsworth, Walsh, Mass., Walsh, Mont., Warren, Wheeler, Willis.

MR. DIAL. I desire to announce that my colleague, the senior Senator from South Carolina [Mr. SMITH], is detained from the Senate to-day on official business. He is paired. I ask that this notice may continue throughout the day.

THE PRESIDENT pro tempore. Eighty-one Senators have answered to their names. There is a quorum present. The unfinished business, Senate Resolution No. 134, is before the Senate, and the Senator from Montana [Mr. WALSH] is entitled to the floor.

PETITIONS AND MEMORIALS

MR. CURTIS presented a memorial of sundry employees of the Atchison, Topeka & Santa Fe Railway System, of Wichita, Kans., demonstrating against any substantial change in the transportation act of 1920, which was referred to the Committee on Interstate Commerce.

MR. JONES of Washington presented a petition, numerously signed of sundry citizens of Tacoma, Wash., praying for the passage of legislation to reclassify and readjust compensation of employees in the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

MR. JOHNSON of Minnesota presented the memorial of Carl M. Hansen and 105 other citizens of St. Louis County, Minn., demonstrating against the passage of legislation extending the Superior National Forest, and stating that the territory in question is better suited to agriculture than for forestry purposes, which was referred to the Committee on Public Lands and Surveys.

He also presented a petition of sundry citizens of St. Paul, Minn., praying for the passage of the so-called game refuge, public shooting grounds bill, which was referred to the Committee on Public Lands and Surveys.

He also presented a memorial of sundry citizens of Winthrop, Minn., remonstrating against the passage of legislation creating a department of education, which was referred to the Committee on Education and Labor.

He also presented a resolution of the Civic and Commerce Association, of Bemidji, Minn., favoring the passage of Senate bill 1597, creating a revolving loan of \$50,000,000 for the benefit of the livestock industry, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Business and Professional Men's Association, of Minneapolis, Minn., favoring the making of an appropriation of \$25,000,000 for the pur-

chase of food and other relief for the suffering people of Germany, which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by Italo-Americans at Buhl, Minn., and the Camillo Cavour Lodge, No. 1185, Order of the Sons of Italy, at Syracuse, N.Y., protesting against the passage of House bill 101, to limit the immigration of aliens into the United States, which were referred to the Committee on Immigration.

SAN CARLOS IRRIGATION PROJECT, ARIZONA

MR. CAMERON, from the Committee on Indian Affairs, to which was referred the bill (S. 968) for the continuance of construction work on the San Carlos Federal irrigation project in Arizona, and for other purposes, reported it with an amendment and submitted a report (No. 129) thereon.

COMMISSION OF GOLD AND SILVER INQUIRY PROGRESS REPORT

MR. ODDIE. Mr. President, pursuant to the provisions of Senate Resolution 469, Sixty-seventh Congress, fourth session, I herewith submit a progress report of the Commission of Gold and Silver Inquiry, which I ask may be printed.

THE PRESIDENT pro tempore. The report will be printed.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 2426) to amend section 202 of the Federal farm loan act, as amended; to the Committee on Agriculture and Forestry.

By Mr. DIAL:

A bill (S. 2427) to authorize the use of certain Federal prisoners on road construction and other public works; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 2428) for the relief of M. Seller & Co.; to the Committee on Claims.

By Mr. BALL:

A bill (S. 2429) to amend an act of Congress approved March 1, 1920, entitled “An act to regulate the height, area, and use of buildings in the District of Columbia, and creating a zoning commission, and for other purposes”; and

PRESIDENTIAL APPROVAL

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on February 8, 1924, the President had approved and signed the joint resolution (S.J. Res. 54) directing the President to institute and prosecute suits to cancel certain leases of oil lands and incidental contracts, and for other purposes.

NOMINATIONS OF ATLEE POMERENE AND OWEN J. ROBERTS

Pursuant to the unanimous-consent agreement, the vote by which it was decided that the Senate would consider in open executive session the nominations of Atlee Pomerene, of Ohio, and Owen J. Roberts, of Pennsylvania, to be special counsel to have charge and control of the prosecution of litigation in connection with certain leases of oil lands and incidental contracts, as provided in Senate Joint Resolution 54, approved February 8, 1924, was ordered to be printed in the Record.

The vote resulted—yeas 69, nays 2, not voting 25, as follows:

YEAS—69

Adams, Ashurst, Bayard, Borah, Brandegee, Brookhart, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Couzens, Cummins, Curtis, Dale, Dill, Edge.

Ferris, Fletcher, Frazier, George, Glass, Gooding, Hale, Harrelid, Harris, Harrison, Heflin, Howell, Johnson, Minn., Jones, N. Mex., Jones, Wash., Kendrick, Keyes, Ladd.

Lenroot, Lodge, McKellar, McKinley, McNary, Mayfield, Moses, Norris, Oddie, Over-

man, Pepper, Phipps, Pittman, Ransdell, Reed, Mo., Reed, Pa., Robinson, Sheppard. Shields, Shipstead, Smith, Spencer, Stanley, Stephens, Swanson, Trammell, Wadsworth, Walsh, Mass., Walsh, Mont., Warren, Weller, Wheeler, Willis.

NAYS—2

Fess, Norbeck.

NOT VOTING—25

Ball, Colt, Copeland, Dial, Edwards, Elkins, Ernst.

Fernald, Gerry, Greene, Johnson, Calif., King, La Follette, McCormick.

McLean, Neely, Owen, Ralston, Shortridge, Simmons, Smoot.

Stanfield, Sterling, Underwood, Watson.

So the Senate decided to consider the nominations in open executive session.

The reading clerk called the roll, and the following Senators answered to their names:

Adams, Ashurst, Bayard, Borah, Brandegee, Brookhart, Broussard, Bruce, Bursum, Cameron, Caraway, Couzens, Cummings, Curtis, Dale, Dial, Dill, Edge, Ernst.

Ferris, Fess, Fletcher, George, Glass, Gooding, Hale, Harrel, Harris, Harrison, Heflin, Howell, Johnson, Minn., Jones, N. Mex., Jones, Wash., Kendrick, Keyes, King, Ladd.

La Follette, Lenroot, Lodge, McKellar, McKinley, McNary, Moses, Norbeck, Norris, Oddie, Overman, Pepper, Phipps, Pittman, Ransdell, Reed, Mo., Reed, Pa., Robinson, Mayfield.

Sheppard, Shields, Shipstead, Shortridge, Smith, Smoot, Spencer, Stanley, Stephens, Swanson, Trammell, Wadsworth, Walsh, Mass., Walsh, Mont., Warren, Weller, Wheeler, Willis.

Mr. CURTIS. I was requested to announce that the Senator from Delaware [Mr. BALL] is absent because of a death in his family.

The PRESIDENT pro tempore. Seventy-five Senators have answered to their names. There is a quorum present. The question is, Will the Senate advise and consent to the appointment of Atlee Pomerene?

The roll call resulted—yeas 59, nays 13, as follows:

YEAS—59

Bayard, Borah, Brandegee, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Couzens, Cummings, Curtis, Dale, Dial, Edge, Ernst, Fess, Fletcher, George, Glass, Gooding, Hale, Harrel, Harris, Harrison, Heflin, Howell, Jones, N. Mex., Jones, Wash., Kendrick, Keyes.

King, Lenroot, Lodge, McKellar, McKinley, McNary, Mayfield, Moses, Norbeck, Overman, Pepper, Phipps, Pittman, Ransdell, Reed, Mo.

Reed, Pa., Robinson, Shields, Smoot, Spencer, Stephens, Swanson, Trammell, Wadsworth, Walsh, Mass., Warren, Watson, Weller, Willis.

NAYS—13

Adams, Ashurst, Brookhart, Dill, Frazier, Johnson, Minn., La Follette, Norris, Sheppard, Shipstead, Stanley, Walsh, Mont., Wheeler.

NOT VOTING—24

Ball, Colt, Copeland, Edwards, Elkins, Fernald.

Ferris, Gerry, Greene, Harris, Johnson, Calif., Ladd.

McCormick, McLean, Neely, Oddie, Owen, Ralston.

Shortridge, Simmons, Smith, Stanfield, Sterling, Underwood.

The PRESIDENT pro tempore. The yeas are 59, the nays 13. So the Senate advises and consents to the nomination of Atlee Pomerene as special counsel. The President will be notified of Mr. Pomerene's confirmation.

NOMINATION OF OWEN J. ROBERTS AS SPECIAL COUNSEL

The Senate in open executive session, pursuant to its order, proceeded to consider the nomination of Owen J. Roberts, of Pennsylvania, to be special counsel in the prosecution of litigation in connection with certain

leases of oil lands and incidental contracts, as provided in Senate Joint Resolution 54, approved February 8, 1924.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the appointment of Owen J. Roberts of Pennsylvania, as special counsel?

The rollcall resulted—yeas 68, nays 8, as follows:

YEAS—68

Adams, Bayard, Borah, Brandegee, Broussard, Bruce, Bursum, Cameron, Capper, Caraway, Couzens, Cummings, Curtis, Dale, Dial, Dill, Edge.

Edwards, Ernst, Ferris, Fletcher, George, Gerry, Glass, Gooding, Harrel, Harris, Harrison, Heflin, Howell, Jones, N. Mex., Jones, Wash., Kendrick, Keyes.

King, Ladd, Lenroot, Lodge, McKellar, McKinley, McNary, Mayfield, Moses, Neely, Norbeck, Norris, Oddie, Overman, Owen, Pepper, Phipps.

Pittman, Ransdell, Reed, Mo., Reed, Pa., Robinson, Shields, Shortridge, Simmons, Smith, Smoot, Stephens, Swanson, Trammell, Wadsworth, Watson, Weller, Willis.

NAYS—8

Ashurst, Brookhart, Frazier, Johnson, Minn., La Follette, Sheppard, Shipstead, Wheeler.

NOT VOTING—20

Ball, Colt, Copeland, Elkins, Fernald. Fess, Greene, Hale, Johnson, Calif., McCormick.

McLean, Ralston, Spencer, Stanfield, Stanley.

Sterling, Underwood, Walsh, Mass., Walsh, Mont., Warren.

The PRESIDENT pro tempore. On this question the yeas are 68, the nays are 8. So the Senate advises and consents to the appointment of Mr. Roberts as special counsel. The President will be notified of Mr. Roberts' confirmation.

Mr. PERCY. Mr. President, at this time I yield to the distinguished Senator from New Mexico (Mr. DOMENICI), who has provided leadership and guidance in this very important matter, for which I am deeply grateful.

Mr. DOMENICI. Mr. President, I thank the Senator from Illinois very much.

First, may I say that I associate myself with the remarks of the distinguished Senator from Arizona.

I might also say that I do not support this proposal merely because I want to add to the burdens of the President. Nor do I support it because I question in any way the honesty, integrity, or ability of Mr. Elliot Richardson. Nor, do I question the trial experience of Mr. Peterson.

Quite to the contrary, it seems to me that Richardson has a very difficult and onerous job and that our Assistant U.S. Attorney General Peterson is a distinguished trial attorney, and because that is so and because they know about the criminal process in America, the so-called judicial process, I urge that we favorably act on this proposal of the Senator from Illinois which would recognize that we want them to get the best job done for the United States of America.

Our President said last night that it was his desire that the judicial process take over and that the guilty be punished and that the innocent be cleared. Let me say that if that is the goal, then we must proceed quickly to remove this case from the auspices of the Attorney General of the United States.

The process in America whereby the Attorney General is appointed by the

President and is thus a part of the Cabinet, works well most of the time. However, every now and then a situation arises in America in which it will not work. And this is one of those situations.

It is obvious to me that, as an attorney who had been at the other end of the table, defending people, the Federal attorneys have a very great deal to do with the details of a trial. They have a great deal to do with how investigations are conducted. And most certainly they have a great deal to do with whether someone is found guilty or not, because the process is one of adversary advocates, one of the United States of America represented by an attorney against a defendant represented by an attorney.

Certainly, if one had been engaged in that process, he would understand it. Yet the results are understood by everyone. I think we all know that today there is great confusion about the facts. Obviously in a few years some people will be tried and some people will plead guilty. And I am sure that Americans will pass judgment on whether they are all tried and on whether all the facts were presented and whether the United States and its interests were adequately represented. They will also decide that there was not one touch of partisanship and not one touch of consideration in the case because of the intimate knowledge or friendship of the attorneys involved.

It is because of these varying results and because I want to support the President and see that justice prevails that I seriously question whether this can be done with Elliot Richardson at the helm despite the great confidence I have in him.

People all over our country are concerned, and I might tell the distinguished Senator from Illinois that in New Mexico, this past Saturday, I talked with many of them, and then I discussed the matter with the press of New Mexico, and I concluded that the one thing we must do is get the investigating process out of partisanship, that we must get the Attorney General out of the case. I was delighted, upon my return, to find that the Senator from Illinois, too, was insisting that we should join together, not as Republicans but as Americans, to get this process off on the right foot, so that there will not be speculation but confidence, so that when it is finished there will not be a lack of credibility, but our people will be confident that justice, even under difficult circumstances, was served.

I also suggest there is a necessary matter of finality. The matter must end when the trials and appeals are completed; and unless this process is free from any taint of partisanship, it will never end; there will be no finality, but rather suggestions that had someone else done the job, there would have been a different set of facts developed, that had some other committee or someone other than an appointee of the President headed up the prosecution, the result would have been otherwise.

I would like to see the matter finalized, and this is one way.

One other matter that comes to mind, which I think is extremely important, is

that whoever undertakes this responsibility, it will be a fulltime job, and it will be a fulltime job for a substantial period of time, not for a week or a month. If I know Elliot Richardson, it would be a fulltime job for him; and that is not fair, because the Attorney General of the United States, in these critical times, has many jobs. When you add them together, they are supposed to amount to the full-time job of representing the United States of America in the courts, and then being a member of the Cabinet of the President of the United States.

I do not think there is anyone in this country who can stand the test of that many hats, that many fulltime occupations, and do it properly, particularly with the added responsibility of handling the very difficult job of investigating and prosecuting this case. We have many crises before us, including the crisis of unemployment, the crisis of war, and the crisis of inflation, and we are entitled to have the Attorney General as counsel, sitting around the Cabinet table with all the others, discussing those problems; and we should not have them worried about, "What are people thinking about the Attorney General prosecuting our own friends, sitting as counsel with us and with the President?"

We should not have even that taint; and I do not think Elliot Richardson would like to be involved in that very difficult role, when America has many crises besides the crisis of Watergate.

All these things add up to but one conclusion, and that is that the Senate should be joined quickly by the House of Representatives, so that there will be no excuse that it is too late and the investigations are too far down the line. We should do this immediately, with the problems that surround the country. We ought to know in a day or two what will be done. I suggest to the Senator from Illinois that we ought to get together with the Executive on the problems of inflation, agriculture, war, and all our other problems, and know that someone outside the partisan family of the President is representing all America and representing us on these issues. Only if that happens does it seem to me that we will rid ourselves of this burden.

Pity, mercy, and forgiveness are all great virtues that should be practiced by all men in all countries, but in our country it is absolutely necessary that the quality of justice, which is fragile and delicate, and will always be, be meted out absolutely fairly; and justice, the cornerstone of democracy, and honesty in protecting our citizens' rights in this case are in serious jeopardy. I am pleased to join with the Senator from Illinois in this effort, and hope that our colleagues will consider it of sufficient importance to be expeditious in handling it.

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

Mr. DOMENICI. I am happy to yield to my distinguished colleague from Illinois.

Mr. PERCY. I am deeply appreciative of the thoughtful analysis just presented to the Senate, and I think we can be very proud indeed of our freshman colleague

from New Mexico, who has proved himself a seasoned legislator in so many ways, and has proved his ability to get right to the heart of the matter.

Mr. President, as the distinguished Senator from New Mexico has said, let us get on with this, and get the job done immediately. Let us get on with the important task of governing, but let us remember that we cannot govern unless we have the support of the people. The best way of insuring the faith and the trust of the people is to appoint a special prosecutor whose motives, actions, and conclusions cannot possibly be questioned.

The designee for the position of Attorney General has a vast department to oversee and tremendous responsibilities in connection with that department, including the drug abuse program and the problem of organized crime. If he is charged with the responsibility of investigating this matter, he will not be getting anything done on his other responsibilities for months to come. So I, too, feel that a special prosecutor is absolutely essential. I have advised the leadership on both sides of the aisle and other interested colleagues of my intention to ask immediate consideration of this resolution. I have also sent to every Member of the Senate a copy of the resolution and a note that it would be introduced and discussed at this particular time in our proceedings.

Mr. SCHWEIKER. Mr. President, I am privileged to join the distinguished Senator from Illinois (Mr. PERCY) in co-sponsoring this important "sense of the Senate" resolution urging the President to appoint a special prosecutor from outside the executive branch to conduct all criminal investigations and actions relating to the Watergate incident and other acts of political espionage during the 1972 Presidential campaign.

From the time this incident was first reported by the media last June, I have expressed distress than any illegal and improper activities of surveillance would take place in our political process. I called at the time for full revelation of all the facts and for full prosecution of all wrong-doing. Subsequently I have been deeply alarmed by reports of "cover-ups" of the facts by members of the White House staff and the Committee to Re-elect the President.

The President has taken an important first step in getting to the bottom of the entire Watergate incident by accepting personal responsibility for the conduct of members of his staff, and by pledging his full cooperation to reveal all facts and to hold accountable all persons responsible.

However, a serious crisis of confidence in the integrity of the executive branch, and in our democratic process itself, exists because of the Watergate. To restore faith in our Government by the people, we must take all possible steps.

The criminal investigation must be conducted by someone of the highest integrity who has no connection whatsoever with this administration or with any of the parties who would be involved in the investigation. The public must have complete confidence in the thoroughness and completeness of the Water-

gate investigation. Only a special prosecutor, who is beyond reproach and who can immediately command the respect of the American public, can provide us with those assurances.

The resolution provides that the special political espionage prosecutor should be confirmed by the Senate. It is important, because of the seriousness of the crisis of confidence in our Government today, that the Senate, through the "advice and consent" powers created by the Constitution, have a voice to guarantee the selection of the highest caliber man or woman for the special prosecutor job.

In addition to the criminal prosecutions, I also fully support an active investigation into the 1972 political campaign by the Senate Select Committee To Investigate 1972 Presidential Campaign Activities. In February of this year, I voted in favor of setting up this committee, and voted against an amendment which would have broadened the committee's scope to include the 1964 and 1968 elections. I felt strongly that the seriousness of the allegations against the Committee To Re-Elect the President warranted an investigation focused exclusively on the 1972 campaign. I am confident that the distinguished members of the Senate committee will protect the legal and constitutional rights of all persons who may be subject to criminal indictments, while at the same time proceeding with a thorough investigation of all aspects of campaign activities. This is essential, because there have been reports of espionage activities which are not necessarily actual violations of law but which nevertheless are totally unacceptable in a free, democratic society. The public must have full knowledge of all espionage activities, whether they are criminally indictable or not. The Senate committee can provide an important role in this area.

Before the President addressed the Nation last night, I had publicly called upon him to dismiss White House staff members involved in the Watergate incident. I am pleased that the President has begun this process. I had also called for the President to appoint an outside person, beyond reproach, to help him structure a new White House staff with men of experience and integrity, and I am hopeful that this constructive step can be quickly taken.

In addition, I earlier called for the immediate termination of all activities of the Committee for the Re-Election of the President. Six months after the election, this committee, which is apparently responsible for many of the sordid activities surrounding the Watergate incident, is still in existence. The National Committee for the Re-Election of the President has been a blot on the name of the Republican Party, and should be immediately disbanded.

The Watergate incident also should spur our steps to create an independent Federal Bureau of Investigation. The serious lapses of independent integrity leading to the resignation of Acting FBI Director L. Patrick Gray point to the necessity of removing the FBI from any possibility of political influence. My own bill on this subject, by setting up a single

10-year term for the FBI Director, would guarantee that no President could ever appoint more than one FBI Director, and that no FBI Director would be subject to reappointment pressures that could undermine the authority of an independent F.B.I.

Considerable credit and praise must go to our Nation's media for the important role they played in bringing out the facts of the Watergate. The events of the last few weeks are a tribute to the vitality of the media in our country. The entire Watergate incident is also an example of how a free, vigorous, and independent press is a vital foundation of our democratic process. By subjecting all decisions and acts by public officials to the possible scrutiny of the press, and therefore the public, a free press provides an important "check and balance" to our Government.

Mr. President, the Watergate crisis will be with us for many months. The task of providing the complete story to the American public is just beginning. The facts surrounding how misguided members of the Committee To Re-Elect the President and the White House staff subverted our political process will continue to shock all of us who believe in integrity and good government.

However, with an independent prosecutor and with a full Senate investigation, I am hopeful we can quickly complete the task of providing all facts surrounding the Watergate espionage, so that we can move to the difficult task of restoring the faith of the American people in the integrity of Government. I am dedicated to this task, and will continue to do whatever possible in the U.S. Senate to achieve this goal.

SENATOR RANDOLPH ADVOCATES INDEPENDENT INVESTIGATION OF WATERGATE AFFAIR

Mr. RANDOLPH. Mr. President, with millions of other Americans, I listened intently, last night, as the President of the United States reported to the Nation and the world on actions which he has taken following the sordid and unhappy events which have come to be known as the "Watergate Affair."

I commend the President for acknowledging the gravity of the situation by instituting action to reestablish integrity in the executive branch, even though belatedly. In several speeches, last October and since, I declared publicly that the President should speak out and take affirmative action. Clearly, there are personal tragedies. The real tragedy, however, is the damage to the credibility and functioning of our Government at the very top.

The Watergate affair and its aftermath have shaken the foundation of our Federal system. These reprehensible acts have called into question the believability of government at all levels. They were carried out by individuals associated with an administration which proclaimed its goal to be to restore confidence in government. The repercussions of this tragic period will be with us for many years. The arrogance which led to the perpetration of these acts and their coverup have had their manifestations in the relations between the administration and the Congress. It has prevented us

from properly joining in efforts to create the better America to which this President and all of his predecessors have dedicated their lives.

It is my sincere hope that the changes taking place in the executive branch will bring about a new spirit of cooperation between the administration and the Congress which will enable us to adopt forthright and effective solutions to the very difficult problems the country faces at home and abroad.

I urge the Acting Attorney General, Mr. Richardson, to exercise the authority given to him by the President to appoint a Special Prosecutor. The President himself should have taken this action, but, under any circumstances, it is essential. It is requisite to the restoration of the faith of the people of the United States in the honesty and integrity of this Government. A Special Prosecutor, operating independently, would be able to fairly and vigorously pursue the case against those who have done wrong and to clear the names of those who have been unjustly implicated. For these reasons I have joined as a cosponsor of the pending resolution introduced by the Senator from Illinois (Mr. PERCY). It is difficult to conceive of how someone who is a part of an ongoing administration can do the job without always being subject to question as to independence and freedom. This administration seems to have failed with its in-house efforts to ascertain the extent of the case and to fully identify all of the perpetrators.

Let those who have done wrong be subject to the application of the law. And let the rest of us go on with the important business of this Nation in a time of economic and social unrest.

There is no partisan benefit which should be sought from the Watergate affair. The benefit to accrue, if the case is properly handled, will be to the American people.

Mr. PERCY. Mr. President, I submit the resolution and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. Res. 105

Resolution requesting the President of the United States to appoint a special prosecutor in connection with the Presidential election of 1972

Resolved, that it is the sense of the Senate that:

1. the President immediately designate an individual of the highest character and integrity from outside the Executive Branch to serve as special prosecutor for the government of the United States in any and all criminal investigations, indictments, and actions arising from any illegal activity by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it;

2. the President should grant such special prosecutor all authority necessary and proper to the effective performance of his duties; and

3. the President should submit the name of such designee to the Senate, requesting a resolution of approval thereof.

The ACTING PRESIDENT pro tempore. Is there objection to the immediate

consideration of the resolution? The Chair hears none and it is so ordered.

Mr. PERCY. Mr. President, I move the adoption of the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution (putting the question).

The resolution (S. Res. 105) was agreed to.

Mr. PERCY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a quorum call, and the time be charged against the time under the order allotted to Mr. Griffin, and if that is not sufficient, against the time allotted to me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time, and I ask unanimous consent that all remaining time that may not have been used under the various orders be vacated.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

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

Is there further morning business?

SPECIAL PROSECUTOR NEEDED

Mr. ROBERT C. BYRD. Mr. President, following President Nixon's televised address to the people last night, I said I was pleased that he had given Mr. Elliot Richardson permission to appoint a special outside prosecutor for the Watergate investigation. However, I expressed disappointment that the President did not make such an appointment imperative.

I do not believe the administration can investigate itself and still hope to restore the faith of the people in the Government.

Therefore, immediately following the President's remarks, I sent Mr. Richardson a telegram, urging him to act quickly to appoint a special outside authority to investigate and prosecute the Watergate case.

I previously had urged the President to name a special prosecutor to handle the case. In that letter of April 26, I said the prosecutor should be secured from outside the Justice Department.

I ask unanimous consent that my April 26 letter to the President, and my April 30 telegram to Mr. Richardson be printed in the RECORD.

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

APRIL 26, 1973.

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

DEAR MR. PRESIDENT: I respectfully urge that a special prosecutor, secured outside the Justice Department, be assigned the Watergate case. I do not personally know Assistant Attorney General Henry Petersen, but I call your attention to his statement on September 16, 1972, with respect to the Watergate investigation in which he stated, in part, as follows:

"This investigation has been conducted under my supervision. In no instances has there been any limitation of any kind by anyone on its conduct.

"Indeed, the investigations by both the FBI and the Grand Jury have been among the most exhaustive and far-reaching that I have seen in my 25 years in the Department.

"All aspects of the break-in and bugging were studied in detail including questions about the source and distribution of any funds relating to the incident. * * *

"As the trial goes forward, the thoroughness of the Grand Jury investigation will become apparent."

Mr. President, it is clear that the investigation preceding the Watergate trial was not exhaustive, and it is also clear that the "thoroughness" of the investigation, rather than becoming "apparent," has been universally criticized as being less than thorough, less than exhaustive, and a source of disappointment to the trial judge.

I again urge that a special prosecutor be assigned this case, and I urge this because I think it is imperative that the people's confidence, in the Administration's determination to develop the absolute truth and the full truth, be sustained. Moreover, in view of the tangled history of this affair, I feel that the Justice Department should welcome the appointment of a special prosecutor.

I have consistently stated that I do not want to believe and that I do not believe that you were aware of what was going on in the Watergate matter or that you had any prior information regarding it or that it in any way met with your approval. I still believe this and have so stated within recent days. I do view with great concern, however, the damage that may result to you, to the office of the presidency, and to our political system if the current investigation is less than thorough or far-reaching. The people's confidence can only be restored if the investigation is pursued with the utmost vigor and forcefulness.

With highest personal esteem.

Respectfully yours,

ROBERT C. BYRD,
U.S. Senator.

APRIL 30, 1973.

Hon. ELLIOT L. RICHARDSON,
Secretary, Department of Defense,
Washington, D.C.
Hon. ELLIOT L. RICHARDSON,
Attorney General-Designate,
Department of Justice,
Washington, D.C.

To avoid any suspicion of whitewash, it is imperative that special outside authority be appointed to supervise investigation and prosecution in Watergate case. The people

must be convinced that the investigation is exhaustive and conducted with absolute impartiality and without fear or favor. The Administration must not investigate itself.

ROBERT C. BYRD,
U.S. Senator.

THE PRESIDENT SPEAKS

Mr. DOLE. Mr. President, for the past several weeks, and increasingly over the last few days, the Watergate case has been the almost sole preoccupation of this city and perhaps to a lesser degree it has been on the minds of citizens all over this country.

In part, this was due to the very nature of the case. In part, too, it was due to the fact that the President had not spoken out definitively on the matter and it was felt, understandably, that until he did, the constant speculation and certainly the public preoccupation with the case could not be expected to diminish.

BACK TO BUSINESS OF GOVERNMENT

I rise now to express the fervent hope that after the events of yesterday which culminated in the President's address of last night, we can get back to the business of Government. I am hopeful that now we can get away from the temptations to assign blame and for each to throw his bricks at those who have been involved or implicated, temptations to which many on both sides have yielded.

Mr. President, President Nixon quite properly accepted the responsibility for the overzealous actions of those under him. His was an act of high principle and courage, in my view. He has acknowledged that the actions of certain of his own White House aides and some of those at the Committee to Re-elect the President reflected poor judgment, whatever the motivation.

GOP ABSOLVED

I feel constrained to point out that while the illegal activities that occurred during the 1972 campaign may have been—in some degree—the responsibility of a certain few administration aides and CRP staff, no one has implicated the Republican Party as such, or the Republican National Committee in any wrongdoing. And I believe the President supported that distinction last night.

I say this for no other reason but that I feel it is important that this distinction be made. The Republican Party has been unfairly associated with the events of Watergate and with the illegal activities of a few who worked outside of the party's structure and who often ignored its counsel and eschewed its professional support.

The Republican Party's record in this entire matter is clear and unsullied. It cannot fairly be associated with any of the misdeeds represented by Watergate. The President himself has clearly laid the blame elsewhere.

MUST TRUST IN SYSTEM OF JUSTICE

Mr. President, the announcements of yesterday that key Presidential aides were resigning was, in my view, quite a necessary action, and I would be less than totally candid if I did not add that I welcomed the announcement. I had in fact, publicly stated my views in favor of such action earlier. But, as President Nixon

said last night—and as I have been saying for months—it is crucially important that we now entrust the judicial system with our faith that the facts of the case—and an accurate assignment of guilt and innocence—can and will be determined through the workings of the governmental process.

"There will be no whitewash at the White House." With that assurance from the President, personally and forcefully and somewhat painfully asserted, there is little cause for any concern on the part of my colleagues that time and the processes of our system will not uncover the full story.

AVOID EXCESS

"It is indeed essential," as the President himself said, "that in reacting to the excesses of others, we not fall into excesses ourselves." When all is said and done, when the illegality of the Watergate affair has been fully explored and when guilt and innocence have been determined and justice has been done, no matter who is found responsible we must remember that there has been great personal tragedy involved.

HASTY DECISION AVOIDED

One other thing must be said in reference to the widespread expressions of dismay from many that the President did not speak out sooner on the Watergate case and that he did not take the actions much earlier than yesterday.

I cannot fault him for this. To have demanded the resignation of top White House aides, last summer, or last fall, or earlier this year before there was sufficient evidence would have been to risk a disservice to men whose counsel he valued. He has not prejudged their guilt or innocence. He has acted only in the interest of maintaining White House integrity. He quite properly waited until he could be sure of the facts before acting.

It is characteristic of this man to avoid hasty decisions. He was not panicked through the long and difficult course of his efforts to end our involvement in Vietnam. He was not panicked by the difficulties he faced in advance of the summit meetings of last year. And he was not forced—even by the most tragic and personally disturbing circumstances of Watergate—into precipitate action.

He waited for the facts to emerge—and only when the whole picture, insofar as it is now clear did emerge—did he take action.

Mr. President, it is always easy to condemn and to second guess from the perspective of hindsight. I would urge that such temptation be avoided.

President Nixon has spoken now. Much of the air has been cleared and what remains to be learned and decided about the whole affair can be done through the workings of the judicial system in concert with the full cooperation of the executive branch and the activities of the Senate Select Committee.

ONLY INTEREST NOW IS JUSTICE

Our interest now as lawmakers and as people committed to our political system is, and ought to be, justice—no more, no less. I have complete faith that justice—full and fair and undiluted—will be done

in this matter. That is my sole demand and my confident expectation.

I do not say—nor do I mean to imply by any of this—that now that the President has spoken the matter ought to be considered closed and that all discussion of it should cease. But I do perceive that the President's announcement has changed the context of the situation.

He has spoken on the subject.

He has taken steps to remove from the White House those whose continued presence there would—fairly or not—have threatened the integrity and the credibility of the administration.

He has properly accepted the responsibility for the actions of those under him.

No one who is not himself uncontrollably overzealous could ask for any more—save that full justice be done—and only time is needed for that, I am sure.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of April 30, 1973, the Acting President pro tempore (Mr. METCALF), on April 30, 1973, signed the enrolled bill (S. 398) to extend and amend the Economic Stabilization Act of 1970, which had previously been signed by the Speaker of the House of Representatives.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that, on April 30, 1973, he presented to the President of the United States the enrolled bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, without amendment:

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente (Rept. No. 93-133).

By Mr. TOWER, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 1284. A bill to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College, in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower (Rept. No. 93-134).

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

APPROVAL OF LOAN TO COLORADO-UTE ELECTRIC ASSOCIATION, INC., MONTROSE, COLO.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Colorado-Ute Electric Association, Inc., of Montrose, Colo. (with an accompanying paper). Referred to the Committee on Appropriations.

PROPOSED LEGISLATION FROM DEPARTMENT OF AGRICULTURE

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 507 of the Housing Act of 1949 to make the veterans' preference applicable to veterans of the post-Korean era, and for other purposes (with an accompanying paper). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF AMERICAN HISTORICAL ASSOCIATION

A letter from the Acting Executive Secretary, the American Historical Association, transmitting, pursuant to law, a report of that association, for the year 1971 (with an accompanying report). Referred to the Committee on the District of Columbia.

LIST OF REPORTS OF THE GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office, for the month of March 1973 (with an accompanying paper). Referred to the Committee on Government Operations.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Environmental Protection Agency, Efforts To Remove Hazardous Pesticides From the Channels of Trade," dated April 26, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the Export-Import Bank of the U.S. Fiscal Year 1972," dated April 30, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, his report, for the calendar year 1972 (with an accompanying report). Referred to the Committee on the Judiciary.

PROPOSED LEGISLATION FROM ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to provide for a within-grade salary increase plan for secretaries to circuit and district judges of the courts of the United States, and for other purposes (with an accompanying paper). Referred to the Committee on Post Office and Civil Service.

REPORT ON PROGRESS IN THE IMPLEMENTATION OF MOTOR VEHICLE EMISSION STANDARDS

A letter from the Administrator, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report on progress in the implementation of motor vehicle emission standards, through June 1972 (with an accompanying report). Referred to the Committee on Public Works.

PROPOSED LEGISLATION FROM ENVIRONMENTAL PROTECTION AGENCY

A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Federal Water Pollution Control Act to provide for the control of sediment from construction activities (with an accompanying paper). Referred to the Committee on Public Works.

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. FONG:

S. 1674. A bill for the relief of Nina Raass; S. 1675. A bill for the relief of Vilaketi Bloomfield;

S. 1676. A bill for the relief of Zosima T. Van Zanten; and

S. 1677. A bill for the relief of Talo Hua-hulu. Referred to the Committee on the Judiciary.

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

S. 1678. A bill to amend Section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners. Referred to the Committee on the Judiciary.

By Mr. BELLMON (for himself and Mr. BARTLETT):

S. 1679. A bill to establish the Chickasaw National Recreation Area in the State of Oklahoma, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. LONG (for himself and Mr. JOHNSTON):

S. 1680. A bill to modify the project for flood control on the Mississippi River and tributaries with respect to the Atchafalaya River Basin in Louisiana. Referred to the Committee on Public Works.

By Mr. HATFIELD:

S. 1681. A bill to permit American citizens to hold gold. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HARTKE (for himself, Mr. CRANSTON, Mr. BIBLE, and Mr. McINTYRE):

S. 1682. A bill to amend the Foreign Assistance Act of 1961 to prohibit foreign assistance to those countries listed, not taking adequate measures to end illicit opium production, and for other purposes. Referred to the Committee on Foreign Relations.

By Mr. BAYH:

S. 1683. A bill relating to payment for swine destroyed to prevent the spread of hog cholera and related swine diseases. Referred to the Committee on Agriculture and Forestry.

By Mr. ROTH (for himself and Mr. HATHAWAY):

S.J. Res. 100. Joint resolution proposing an amendment to the Constitution of the United States to establish maximum age limits for certain officers of the Government. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 1678. A bill to amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I introduce on behalf of myself and the distinguished chairman of the Penitentiaries Subcommittee, Mr. BURDICK, a bill designed to give Federal prison officials greater latitude in temporarily releasing inmates from confinement in order that the inmates may better pave the way for their return to the community.

The bill would amend subsection (c) of the Prisoner Rehabilitation Act of 1965 (18 U.S.C. 4082) which now provides for temporary release of up to 30 days for certain limited purposes, such as family or medical emergencies, contacting prospective employers, or for any other "compelling reasons consistent with the public interest."

The Department of Justice believes that even this limited authority has been very useful in assisting prisoners in making the awkward transition from the institution to the community. The bill I am introducing would have the effect of making the transition less difficult in certain carefully chosen cases.

The proposal would expand the provisions of subsection (c) by permitting prison officials to release inmates temporarily for the additional purpose of reestablishing family and community ties. Furthermore, inmates could be released for any other significant correctional reason consistent with the public interest, rather than only for compelling reasons as in the present statute. It should be understood, of course, that release would be permitted only in selected cases where inmates have demonstrated their trustworthiness.

I think my colleagues will agree that it is very important in the rehabilitation process for the offender to be prepared to resume a meaningful life within his community after he has served his sentence. It is also important that members of the community be prepared for his return.

Since present authority does not permit temporary release to rebuild these ties, there is an obvious need for this legislation. I urge my colleagues to give the bill their full support.

I ask unanimous consent that the text of the bill and the Attorney General's letter of referral be printed in full at this point in the RECORD.

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

S. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of section 4082(c), Title 18, United States Code, is amended to read as follows:

"(1) visit a specifically designated place or places for a period not to exceed thirty days and return to the same or another institution or facility. An extension of limits may be granted to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services not otherwise available, the contacting of prospective employers, the reestablishment of family and community ties or for any other significant correctional reason consistent with the public interest; or".

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to extend the limits of confinement of prisoners committed to the custody of the Attorney General.

The Prisoner Rehabilitation Act of 1965, as amended, 18 U.S.C. 4082, provides for the release of Federal prison inmates for not more than thirty days for limited purposes. Generally, only emergency situations, work or training qualify a prisoner for release under this Act. Even so, we believe that this has been one of the best means of assisting a person in the adjustment from the institution to the community.

This proposal would expand the provisions of section 4082 by permitting release for the re-establishment of family and community ties or for any other significant correctional reason. As in the present law, release would

be allowed only in carefully selected cases and for individuals who may be trusted. We assure you that release pursuant to this amendment will be utilized only for non-dangerous inmates.

From a correctional standpoint, emergencies are not the only times when a home visit can be justified. A broader-based furlough program would be extremely meaningful to some offenders and we strongly urge the early consideration and enactment of this proposal.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal and that its enactment would be in accord with the Program of the President.

By Mr. BAYH:

S. 1683. A bill relating to payment for swine destroyed to prevent the spread of hog cholera and related swine diseases. Referred to the Committee on Agriculture and Forestry.

Mr. BAYH. Mr. President, in 1972 there was a rather severe outbreak of hog cholera in Indiana. As of December 6, 19,567 hogs had been killed to prevent the spread of the disease. The Federal Government paid a total of \$631,192 in indemnities to affected Indiana hog producers, and a national emergency was declared for the area.

As a result of the epidemic and the personal difficulties of these farmers, I became very involved in the details of the cholera outbreak, meeting with farmers to discuss improved techniques of monitoring the interstate shipment of possible diseased animals, and corresponding with the Department of Agriculture to secure adequate financial assistance for those farmers whose herds had been wiped out due to an outbreak in the area.

As you may know, in 1969, the use of vaccinations for hog cholera was ceased because, according to the Department of Agriculture's studies, it was not possible to eradicate the disease while vaccines were being used, and because the vaccine was, in itself, a frequent cause of the disease. Therefore, swine producers rely entirely on the effectiveness of the regulation of interstate shipment, and upon Federal and State assistance in order to get back on their feet after eradication of their herds. The situation of these farmers is very insecure since they can take no precautions themselves to prevent catastrophes.

During the emergency last year, I was consistently impressed by the cooperative attitude of Indiana swine producers. These farmers, who rely completely on the actions of Federal and State governments have not made many requests or demands during a year of personal and professional trauma. However, some of the farmers did bring to my attention reports that poultry farmers in California whose flocks had been infected with exotic Newcastle disease had been paid indemnities which were much higher than those paid to hog producers. Investigation proved the reports to be true, despite official denials from the Department of Agriculture.

Basically, at the time of depopulation, poultry farmers are reimbursed for the replacement value of the depopulated flocks. Since the new flocks are raised to

near maturity off the farm, this figure is close to the value of a mature laying hen. Then, when the farmer is ready to start with a new flock of mature hens, he is reimbursed again for the profit lost during the intervening 26 weeks as a result of the depopulation of his egg-producing machines. Hog farmers are only reimbursed for the replacement value of their depopulated hogs; in the interest of equity they, like poultry farmers, should be compensated for lost profits which result from depopulation of their meat producing machines.

Since the Department of Agriculture has argued that the situations between swine producers and egg producers is not parallel, an analysis of the indemnification system used in the case of Newcastle disease and a comparison between production methods for swine producers and egg producers is in order.

In the words of the Department of Agriculture:

On October 5, 1972, Secretary Butz announced a change in the indemnity schedule for exotic Newcastle disease for egg-laying flocks to properly reflect the actual value of those flocks. The schedule is in two phases. The first is to appraise the birds prior to depopulation, based on their market value at the time. The second phase involves a re-evaluation of the value of the birds as egg-laying machines, based on the 26 weeks following depopulation.

Flock owners must be paid for the replacement value of their birds immediately following depopulation in order that they will have the financial resources to negotiate for replacements. When the flock is declared infected, it will be appraised at its actual replacement value. When the owner orders replacements from the hatchery, it usually takes about a week to complete the contract for the production of birds, 3 weeks to hatch the eggs, and 26 weeks to raise the birds to full production age. The supplemental indemnity computations are based on a 26 week period following the date of appraisal by deducting the average cost of production from the actual average weekly price of the type of eggs which would have been produced by the birds had they lived. The variation in the cost of feed above or below the basic \$80 per ton is built into the compensation formula. Variations in feed prices of \$5 per ton will change the cost of production of eggs by one cent per dozen.

The formula evaluates the potential production of the flock, the price that the owner would have received had the birds remained alive, adjusted by the variation in feed prices, deducting the fixed production costs. Any increased value above production costs will be reevaluated and paid to the owner at the end of the 26-week period following depopulation.

Thus, during the quarantine and the period of inactivity of the poultry farm when the farmer has to continue paying overhead costs such as taxes on, and maintenance of, his buildings, and wages for the employees whose assistance he will need once the farm is again in full production, the poultry farmer can count on Federal financial assistance to replace the profits which he would have made if his farm were fully operating. At present a hog producer, who may have to operate a partially operating farm for even longer than the poultry producer, receives no financial assistance while getting back on his feet.

The Department explains the discrepancy between the two programs by arguing that there are no established

markets or replacement values for laying hens, while both markets and values exist for hogs of all weights. Actually, there are market values for laying hens; the problem is that there are not sufficient market supplies to allow poultry farmers to immediately restock their farms. Compensation has been provided in recognition of the restocking delay. In my view, the swine producers face the exact same problem in that most of them are not able to immediately restock their farms without committing economic suicide.

The Department apparently believes most swine producers can restock their farms immediately since they have written me the following statement:

The existence of markets for swine of virtually any age not only assists the appraisers and the owners in arriving at fair market values, but also provides a source of swine for restocking premises following cleaning and disinfection. Assuming hog cholera outbreaks are confined to a comparatively small number of herds, it is possible, under existing Federal regulations, for the producer to repopulate the premises with swine of approximately the same weight class as those that were destroyed immediately after having completed the required supervised cleaning and disinfection of the infected or exposed premises.

In fact, the producer cannot "repopulate the premises with swine of approximately the same weight class as those that were destroyed, immediately after having completed the required supervised cleaning and disinfection." The Carroll County Pork Producers Board in Indiana recently met and sent me a number of advisory comments and recommendations. Among them was the statement that a person who has bred gilts or bred sows for sale will not sell their best ones to potential buyers. It is very unusual to buy good proven sows. General agreement was reached that those who had to buy replacement female animals did so by buying 6-month-old gilts from general fattening pens at the market price plus \$10. Since it is recommended that a gilt not be bred until she is 9-months-old, she usually must be cared for and fed for 90 days before she is of breeding size, and for another 114 days before she had pigs. Thus, there is a delay of at least 6 months after the quarantine has been lifted before a farrow-to-finish farmer—one who raises baby gilts to mature sows, then breeds the sows and raises those baby feeders to maturity for slaughter—or a feeder producer farmer can even think about raising feeder pigs for market.

An apparently obvious solution to this 6-month delay is for the producer to buy feeder pigs on the market as well as sows to replace those which have been depopulated. The pork producers pointed out that such a purchase would be possible only if the producer can buy both the gilt and the feeder pigs from the same farm; it is very unwise to mix breeds of stock from different farms, because each group may be carrying diseases to which the other has not built up an immunity. In Indiana following the recent cholera outbreak, the earliest that any farrow-to-finish operator will have market animals for sale is 1 year

from the date that the quarantine was lifted; despite farmers' obvious self-interest in getting back in business as quickly as possible, some producers face a delay of as much as 18 months.

For those farmers producing feeder pigs for sale, the delay would be similar to that for farrow-to-finish operators since sows would first have to be raised and bred. However, for farmers raising feeder pigs to a marketable age, the delay would consist only of the length of the quarantine, which in Indiana last year was as long as 3 months for some farms, plus the time needed to buy replacement pigs.

Under the proposed bill, the Department of Agriculture would draw up payment schedules based on the various requirements of the three types of swine operations. Following the formula used in the Newcastle indemnification program, the average cost of production would be deducted from the average price of the hogs or meat which would have been produced if depopulation had not occurred.

The following tentative table has been drawn up by my staff in cooperation with extension economists at Purdue University for computing of the probable profits and costs which would have occurred during the interim period while the farmer is restocking his farm. I want to emphasize that this is a tentative table; its purpose is to demonstrate that a reasonable formula can be established to compensate hog producers for their lost profits. I ask unanimous consent that the table be printed at this point in the RECORD.

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

PROPOSED PROFIT-COST FORMULAS

I. PRODUCER OF PURCHASED PIGS

Period for second payment might be the time interval from depopulation to the end of the embargo plus 30 days as a period to locate replacement pigs. Volume could be established on the basis of the number of pigs on hand at the time of depopulation. If we define a unit of production as a pig, a normal production rate is 1.75 pounds of product (starting with a 40# pig) per unit per day.

The approximate requirements to produce a 220# market hog (currently worth \$79.24 at Indianapolis) are:

1. A 40# pig ¹	\$32.00
2. 11.5 bu. corn ¹	17.25
3. 100# Supplement ¹	14.60
4. Other variable costs	5.00
5. Fixed costs (Overhead)	2.00
6. Labor	2.50

Total 73.75

II. PRODUCER OF FEEDER PIGS

Period for second payment might be the time interval from depopulation to the end of the embargo plus seven months. (Seven months made up of one month to locate breeding stock, two months to get new breeding stock to reproduction age plus four months gestation.) Volume might be established on the basis of the number of mature females on hand at the time of depopulation. If we define a unit of production as a mature female, a normal production rate is 1 1/2 pigs (40# each) per unit per month.

Footnote on following page

The approximate requirements to produce a 40# pig (currently worth \$32 at St. Joseph) Missouri, are:

1. 60# Supplement ¹	\$8.76
2. 3 bu. corn ¹	4.50
3. Other variable costs	3.00
4. Fixed costs (Overhead)	3.25
5. Labor	3.75

Total 23.26

III. FARROW TO FINISH

Period for second payment might be the time interval from depopulation to end of embargo plus nine months. (Nine months made up of one month to locate breeding stock, two months to get new breeding stock to reproductive age plus four months gestation, plus two months to produce feeder pigs). Volume might be established on the basis of the number of mature females on hand at the time of depopulation. If we define a unit of production as a mature female, a normal production rate is 300# of slaughter animals per unit per month.

The approximate requirements to produce 100# of slaughter animal (currently worth \$32.02 at Indianapolis) are:

1. 75# Supplement ¹	\$10.95
2. 6 bu corn ¹	9.00
3. Other variable costs	2.00
4. Fixed costs (Overhead)	2.50
5. Labor	3.25

Total 27.70

Mr. BAYH. To take the example of the producer of feeder pigs in more detail, let us assume that the producer owned 20 sows which were all depopulated and that the second evaluation was made eight months after the depopulation—1 month of quarantine, 1 month to locate breeding stock, 2 months—plus—to raise the stocks to reproduction age, and 4 months for gestation. If we assume that a mature sow will usually produce 1 1/2 pigs—at 40 pounds each—per month, the potential production from 20 sows over the 8-months period would have been 213 pigs—40 pounds each.

The market price of a 40-pound pig is now \$32 at St. Joseph, Mo., so that the gross potential profit would have been \$6,816. Approximate costs of producing one 40-pound pig have been estimated in the printed table as \$23.26. The costs for producing 213 40-pound pigs would therefore have been \$4,954, and the difference between the gross profit and cost, or the net potential profits over the 8-month period would have been about \$1,863.

Of course, in a more normal year when hog prices are much lower, the profits would be lower; in 1971 the net return to management in a feeder pig production unit was \$1 to \$1.25 per feeder pig produced. Thus, in normal market years, the cost to the Government of this legislation would not be excessive—in the case examined, it would be about \$213 to \$263 rather than the current \$1,863—but it would help farmers who had been counting on some profits with which to pay their bills.

I am planning to send my estimates to various extension stations in the hog belt to solicit local reactions to the fixed figures used in these computations, and

¹ Values vary (along with slaughter hog and feeder pig price) depending upon time and geographic location.

I would welcome the comments of my colleagues.

I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

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

S. 1683

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Act of May 29, 1884 (58 Stat. 734; 21 U.S.C. 114a) is amended by inserting "(a)" immediately after "Sec. 11." and by adding at the end of such section a new subsection as follows:

"(b) (1) Whenever swine are destroyed under authority of this Act, the amount of compensation to be paid to the owner of such swine shall be determined in two stages as follows:

"(A) The swine shall be appraised, at the time of their destruction, on the basis of their fair market value for meat, feeding, or breeding purposes, as appropriate.

"(B) At the end of an appropriate period following the date on which the swine were destroyed, a determination shall be made of the potential value of the swine as meat producers had such swine not been destroyed. In determining the potential value of any swine under this clause, the value shall be reduced by the amount that would have been expended for feed (adjusted for variation in price) and other production costs. The period between the destruction of swine and the appraisal of the potential value of the swine shall be determined on the basis of the average time required by (i) farrow to finish operators, (ii) feeder pig producers, and (iii) finishers of purchased pigs to raise new herds to full production capacity.

"(2) The owner of swine destroyed under authority of this Act shall be paid the amount determined under clause (A) of paragraph (1) as soon as practicable after the destruction of his swine. The owner of such swine shall be paid the amount of any increase in value determined under clause (B) of paragraph (1) as soon as practicable after the amount has been computed."

By Mr. ROTH (for himself and Mr. HATHAWAY):

Senate Joint Resolution 100. Joint resolution proposing an amendment to the Constitution of the United States to establish maximum age limits for certain officers of the Government. Referred to the Committee on the Judiciary.

Mr. ROTH. Mr. President, I am again introducing for the Senate's consideration a joint resolution proposing an amendment to our Constitution for the purpose of establishing a mandatory retirement age for Federal judges and Members of Congress. I am grateful that the distinguished Senator from Maine (Mr. HATHAWAY) has joined me in sponsoring this proposal.

This proposal is similar in intent to a measure I first offered during the closing hours of the 91st Congress when I served as a Member of the House of Representatives. I reintroduced this measure last session and, with certain modifications, I am again asking the Senate to give consideration to legislation which, I believe, should contribute to making our system of government more responsive to the public's needs.

If adopted, this constitutional amendment would do the following: First, it will not allow the appointment to the Federal

bench of anyone 70 years of age, and will require those already on the Federal bench to retire 30 days after reaching such age; second, it will not allow anyone 70 years of age to run for either the Senate or the House of Representatives.

I wish to emphasize, however, that this legislation grants immunity from its impact to certain persons already serving in the Federal judiciary and to those Members of Congress who are 60 years of age or older when this legislation is submitted to the States for ratification.

It is my belief that we must make special consideration for both of these groups in view of the past sacrifices they have made to enter public life, and without benefit of the knowledge that this be adopted. Accordingly, Federal judges who have not served the minimum number of years required by law to become eligible for their pension benefits, which is their salary for life, will be allowed to remain on the bench until that minimum time has been served.

Members of Congress, as well, have sacrificed much to enter public life. I believe that it would be unfair to require those now close to the ages at which retirement from the Congress would be required to be bound by its provisions. Thus, I have included in the language of this amendment a provision that will allow those 60 years of age when this legislation is submitted to the States for ratification to be exempt from the impact of this amendment. These individuals will be allowed to continue to hold office and to seek reelection to that office with no restrictions as to age. Of course, those Members so affected would remain free to choose not to utilize this special provision.

Mr. President, a mandatory retirement age is not unknown in America. In 1966, the Congress determined that civil service employees must retire at age 70. American business has long considered 65 as an appropriate age for the retirement of its executive employees. There is a trend today toward even a younger retirement age.

In the past, several Members of Congress have determined for themselves the age at which they deemed retirement appropriate. One gentleman who made this decision was my predecessor, the former Senator from Delaware, John Williams. It was, in fact, Senator Williams who first introduced legislation to set a mandatory retirement age for Members of Congress and I am proud to follow his lead by offering this proposal today.

My colleague, (Mr. HATHAWAY) joins me in the hope that this Congress will actively consider the enactment of this legislation. I believe, that the idea merits the thoughtful attention of all citizens who are interested in improving our Federal system of government.

Mr. President, I ask unanimous consent that the text of the proposed constitutional amendment be printed in the RECORD at this point.

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

S. J. Res. 100

Resolved by the Senate and House of Representatives of the United States of

America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. No person who has attained the age of seventy years shall be appointed to be a judge of the United States. Within thirty days after attaining seventy years of age, any judge of the United States shall retire from regular active service. Any such judge who holds a judgeship on the date this article is ratified may continue in regular active service after attaining seventy years of age for as long as may be necessary for him to qualify to receive the salary of his office upon resignation or retirement from regular active service.

"SEC. 2. No person who has attained the age of seventy years shall be a Senator, except that any Senator who attains such age while in such office may serve for the remainder of the term for which he was elected or appointed. This section shall not apply to any person who is a Senator on the date that this article is submitted to the States for ratification and who is sixty years of age or older as of such date.

"SEC. 3. No person who has attained the age of seventy years shall be a Representative, except that any Representative who attains such age while in such office may serve for the remainder of the term for which he was elected. This section shall not apply to any person who is a Representative on the date that this article is submitted to the States for ratification and who is sixty years of age or older as of such date."

Mr. HATHAWAY. Mr. President, I am honored to join the distinguished Senator from Delaware in the introduction of this resolution limiting the tenure in office of Representatives, Senators, and Federal judges. This is a matter with which I have been concerned since my entrance into the Congress more than 8 years ago. It is a matter of concern to the people of our Nation as I have learned, not only from my travels in Maine, but also from calls and letters my office has received on the subject from all sections of the country.

In introducing this legislation, I should make it clear that no disrespect is intended toward the contributions and abilities of our senior citizens. No one is more aware of the talents that this group offers our society than myself. I have consistently supported legislation aimed at helping our senior citizens to realize their maximum potential contribution to our national life. And yet, I feel strongly that a mandatory retirement age for these high Federal officials is very much in the National interest.

First, I should point out that this bill is not a radical step. The limitation it creates is that no Senator or Representative can run for reelection beyond the age of 70. A Federal judge could not serve beyond that same age. This action would not affect a large number of individuals—indeed, by its terms it would not apply to anyone now in the Congress who is over 60—but would provide an indication of congressional awareness of the scope of this problem.

Most would agree that Government, or any other institution, benefits from a

continuing cycle of change in leadership and control. This fact was recognized long ago in private industry and, in fact, was recognized by Congress itself in the mandatory retirement ages which have been applied to the Federal Civil Service and the military. There is a natural tendency toward stagnation in any institution when the same people stay on for an indefinite period. The performance of these individuals may not be affected by the ravages of age so much as simply being in the same job too long. All of us, Senators, Representatives, and judges included, inevitably develop over the years a kind of vested interest in our own ideas and ways of doing things. To allow this tendency to come to full flower, especially in a body where power is directly related to years in office, is an invitation to institutional lethargy. All of us know this from our own commonsense and personal experience; congressional acknowledgement of this fact would go a long way toward restoring some of the confidence the public has lost in us over the years.

Second, the nature of these offices requires a high degree of physical, emotional, and mental stamina. The range and depth of the concerns now before the Congress is truly staggering. Added to this are the demands placed upon a Member by an expanding and increasingly articulate constituency. The inevitable slowing down which accompanies age must take its toll either in diminished performance or increased reliance on staff. When these events occur, the public is not receiving the level of service to which it is entitled.

I feel further, that an age limitation on public service is at least suggested in the constitutional provision which defines a minimum age for Senators and Representatives. A public recognition that advanced age, in most cases, limits the capacity of an individual is basically very similar to a recognition of the limitations of youth. Just as there are some below 30 who undoubtedly have the maturity and judgment to serve effectively in the Senate, there are those over 70 with the required celerity and stamina. But, I think the public is justified in making the overall judgment that in most cases it would be better served by a realistic limitation placed upon both ends of the age spectrum.

Some will argue that this proposal limits the right of the people of a State or congressional district to elect whoever they want as their Representative. There is no question that this is, in fact, the case. But we have long since recognized that some limitations of this nature are in the public interest. The minimum age requirement in the Constitution is one example. The two-term limitation on the Presidency is another, which is very similar, in principle, to the proposal we are submitting today.

Finally, it should be noted that the offices with which this proposal is concerned are national offices, and the holders of these offices have a profound effect beyond a single State or region. When viewed in this light, some limitation on behalf of the public as a whole

on the rights of the residents of a single State or district, is justifiable.

I hope that the Senate will give serious consideration to this bill; the issues it raises are important and the public concerns it addresses are real. It is one opportunity for us to begin the task of creating a more vital and responsive governmental system.

By Mr. HATFIELD:

S. 1681. A bill to permit American citizens to hold gold. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HATFIELD. Mr. President, today I have the unusual opportunity of both introducing legislation and testifying on it before the committee of jurisdiction. The Subcommittee on Production and Stabilization of the Senate Banking Committee is holding hearings on the several bills that have been introduced to allow Americans to buy, sell, and hold gold in any form. Among these bills is one (S. 413) which I introduced 2 years ago, and which I reintroduced at the beginning of this Congress. However, I believe that recent events in the monetary world dictate today a slightly different approach from that of S. 413; and for this reason I am introducing a new bill that will legalize gold buying, selling, and holding by U.S. citizens, order the Treasury to auction at least 10 million ounces of gold per year from the existing gold stockpile, and become effective as soon as the President orders—but not later than January 1, 1975. At this point in the RECORD I would ask unanimous consent that my prepared testimony for today's hearing of the Banking Subcommittee be printed, together with the text of the bill.

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

STATEMENT BY SENATOR MARK O. HATFIELD
SUMMARY

Explanation and advocacy of the Hatfield legislation, which would:

1. Legalize gold buying, selling, holding by Americans.

2. Order the Treasury to auction at least 10 million ounces of gold per year from existing gold stockpile.

3. Become effective January 1, 1975 (or any prior date on the option of the President).

Mr. Chairman, today I am introducing a bill that would give American citizens the right, enjoyed by citizens of more than seventy other countries, to buy, sell, and hold gold. This bill also orders the Treasury to begin an orderly disposal of its gold stockpile by auction sales. These provisions are to be effective as soon as the President orders, but no later than January 1, 1975.

Today I appear before you to ask your support for this bill.

Action is now both needed and timely. I was delighted by the recent overwhelming sentiment expressed by the Senate favoring legalization of gold holding by Americans, a move I had proposed in the previous Congress. However, with this overwhelming support of the Senate, it is the prerogative of this committee to bring forth a more carefully elaborated bill that considers both the demand and supply side of the gold market and which gives the President greater flexibility as to the timing of its implementation.

OBJECTIVES OF THE BILL

Let me first state the primary objectives of this bill.

First of all, it is the function of government to protect the liberty of the citizens from whom it derived its just power to govern. Its function is not to take away individual liberty except for over-riding social needs. Formerly, when gold was used as money, or as backing for money, or used by the government for international payments, one might argue for a social need to limit the liberty of the people. However, these arguments have been erased by the movement of recent events. Gold is no longer used in the U.S. as money, nor as backing for other money, nor, as of August 15, 1971, as international money by the U.S. The legal restriction against holding gold has now become a vestigial remain of a bygone era—a “blue law” that limits liberty without any social justification. The dollar is no longer on the gold standard and gold is no longer tied to a dollar standard. It is high time for the Senate to take the leadership in signing the final divorce decree between gold and the dollar. It is also high time for the “land of the free” to catch up with the more than seventy countries that allow its citizens to hold gold.

Second, it is necessary to evaluate the economic benefits and costs of legalizing gold. To only legalize gold—to increase its demand without at the same time increasing the supply of gold—would result in needless costs to the consumer in higher prices, to the manufacturer and retailer in less volume and lower employment, and to the government in a billion dollars in balance-of-payments losses. It would result in an unwitting “foreign aid” program for the Soviet Union, South Africa, and international gold speculators. The Russians would end up giving us fewer ounces of gold for more tons of wheat. It has been estimated that the price of gold might soar to between \$100 and \$150 per ounce. This would threaten the “official price” of gold of \$42.22 causing unsettling speculation as to the value of paper currencies and the current international monetary arrangements. Even gold producers would be threatened, in that long-term production plans would be subjected to the danger that the world's central bankers—who hold fifty times the annual production of gold—might suddenly begin to unload their monetary gold stocks and bust the market.

Thus, to provide an orderly market and eliminate speculative excesses, it is necessary to increase the supply as well as the demand for gold. At the “official price” of gold, the U.S. gold stock is about \$12 billion; at current market prices (\$90 per ounce), it is worth more than \$25 billion. As I stated in my speeches in the Senate (January 16 and March 28, 1973), I am proposing that the Treasury begin an orderly disposal of this surplus gold by a free market auction of no less than 10 million ounces per year. This is only about 3 per cent of the existing stock and will leave the Treasury enough gold for “emergencies” past the year 2000. This move on the supply side will keep a more stable price of gold at between \$50 and \$100 per ounce for the next decade—and insure both a healthy incentive for gold producers in the U.S. as well as a more stable price for gold users.

As I pointed out in my March 28th speech:

(1) This legislation will fight inflation for gold users and their customers, affecting such things as wedding bands and class rings, other jewelry uses, dental and electronic needs. The high school and college graduate will not have to pay nearly double the price for his class ring.

(2) It will provide jobs to the gold industry whose 1700 firms and 65,000 employees are affected by inflated gold values and the restricted volume of production.

(3) It will improve the U.S. balance of payments by anywhere from \$500 million to one billion dollars. U.S. industry now im-

ports about 6 to 8 million ounces of gold annually at a cost to the balance of payments of more than \$500 million.

(4) It will increase government revenues and reduce the need for a tax increase. The government has already begun disposing of its stockpile of more than \$10 billion in other "surplus commodities". But the biggest "stockpile" of them all—the \$25 billion in gold—represents a lot of "tax savings" that should not be forgotten. I am sure the American citizen would rather use his money for gold instead of taxes. (I might add reference here to my bill for the issuance of a gold "American Revolution Commemorative Coin" that would honor the revolution, soak up inflationary purchasing power, and certainly be more popular than a tax increase.)

ANSWERING ANY OBJECTIONS TO THIS BILL

The arguments for this legislation appear to be so obvious and over-powering that one has to look hard to find any objections to it—the arguments for the bill embrace national goals ranging from freedom and employment to fighting inflation, improving the balance of payments and increasing Treasury revenues to head off tax increases.

One objection by the Treasury has been that an "understanding" with certain European governments prevents the Treasury from selling gold outside the "official tier" of the "two-tier" system set up in 1968. The basis of this understanding is a simple "communiqué of finance ministers" five years ago. This understanding has no legal status in international law: (1) As virtually every other paragraph in this communiqué has been altered by the signatories, the paragraph limiting gold sales may also be changed, having depended on the continuance of the other paragraphs; (2) under the doctrine of *clausula rebus sic stantibus*, the understanding is dead in international law—that is, the events of August 1971 and early 1973 have so changed the world of international finance, especially in the inconvertibility of the dollar, that any earlier agreement based on a different world of facts is no longer binding.

In a choice between risking the personal feelings of one or more European finance ministers and in reducing the freedom and finances of the American public, the choice should be perfectly clear.

The other objection, that of timing of the legislation, I think is answered by the implementation date being set at January 1, 1975—or earlier upon the option of the President. Instead of being a hindrance to the government in its negotiations this summer leading up to the September meetings of the World Bank and International Monetary Fund in Nairobi, this legislation should give the President the tool that he needs. In this way it is analogous to the Administration's trade legislation, in that it enhances the Administration's bargaining power. Thus the Administration can assert the Congress has given it only to December 31, 1974—the end of the 93d Congress—to resolve the international monetary issues. Thus, this generous date should help, not hinder, the bargaining process. Above all, it gives the Administration and world the clear "sense of the Senate" as to its wishes.

ALTERNATIVE PROPOSALS BEFORE THE COMMITTEE

Other proposals before this Committee are not necessarily inconsistent with the purposes of my bill but are from a different perspective and fall within a different time frame. The distinguished Senator from Rhode Island has advocated the viewpoint that the Treasury should immediately begin to sell 8 million ounces of gold annually to the industrial users of gold by the auction method that prevailed before March 1968. I have no objection to this as a first step within the context of the passage of my bill to insure the right of all Americans to hold gold and to

participate in Treasury auctions of gold. As the distinguished Senator from Rhode Island has already cast his vote for eventual legalization of gold holding by Americans, I believe he would join in this view.

There need be no dispute between the gold producers, the gold users, or for that matter, the Treasury and the American public. We all believe that gold is too beautiful to be left in the ground or in vaults where it no longer functions as money. Squirrels may prefer to dig up nuggets in one place and bury them in other places; but people should be smarter than squirrels. Now it is our time to prove it.

S. 1681

IN THE SENATE OF THE UNITED STATES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. (a) Sections 3 and 4 of the Gold Reserve Act of 1934 (31 U.S.C. 442 and 443) are repealed.

(b) No provision of any law in effect on the date of enactment of this Act, and no rule, regulation, or order under authority of any such law, may be construed to prohibit any person from purchasing, holding, selling, or otherwise dealing with gold.

(c) The Secretary of the Treasury is authorized and directed to sell each year, from reserves held by the United States, not less than ten million ounces of gold by auction to bidders who are citizens of the United States.

Sec. 2. This Act shall become effective on January 1, 1975, or on the effective date prior to January 1, 1975, established therefore by the President and published in the *FEDERAL REGISTER*.

By Mr. HARTKE (for himself, Mr. CRANSTON, Mr. BIBLE, and Mr. MCINTYRE):

S. 1682. A bill to amend the Foreign Assistance Act of 1961 to prohibit foreign assistance to those countries listed, not taking adequate measures to end illicit opium production, and for other purposes. Referred to the Committee on Foreign Relations.

Mr. HARTKE. Mr. President, I am today introducing legislation to prohibit foreign assistance to those countries which refuse to take adequate measures to end illicit opium production.

Mr. President, section 481 of the Foreign Assistance Act authorizes the President to suspend military and economic assistance to those nations which he determines have not taken adequate steps to suppress dangerous drugs. The President fully embraced this responsibility on September 18, 1972, when he proclaimed, "Any government whose leaders participate in or protect the activities of those who contribute to our drug problem should know that the President of the United States is required by statute to suspend all American economic and military assistance to such a regime. I shall not hesitate to comply fully and promptly with that statute."

Apparently the President feels that there are no nations which continue to be lax in their control of heroin and other related hard drugs. And he most certainly must not suspect that some governments are completely ignoring drug traffic. The Congress, however, knows better. The existing situation demands application of those sanctions outlined in the Foreign Assistance Act if we are to be conscientious in our effort to end the drug problem in America.

Congressional study and journalistic research have brought forth incontrovertible evidence that a number of governments are simply not complying with the requests of the U.S. government to vigorously suppress drug traffic. Yet no action has been taken by the President. In fact, the White House denies that their program of piecemeal efforts is insufficient, claiming that there have been "important breakthroughs—and huge seizures." These huge seizures amount to confiscating 29 tons of opium in Laos, South Vietnam, and Thailand. In the face of the total production of illicit opium in this area, the seizures amount to only 3 or 4 percent.

Congress gave the power to terminate economic and military assistance to the President only because we know that Customs agents and border patrols cannot single-handedly reduce smuggling of heroin. A General Accounting Office report stated, in reference to Customs operations, that—

Although these efforts may deter amateurs and small-scale smugglers, they have not had and probably cannot have any real impact on the organized groups engaged in large-scale heroin smuggling.

Customs does act as a strong deterrent, but it simply cannot stop the main bulk of heroin reaching the streets of America, addicting our citizens, filling the coffers of organized crime, and accounting for nearly half of the crimes committed in our cities. Profits in the drug trade are enormous. A \$100,000 investment by stateside financiers can yield \$2 million within 6 months. Ten or 15 tons of heroin, originally costing \$5 million will make a turnover for American dealers of \$9.8 billion. With profits as high as this, as long as there is a source and a reasonably safe route of transit, there will most assuredly be successful smuggling of heroin into the United States to feed the veins of American addicts.

The logic behind section 481 of the Foreign Assistance Act was to stop heroin at its source. Perhaps the flaw in our legislation has been that the President alone is left to decide whether or not a government's cooperation has been adequate. As we know many of the countries in violation, this amendment lists them as offenders and automatically removes American economic and military assistance from them. It leaves the President to bear the burden of proof—proof that these countries are not in violation of our foreign assistance guidelines before he can resume assistance to them.

Gen. Lewis W. Walt, USMC (retired), as head of Special Task Force on the World Drug Situation, stated that Southeast Asia is providing 10 or 15 percent of the total drug traffic coming into this country. Because of its tremendous potential, however, Southeast Asia could eventually replace Turkey as the largest producer of opium in Asia with approximately 400 tons. Laos, however, accounted for nearly 100 tons, and Thailand for almost 200 tons annually. According to the State Department, heroin imports from Southeast Asia's "golden triangle" to the United States doubled from 1969 to 1971. These countries not only produce opium, but are the homes for many of the laboratories which con-

vert opium into that more valuable and much deadlier commodity—heroin.

General Walt went on to say that—

We know as a certainty that a lot of opium entering the illicit market is grown in the 'golden triangle,' or in Turkey, Iran, Afghanistan, Pakistan, and Mexico.

Iran stopped opium production in 1955, but resumed in 1969. Iran has a large addict population and this action was taken to stop traffic from Afghanistan and Pakistan as well as other economic reasons. The Iranian representative to the United Nations Narcotics Commission said, "Our economic situation has been so alarming we have been forced to take a unilateral decision" to resume production. The Shah has stated that Iran will end production when its neighbors do.

Afghanistan, however, continues to supply Iran with large amounts of smuggled opium. Pakistan, too, is a major smuggler of illicit opium, feeding markets in India, and Iran. While these countries are involved in localized traffic, rather than international traffic to the United States; the Cabinet Committee on International Narcotics Control of July, 1972, voiced a warning that the trade is well organized, and—

If illicit supplies of opium from other sources in the world are cut back, these channels have the potential for moving South Asian opium into the international market.

The Turkish Government has taken decisive action in banning all opium production after 1972. This should effectively dry up Turkish sources. Mexico is the source of approximately 10 percent of the heroin smuggled into the United States and is the route of transit for 15 percent. The Mexican Government has established penalties under the Agrarian Reform Law for those who plant or permit the planting of opium. Penalties include confiscation of land and livestock. In addition, they have mobilized 10,000 troops for anti-drug operations, destroying more than 2,500 hectares of poppy fields.

Michel Lamberti, coauthor of "Les Grandes Manoeuvres de l'Opium," after 2 years of studying all opium producing countries has said:

Any underdeveloped country with a large unemployed labor force may start production. This could be the case, say, for various South American countries.

If we are to deter these underdeveloped countries from realizing their potential as opium producers and distributors, we must act boldly and decisively. Some have suggested paying subsidies to those foreign farmers who agree not to grow opium as we have done in Turkey. But from the Washington Post of February 18, 1973:

American financial contributions to Turkey as part of the considerable political pressure to stop the cultivation of the opium poppy after 1972, offers no encouragement to other opium producing countries. Turkish authorities had estimated that stopping opium production would cost the country \$432 million; U.S. contributions have amounted to \$35 million.

Obviously, the cost of such subsidies to fully pay for opium produced in all countries would become extreme. Threats to

begin production by those countries not now engaged might also become commonplace. We would be paying a tribute to tyranny—the tyranny of drug traffickers. The only practical and honorable deterrent to illicit opium production and sales is the imposition of penalties on those nations which refuse to cooperate. And the only penalty we can impose on a sovereign nation is the removal of American assistance. This line of reasoning was accepted by Congress when it gave the power of suspending foreign aid to countries not taking adequate steps to end illicit drug traffic to the President last year. By enacting this amendment to the Foreign Assistance Act of 1961, we will be vastly improving the procedural processes of the act, and serving notice to organized crime and governments which have not taken vigorous action against drug traffic that we will no longer tolerate the financial, human, or social costs that illicit drugs have brought to our people.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my remarks.

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

S. 1682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 8 of Part I of the Foreign Assistance Act of 1961 is amended at the end thereof by adding the following section:

"SEC. 482. RESTRICTIONS ON ILLICIT OPIUM PRODUCERS.—No foreign assistance shall be furnished (other than chapter 8 of part I, relating to international narcotics control), to Iran, Afghanistan, Pakistan, Burma, Thailand, and Laos.

If the President finds that any of the foreign countries referred to above has taken adequate steps to prevent the production and sale of illicit opium, he may ask Congress to waive the foreign assistance restrictions, and if Congress concurs, the restrictions shall not apply to that country.

"Foreign assistance" means any tangible or intangible item provided by the United States Government (by means of gift, loan, credit sale, guaranty, or any other means) to a foreign country.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 31

At the request of Mr. HOLLINGS, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 31, authorizing the Secretary of Defense to utilize Department of Defense resources for the purpose of providing medical emergency transportation services to civilians.

S. 136

At the request of Mr. SCHWEIKER, the Senator from Maine (Mr. HATHAWAY) was added as a cosponsor of S. 136, to authorize financial assistance for opportunities industrialization centers.

S. 400

At the request of Mr. HANSEN, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 400, to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to public museums.

S. 440

At the request of Mr. JAVITS, the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 440, the War Powers Act.

S. 795

At the request of Mr. PELL, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 795, to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

S. 909

At the request of Mr. HOLLINGS, the Senator from Arizona (Mr. GOLDWATER), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Tennessee (Mr. BROCK) were added as cosponsors of S. 909, amending the Federal Property and Administrative Services Act of 1949 to permit donations of surplus Federal property to State and local public recreation agencies.

S. 1076

At the request of Mr. HARTKE, the Senator from South Dakota (Mr. McGOVERN), was added as a cosponsor of S. 1076, a bill relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of rating for the disabilities of veterans; to the construction, alteration, and acquisition of hospitals and domiciliary facilities; to the closing of hospitals and domiciliary facilities and regional offices; and to the transfer of real property under the jurisdiction or control of the Administration of Veterans' Affairs.

S. 1105

At the request of Mr. DOLE, the Senator from Nevada (Mr. BIBLE), was added as a cosponsor of S. 1105, to provide income tax incentives for the modification of certain buildings so as to remove architectural and transportational barriers to the handicapped and elderly.

S. 1271

At the request of Mr. HUMPHREY, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 1271, to amend the Higher Education Act of 1965 to establish a student internship program to offer students practical political involvement with elected officials on the local and State levels of government.

S. 1408

At the request of Mr. HARTKE the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 1408, a bill to provide social security coverage for Federal employees.

S. 1424

At the request of Mr. SCHWEIKER, the Senator from Colorado (Mr. DOMINICK), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 1424, to provide certain benefits for members of the Armed Forces and civilian employees of the United States who were in a missing status for any period of time during the Vietnam conflict.

S. 1455

At the request of Mr. PASTORE, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1455, to increase the duty on rubber filament.

S. 1517

At the request of Mr. RANDOLPH, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 1517, to establish a national adoption information exchange system.

S. 1535

At the request of Mr. BELLMON, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 1535, to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys fees as a part of court costs in civil cases involving the Internal Revenue laws.

S. 1548

At the request of the Senator from Rhode Island (Mr. PELL), the Senator from New York (Mr. JAVITS) was added as a cosponsor of S. 1548, to establish a Commission to review the proposed closing of any military installation.

S. 1579

At the request of Mr. DOLE, the Senator from South Dakota (Mr. McGOVERN), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 1579, to provide for the demonstration of models of living arrangements for severely handicapped adults as alternatives to institutionalization and to coordinate existing supportive services necessitated by such arrangements, to improve the coordination of housing programs with respect to handicapped persons.

S. 1655

At the request of Mr. JAVITS, the Senator from New York (Mr. BUCKLEY) was added as a cosponsor of S. 1655, to provide an additional judgeship for the western district of New York.

SENATE RESOLUTION 105—SUBMISSION OF A RESOLUTION RELATING TO APPOINTMENT OF A SPECIAL PROSECUTOR IN CONNECTION WITH THE PRESIDENTIAL ELECTION OF 1972

Mr. PERCY (for himself, Mr. DOLE, Mr. GOLDWATER, Mr. MATHIAS, Mr. JAVITS, Mr. CASE, Mr. SCHWEIKER, Mr. DOMENICI, Mr. BUCKLEY, Mr. CRANSTON, Mr. YOUNG, Mr. ROTH, Mr. GRAVEL, Mr. SPARKMAN, Mr. CLARK, Mr. RANDOLPH, and Mr. PACKWOOD) submitted a resolution (S. Res. 105) requesting the President of the United States to appoint a special prosecutor in connection with the Presidential election of 1972, which by unanimous consent was considered and agreed to.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 99

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Senate Resolution 99, pertaining to Senate confirmation of public ministers.

EXTENSION OF AUTHORIZATIONS OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965—AMENDMENT

AMENDMENT NO. 94

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

Mr. DOMENICI submitted an amendment, intended to be proposed by him, to the bill (H.R. 2246) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period.

ENERGY POLICY ACT OF 1973—AMENDMENT

AMENDMENT NO. 95

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

Mr. HOLLINGS. Mr. President, on Tuesday, March 27, the Commerce Committee reported S. 70, a bill to promote commerce and establish a Council on Energy Policy and for other purposes (Report No. 93-114). The function of the Council is to improve capabilities for the collection and analysis of energy information, to coordinate the energy activities of the Federal Government and to prepare a long-range, comprehensive plan for energy production, utilization and conservation. This proposal would provide a single place for Congress and the President to seek energy information and policy recommendations. It assures that a single body has responsibility for examining the overall energy picture. The proposed Council would be accountable to Congress and independent of operating agencies.

Pursuant to an earlier agreement among the chairmen of the committees which have jurisdiction in the energy policy area, the measure was held on the calendar for 30 days to provide an opportunity for review and comment by the other concerned committees. I am pleased to report that the members of the National Fuels and Energy Policy Study established by Senate Resolution 45 (92d Congress) have examined S. 70 as reported and they have recommended a minimum of changes. The intent of the proposed language changes is:

First. To clarify the intention of the bill that the Council on Energy Policy would be a policy advisory group to the President, using his authority to coordinate Federal agency functions.

Second. To clarify the intent of the bill that the Council would promulgate guidelines for the collection of energy information and would be a focal point for policy analysis of energy data, and

Third. To amend the intent of the bill to reinforce the advisory relationship between the Council and the President.

To avoid confusion during floor consideration of this measure, I am today submitting an amendment to S. 70 which incorporates these language changes. I request that this amendment be printed and ordered to lie on the table.

It is also my understanding that the distinguished Senator from Montana

(Mr. METCALF) intends to propose later an amendment that increases the General Accounting Office's responsibilities for the collection and analysis of energy data.

AMENDMENT OF NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965—AMENDMENTS

AMENDMENT NO. 96

(Ordered to be printed.)

Mr. PROXIMIRE proposed amendments to the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

ANNOUNCEMENT OF HEARINGS BY THE SUBCOMMITTEE ON PRIVATE PENSION PLANS

Mr. NELSON. Mr. President, as chairman of the Subcommittee on Private Pension Plans of the Senate Finance Committee, I announce the plans of the subcommittee to hold public hearings and panel discussions on the subject of taxation of qualified pension and profit sharing plans and other deferred compensation beginning at 1 o'clock, Monday afternoon, May 21, 1973. The hearings will continue at 10 o'clock Tuesday and Wednesday mornings, May 22 and 23.

These hearings will consider, but will not be limited to, the issues of vesting, eligibility requirements—age and services—and portability, funding and termination insurance, fiduciary responsibilities of plan administrators and trustees, deductions in the case of self-employed, closely held corporations, subchapter S corporations, and professional corporations, tax treatment of lump sum pension and profit sharing payments and deferred compensation plans of exempt organizations. Comments also may be directed to specific proposals included in Senator CURTIS' bill (S. 1631), Senator BENTSEN's bill (S. 1179), and also on the principles and policies embodied in S. 4 which has been reported to the Senate by the Senate Labor and Public Welfare Committee. Comments will be received on the subject of which agency or agencies of the Government are best suited to administer the various provisions regulating private pension plans.

The schedule of witnesses will be set forth in a subsequent announcement.

Requests to Testify.—Witnesses desiring to testify during this hearing must make their request to testify to Tom Vail, Chief Counsel, committee on Finance, 2227 New Senate Office Building, Washington, D.C., not later than Thursday, May 10, 1973. If for some reason the witness is unable to appear on the date scheduled, he may file a written statement for the record of the hearing in lieu of a personal appearance.

Consolidated Testimony.—I urge all witnesses who have a common position or with the same general interest to consolidate their testimony and designate a single spokesman to present their common viewpoint orally to the subcommit-

tee. This procedure will enable the subcommittee to receive a wider expression of views on the subject of this hearing than it might otherwise obtain. I strongly urge that all witnesses exert a maximum effort, taking into account the limited advance notice, to consolidate and coordinate their statements.

In light of the Legislative Reorganization Act and in view of the large number of witnesses who desire to appear before the subcommittee in the limited time available for the hearing, all witnesses who are scheduled to testify must comply with the following rules:

First. All statements must be filed with the subcommittee at least 1 day in advance of the day on which the witness is to appear. If a witness is scheduled to testify on a Monday or Tuesday, he must file his written statement with the subcommittee by the Friday preceding his appearance.

Second. All witnesses must include with their written statement a summary of the principal points included in the statement.

Third. The written statements must be typed on letter-size paper—not legal size—and at least 50 copies must be submitted to the subcommittee.

Fourth. Witnesses are not to read their written statements to the subcommittee, but are to confine their 10-minute oral presentations to a summary of the points included in the statement.

Fifth. Not more than 10 minutes will be allowed for the oral summary.

Written statements.—Witnesses who are not scheduled for oral presentation, and others who desire to present a statement to the subcommittee, are urged to prepare a written position of their views for submission and inclusion in the printed record of the hearings. These written statements should be submitted to Tom Vail, chief counsel, Committee on Finance, room 2227, New Senate Office Building, not later than Friday, June 22, 1973.

ADDITIONAL STATEMENTS

THE BOMBING IN CAMBODIA

Mr. FULBRIGHT. Mr. President, in recent days I have received a number of letters from airmen stationed in Thailand or on Guam protesting the President's current policy on bombing Cambodia. These letters constitute an eloquent indictment of U.S. military activities in Indochina, and I ask unanimous consent that they be printed in the RECORD. I have, of course, deleted the names and unit identification in order to protect the writers from retaliation from the Air Force.

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

APRIL 17, 1973.

Senator J. W. FULBRIGHT,
Washington, D.C.

DEAR SIR: I am a B-52 gunner on temporary duty with my crew at Anderson AFB, Guam. After listening to all of the reports of the war being over and the troops coming home, I, as a resident of Arkansas, decided to write this letter to you, because for the airmen

and the support troops of the B-52 force it is not over and we are not coming home!

In April of 1972, my unit, consisting of two B-52G bomb squadrons, was deployed to Guam. And we have been here continuously since then.

Our announced mission when we come over was to stop the invasion. As you know, this was accomplished. Then we were told we would not be going home until there was a cease-fire in Vietnam. After the raids of 18 to 29 December, the cease-fire was signed and our troops and P.O.W.'s started returning home. We were told it would be at least ninety days after the effective date before we could leave.

We bombed right up to the effective date and then shifted to bombing Laos without a pause. We were then informed we would not be leaving until there was a cease-fire in Laos. After the cease-fire in Laos, there was a short pause and then we started bombing Cambodia! Now, as of yesterday, we have started bombing Laos again!

It is hard to impart to you sir, the frustration of being on continuous temporary duty with no end in sight. We come to Guam for 147 to 179 days. Then we are home for 28 days and back for another 147 to 179 days on Guam. This totally disrupts any semblance of family life. Most crews from my unit, including my own, are on their third straight trip. And as things are now, we have nothing to look forward to but returning to Guam again and again for extended tours of temporary duty.

I am concerned about our increasing involvement in Cambodia and Laos. I fear that we will get into another situation like the one that lead to the ten years of Vietnam. I am also concerned for myself and my fellow crewmembers should we fall into enemy hands. There is no doubt in our minds what would happen to us. I for one, sir, do not wish to die as a mercenary for a foreign dictator!

Another point is the enormous expense of flying out of Guam. This money could do a lot more good if applied to some of our problems at home.

I wish to commend you, sir, for your current efforts to have a legal end to this war declared. My fellow crewmembers and I stand behind you 100%. I urge you to investigate this situation further; to introduce and press for legislation that will limit the President's power to commit American forces without just cause. In order to prevent us from becoming involved in another Vietnam, such action is necessary.

In closing, I feel that after the massive raids to stop the invasion, the bombing of North Vietnam during 18 to 29 December, and the return of our P.O.W.'s that we have done our duty, and should be allowed to return to our homes and families. Why should we, our wives and loved ones be forced to undergo further needless separation, financial hardships, and mental anguish? Simply to prop up the regimes in Cambodia and Laos? There is no justification for us to continue bombing there. Why are we prolonging our involvement now that we have a chance after ten years to finally get out?

Please hold my name in confidence, as there may be retaliation from those in charge here, if they discover I have written you this letter. Thank you for your valuable time and consideration.

Respectfully Yours,

SSgt., USAF.

APRIL 18, 1973.

SENATOR FULBRIGHT: I am a B-52 navigator currently on temporary duty at Anderson AFB, Guam. I am writing to you to urge you

to do your utmost to end our involvement in the continuing war in Southeast Asia.

I am on my 4th tour of duty here now and have over 400 days fighting this war. I have over 120 combat missions, an air medal with 5 oak leaf clusters, and have been recommended for a Distinguished Flying Cross for heroism for action over North Vietnam. I am not unlike most of our servicemen still serving in Southeast Asia.

My question is when has a man done all that anyone has a right to expect from him. I have put my life on the line numerous times over the past two years. The constant strain on my wife of both constant danger to me and our prolonged separations have her close to a nervous breakdown. Yet, although the Strategic Air Command's own doctors acknowledge the risk to my wife of yet another prolonged separation, I was recently forced to return again to Southeast Asia, and now face the prospect of possible serious mental problems for my wife. My situation is similar to that of many other personnel who are serving tour after tour after tour here. Many wives have already divorced their husbands, unable to take pressure. And the situations at home worsen daily.

Is this the thanks we get from our country and Mr. Nixon for serving our country so unselfishly for so long. I myself have over 6 years on active duty. We are no more now than a mercenary army fighting on the whims and discretion of only one man. The people are being denied their voice thru Congress as provided for in our constitution. Under what justification do we bomb a population merely upon the request of another government. We have no money at home for needed social programs, but we spend millions daily to bomb thousands of innocent civilians who have never done anything to us. Many, if not most, of the B-52 crew members are tired of killing for no reason, but they do not have the means to make their voices heard. We think we deserve the chance to patch up the many personal problems we all have that were created by these many years of war. If Mr. Nixon will not stop this insanity, then the Congress and the people must. How many bodies must there be, ours and theirs, before we get out!

You have my permission to use all or any part of this letter as you see fit. Please, however, withhold my name to protect me from possible repercussions from the Air Force. Thank You!

Sincerely,

Capt., USAF.

MARCH 30, 1973.

DEAR SENATOR FULBRIGHT: Until I heard your justified criticism of the Administration's viewpoint on the bombing in Southeast Asia, namely Cambodia, my decision as to whether or not I would write was merely a confused debate. However now that I know where you stand I've decided to pour it all out.

Senator Fulbright, we are wrong for the continued slaughter but are afraid to admit it. Because of the amount of people who have their hands in the "profit pot" we have found ourselves unable to get out of our web.

The main concern for my writing is for the men who still remain on Guam flying and bombing daily as if the war were still in full swing. With the idea that we came here to help free our POWs we feel even more misused and abused now that they are home and we're still here. What purpose are we serving? Most of the men including myself have been here for ten months or more, away from our families for six months, home for thirty days and back again, only to see our efforts go wasted.

What now? Ground crews no longer care whether or not their planes are safe and operational. Flights of crews do not wish to fly wasted missions and consequently abort when given the opportunity. If this operation is allowed to continue someone is going to lose his life needlessly.

To give you an idea of how ineffective our bombing is let me tell you about a mission I was on last week. I hope you will retain this in strict confidence. . . . This, Senator Fulbright, is the kind of job we are doing over here.

I hope and pray you can do something to help relieve our situation.

Thank you for your time.

Sgt. — — —

Note.—POGs never have a nice day. Prisoners of Guam . . . Don't let them be forgotten!

DEAR SENATOR FULBRIGHT: I am writing to you because you seem to be one of the few men who realize that the Indochina war continues. I am not from Arkansas, but I feel you can best serve my interests as well as the interests of thousands still actively involved in this supposedly terminated conflict.

I am a B-52 crew member and have been overseas since Feb. '72. I have and will continue to fight when there is a purpose, but the current bombing of Cambodia is unwarranted and assinine. I have several specific complaints that I hope you will be sensitive to:

(1) We, here at Andersen AFB, were flying bombing missions to Cambodia when the entire job could easily have been done from Utapao, Thailand. The Utapao bombers were flying with partial loads of bombs when they have the capability to hit all assigned targets by flying *less* than our normal number of sorties. It is nearly 3 times as expensive to fly out of here. I didn't realize government funds were so expendable.

(2) What is the justification for bombing in Cambodia? Is there a written agreement to your knowledge? This could go on indefinitely!

(3) Why are there still 200+ bombers overseas now when this number was ample for Laos, Vietnam, and Cambodia at the height of the war? The expense of temporary duty on this large a scale must be phenomenal. Money spent through necessity is justified, but this approaches ridiculous.

(4) SAC has many crew members who have been home for the past 6-12 months for the purpose of upgrading to the next higher crew position. The fallacy with this is that there was and still isn't openings in school for many of these people. Those of us who have been gone (temporarily) for over a year have done the entire job while those at home have received little or no training to date. This group is a useless resource. This seems like a poor way to manage a team of professionals. This is not an assumption I know several examples personally.

The Air Force is losing a great many good people because of these and other injustices and inequities. Increased pay does not compensate for this type of treatment. This does not seem at all in line with the all volunteer force concept. I like so many of my contemporaries have abandoned any thought to a service career as we had hoped for.

I found it very difficult to remove anger and contempt from this letter, so I didn't. I know you don't have solutions to all the problems mentioned, but I hope you have a picture of the present situation from a serviceman's point of view. I know you are a busy man, but I would truly appreciate a reply if time permits. I admire and respect your stand on events and situations that should be questioned. This is one of the reasons the United States is a world leader

and why I'm so proud to be an American. I know total justice is not obtainable, but some things in this war must be justified. Thank you.

Sincerely,

Capt., USAF.

APRIL, 1973.

SIR: This is the first time that I have felt it necessary to write a congressman, but I am soliciting your support to get we B-52 crew members back home.

I am a crew member who has been on temporary duty (TDY) on Guam for over a year now. During that time, I have seen my family for 57 days (30 days in July '72 and 27 days in Jan./Feb. '73), and there are many people who have been here longer than me. What is most discouraging is that we thought we were going home when the peace agreement was signed. If not, then surely when all the POW's were freed. Instead, we are bombing in Cambodia, just as we did in Viet Nam.

I would think that we learned our lesson for getting involved in Viet Nam. But here we go again in Cambodia, and I hear on the news that President Nixon is considering going back into Viet Nam, and maybe even North Viet Nam. Bombing Hanoi in December was one thing, but going back there, after our POW's have been freed, is something else.

I feel that we B-52 crew members have done the job this past year that we came to do and deserve to return home. A few months ago we began calling ourselves the P.O.G.'s (prisoners of Guam). It started as a joke, but with each passing day, it takes on more meaning.

Your help in getting the B-52's and crew back home and out of this useless involvement in Indochina would be greatly appreciated by me, my wife and girls, and my fellow "prisoners of Guam."

Sincerely,

Major, USAF.

APRIL 10, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Foreign Relations Committee,
Washington, D.C.

DEAR SIR: My name is — — — and I am a co-pilot presently flying combat missions against Cambodia in the B-52D aircraft out of U-Tapao, Thailand. Daily, we are dropping between 42,000 and 55,000 pounds of bombs per bomber on something all over Cambodia; we are programmed against twenty targets a day, each target being hit by three B-52s. All of this heavy bombing (you will note that the above facts pertain to B-52s only)—TAC air strikes are numbering 150+ a day) is going on at the specific request of the Lon Nol government of Cambodia.

I was very interested in reading in The Stars and Stripes where you were heading an investigation as to the legality of our bombing operations in Cambodia. For the past few days, however, I have been able to find nothing to report on your progress or your success. Sir, if there is one point that must be emphasized in this letter, it is expediency in curtailing this bombing blitz of Cambodians for Cambodians. For every day that your investigation does not push forward at the maximum rate, people are being killed and the possibility of new POWs is enhanced.

Saturday marks a bad day for all of us (7 April). The first U.S. Air Force pilot was killed in Cambodia; two ICCS helicopters lost over South Vietnam with 16 men missing or dead. If you can, sir, write to us who are still over here, wearing this senseless war around our necks daily, and provide us with the rationalization to continue to perform these circus acts on the whims of Washington.

One of the happiest and most meaningful days of my life was when the first load of POWs returned from Hanoi; the gladness returned every day another group stepped on to American soil. The morale of everyone was peaked during those days because with the return of the POWs and the removal of all U.S. forces from Vietnam, the war was OVER. What else was there to remain over here and fight for? The peace accords were signed, sealed and delivered. But here we are, still bombing, still carrying on these ridiculous TDY tours of five months on Guam or at U-Tapao, one at home in the states, and back again. Some crewmembers are on their FOURTH rotation! Why???

Believe it or not, sir, most crewmembers and supporting personnel have families. Families need fathers and husbands. Do you have any idea what this kind of separation is doing to those of us who do have wives, and children? An average of two months a year with your loved ones seems a little too much to ask, extra pay or no extra pay. Most commands operating over here have a limit to their SEA tour length—most have a duration of one year. When they are finished with their tour, they go home and stay home. SAC, of course, has their own way and sets up Indefinite TDY, interprets the regulations to fit their needs, and then wonders why the morale is not high. SAC is forcing many to bring their families over; I had to take out a \$2000 loan to finance my (family) to come over, and now it looks like they will have to go home early or else we go to the poorhouse. This kind of predicament embitters deeply those subjected to it, and I'm afraid the exodus of talented AIR FORCE officers and young enlisted people out of the service might prove crippling. If not, and if this is some macabre ploy to drive officers from the service, I guarantee its success; the backlash will be evident, though, when many of the young officers the Air Force has counted on keeping quit also.

The avenues of escape from this travesty are extremely limited for us. The only sure way is to make final a date of separation, and then have been in the service long enough to leave within the coming weeks. To quit would mean suffering intolerable consequences. The opportunity of staying home while others come in your stay is still falling short of what is desperately needed: the complete withdrawal of all forces from Indochina and the abandonment of our present policies of "Dial-A-B-52-Strike-Wherever-And-Wherever-You-Want." You must know that this plea is not a one man show. The majority of the crew force presently engaged in these operations are tired and fed up with the entire affair; perhaps it is a numbness or maybe despair which keeps the situation less volatile. More likely it is the hopelessness of fighting city hall. We extend to you, a servant of the people, a petition of hope that you will work hard within your power to enlighten both the people of America and the leaders who represent them that further activity in Indochina is foolhardy and suicidal, and a damn waste of human life and dignity.

Sir, I leave you with the knowledge that you may call upon me and most of my fellow crewmembers to help you in any way to stop this bombing. It has come to the point where our consciences are weighing heavy. I await word that you at least received this letter. Thank you for your time.

Sincerely,

Lt. USAF.

THE PRESIDENT'S MESSAGE

Mr. GOLDWATER. Mr. President, I am sure the Members of this body are fully aware of my belief that much of the trouble we are having today with high

prices and inflation stems from actions taken by the Senate and the House while under the control of Democrat liberals who gave us 40 years of extravagance and higher taxes. This matter was touched on some weeks ago by President Nixon when he told the American people they would have to decide whether they wanted more Federal services with more taxes or more inflation.

One of the most cogent editorials I have yet seen on this subject was published March 30, 1973, in the Seymour, Ind., Daily Tribune. I ask unanimous consent that this editorial entitled "The President's Message" be printed in the RECORD.

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

THE PRESIDENT'S MESSAGE

Thursday night the President of the United States delivered a most unique message to the people. It dealt with the Vietnam situation, food prices and the importance of the United States in the world today. Following the talk the TV people were interested in only the Vietnam position and how this message would affect the U.S. in the world today.

In our opinion the TV critics missed the most important political first in our nation's history. Mr. Nixon's reference to increased prices directly placed the responsibility upon the federal government. He stated that the United States citizens had to make a decision of whether they wanted more services with more taxes or more inflation.

The President made it clear there was no choice. In our memory this has been the first time any political leader has stated this. Normally political figures find other scapegoats upon which to lay the blame—either business or labor—depending upon their political dependency.

Mr. Nixon, for the first time of any major political office holder, laid it on the line. What does the public want—increased taxes or increased inflation. He offered the correct alternative—sensible government spending. He has advocated this and incurred the ire of the Congress by vetoing major spending bills which will add to inflation. He has challenged Congress on this point and made it perfectly clear that the irresponsible spending of the Congress will not be tolerated.

Congress, mostly, has not seemed to have received the message. They still seem to think that we can spend, spend, spend, inflate, inflate, inflate ourselves out of any problem. They seem to refuse to accept Pres. Nixon's idea that programs which have at least 75 cents out of every tax dollar going to administrative costs and salaries, should be eliminated.

We are proud that the United States has achieved peace with honor and did not abandon our POW's and the free people of South Vietnam as the liberal doves of Congress urged. But we are more proud that Pres. Nixon has called a spade a spade and has said that inflation is permanently caused by the government spending more than the government takes in. In our recollection this is the first time a President of the United States has ever correctly blamed the federal government for inflation.

With a stable dollar, high prices by manufacturers and high rates by labor will soon be eliminated by competition. We urge you to write your Congressman and Senators very demanding letters asking that a sensible federal spending program be adopted—a program which will not add to taxes or inflation. There is no other solution.

It is your choice—you, the voters of the

United States. Don't scream about the price of meat, the price of homes, the price of cars to each other—scream to the men who cause it. And the men who cause and can control it are those men you elect to the House and Senate of the United States. They are the ones who overspend and are the real villains of inflation—not the carpenter, not the auto worker, not the steelworker, not the farmer, not the manufacturer, but those in Washington who still think they can buy votes for re-election by spending more than they earn. Can you do it? Ask the collection bureaus.

THE 58TH RECIPIENT OF THE SPINGARN MEDAL

MR. CRANSTON. Mr. President, as Senator from California I am deeply pleased to note that our State Superintendent of Public Instruction, the Honorable Wilson Riles, has been selected as the 58th recipient of the Spingarn Medal, awarded annually by the National Association for the Advancement of Colored People.

He will receive the medal at the association's Indianapolis convention July 3.

I believe the NAACP, through this important award, has recognized a distinguished public servant with an outstanding record of service. He began his public career as a teacher. By 1970, he had become California's education chief, moving ahead rapidly to meet the problems facing education in our State and working hard for better education for all our young people.

His accomplishments are many. He has been successful in passing a sweeping new school finance law. He has spearheaded an early childhood education program, now law, which will revolutionize elementary education in the State. He has reordered the priorities of our State education department and has restored the nonpartisan atmosphere of the department.

The Senate will soon have before it the nomination of Dr. Riles to serve as a member of the National Council on Educational Research, the advisory body to the new National Institute of Education. In that connection, and for the general information of Senators, I ask unanimous consent that there be printed, at the conclusion of my remarks, the announcement from the National Association for the Advancement of Colored People concerning the award to Dr. Riles.

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

RILES, CALIFORNIA EDUCATOR, TO RECEIVE SPINGARN MEDAL

NEW YORK.—Wilson C. Riles, state superintendent of public instruction in California, has been selected as the 58th recipient of the Spingarn Medal by the National Association for the Advancement of Colored People. Dr. Riles will be presented the medal on the second night of the NAACP annual convention in Indianapolis on July 3.

The announcement of Dr. Riles' selection was made by Bishop Stephan G. Spottswood, chairman of the NAACP Board of Directors. The medal was started in 1914 by the late Joel E. Spingarn, then chairman of the NAACP Board, and is given annually to an American of African descent who has achieved highly.

The selection of a winner is made by a committee which considers several nominations. The NAACP Annual Convention will be held July 2 through 5 in the Indiana Convention-Exposition Center.

Since his election as school superintendent in 1970, Dr. Riles has established a distinguished record. He boldly reordered priorities to make education of the state's children the most important function of his department.

He restored the non-partisan, non-political nature of his office and pulled together the diverse factions within the educational field with exceptional administrative skill.

Consequently, it is widely recognized that public education in California has been significantly improved. The most recent tribute to this achievement was the award of the Berkeley Citation to Dr. Riles by the University of California on March 29. The citation is the highest award that the university can bestow.

Dr. Riles was born on June 27, 1917, in a backwoods Louisiana saw mill camp where turpentine was distilled from resin. He was an only child and was orphaned at the age of 12. Thus, as a poor country boy, he had to start working early for a living in the camps.

He was raised in the African Methodist Episcopal Church. He survived a difficult childhood to attain distinction in life by learning early to discipline himself. An old bachelor with whom he lived, he recalled, counseled him that, "The test of a man is doing only what you should do."

Despite being raised in a segregated society, he further learned to "judge each individual, regardless of race, on his own." All his life, he said he found many whites who not only played fair, but also fought fair.

He was guided by this belief when he ran his first race for elective office in 1970 and proved again that whites would vote for a black candidate on merit only. His opponent then was arch-conservative Max Rafferty.

He began his professional career as a teacher and rose to administrator in the Arizona public school system. At the end of World War II he began a three-year career in the Army Air Corps. Upon his release, he began working on his master's degree in 1947.

In 1958 Dr. Riles joined the California Department of Education as a consultant. Seven years later, he was appointed to head the federal \$100 million a year Compensatory Education Program, which was to aid poor children. At the same time, he was invited to serve national governmental committees and task forces.

Soon after accepting Mr. Rafferty's offer to become his deputy, Dr. Riles found that he was in the right place but on the wrong team. But he bided his time until the opportunity arose for him to make a bid for his boss' job.

He surprised himself by getting 25 per cent of the vote in a three-way primary compared to Rafferty's 48.6 per cent. He then went on to trounce Mr. Rafferty in the final elections by gaining 3,250,000 votes.

For the past 32 years, Dr. Riles' pillar of strength has been his wife, Louise. They have four adult children, three boys and a girl.

She has encouraged him to move on from positions, she explains, when she found that "It's time for you to move along." But when the time came for him to make his bid for the superintendency, the decision was his alone.

As head of the state's four-and-one-half million student system, Dr. Riles sees himself as an educator and not a politician. "Education is all I really know. This is a higher office than I could ever have thought of holding in my wildest dreams. It is more than enough for me."

But the greatest lesson he has for his race is that, "A black man really is a leader only when he leads all people."

**THE L. MENDEL RIVERS AWARD
PRESENTATION TO REPRESENTATIVE F. EDWARD HÉBERT, OF
LOUISIANA**

Mr. THURMOND. Mr. President, it gives me great pleasure to announce to the Congress that F. EDWARD HÉBERT, chairman of the House Armed Services Committee, has been presented the L. Mendel Rivers Award by the Noncommissioned Officers Association of the United States of America.

Congressman HÉBERT was formally presented with the award last April 20 at the annual international meeting of the NCOA in San Antonio, Tex.

Mr. President, few men in the Congress have so distinguished themselves as has the great Representative from the First District of Louisiana. He has served in the Congress longer than any individual from that State and is in his 33d consecutive year having been elected successively to the 77th through the 93d Congress.

Through this period of service he has stood firm for all the high ideals that our forefathers held sacred. He has provided sound advice to his colleagues and outstanding leadership to his constituents, his State and Nation.

While he has distinguished himself in many ways his great career has been highlighted in recent years through his service as chairman of the powerful House Armed Services Committee.

As a successor to my late friend, L. Mendel Rivers, it is fitting that Congressman HÉBERT be presented with the award established by the NCOA to memorialize the late chairman of the House committee. Certainly Mendel Rivers trusted EDDIE HÉBERT with the tough tasks that fell to that committee during his chairmanship. Today, Congressman HÉBERT is providing for the Nation the same strong leadership in the area of national defense. All of our citizens will benefit in the years to come because of the solid stand taken by Congressman HÉBERT in insisting that this country maintain a national defense second to no nation. I personally salute him as a patriot and leader of the first order and extend to him my heartfelt congratulations upon his selection for the NCOA award.

The NCOA has grown rapidly in membership since its early years. In just the past year the membership has more than doubled from 60,000 to 134,000. In that year, the NCOA has also steadily increased its active participation in legislative matters and I had the privilege, on April 24, of officially opening its National Capital office located in Arlington, Va. So it is with added experience and on-the-spot evaluation that the NCOA presented its second annual L. Mendel Rivers Award to my friend and colleague, the Honorable F. EDWARD HÉBERT.

Offering the introduction to the presentation of the award was Sgt. Maj. Mack McKinney, U.S. Marine Corps, retired, the association's director of legislative affairs. Sergeant Major McKinney's remarks were as follows:

A GREAT AMERICAN

Mr. President, members of the International Board of Directors, distinguished guests, fellow non-commissioned and petty

officers of this great Association, members of the auxillary, ladies and gentlemen.

This evening I am honored and privileged to offer the introduction to the presentation of the Non-Commissioned Officers Association's most prestigious and coveted award, the L. Mendel Rivers Award for Legislative Action.

Two years ago the International Board of Directors voted to establish this annual award. It was to be an expression of gratitude to a member of Congress, who by his or her dedication, loyalty and patriotism, most closely followed the concept of our Association's purpose "... To uphold the high morals, the patriotic responsibilities and love of country, so vital to the success and growth of our great nation."

On May 25, 1971, The Honorable F. Edward Hébert, Chairman of the House Armed Services Committee introduced the award to Congress. The text of his remarks were as follows:

"Mr. Speaker, we are aware of the continuing interest shown by the Non-Commissioned Officers Association of the United States of America in matters legislative by their periodic correspondence with regards to various actions which affect the military services and indeed the general welfare of this great nation.

"They endeavor to keep their world-wide membership informed in these matters through the medium of their monthly publication, NCOA Journal, and they encourage their members to accept the challenge of an American citizen to cite his individual views to his Congressman.

"The attentiveness to legislative action by the NCOA is encouraging to me, as I am certain it is also to many of my colleagues. They have allowed us the opportunity of their collective thinking concerning such subjects as consumer protection and truth in lending statutes, dependents medical care, recomputation of military retired pay, the Hubble Pay Plan, retirement credit for enlisted Reservists, integrity of the American flag, social security versus veterans pensions, the Cold War GI Bill, servicemen's widows equity, various military pay bills, and many others.

"As an honorary member of the Noncommissioned Officers Association, it is my privilege to announce that this fine organization being acutely aware of our actions through their legislative committee, has initiated an annual award to be presented to the legislator who, in their opinion, is most worthy of recognition for his efforts in furthering the ideals of democracy, freedom, and patriotism on behalf of our beloved nation.

"The award will be known as the L. Mendel Rivers Award for Legislative Action, and I can think of no title more appropriate or meaningful, both as a coveted honor and memorial to a great legislator.

"In conclusion, I ask that each of you join in commanding and extending thanks to the NCOA for their continued interest in the workings of the democratic process, and especially for their thoughtful, valuable, and honorable gesture in memory of our late colleague, L. Mendel Rivers."

Our recipient of the 1972 award was probably unaware that he was referring to his own qualifications in the contents of this introduction to Congress—for he is a legislator most worthy of recognition for his efforts in furthering the ideals of democracy, freedom and patriotism on behalf of our beloved nation.

Those of us who are acquainted with him are well aware that he encompasses the qualities of a great American. He is at times as expressive as John Hancock—who wrote his name in broad strokes upon the Declaration of Independence so that one and all could easily attest to his faith in our new Government. He is at other times as humble as President Abraham Lincoln. Still he can

be as turbulent as President Harry S. Truman. In fact, he is a composite of many of our great statesmen: President Washington, Thomas Jefferson, Patrick Henry, Theodore Roosevelt, Benjamin Franklin, as well as those I have mentioned earlier.

He has stepped from a humble beginning in New Orleans to become a newspaperman, city editor, then on to the Congress of these United States. Elected to the 77th Congress he has continued to serve his Nation for many years, and upon the death of his colleague, the Honorable L. Mendel Rivers, moved into the chairmanship of the House Armed Services Committee.

Alike to his friend Mendel Rivers, the new chairman continued to bring greater glory to the committee. He was, however, his own man, and was forced to overcome the admiration and affection for his predecessor that constantly overshadowed him on Capitol Hill. Without discredit or dishonor to his friend, our distinguished Congressman proved to one and all that he was a separate entity, dedicated to the principles that were founded by his former colleague, but recognizable as a man who possessed equal qualifications; determination, dedication and a free spirit.

In doing this, he has been praised and cursed, idolized and deplored, congratulated, and censured. But through it all he has accomplished much for all of us—for every citizen of these United States.

He has at times thrown politics to the wind and programmed many items of legislation benefitting the military, the service member, and most of all our great Nation.

Perhaps the philosophy of tonight's honored guest may be summed up in the words of General George Washington in an address to his troops before the Battle of Long Island in July, 1776. General Washington stated: The time is near at hand which must probably determine whether Americans are to be freemen or slaves; whether they are to have any property they can call their own; whether their houses and farms are to be pillaged and destroyed, and themselves consigned to a state of wretchedness from which no human effort will deliver them. The fate of unborn millions will now depend, under God, on the courage and conduct of this army. Our cruel and unrelenting enemy leaves us only the choice of brave resistance, or the most object submission. We have, therefore, to resolve to conquer or die."

How befitting these words are today in a world besieged by communism and the threat of a growing, ever-powerful Soviet strategic and conventional war machine. Our only hope is to provide an adequate and more powerful deterrent by maintaining an armed force second to none.

Tonight's recipient of the Non-Commissioned Officers Association's L. Mendel Rivers Award for Legislative Action, is constantly striving to fulfill that need. He continues to do all in his power to ward off those who cry we need not an adequate Army, Marine Corps, Navy, Air Force, or Coast Guard to defend our shores. He uses his ability to do what is good for this country—and God-willing, will carry on that battle for many years yet to come.

Our Nation needs men like him—we need the spirit and the courage he possesses—the determination to keep America strong and independent. Yes, my friends, we cannot do without men such as he who places the needs of the country above all material things.

Tonight the Non-Commissioned Officers Association salutes this great American. We are even more proud as he is one of the first of our distinguished honorary members. He has stood by our Association through its growing stages; he has been truly a dedicated and loyal supporter of the Non-Commissioned and Petty Officers Corps; he has further been an advocate of keeping our Armed Services strong and lean; but most of all, he

has devoted himself to the preservation of our beloved nation.

Ladies and Gentlemen, I now have the further honor and privilege of calling upon our President, Mr. Jimmie L. Pfeffer, who will present the coveted L. Mendel Rivers Award to the most Distinguished Chairman of the House Armed Services Committee, the Honorable F. Edward Hébert of Louisiana, an honorary member of the Non-Commissioned Officers Association of the United States of America."

Mr. President, in closing I would like to add that many Americans join with the NCOA in recognizing the achievements of Congressmen Hébert. His life has been devoted to public service and he richly deserves this honor from the men who have defended our nation so well, the Non-Commissioned Officers of America.

MORE SUPPORT FOR THE JACKSON AMENDMENT

Mr. CRANSTON. Mr. President, I would like to bring the attention of the Senate to a resolution adopted by the California Legislature.

The resolution calls on the President and the Congress to deny most-favored-nation status to countries "which prevent their citizens from emigrating freely by requiring the payment of ransom taxes".

Clearly, expressions of concern from Americans all across the country have contributed to the recent suspension of the odious emigration tax in the Soviet Union. Now is the time for the Soviet Government to demonstrate its good faith by going one step further—abandoning the practice of harassment and intimidation of those who seek to emigrate, whether or not they can afford to pay a tax.

Mr. President, I ask unanimous consent that California Assembly Joint Resolution No. 15, relative to East-West trade relations, be printed in the RECORD.

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

ASSEMBLY JOINT RESOLUTION NO. 15 Relative to East-West trade relations

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President to support, and the Congress of the United States to enact, legislation to amend the East-West Trade Relations Act of 1971 so as to deny most-favored-nation status to countries which prevent their citizens from emigrating freely by requiring the payment of ransom taxes; and be it further.

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to Senator Henry M. Jackson and Congressmen Charles Vanik and Wilbur Mills, and to each Senator and Representative from California in the Congress of the United States.

RESPONSIBILITIES OF THE NEWS MEDIA IN A FREE SOCIETY

Mr. GOLDWATER. Mr. President, contrary to the impression created by some segments of the news media, some of the responsibilities of the news media of the soundest thinking on the subject

in a free society has been done by Vice President SPIRO AGNEW.

And in these days of instantaneous communication, I believe more and more attention needs to be given to this subject.

I wish to make it clear, Mr. President, that I am fully aware of the need to protect the freedom of the press. But, I also believe this freedom carries with it some very definite responsibility. And my experience has taught me that not all members of the news media live up to the responsibility bestowed on them by the U.S. Constitution.

Vice President AGNEW has ventured to voice criticism of the news media several times in the past. And each effort, regardless of how well-reasoned, has been greeted with cries of "repression" and "intimidation" on the part of some members of the media. Nevertheless, the Vice President has stuck to his guns and refused to be cowed into silence. Just recently—on April 12, 1973—for example, Mr. AGNEW addressed the April Freedom Forum at Harding College in Searcy, Ark., and repeated his contention that "advocacy journalism more than any other factor has caused the current ill-feeling between Government officials and the opinionmaking media." As the Vice President explained it:

What advocacy journalism ultimately causes is a dispute between a government position and a reporter's position. Traditional journalism positioned the reporter in the stance of an arbitrator—a referee whose only interest was in dredging the truth from two or more contesting political viewpoints. Advocacy journalism makes him a salesman for his point of view.

The Vice President believes that an awareness of their power has caused some newsmen to reinterpret their role in our society. He pointed out that where once journalists believed their job was to report what happened; today, the view increasingly means to be that the media should control the public reaction to what happens.

Because of its extreme importance, Mr. President, I ask unanimous consent that the Vice President's speech at Harding College be printed in the RECORD.

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

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

I am very pleased to have the opportunity to address this 36th Freedom Forum. In selecting "Responsibilities of the News Media in a Free Society" as this year's theme, the N.E.P. Board of Directors and the Forum Advisory Committee have locked horns with a volatile and controversial subject—one that frequently is treated with much heat and little light. And now that this enraged bull of a subject has been led into the arena, I will engage him with the caution of an experienced matador. I could not ask a better audience than you at Harding College, who have achieved national recognition for your serious and perceptive consideration of important issues. Now, I do not hope to be awarded the ears or the tail for this performance. I would be satisfied if, somehow, the bull became a little more tractable as the result of this venture.

Let me begin by emphasizing my conviction that free and uninhibited news media are essential to a free society. That is not

only my conviction and my position, but the position of the Nixon Administration. I state that position with full knowledge that some well-known personalities in the opinion-making media believe and state flatly that the Nixon Administration is committed to their demise through a grand conspiracy to destroy their credibility. We are exerting, they are fond of saying, a "chilling effect on first amendment freedoms."

Now I am not challenging the sincerity of these individuals; I merely say that they are wrong in that conclusion. The idea of interference with the free flow of information to the American people, by Government or anyone else, is repugnant to me. In my speech in Des Moines about the networks, I suggested that greater diversity of opinion, not censorship, was needed in television news. We need to see more sides to a controversy, not black-out the matter entirely. We need to hear more commentators, not less commentary. And, above all, we need some method of assuring that the important events of the day make the network news. Such a small number of network news editors, having common interests and frequently common politics, cannot be aware of the broad interests of the American people. I do not accuse them of any conspiracy, but I do suggest that they are affected by the same peer group prejudices, business interests and loyalties that we are.

You may remember that I spoke a while back about "opinion-making media." I want to be sure you understand what I mean by that term. I do not refer to the typical newspaper or radio or television station. By "opinion-making media," I mean the media of more than local impact—the large newspapers and magazines which cover the Nation and the world with their own personnel—the networks—the wire services. Through their resources, multiple ownerships and wealth, they exert a clout far in excess of any combination of small media—even a combination with hundreds of times their circulation.

It is significant that most of the cries of "repression" and "conspiracy" which are being mounted today against the Nixon Administration come from the opinion-making media. Very few editors and station owners around the country share their fears. But, again, I do not doubt the genuine concern of these critics in the opinion-making media. They do not trust the Government to be fair to them, but we do not think they have yet diversified their undertaking sufficiently to fairly report the activities of Government to the American people.

At the base of their concern is the power of Government—the power to regulate or legislate them to impotence and ultimately to destruction. But is this a logical concern? Governmental power is already diversified; Government is already a conflict of interests in itself. Republican President vs. Democratic Congress. Executive Branch vs. Legislative or Judicial Branch. Liberal vs. Conservative. These diffusions are all safeguards against a monopoly of interest or power cartel in Government. Moreover, the incumbency of an elected leader in Government is limited by law. Power is limited to a term of office. So I would have to say that such fears of unabridged power are mainly fantasies. The media are protected by the Constitution and the American system. Their freedom to rage at us with accusations of censorship, repression and McCarthyism is adequate proof that the alleged "chilling effect" or threat to their freedom is fictional.

At the base of our concern lie several interrelated changes in media patterns and attitudes. These changes have occurred mainly during the past fifteen years and have led to the emergence of the opinion-making media as a formidable social force in our society.

Consider this statement by one of the Nation's most famous TV anchor men. He says—"In a highly organized, crowded and complex society, freedom must be taught. Liberty must be learned." The natural questions are "taught" by whom? And "learned" by whom? The commentator makes it clear that it is the media's function to do the teaching, and the American people's role to do the learning. Yet it is about the same American people whom this commentator says: "What I worry about is that many Americans would accept Fascism and believe there is justice in it."

I submit that he can stop worrying now. The American people just aren't that naive. But what is troubling here, beyond this misreading of the American character, is the mind set which gives rise to it. And this mind set is the essence of advocacy journalism. Its practitioners, seeing a given result as right, act more in the style of lawyers developing a brief than as reporters. They ferret out and publicize principally those facts which support their own points of view—points of view which are considered by them to be revealed truth and the only ones that should be presented to the American people.

In recent years, many of these views have tended to be anti-Government. Recall for a moment the quality of the news we became accustomed to receiving from Vietnam and imagine that you are listening to a commentary on the war by CBS correspondent John Hart, who had this to say in an address given last summer: ". . . we, as a matter of course, refer to the North Vietnamese and the Communist guerrillas in South Vietnam as 'the enemy' when they are, in fact, the enemy of the Saigon government and the American executive branch."

Now just consider that statement and decide for yourself whether the man who made it could possibly remain objective in his reporting of the war news. And given a group of men with similar views in control of the news selection process, what chance is there of getting an accurate message across to the people?

And this brings us to the crux of the problem, a problem that is one of the most serious we face today. Note carefully the separation made by Mr. Hart between the Executive Branch and the American people. Then analyze the close relationship he suggests between the media and the American people, a relationship almost casually referred to in a recent article by two other distinguished journalists, in which they allude to "a representative of the public—in the person of the news media."

That quotation, I believe, reveals precisely what is wrong with the way the opinion-making news media view themselves. Their personnel have come routinely to think of themselves as representatives of the people, and just as routinely to view the Federal Government as the enemies of the people.

Now, something seems very out of joint about this. Does a man who works for CBS represent the people? Or does he primarily represent CBS? And isn't an elected official, depicted as an enemy of the people, really the person directly accountable to the people who put him in office?

What advocacy journalism ultimately causes is a dispute between a Government position and a reporter's position. Traditional journalism positioned the reporter in the stance of an arbiter—a referee whose only interest was in dredging the truth from two or more contesting political viewpoints. Advocacy journalism makes him a salesman for his point of view.

I submit that it is advocacy journalism more than any other factor that has caused the current ill feeling between Government officials and the opinion-making media. When Government officials defend themselves from what they consider unfair slanting of news

stories, the partisan newsmen, outraged at unaccustomed criticism, too often hurls the counter-accusation of "repression" and "censorship." The news media really must learn to get over being so thin-skinned—particularly when they are so intolerant of thin-skinned officials.

Jerome Barron, Dean of the Syracuse University College of Law, has written knowledgeably and persuasively about freedom of the press. Referring to the subject, he had this to say:

"Our constitutional guarantee of freedom of press is equipped to deal with direct and crude governmental assaults on freedom of expression, but is incapable of responding to the more subtle challenge of securing admission for ideas to the dominant media. In general, it seems that ideas are denied media space and time unless they come in the carnival attire of the violent or the bizarre."

(And if you doubt the validity of that observation, you haven't contrasted the coverage of Wounded Knee with the non-coverage by two networks of the big parade for Vietnam Veterans in New York.)

Further commenting on this, Professor Barron states:

"The media owners and managers have astutely identified the constitutional guarantee of freedom of the press with themselves. They read freedom of the press as an immunity from accountability and any kind of legal responsibility."

Referring to the small number of network news selectors, Professor Barron had this to say:

"Even if that dozen were the equivalent in wisdom of Plato's guardians, it does not need a very profound political philosopher to wonder whether so few should have so much power."

And commenting on media receptivity to reform, Professor Barron said:

"What must be done is to build diversity into both the private and the public sector. The press has long maintained that everyone should be subject to criticism and oversight. At the 1969 national convention of the Radio Television News Directors Association, I suggested that the press also should be subject to oversight. Later the same day Dr. Frank Stanton, Chairman of the Board of CBS, quoted what I had said and added: 'What a chilling thought.' But the reality which Agnew describes and the radical reaction to his remarks is also chilling."

There are, of course, other areas of current disagreement between the opinion-making media and the Government. I regret that there is not time to handle them in detail—that must await another speech—but I would like to bring them to your attention briefly.

First, there is the substantial disagreement about the right of the media to publish classified governmental documents which have been illegally obtained. The media defense is that the documents should never have been classified, that they are not essential to national security, and that the people have the right to be informed of what Government does behind closed doors.

The Government position is that media personnel are not equipped to judge whether or not a particular disclosure affects the national security. We take the position that intelligence gathering is a matter of accumulating bits and pieces and that a seemingly innocuous fact may provide just what an adversary power needs to discern our intentions—intentions which security dictates be kept from it.

While I agree that far too many documents are classified, we are moving with all possible speed to reduce the number. Meanwhile, in a genuine controversy about whether or not classification is necessary, it would be better to rely on the professional judgment of experts in the Government rather than the

conclusions of a pioneering reporter that the revelation will not injure the United States.

Second, there is the difficult question of general or special privilege for reporters so that they will not have to reveal their sources during Grand Jury or court proceedings. I am sympathetic to the media position that investigative reporting would be inhibited should a reporter in the course of accumulating his data be required to identify the sources. Yet, it seems to me that, once the investigation is complete and the reporter has decided to make public his allegations of impropriety against an individual, that individual must retain his constitutional right to confront his accusers. A person accused of misdoing must not be prevented an adequate defense because he cannot locate his tormentors.

On this same subject, criminally actionable improprieties aside, many in public life are damaged irreparably by snide remarks and scandals published against them and attributed to "reliable sources." The danger here is that, given our trend toward advocacy journalism, the source may be nonexistent—a simple reenforcing tactic of the reporter himself. The press, not being a self-policing profession, gives us no assurances that the normal high standards of established organs may always be maintained.

Now, I don't know how to fairly handle this problem of unidentified sources, but a big help would be a requirement that an unidentified source be referred to simply as "an unidentified source" and not embellished with the indicia of credibility such as "a long-time State Department professional," or "a high level White House staff member," or "people with no ax to grind who are in a position to know."

As I conclude these remarks, I am not at all sure that I have engaged this enraged bull of a subject with proper caution. In some ways, the subject is too mercurial to permit careful handling. But I would like to conclude on an ameliorative note.

There is unquestionably wrong and right on both sides of this controversy. Only reasoned debate and communication between the parties can lead to a solution or even to an improvement. Because it is a matter of immense importance to the American public that information flow credibly and freely to them, the Government and the media must put aside their visceral reactions and engage in a productive, intelligent discussion of their differences. The Administration is prepared to participate in such a discussion.

THE LATE SENATOR WILLIAM BENTON, OF CONNECTICUT

Mr. PELL. Mr. President, the death of William Benton last March 18, 2 weeks short of his 73d birthday, deprived our society of a fascinating man, who, while he had life, was in many ways, larger than life. I came to know him well when we were once both members of the Platform Committee for a Democratic Convention; in those trying hours, and in subsequent calmer situations, I came to respect him as a person and value him as a friend.

Bill Benton was, of course, a proper legend, but his contributions were so varied that it is possible some of them may, in this time of sadness and recollection, be overlooked.

I shall talk for a moment of one facet of his life not as well known as some of his others—and that is as a patron of the arts, a phrase he never used to describe himself; he would have considered it somewhat too grand; yet patron of the arts is what he was.

As a student at Yale he became the friend of Reginald Marsh, a year ahead of him and not yet inclined toward the world of painting, at which both of Marsh's parents had won distinction. A few years later, while the Benton and Bowles advertising agency was forging its stunning success during the Great Depression, and Marsh was just beginning to paint in earnest, Bill Benton became a benefactor and contributed significantly to his maintenance. At his friend's death, two decades later, Benton bought from Marsh's widow half of the paintings remaining in his estate; at the time of his own death last month, Bill Benton still owned hundreds of Marshes. And these constituted only a portion of the host of American canvases in his collection.

Bill Benton was an unusual collector. His holdings were entirely of American painters in the first half of the 20th century. Yet this fact reflects neither chauvinism nor concentration upon any particular school. He once said:

I would like to own works by the French impressionists, but they have been so expensive that their purchase has become a kind of business, full of detective work to make sure they are actually the works of the artists whose names they bear. I have no time to spare for that kind of business. American art, by contrast, has been easy to buy. It has been undervalued; the prices are low for 20th century art and there are no forgeries.

This mixture of appreciation, sensitivity, impatience, and pragmatism was peculiarly and authentically William Benton.

Although he denied it, he was unpredictable. Not once, but on several occasions he discovered an artist previously unknown to himself in a gallery, and showed his admiration tangibly, indeed extravagantly. Thus, in a gallery where he "discovered" Jack Levine, he bought every unsold Levine in the place. In succeeding years he continued to buy the painter's work.

Reginald Marsh was Benton's friend before the one painted or the other bought. Levine also became his friend.

Ivan Albright was another artist who discovered the extraordinary qualities of William Benton. Benton became so taken with Albright's work that he made the artist a standing offer, to buy, sight unseen, every work he turned out. Late in his life Benton gave to the University of Chicago Medical School a unique collection of surgical illustrations by Albright as an Army medical illustrator in World War I.

Of George Bellows and others, Benton once wrote—

I'm crazy about Bellows, and I own a half dozen of his paintings. I own between 5 and 10 Tom Bentons, between 5 and 10 Childe Hassams, 3 Isabel Bishops—

And so on.

Bill Benton was consistently generous with his holdings. He owned five paintings by Robert Henri, and gave one of them to the White House. Another, I am happy to say, he gave to my alma mater, Princeton University; it was Henri's portrait of Woodrow Wilson, our former President, who also served as president of Princeton. This painting now hangs in the president's office at Princeton. Bill

Benton gave many paintings—naturally and appropriately, by American artists—to the Department of State, to be hung in American Embassies around the world. He also loaned his own works freely; indeed, for Japan's Expo '70, he sent 70 of his paintings, selected to make the show as representative as possible, to hang in the American pavilion there.

Shortly after the beginning of his career as a collector, Bill Benton became involved with a quite different collection of American art. This collection was winning highly favorable attention in foreign capitals. Benton had just become Assistant Secretary of State, and it fell to his lot to explain to a House investigating committee certain nonrepresentational American paintings in the show, which was traveling in Europe just after World War II, and which had been assembled by the State Department—wholly unknown to Benton. It had been unknown, too, to Secretary of State George C. Marshall, whose comment was, "It must be very good art, because I cannot understand it," and to President Truman, who described it as "ham and egg art."

In that hysterical period many of the artists responsible for this collection appeared on the Attorney General's list of persons suspected of Communist affiliations. Benton, under grilling by the committee chairman, was repeatedly pressed to explain or interpret various abstractions. He repeatedly demurred, saying—

I would hate to pass judgment on any of these pictures, Mr. Chairman.

Of one particularly obscure canvas, the chairman demanded—

Aren't you horrified yourself?

Assistant Secretary Benton responded—

I would not use the word "horrified" . . . I would say "art."

Benton eventually and regrettably was forced to dismantle the show. He sent an assistant to the sale to bid on a number of the paintings, including a Pollack and a Kuniyoshi which he particularly craved. But the bids he authorized did not go high enough, and he was able to acquire neither. He was never able to satisfy his desire for a Pollack, but he later did own several Kuniyoshis.

Wholly coincidentally, a few years earlier, Benton had sponsored the assembly of a Britannica collection, of some 130 canvases built around several paintings which had been created to illustrate the Encyclopaedia Britannica articles, and this collection successfully toured the United States for a number of years.

All of these exhibitions were of contemporary American painters. Few of the paintings were abstract. Although he owned a number of abstractions, and craved a Pollack to the day he died, he preferred, in general, representational art. A few years ago he wrote to a friend—

When I look at my watercolor by Hopper, I then look with contempt at most of the paintings in the current galleries. This does not mean that I am wholly against . . . abstract art. I own a couple of Helklers and a couple of Rattners. . . .

Bill Benton's apartment at New York's Waldorf Towers, where he died, was a

veritable gallery of American art, as were his homes in Southport, Conn., and Phoenix, Ariz. Indeed, the garden of the Southport home is a proper sculpture garden.

He was a great admirer of the ceramic works of Henry Varnum Poor, and often quoted with approval a passage from the *New Yorker* about Poor which began—

There is no one like him in America; perhaps there will not be his equal for several generations.

Bill Benton had a unique kind of openness to experience, a genuineness, and an all encompassing humanity about him. He was a man not afraid to enjoy what he did not understand, or to disdain what he neither understood nor enjoyed; yet, he was never afraid to completely endorse what he did understand and enjoy. Mr. President, I shall conclude my personal tribute to this outsize man, this giant in career after career, this public servant and patron of the arts, William Benton, by saying that I know of few men whose lives have been so filled with the sheer joy, exuberance, and adventure inherent in fully partaking of the essential life experience. But if few men's lives equaled Bill Benton's in this respect, even fewer equaled his willingness to share this experience and excellence in a spirit of complete generosity with all who were privileged to know him.

Mr. President, I ask unanimous consent to have printed in the RECORD a few of the many tributes and messages of sympathy which Mrs. Benton has received from friends around the world.

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

STONEWALL, TEX., April 7, 1973.

DEAR MRS. BENTON: You have been much in my thoughts these past days. Knowing your husband was one of life's happier experiences, and I will never forget all the good ways he touched our lives.

I will always remember him, his many-sided and colorful career, with so much warmth and affection. He was 'one of a kind' and I believe it not only reflected great credit on him, but on the country which produced him. He gave so much through his service and his contributions to education, and certainly all who knew him felt marvelous sense of vitality and purpose.

Lyndon and I treasured his friendship. His visit with us last Fall was pure delight. I am so glad they had that last time together . . . and so many other wonderful times through the years.

Although I had expressed my sorrow to you, I wanted to tell you, too, how glad I am that we shared a part of his life.

My very best to you and your family.

Sincerely,

LADY BIRD JOHNSON.

LUCI JOHNSON NUGENT,
Austin, Tex., March 21, 1973.

DEAREST MRS. BENTON: My heart goes out to you and your family for I know the pain of losing a great man and your most cherished loved one. I also recognized the yearning to say too soon why now there was so much we had left to do. But there is comfort in having shared life with someone like your beloved husband who lived life so fully that he encompassed several lifetimes in one. There is joy in knowing that in sharing him—maybe more often than you would have

chosen—you radiated his magnificent benevolent spirit to the thousands of those lucky enough to pass his way. And there is hope in the belief that though he may be gone he lives on in the lives and memories of those who loved him—as we did—and in the realization that he is now truly free from the pain and sorrow of this world—that he helped to eradicate while living.

My father often said his greatest heritage were his father's friends. I know mine is and Senator Benton was a treasured part of that heritage. Life will never be the same without them—but how much richer are our lives because we were privileged to have loved them.

My children are thriving off the magnificent children's encyclopedias your husband sent them and as they relish the joy of learning from them, I will remind them that their Poppa's close friend was responsible for opening to them this new and phenomenal opportunity for learning with pleasure.

Your husband has a friend in heaven and you shall have our friendship always.

Sincerely,

LUCI JOHNSON NUGENT.

HOUSE OF COMMONS,
London, SW.

From: The Rt. Hon. Harold Wilson, OBE,
FRS, MP.

I should like to pay a tribute to Bill Benton as one of the great and most forward-looking men of our generation. A successful business-man in his 20s, university administrator, saviour of Encyclopaedia Britannica and creator of its new twentieth century standing, educationist, McCarthy-baiter, and world statesman.

Bill was a friend of mine for many years, a frequent visitor to Downing Street and Chequers in my tenure of office, and an equally loyal friend in the years that followed.

He had a vision and it centered round the widening of the educational opportunities he had won for himself by his own talents; in the United States; in the Atlantic Community when as Assistant Secretary of State he did the devilling for the Fulbright scheme; above all, in the Third World and in what he achieved for the spread of the English language in far-off countries.

I owed a great deal to a study I made in Chicago in 1963 of the visual teaching methods used by Encyclopaedia Britannica, when I was preparing the plans for what later became Britain's Open University. Bill took a lively interest in this when it was established; the last time I met him he exclaimed in characteristic language his regret that, Britain's Open University being the greatest development in education in any country in this century—a striking tribute from a great educator—his one regret was that it has been developed in Britain and not in the United States.

Tireless, voluble, but a dedicated enthusiast for all the right causes. Even in his last years of serious illness, and indeed right to the very end, Bill Benton's contribution to education, the English-speaking world and the vaster Third World will be his monuments.

DEAR MRS. BENTON: Bill's life and mine were curiously intertwined, and for that very reason I valued his affection in a very particular way. He himself explained it in a letter of November 2 last fall about a conversation with Jimmy Byrnes. And he too gave it words more than once. I loved him for his works—he was always on the side of the angels. But more than that I cherish his memory for the generosity of his heart. He was more *alive* than anyone else I have known in public life. Ada and I send you our heartfelt sympathy.

ARCHIBALD MACLEISH.

NEW YORK, N.Y.
March 20, 1973.

DEAR MRS. BENTON:

May I express my deepest sympathy for your loss. William Benton was an extraordinary man. He will be missed by a multitude of people, myself among them.

Ruth joins me in these feelings and in wishing you all the best.

Very truly,

JACK LEVINE.

A EULOGY TO SENATOR BENTON

(By S. Dillon Ripley)

I remember Bill Benton as a Renaissance man dedicated to improving the quality of life in modern times. He was a man of many interests, both academic and professional, a man who felt at home on the campus as well as in the board rooms, a man who was known among museologists, publishers, government leaders and the literati for his dynamism, innovations and enthusiastic endorsements of unpopular, as well as popular, enterprises.

I remember my first contacts with Senator Benton. They took place in the 1950's when I was at Yale. A relative of his worked for me as a bird taxidermist at the Peabody Museum. The Senator was intensely interested in this young man's work and we had a number of conversations about our efforts and the young man's future. Bill Benton was an accomplished and active alumnus of Yale and he took a deep and sincere interest in his alma mater's many activities. It was not unusual for any of us on the Yale faculty—from President Griswold on down—to receive lengthy memoranda from Bill Benton filled with suggestions on how we might improve or re-articulate our programs. They were welcomed communications and usually were positive, entertaining—challenging.

And then we moved to Washington. With pleasant nostalgia, I recall by discussions about obscure historical matters with the Senator at meetings of the White House Preservation Committee. Later, we both became involved in the months of intensive planning that went into development of the festive observance for the Encyclopaedia Britannica's Bicentennial held at the Smithsonian's Museum of History and Technology on the Mall in Washington. It was a gala—intellectually as well as socially—which manifested the Senator's generosity, broad interests and an impressive invitation list of friends. And, in recent years, I have come to know his thoughtful and dedicated son, Charles.

Through the years, Mrs. Ripley and I always enjoyed the stimulating and provocative meetings and dinners we shared with the Bentons at their home in Southport, their apartment in New York City and at their winter home in Arizona. They were exciting events punctuated by ideas and observations that flowed from the Senator at the rate of almost one or two per minute. Bill Benton had varied lives that covered several worlds; he moved easily and assuredly from the worlds of economics and politics to the social and educational universe with a deep background of knowledge about many subjects and disciplines. He was an omnivorous reader with catholic tastes. And, he was a good listener, too!

In a period when there was great discussion about the need for the business community to become interested in art, Senator Benton was a pioneer as an advertising executive and publisher who assembled American paintings of the first half of our century. I recall Senator Benton saying: "My paintings represent my own taste, strict and unadulterated, without any advice from anybody. I have never sought any guidance on buying a picture nor have I concerned myself whether the price would go up or down, or whether I would be cheated. I buy reck-

lessly and when I like an artist (like Tom Benton or Albright) I keep on buying his work."

Bill Benton helped to develop the frontier that now is American corporate involvement in the art world. He sponsored exhibitions of paintings in cities across the land as well as overseas. He sought out the advice of distinguished curators in planning these exhibits and his corporation, *Encyclopaedia Britannica*, was one of the first to employ such a curator to take part in planning corporate development activities. It is said that Bill Benton was the first private collector ever to buy paintings by Reginald Marsh, the prominent American artist. That was in the 1930's. Which reminds me of another story about Benton and his art collections. It was in the Depression of the 1930's that Marsh, the artist, came to the Benton country home in Southport, Connecticut, to paint portraits of the Benton children. He remarked to Benton: "Do you know that the WPA is giving \$100 a month to artists and that they can paint anything they want? Sometimes, I wish I could get a deal like that." To which Benton replied: "Go ahead, I'll be your WPA. Paint anything you want for me and bring it in, once a month and I'll give you \$100 for it." On this basis, some twenty Marsh paintings were delivered to Benton in a three-year period.

Finally, I remember Bill Benton as an optimist . . . a leader who always seemed to be honest and direct, concerned with progress and hope. He was an interdisciplinary man with Renaissance tastes and concerns.

THE FEASIBILITY OF STEAM POWER

MR. GOLDWATER. Mr. President, in these days of fuel shortages and air pollution, much effort is being expended to find substitutes for the internal combustion engine. One of the most ambitious efforts has been directed at the possible use of steam power to propel motor vehicles. This study was directed by the California Legislature and partially financed by the Federal Government. And the final report on this effort concluded that steam propulsion has enormous potential for reducing urban air pollution but that huge technical problems are still to be overcome.

The 30-page report gave considerable praise to a steam propulsion design developed by William P. Lear, prominent in electronics and aviation, who has spent 5 years developing a feasible steam-powered car.

Mr. President, because of the importance of exploring all possible solutions to the problem of air pollution, I ask unanimous consent that a story on the California study published in the New York Times of April 8, 1973, be printed in the RECORD.

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

STEAM BUS CUTS SMOG
(By Robert Lindsey)

The final report of the nation's most ambitious effort in more than 40 years to use steam power to propel motor vehicles has concluded that steam propulsion has enormous potential for reducing urban air pollution. But the report adds that enormous technical problems must be solved if the potential is ever to be exploited.

The report reviewed the design and experi-

mental service last year of three different "steam bus" concepts in three California cities—Los Angeles, San Francisco and Oakland. The \$7.9-million project was directed by the California Legislature and partially financed by the Federal Government.

The steam engines were built by Steam Power Systems of San Diego, the Lear Motors Corporation of Reno, and William M. Brobeck Associates of Berkeley, Calif.

None performed completely satisfactorily, the report said, and none remained on regular passenger runs longer than 18 days before mechanical problems forced them out of service. Fuel consumption was inordinately high, and there were other problems.

Nevertheless, the California officials said the results were encouraging. Among other things, they said that, compared with a conventional diesel bus, the steam buses produced up to 30.5 per cent less carbon monoxide and up to 86 per cent less hydrocarbons and oxides of nitrogen. These three elements are the principal components of photochemical smog.

"Some years—perhaps less than a decade if funding is adequate—of progressive engineering work will be required before the E.C.E. (external combustion engine) is ready for general application and acceptance," the report said.

A steam engine is called an "external combustion" engine because fuel is burned outside of the engine itself. The fuel (such as kerosene or diesel oil) fires a burner, which heats water or other fluids and turns it into steam. The steam then drives a piston or turbine, and this energy is used to turn the wheels of the vehicle. The steam is later condensed, heated again, and the cycle is repeated. This is called a "Rankine" cycle engine.

In a conventional automobile engine, gasoline is burned "internally." A series of small, rapid-fire explosions of gasoline is harnessed to move pistons in cylinders rapidly back and forth. The reciprocating movement drives the wheels through a system of gears and a crank shaft.

Steam power proponents say external combustion of the fuel is much more efficient. This is because the fuel is more completely burned; thus, less drifts into the atmosphere. The result: much less emission of smog-creating pollutants.

Steam-powered cars and buses rivaled vehicles powered by internal combustion engines from about 1900 until the mid-nineteen-twenties. But "steamers" eventually lost out to the internal combustion engine because of lower cost and higher reliability.

The emergence of air pollution in many American cities—especially in California—led to a revival of interest in steam power in recent years.

In an effort to "prime the pump" of technology, the California Legislature's research staff urged companies to submit designs for a steam bus. The three companies responded. Conventional 40-passenger intracity buses were used; the conventional diesel engine was replaced with the steam engine.

In a 30-page report on the project, California officials said that, in addition to the data on low pollution, the design, construction and testing of the three buses had produced the following key findings:

Acceleration, speed and hill climbing are at least as good with steam power as they are with a conventional engine.

Exterior noise of the steam buses was less than a regular diesel bus, but interior sound levels were similar or higher.

Fuel consumption ran about three times that of a conventional bus.

Although the report gives comparative technical data for each of the three designs, it does not single out one as having the best performance. It does, however, give considerable praise to the design developed by

William P. Lear, who made a fortune in electronics and aviation and has been trying to develop a feasible steam-powered car for more than five years.

The Lear engine was the only one of the three designs to use steam to power a turbine rather than a reciprocating piston. "It appears to be the first in history to be successfully propelled by a steam turbine," the report said of the Lear bus.

While the Lear bus had a few mechanical problems, the report said that it had relatively little trouble during 11 days of "revenue service" on a San Francisco bus route, one with steep hills. "During its brief exposure, the bus provided early indications of the potential for high system reliability," the report said.

Despite such encouraging results, the California Legislature research office stressed:

"We caution that many years of progressive and persistent engineering will be needed to make [steam powerplants such as those used in the trials] technically feasible."

Among other areas, it said that research and development were needed to improve the reliability of steam engines, and to improve fuel economy.

"Exploration of both turbine and reciprocating expanders" should proceed, the report said, "because it is not yet clear which form is superior for heavy duty stop-and-go vehicles." At a minimum, the report said \$20-million should be invested on further steam engine research over the next four years.

While the steam engines came off much "cleaner" than a conventional diesel engine regarding air pollution, the report said they could be refined to be even less polluting.

BILL BENTON

Mr. SPARKMAN. Mr. President, I was grieved recently when Bill Benton died. I first knew him when he entered the Senate. I enjoyed my service with him. I found him highly energetic, able, and always willing to carry his full part of the load. I enjoyed my association with him throughout his Senate career.

I recall that when I was made chairman of the newly established Senate Small Business Committee, I went to Bill Benton and asked if he would be willing to get one of his principal aides in his office to assist me in setting up the Small Business Committee and in getting it started. He not only willingly agreed but he gave me some good advice as to what in his opinion should be done.

Bill Benton's life history has always been an inspiring one from many standpoints. I recall the story that, when just a young man, he and a close friend, Chester Bowles, announced that when they finished college, they were going to form a partnership and go into the advertising world, stating at the same time that it was their determination each one to be a millionaire at 30 years of age. Many people must have thought of this as being empty talk, but Bill Benton and Chet Bowles really meant it and, if I recall correctly, each one was a millionaire before reaching the age of 30. They were highly successful in the advertising field.

Later, each of them went into other fields of activity. Chester Bowles became Governor of Massachusetts. Bill Benton became a U.S. Senator.

Bill Benton bought the Encyclopaedia

Britannica and made an arrangement whereby the University of Chicago was to be the chief beneficiary. Through the years, Bill Benton has sent me at the beginning of each year the Britannica Book of the Year. Several days after his death, I received a letter that he had written but that he was never lived to sign, telling me that he was sending me a copy again this year, as he had done over the years. He sent many of these copies to his friends.

Bill Benton was a great man, a man always with fresh ideas and with the energy to put them into effect.

ACCOMPLISHMENTS OF THE APOLLO MOON PROGRAM

Mr. GOLDWATER. Mr. President, in continuing debate over the importance of the Nation's space program at this point in history, it is vital for all of us to consider the accomplishments of the Apollo moon program. It behooves us, I believe, to consider what Apollo actually did, whether it was worth the cost and what its' legacy is to man on Earth.

I have read many papers on this and related subjects, but none as concise and provocative as that written by James J. Haggerty, one of the Nation's most authoritative and respected writers in the field of aeronautics and space, for the March 1973 issue of Aerospace Perspectives, a publication of the Aerospace Industries Association. In his article, "Apollo: End of a Beginning," Mr. Haggerty says the Apollo program definitely was worth the time and money spent on it and that the most important benefits might be 20 years or 50 years in the translation. He pointed out that through the Apollo program the United States has scored monumental advances in technological capability and scientific knowledge.

Mr. President, because of the vast importance of this question to the future of the space program and our standing among the nations of the world, I ask unanimous consent that Mr. Haggerty's article be published in the RECORD.

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

APOLLO: END OF A BEGINNING (By James J. Haggerty)

(NOTE.—Why Apollo? What did it do, was it worth the cost, what is its legacy, and will man on Earth take advantage of his new treasure of knowledge? These questions are examined in this "Perspective" by James J. Haggerty, highly regarded journalist in the aeronautics and space fields who has authored three books on the Apollo program, has served as president of the Aviation/Space Writers Association and has been a long-time aerospace writer and consultant for numerous publications.—Editor).

On July 20, 1969, Apollo astronauts Neil Armstrong and Edwin E. Aldrin planted an American flag on the surface of the moon.

In no way was the flag-planting intended to be a territorial claim—it was a symbol of the fact that the United States was still, and would continue to be, the technological leader of the world, a status that had been very much in question a few years earlier. It was one of the proudest moments in

American history, witnessed live or in delayed telecast by some two-thirds of Earth's people.

Forty-one months later, Apollo 17 splashed into the Pacific after man's sixth visit to the moon and the greatest exploration/engineering effort ever undertaken by man came to an end.

For the most part, Apollo was duly lauded as the magnificent accomplishment it was. Opinion was by no means unanimous, however; a substantial element of the populace questioned the value of Apollo. Was it really worth the time, effort and money that went into it?

The answer is an unequivocal yes, even though it is somewhat early for an assessment; the most important benefits from Apollo might be 20 years, 50 years or even more in the translation.

The identifiable gains include, first of all, the restoration of a once-tarnished national reputation, the primary reason behind the initiation of the Apollo program. In addition, the U.S. scored monumental advances in technological capability and scientific knowledge. By any yardstick, Apollo must be considered entirely successful and well worth the effort.

FAILURE TO IMPRESS

Unfortunately, Apollo's gains are not readily understood. Because they are largely benefits of a nebulous nature, not capable of measurement in concrete terms, they fail to impress a segment of the public.

One of the most influential newspapers in the country made this comment:

"There's little question that Apollo rubbed many people the wrong way, partly because the voyages to the moon were oversold to the public. One long-lived slogan said that 'space benefits all mankind' and while the program produced practical fall-outs, it certainly didn't benefit all mankind or even a large fraction of mankind."

This statement is of special interest because, in remarkably succinct fashion, it sums up most of the public misconception about Apollo.

First, there is the prematurity of the verdict. The item in question was written within hours of the Apollo 17 splashdown, and that, as far as the writer was concerned, wrote final to Apollo's benefits.

In fact, however, the transfer of Apollo technology has barely begun because while the program was alive the participating companies were too busy with their primary responsibilities to probe for the spin-offs that they know exist.

Second, the comment is shallow in that it obviously judges benefits only in terms of material gain. All mankind has in fact already benefited. Scientific knowledge is perhaps the best legacy one generation can pass to another, and in the course of Apollo man learned more about the universe he inhabits than in all the previous centuries of history.

But the most disturbing thing about the newspaper comment is the fact that it no doubt exemplifies a general attitude on the part of "many people," an attitude that the success or worth of Apollo should be measured entirely in terms of hard, concrete, visible benefits. It is an attitude that suggests Apollo must justify itself in terms of a dollar's worth of benefit for a dollar's worth of expenditure. Advocates of this view often ask whether Apollo's money could not have been better spent on some pressing national problem.

The fact of the matter is that it was spent on a pressing national problem, Apollo was an attempt to controvert America's loss of stature in the view of the world. Of course the technological and scientific potentials of such a project were foreseen, but they were bonus advantages rather than *raisons d'être*. Recovery of national prestige was the primary goal. To a younger generation which

has inherited an entirely new range of national dilemmas, the prestige problem may not seem particularly important today. It was, however, extremely important at the time the United States made the decision to go to the moon. A thumbnail recollection of the events preceding that decision and the atmosphere of the time serve to put Apollo in proper perspective.

WHY APOLLO?

Apollo's roots reach back beyond 1961, when the decision to initiate the program was announced. They stretch to more than three years earlier, when the Space Age began.

At that time, the United States and the Soviet Union were locked in the bitter ideological struggle known as the Cold War. The forces of Communism led by the U.S.S.R. controlled one-third of the world's population and sought to control most of the remainder by influence or aggression. The United States, through a series of mutual defense pacts with non-Communist nations, became the acknowledged leader of the "free world."

The principal bulwark of democracy was the world's confidence that the United States could contain the threat by virtue of its vastly superior knowledge. The U.S. already had a formidable armada of military aircraft, to which would be added in the near future long-range intercontinental ballistic missiles. "Deterrence," the U.S. called its policy with regard to resisting aggression, a policy defined by one military leader as "being so obviously superior in our ability to carry the war to an enemy that he will not take the risk of starting one."

STRUGGLE FOR THE MINDS OF MEN

In that light, American technological capability was doubly important. It was the key to the policy of deterrence and it was a persuasive factor in the "struggle for the minds of men," to use a well-worn phrase of the day. It was, in other words, a major influence in the decisions of other nations as to whether to align themselves with the United States in opposition to the spread of Communism.

America's technological superiority, which had long been taken for granted, was dealt a crushing blow on October 4, 1957: the Soviet Union succeeded in sending into orbit a 184-pound man-made satellite called *Sputnik 1*. The U.S.—and the rest of the world—was stunned. More than two years earlier the United States had announced plans to launch "small, unmanned, earth-circling satellites as part of the U.S. participation in the International Geophysical Year." But nothing had happened; it had remained for another nation to become first in space.

IMPACT OF SPUTNIK

More than 15 years removed from the fact—and the world conditions that made it important—it is difficult to recall the full impact of *Sputnik*. But it was devastating. America's long-held reputation as No. 1 technological power was badly tarnished and free world confidence in the U.S. was shaken. There was more involved than lost prestige. To many, the Soviet accomplishment argued a clearly superior military posture as well, and the non-Communist world was frightened.

The U.S. recaptured a modicum of prestige by getting its own satellite into orbit less than four months after *Sputnik 1*, but from there on things went downhill. In 1959, the U.S.S.R. became first to impact the moon and, later, first to photograph the far side of the moon. In 1960, the Soviets began sending aloft five-ton payloads, several times the U.S. capability, and they scored another major "first" by successfully recovering a pair of dogs from orbit. Finally, on April 12, 1961, the U.S.S.R. capped a long string of space victories over the U.S. by sending Yuri

Gagarin, the first man in space, on an 89-minute orbital flight 200 miles above the earth. That was the nadir of American technological prestige.

President John F. Kennedy had been inaugurated less than three months before the Gagarin flight and at the time of his assumption of the presidency the international scene was tense. The United States had just severed relations with Soviet-backed Cuba and there was trouble of one sort or another in Berlin, Laos, Vietnam, Algeria, Iraq, Kuwait and the Congo. In his inaugural address, Kennedy called upon the people of the U.S. to defend freedom "in its hour of maximum danger."

After Yuri Gagarin's history-making flight, it was clear that some step had to be taken to restore America's fading prestige. The Soviets had almost a year's lead in manned orbital flight and they had rocket launch vehicles of far superior thrust, broadening the range of their options for further space spectaculars. From all indications the "space gap" and the concomitant prestige gap would become wider.

RESTORING THE LUSTER

The United States was faced with a choice of settling for second place in the international technological sweepstakes or coming up with a technology demonstration so sweeping and so impressive that it would restore once and for all the lustre of America's image.

The effort did not have to be a space project. In fact, President Kennedy leaned toward an earth-type undertaking if one of requisite scope could be found. None appeared. Therefore, Kennedy asked Vice President Lyndon B. Johnson, statutory chairman of the National Aeronautics and Space Council, to study the space options and recommend a program.

Johnson held a series of meetings with space experts, government people and non-government advisors and reported the group's recommendations only two weeks after the flight of Gagarin's *Vostok 1*. The group had considered the possibility of a small, manned orbiting space station or a manned circumlunar mission without a landing on the moon. Either would be technically less demanding and considerably less expensive than a lunar landing program. However, because they were less difficult and because the Soviet Union was already farther along the road, there existed the chance that the U.S.S.R. might accomplish either of these objectives before the U.S. Its strongest challenge countered, the United States would then be in even worse prestigial shape.

There was, in the opinion of the Johnson group, only one answer, only one display of technological prowess of sufficient scope—sending a man to the moon. And, to forestall the possibility of a Soviet moon victory, it would be necessary to compress the developmental time period to the maximum extent feasible, so that the first lunar landing could be made "within the decade."

"MORE IMPRESSIVE TO MANKIND"

President Kennedy accepted the recommendations and Apollo was born when he spoke these words to a joint session of Congress on May 25, 1961:

"I believe that the nation should commit itself to achieving the goal, before the decade is out, of landing a man on the moon and returning him safely to earth. No single space project in this period will be more impressive to mankind, or more important to the long-range exploration of space; and none so difficult or expensive to accomplish."

"More impressive to mankind"—those were the key words. Apollo completely erased any doubts as to America's technological competence and wiped out the Soviet Union's briefly-enjoyed seeming superiority.

The first major step in that direction came more than a year and a half before the first

lunar landing. It was the flight of Apollo 4 on November 9, 1967, a mission now all but forgotten but an important one at the time.

Until that point, the Soviets had maintained their edge in launch vehicle thrust. The U.S. had at one time narrowed the gap by introducing boosters of 1.5 million pounds thrust, but the Soviets had leaped ahead once more, more than doubling that value by 1965. In the public view, booster thrust assumed great importance because there was a tendency to equate high rocket thrust with guided missile capability. At a time when the Cold War had not yet thawed, the continuing Soviet lead in launch vehicle thrust was a cause for uneasiness.

Apollo 4 changed that. This was an unmanned flight, the first all-systems test of the mammoth Saturn V moon-booster, whose 7.6 million pounds of thrust dwarfed the best estimate of Soviet rocket power. Apollo 4 was completely successful and it marked a high point in the turnaround of world opinion.

Apollo 8 Mission

A little more than a year later, Apollo 8 took three astronauts on man's first visit to the lunar environment, a mission in which the spacecraft made 10 orbits of the moon but attempted no landing. Coming at Christmastime, 1968, this was by far the most dramatic space flight up to that time and it convinced the many skeptics that the plan to put men on the moon—American men—was more than a pleasant fantasy.

The subsequent lunar landings are recent history and need no recounting. Apollo accomplished the principal goal set for it—reestablishment of the United States as technological leader of the world. This, perhaps, may not seem as critical a need as it was in the days of decision. In the current atmosphere of growing accord with the Soviet Union and Red China, the urgency of maintaining free world confidence in American capability has lessened. Nonetheless, a nation's posture in the eyes of the world is always important, in trade and at the diplomatic bargaining table as well as in defense.

Apollo and International Harmony

One can only speculate as to what extent Apollo contributed to the Communist nations' new willingness to reach for harmony. No single factor, of course, brought about the easing of international tensions; it was no doubt a combination of military stalemate, economic considerations and other elements. But if a guided missile is a deterrent to a hostile nation's ambitions, is not a demonstrable technological superiority even more of a deterrent? Could not Apollo, exemplar of American technical excellence, have therefore been a contributing factor to the Communist nations' increasing agreeableness? Certainly Apollo can be credited with prompting one facet of improving international relations, the U.S./U.S.S.R. cooperative effort in space science and technology. It demonstrated to the Soviets that they have something to gain by such cooperation. Had it been the other way around—the U.S.S.R. on the moon instead of the U.S.—it is unlikely that the Soviet Union would have been so receptive to the cooperation idea.

The international impact of Apollo is only one of three major areas of benefit accruing from the successful prosecution of the program. The others, even more abstruse, are the gains in science and technology.

To the average layman, the technology benefits mean only the already-identified "spin-off." The publicized score to date fails to impress many. The reason, perhaps, is that people learn of byproducts in tiny increments, they never learn of some of them at all. Piecemeal word of a new Apollo-inspired auto ignition harness or a long-wearing paint is hardly exciting. In a great many cases, new products appear on the market without any inkling that they stemmed from Apollo

research. But whether or not it is fully recognized, spin-off in the *aggregate* represents a very real, concrete dividend in terms of employment and gross national product. Its value would probably be astounding if it were possible to compute it in dollars and cents. Although a break-out figure for Apollo alone is not available, the total space program has produced more than 30,000 new inventions—products, processes, techniques and services for the betterment of human life. In today's world an ever-forward thrust in technology is essential to everything from farming and medicine to transportation and leisure.

The visible spinoff, however, is just the fraction of the iceberg that juts above the waterline. The real benefit is less tangible, it is simply the vastly increased capability of American technology. To meet Apollo's demands for incredible performance and near-absolute reliability, an army of technical personnel attacked a tremendous array of developmental problems. They found new materials, invented tools and techniques to shape them and developed thousands of items of intricate equipment. In so doing, they improved man's skills and expanded his knowledge in practically every field of technology.

COMPRESSING TECHNOLOGICAL ADVANCE

Technology builds like an inverted pyramid, each level broader than the one below, each climb to a new plateau dictated by the demands of the period. The "within the decade" schedule to which Apollo was committed forced the climb of technology at a more rapid rate; the normal technological advance of two decades or more was compressed into less than a single decade. Thus, in this brief span American technology progressed through several levels of the pyramid.

The new plateau of capability is a vast library of technological knowledge and know-how. Some of it—the visible spin-off—has already found application; these were the more readily identifiable technology transfers. Most of it has not been exploited because its potential is less conspicuous. It must be sought out, and industry, preoccupied for years with the urgent matter of developing Apollo and its equipment, has only recently begun extensive probing of the mine.

In time a torrent of new byproducts will emerge. Some of them may be broad, lifestyle-changing developments we cannot even picture today. The new level of capability is a permanent thing, a national bank of knowledge which man can draw upon to improve his way of life. Often one hears the attitude expressed: "Instead of going to the moon, why can't we solve some of our problems here on earth?" It is entirely probable, that, in going to the moon, we provided the technological base to solve many of those earth-problems, although the manner of the solution has not yet emerged.

SCIENTIFIC BENEFITS

Most abstruse of all the Apollo benefits is the area of scientific gain. The scientific benefits from Apollo come in two forms. On the one hand, there are the advances stemming from the developmental effort. Science and technology worked hand in hand probing new frontiers and the effort involved just about every scientific discipline. This was applied science. Much of the result was applied to the development of Apollo equipment, hence it became part of the technological bank. Some investigations took scientists into avenues of research not applicable to Apollo nor immediately applicable to anything else. It is there, however, a part of the national resources bank, perhaps to be utilized some day, perhaps never, but an asset nonetheless, despite its lack of tangibility.

The other form of Apollo scientific advance is the study of the moon, the pure quest of knowledge for the sake of knowledge, the desire to add to man's storehouse of learning in the hope that distant future generations

may unlock the mysteries of the universe. In this respect, it often has been said by reputable scientists that Apollo produced more information than all the prior accumulation.

Apollo astronauts spent 30 full days in lunar orbit, observing and photographing. They passed 12½ days on the lunar surface, on some occasions moonwalking for seven and a half hours at a time. They took motion pictures and literally thousands of still photographs. They obtained core samples from several feet beneath the moon's surface. They left on the moon two dozen scientific experiments which will be relaying data to earth for another three years or more. And they brought home, for examination by hundreds of scientists all over the world, 841 pounds of the moon itself.

This adds up to an enormous wealth of information, but it is not yet possible to define the extent to which Apollo contributed to man's understanding of the universe. The information must be processed, analyzed, sifted, refined and restudied. Each bit of information must be fitted with others, like tiles in a grand mosaic, until there emerges a new volume of knowledge about the moon, its relationship to the other planets in the solar system and, most importantly, its relationship to Earth.

A PRICELESS BENEFIT

To those who understand man's insatiable urge to explore, to roll back frontiers in the search for human origins, to elevate man's knowledge in general so that each succeeding generation can continue the quest from a more advanced departure point—to them the scientific benefit of Apollo is priceless. To those who recognize only such benefits as can be assigned a dollar value, Apollo's scientific gain is meaningless. It is no less valuable, however, for their inability to understand it.

There is one other potential benefit, which, for lack of survey data, is really nothing more than a vagrant thought, but such a far-reaching idea that it bears mention: Did Apollo, which provided man with the first photographs of the blue planet earth taken from hundreds of thousands of miles distant, launch a "one-world" trend? A Dutch magazine recently tossed out the idea:

"Looking out from the moon desert, our planet is no longer than an oasis which floats in the universe, where there is no room for war, hunger, poverty, jealousy and endless political bickering."

If those photos of lonely earth wandering through the black of endless space planted a seed, that earth is a tiny space ship whose supplies are not replenishable and whose crew must work together for survival, that could be the greatest benefit.

The seed will need time to germinate and it will remain for another generation or another century to determine Apollo's influence in that direction. But for now, there seems little question that Apollo was well worth the effort. The project accomplished in magnificent fashion the political/diplomatic objectives set for it, it produced a flow of concrete byproduct benefits which will continue and increase in volume and value for many years to come, and it left those priceless banks of knowledge, a legacy to tomorrow's peoples.

PROPOSED DECLARATION OF CERTAIN AREAS AT FORT MEADE AS EXCESS

Mr. MATHIAS. Mr. President, I have long felt that the military budget and all defense-related programs should be examined regularly and carefully. The need for economy in all sectors of our national life has been widely recognized in recent years. Yet, in urging fiscal restraint, we

have an obligation to determine not only the positive effects of cutbacks in Federal aid or land grants, but also to assess the effects of such policy in both human and economic terms.

The General Services Administration has concluded that certain training areas and gunnery ranges on Army Fort George C. Meade in Maryland to be in excess. The proposal to close these facilities is presently pending before the Real Estate Subcommittee of the House Armed Services Committee. Before acting on the GSA recommendations, I strongly urge my colleagues to review the following resolutions approved by the Maryland House of Delegates and the Maryland Senate Finance Committee. House Resolution 191, submitted by Delegate Wallace E. Hutton, and House Joint Resolution 121, introduced by Delegates Hutton, Nichols, and Thomason, point out the adverse effects the GSA proposal would have on National Guard and Army Reserve units from Maryland, Delaware, the District of Columbia, and Pennsylvania who would be compelled to undergo long and costly travel to other training areas if those at Fort Meade were closed.

Mr. President, I ask unanimous consent that these two resolutions be included in the RECORD.

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

HOUSE JOINT RESOLUTION No. 121

House Joint Resolution requesting that the Real Estate Sub-Committee of the House Armed Services Committee of Congress be requested to oppose the recommendations of the General Services Administration to declare the Fort George G. Meade training areas and ranges as excess, and to permit the U.S. Army to maintain the Fort Meade Reservation as it is presently constituted.

Whereas, A recent study by the General Services Administration has declared 6,854 acres of Fort George G. Meade as excess; and

Whereas, This excess land includes the training and range portions of Fort Meade; and

Whereas, The Fort Meade Gunnery Ranges and training areas are in constant use by National Guard and Army Reserve units from Maryland, Delaware, the District of Columbia and Pennsylvania; and

Whereas, Closing of these facilities will require long and costly travel to other training areas as well as a loss and waste of many training hours and undue congestion of highways; and

Whereas, This decision will have an adverse impact on the military preparedness of this country; and

Whereas, The closing of these facilities will have an adverse effect on the Maryland economy; and

Whereas, The requirement to travel great distances for training adds unnecessarily to the risk of safety for thousands of Maryland residents; and

Whereas, The decision to close the Fort Meade ranges and training areas was not and is not concurred in by the military; now, therefore, be it

Resolved by the General Assembly of Maryland, That the Real Estate Sub-Committee of the House Armed Services Committee of Congress be requested to oppose the recommendation of the General Services Administration to declare the Fort George G. Meade training areas and ranges as excess, and to permit the U.S. Army to maintain the Fort Meade Reservation as it is presently constituted.

HOUSE RESOLUTION No. 191

House Resolution requesting that the Real Estate Sub-Committee of the House Armed Services Committee of Congress be requested to oppose the recommendations of the General Services Administration to declare the Fort George G. Meade training areas and ranges as excess, and to permit the U.S. Army to maintain the Fort Meade Reservation as it is presently constituted.

Whereas, A recent study by the General Services Administration has declared 6,354 acres of Fort George G. Meade as excess; and

Whereas, This excess land includes the training and range portions of Fort Meade; and

Whereas, The Fort Meade Gunnery Ranges and training areas are in constant use by National Guard and Army Reserve units from Maryland, Delaware, the District of Columbia and Pennsylvania; and

Whereas, Closing of these facilities will require long and costly travel to other training areas as well as a loss and waste of many training hours and undue congestion of highways; and

Whereas, This decision will have an adverse impact on the military preparedness of this country; and

Whereas, The closing of these facilities will have an adverse effect on the Maryland economy; and

Whereas, The requirement to travel great distances for training adds unnecessarily to the risk of safety for thousands of Maryland residents; and

Whereas, The decision to close the Fort Meade ranges and training areas was not and is not concurred in by the military; now, therefore, be it

Resolved by the House of Delegates of Maryland, That the Real Estate Sub-Committee of the House Armed Services Committee of Congress be requested to oppose the recommendation of the General Services Administration to declare the Fort George G. Meade training areas and ranges as excess, and to permit the U.S. Army to maintain the Fort Meade Reservation as it is presently constituted.

HUMPHREY BLAMES THE ENERGY CRISIS ON GOVERNMENT FAILURE TO PLAN

Mr. HUMPHREY. Mr. President, on April 18 I introduced Senate Joint Resolution 98, which could create an Emergency Fuels Allocation Board, to assure all sections of the Nation fair treatment in the allocation of increasingly scarce supplies of petroleum products.

The administration and the Congress can delay no longer in coping with the emergency fuel situation or in establishing a comprehensive national energy policy to protect us in the future.

The President's recent energy message, while describing some aspects of the energy crisis, does not go far enough in describing the nature of the crisis, or its solutions. It devotes inadequate attention to energy conservation and focuses instead almost wholly on measures to increase supplies. It fails to deal with the present emergencies in gasoline and fuel oil. It gives too little support for research to facilitate the use of presently available fuels and to develop new energy sources. While supplies must be increased, we also desperately need a new energy ethic.

In a speech to the annual meeting of National Petroleum Refiners, on April 2, 2 weeks before the President's long-awaited message, I outlined what I saw

as the critical dimensions of the energy crisis. I believe this speech contains a useful framework for looking at solutions to this most critical of problems.

There being no objection, I ask unanimous consent that the text of my speech be printed in the RECORD.

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

REMARKS BY SENATOR HUBERT H. HUMPHREY

I was surprised to hear your President refer to the Fair Trade Hearings back in the fifties. I thought everyone had forgotten about them.

You probably know that as a former druggist, I have always had a particular interest in the independent businessman.

Those price wars of the fifties, in gasoline marketing were ruining many of the dealers. I always felt that ending those price wars benefitted the dealers and the refiners—and the consumer as well.

Price wars that destroy the independent dealer do not promote real competition for a long period—and when competition is eliminated, the consumer is the one who pays.

Well, conditions have changed. At that time, the dealers and the refiners were faced with trouble because of surpluses. Everyone was trying to dispose of his surplus by "dumping" it somewhere else. Today, you should only have such problems.

Independent marketers are in trouble because there is a shortage of product.

Though the problem is different, the principle is the same—we must keep independent marketers and refiners in business.

One of the great strengths of the oil industry is that it is truly diversified with real marketing, and it is just as important to maintain the independent sector in times of shortage as it was in the times of surplus.

How did we all get into this fix—this shortage which is going to get worse before it gets better—this energy crisis?

Last winter, we got our first real taste of it:

Schools, factories closed in the Midwest due to lack of heating oil;

Grain shipments stranded on barges on the Ohio River;

Jet fuel so scarce that planes couldn't make nonstop flights to the West coast.

Now this summer we're about to face a gasoline shortage.

Why is this? You know the basic reason. As David Freeman of the Ford Foundation says, "The joy ride is over."

The happy era of low costs, low risks, and high benefits is over.

In terms of proven recoverable reserves:

We have 10 years of oil left and 11 years of natural gas.

On the other hand:

We have anywhere from 35 to 120 years of shale oil reserves.

And 500 years of coal.

The problem, of course, is that this nation has not bothered to develop the technology and know-how to use those resources with the greatest potential.

We are in the position of a man who is about to face starvation—who has a million dollars—but is in some foreign country that is unwilling to exchange his money for local currency. By the time he gets to another country that will cooperate, it may be too late.

How did he get in that situation?

He got there because he was off on a joy ride, not paying attention to where he was going.

There are two reasons why there has been inadequate planning in this area:

The first is that energy policy is a more complicated business than almost any other area of our economy or government.

It is an incredible mix of technology, eco-

nomics, trade, political policy, foreign relations and consumer economics.

The second reason is that we in government and the people have not seemed to believe in long-range planning in the domestic area. The ideology of the free market-place is so pervasive that the idea of trying to plan for a balance of supply v. demand in energy resources cannot really get off the ground.

We direly need a national energy policy. But I am frankly skeptical that this Administration will give us one.

What should be the elements of such a policy? First, let's take a hard look at the factors which have conspired to change our nation's energy picture.

We are using up a finite resource at a geometric rate.

Between 1940 and 1965, the consumption of energy in the U.S. doubled.

If the present trends continue, consumption could double again by 1980. The rate of energy consumption increased twice as fast in 1972 as it did in 1971.

The result of all this is:

In 1962, we had 3 million oil barrels a day extra or spare producing capacity. In 1972 we had none.

In 1972 we imported some 30 percent of our oil. By 1980 it will be in the neighborhood of 60 percent.

We have been using twice as much natural gas as we can find. At that rate, we could be short ten trillion cubic feet of gas in 1980.

In the face of such galloping consumption, we are failing to develop new resources.

For the first time in many years, there is not one single new refinery under construction in the United States. Yet, they are sprouting like mushrooms in Canada and the Caribbean.

The number of natural gas wells drilled per year has declined from almost 5500 to less than 3300.

Less than two percent of the near-shore part of the Outer Continental Shelf has been leased for development.

All this adds up to a growing gap between supply and demand—a gap that is being met by imports.

No matter how many new energy resources we develop in the next few years, and no matter how much we conserve energy, we are going to have to import increasing amounts of oil and gas.

If there were ever a set of statistics that was calculated to scare us into action, this is it. I am firmly convinced that we must do some of the hardest thinking we have done since the Manhattan project about our energy situation. Such thinking should be predicated on the following conclusions of a Senate study on energy policy.

First, a heavy and growing dependency on imported fuels is inevitable until at least 1985 or 1990.

The growth of these imports presents real security issues. It is no longer to be regarded as a scare tactic invented by the oil industry and the State Department.

Where was the Nixon Administration in looking ahead to this danger? I'll quote you from the Cabinet Task Force in 1969: "The risks to security from interruptions of oil supply do not, in the main concern any danger to the functioning of the nation's armed forces."

Yet, today, the U.S. has no reserve supply of producing capacity as it did during earlier Mid-East crises of the 1950's—not significant oil storage capacity. Isn't that relevant to the functioning of our armed forces?

The recent effectiveness of the cartel of petroleum exporting countries, and explicit threats by many of them, have raised the distinct possibility of a general or selective embargo by the Organization of Petroleum Exporting Countries (OPEC)—and a sharp rise in crude oil prices.

A second conclusion of this study is that the balance of payments burden of energy

imports will be staggering. Respected economists project the net foreign exchange burden to the U.S. of energy imports as high as \$10 billion per year in 1980.

The impact would be even greater if we were forced to import more costly energy than crude oil—such as refined products and liquefied natural gas (LNG).

The tendency to import refined products—as opposed to crude oil—from foreign refineries—is therefore to be deplored, not only for the higher cost, but also because of the greater national vulnerability it creates.

The billions in dollar cash assets that would accrue to the sheiks of Arabia and other nations are most likely to be used for international political leverage than for meeting their nation's urgent domestic needs.

The fact is that the relatively low cost and vast supply of oil imports makes them increasingly appealing. Though the price of foreign crude has risen sharply, it is still cheaper than producing new domestic crude—excepting the Alaska pipeline, which would be cheaper. If our only concerns were consumer price and environmental impact, the complete decontrol of oil imports might be dictated.

However, the price of crude is not our only concern.

We are also concerned about the price of our national security.

Now the threat of an embargo is a relatively remote one. The economies of mideast countries are tremendously dependent on the western countries and Japan. More than half the GNP of Saudi Arabia and other countries depend on selling oil to us.

Nevertheless, we must integrate our energy needs into our foreign policy considerations. Some would advocate joining with other consuming nations, to present a consumer bloc that can stand up to OPEC. Let's face it, when it comes to oil, it's a sellers market. We pay or we go without.

Clearly, there are real complications in developing any such strategy to counter the power of the exporting nations' cartel. Oil companies are limited in what they can do. The benefits to an individual company from resisting OPEC demands are limited and uncertain, whereas the risks are large.

Therefore, we must examine alternatives and forge new strategies—a national strategy.

One thing is sure—the absence of clear legislative authority for the oil import program, the general practice of deciding import matters on an ad hoc basis, and the drift in administration of the existing program, all add up to uncertainties that deter investment in the energy economy, particularly in refineries.

A consistent and equitable import policy for all sectors of the energy industry and the consumer is badly needed.

The increasing difficulty with the import system is not only due to confused administration.

It is due to a lack of comprehensive planning for development of new energy resources.

It is this lack of alternative energy sources which is making the import-quota system crack under the pressure of demand.

If we had looked ahead 10 years ago, we would have seen this coming.

We still haven't learned our lesson.

I see no evidence from the President's proposed 1974 budget of an adequate expenditure for research and development of new energy sources.

The emphasis on pinning most of our hopes on a fast breeder nuclear reactor is dangerous. I hope it will turn out successfully. But penny-pinching on the other alternatives is disastrous.

We need more exploration and discovery of natural gas.

There is a real shortage of natural gas on the market despite rapidly increasing gas

prices. Why? In part, because of the regulation of the price of gas at the wellhead.

But also because of the uncertainty of our policies. Will the FPC deregulate or won't it?

The Administration has been making us breathless with anticipation, waiting for an energy message which would lay out some consistent, equitable policies. Its continual delay has only added to the problem.

What about oil shale? Federal lands contain about 600 million barrels of recoverable oil in this form.

Yet we have spent almost nothing to develop the technology needed to make this oil economically available and environmentally acceptable. As a matter of fact, last year the Administration spent only \$2.5 million on oil shale research.

We are fortunate in having enormous coal resources.

But we spend a tiny fraction of the federal budget developing coal gasification techniques.

And, only \$2.5 million was spent last year for geothermal development. Compare this figure to the \$25 billion the federal government has spent to develop nuclear reactors since World War II, which has produced less than 2 dozen working powerplants.

Solar energy is another great potential energy source that has been ignored in the federal R&D budget. Even the National Petroleum Council stated, "Had it not been for an abundance of fossil fuels—coal, oil, and natural gas—we might today have a 'Solar Energy Economy' just as effective and efficient as our 'Fossil Fuel Economy.'" Yet, only \$4 million was devoted to solar energy in last year's budget.

This government has done little to develop a wide range of new energy sources.

It has done even less to promote energy conservation.

This nation must start thinking about a comprehensive energy-conservation program. About:

Mass transit—buses as well as rail. An average of four out of five seats on buses are empty.

Creating incentives to industry and individuals to conserve and share energy—such as higher tolls for single-passenger cars, special lanes for buses and car pools, computerized car-pool information exchanges. If we could put two people instead of one in each car, we could cut gasoline consumption, travel time and pollution in half.

Taxing giant gas-guzzling cars, or better yet, cutting back on horsepower.

Marginal cost pricing by utilities, so that larger users pay to reflect real cost; and so that peak-hour demand is priced higher.

Labeling of appliances to show their energy efficiency and consumption.

The urgency of formulating a national energy policy, and the many dimensions of such a policy—cutting across economic, international and social spheres—calls for the creation of a new entity to formulate policy in this area—and to assure action.

Energy policy is presently in a no-man's-land as far as the present bureaucracy of the federal government goes. We must immediately establish a National Energy Resources Agency, empowered to plan, to authorize research, to direct all energy development and conservation policies.

I will, in the near future, be proposing a Balanced National Growth and Development Act, which would create an Office of Balanced National Growth and Development in the Office of the President.

It would create a similar mechanism in the Congress. Such an Office would restructure the domestic policy activities of the executive and legislative branches around the key issues of national growth.

At present, there is no more pressing issue than that of balancing our growth in energy consumption with a quest for new energy resources.

Yet, the various proposals I hear, for modifications of present regulations and laws are, frankly, inadequate to the monumental challenges we face.

A balanced growth policy for the nation would do more than balance off energy consumption against demand, although it would have that as a major goal.

Such a policy would also develop economic and social balance in other aspects of our lives. It would help us define goals, set priorities, direct our resources to:

Develop rural areas. Today, 70 percent of the people are crammed onto 2 percent of the land. This cannot and must not continue.

Rebuild our cities. Make them comfortable, safe, livable. Urban sprawl is ugly, wasteful, and costly. Urban decay is at the very center of our social problems of crime, slums, disease, welfare and congestion.

We spend increasing parts of our lives lurching back and forth—from downtown office to suburban home during the day.

If we had a balanced growth policy, which, aimed at creating livable communities where working and shopping and living and recreation were all reasonably nearby—we would conserve a lot of energy, and we might all lead less frazzled, fragmented lives.

Planning is no longer a dirty work, or an academic subject. It is survival. It is essential for an urbanized, industrialized, mechanized society. We can no longer ignore the facts of our national economy. We do face an immediate and long-term crisis in energy, in transportation, in resource conservation and development. We can't wish it away. It will get worse unless we act now.

And no one industry, company, bank, or conglomerate can save us. It will demand the best of government and the private sectors—working in partnership.

DISASTROUS EFFECTS OF INFLEXIBLE "SPEEDY TRIAL" PROCEDURES

Mr. HRUSKA. Mr. President, the Subcommittee on Constitutional Rights held additional hearings shortly before the Easter recess on S. 754, the speedy-trial bill of 1973. All members of this subcommittee fully support the concept of speedy justice, but the witnesses heard raised serious questions concerning the mandatory-dismissal provisions and fixed time limits of the subject bill.

Testimony indicated that it would be impossible to predict the full extent of the tremendous burden which would be placed upon our system of law by these inflexible provisions of S. 754. It was urged by witnesses that action be deferred until sufficient time had passed to properly assess the impact of the more moderate new Federal court rule, rule 50(b) of the Federal Rules of Criminal Procedure, upon the judicial system. Rule 50(b), which directly addresses the problem of speedy trials, required each district court to formulate individual plans setting time limits for the pre-trial, trial, and sentencing stages of a criminal proceeding. These plans have been in effect in the various districts since the beginning of this year.

Already some of the effects of 50(b) are becoming apparent.

It is ironic that today, as we celebrate the values and vitality of our system of law, that the interests of speedy trial have had an adverse effect upon the litigation of civil actions in one of the most populated Federal judicial districts

in our country. It is a vivid reminder that, in our legislative deliberations of the speedy-trial issue, we must be mindful of our obligations to the interests of society as well as to that of the criminally accused.

Chief Judge Robson of the U. S. district court for the northern district of Illinois has declared that today all judges of his court will suspend the trial of civil cases until the disposition of criminal cases pending more than 90 days. This drastic action is necessary, he says, to meet the emergency created by the deadlines of the district's plan under rule 50(b). This action, taken in the interest of justice to the criminal defendant, means the sacrifice or at best the delay of justice to civil petitioners in Chicago, its suburbs, and the nearby counties.

The delay of civil justice in the Federal courts costs not only the corporate giants, but bears far more upon the individual petitioner—the victim of an automobile accident, the injured seaman, one deprived of civil rights, and others bringing actions under Federal statutes.

If the rule 50(b) plans—flexible, tailored to the needs of each district—can yield such calamitous results in Chicago, which ironically has led the Nation in the disposition of civil cases, what can we expect of an S. 754, which would reach into every district? This, the Speedy Trial Act, would impose uniform, inflexible time limitations, as if the criminal justice system were an abstraction. When reality intrudes, however, will we see the courtrooms closed to civil litigants throughout the Nation in response to this well-meaning measure? I daresay we would see it happen everywhere. Will we then suspend the trial of criminal cases to catch up with the civil backlog? I should think so. And what would we do next in the face of the paralysis and collapse of the system? Perhaps, then, Mr. President, we would face up to the need for fundamental reform of our system of justice: basic reform, not oversimplified, indeed procrustean devices aimed to reach easily a goal that is extremely difficult if not impossible to reach in the fullness of the ideal.

Mr. President, I ask unanimous consent that the text of Chief Judge Robson's statement be printed in the RECORD at this point.

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

STATEMENT OF CHIEF JUDGE EDWIN A. ROBSON

Effective May 1, 1973, each judge of this District Court will suspend the trial of all civil cases on his calendar until all triable criminal cases pending for more than 90 days have been disposed of. This is an emergency measure and needed to meet the increase of indictments that have been returned since the opening of court in September of 1972.

In July of 1972, Rule 50(B) of the Federal Rules of Criminal Procedure went into effect. This rule required "each District Court to prepare a plan to minimize undue delay and further the prompt disposition of criminal cases." Each district was directed to provide time schedules governing the disposition of criminal cases. Each of the chief judges of the respective districts in this circuit met and formalized a plan to meet the require-

ments of the rule. The plans were submitted to the Judicial Council of the United States Court of Appeals for the Seventh Circuit and with revisions approved by them. They became effective on January 30, 1973, and in essence provide that where a defendant pleads not guilty he shall be brought to trial within 90 days when he is held in custody, or within 180 days when he is not in custody. The defendant shall ordinarily be sentenced within 45 days of his conviction or plea of guilty or nolo contendre. The judges of the United States District Court for the Northern District of Illinois have been working diligently to meet this schedule but because of the large number of indictments returned, we now find that this emergency measure is necessary to meet the requirements of the schedule.

We are all aware of the vital interest of the Chief Justice of the United States Supreme Court, Warren E. Burger, in the trial and disposition of criminal cases. He has often stated that unless there are extraordinary problems, the average criminal case should be tried within 90 days after the arraignment and plea. A further indicator of the concern for criminal justice is the bill introduced in the United States Senate in February of this year by Senator Sam J. Ervin. Among other things, it would require district courts to establish plans for trying criminal cases within 60 days of arrest or receipt of summons.

This court has led the nation for a number of years in the disposition of civil cases. For the fiscal year ending June 30, 1972, 10% of the civil cases were disposed of in one month or less after filing, 50% in six months or less, 75% in 18 months or less, and 90% in 22 months or less.

While we have not led the nation in the trial and disposition of criminal cases, we are above the average. It must be kept in mind that a very high percentage of the criminal indictments returned involve complex charges and numerous defendants. This is in sharp contrast to most of the other districts in the country where most indictments are simple. It should be obvious to all who follow the news media that a substantial proportion of the indictments that have been returned in the past year have dealt with corruption in government. We have had sitting at all times approximately eight regular grand juries and two or more special grand juries. At the present time, hearing evidence are four regular grand juries and four special grand juries. James R. Thompson, U. S. Attorney, has announced that he expects to have many more indictments returned in the near future which will involve governmental officials. Such indictments lead to long and extensive trials which use the time of judge and counsel at a higher rate than average. Even when they do not go to trial the time required to go through the initial motions is generally far longer than normal. This inevitably delays other criminal and civil cases on the docket.

There are now pending before the judges of this court 166 cases that are older than 120 days. The U. S. Attorney's office has agreed to cooperate with the judges in bringing these cases to immediate trial. As soon as any judge disposes of his backlog, he will be free to try civil cases. It will be our objective to minimize as much as possible the impact of this emergency measure on the disposition of civil cases—pretrials will continue, motions will be heard and disposed of. Approximately 90% of the civil calendar is settled before trial, 10% not disposed of will be affected by this measure.

Our judges have always been willing to meet any challenge to justice. The criminal docket is such a challenge. The rules require that criminal cases be given precedence, therefore, we must suspend the trial of civil cases until the emergency has been overcome.

ADMINISTRATION'S FARM MAY COST MINNESOTA \$800 MILLION IN ECONOMIC ACTIVITY

Mr. HUMPHREY. Mr. President, I have today released a Senate Agriculture and Forestry Committee staff study indicating that Minnesota could lose \$800 million in economic activity if the administration's new farm program is enacted.

The study was prepared at my request to appraise the effect of the administration's farm program on my State. Agriculture Committee members, of which I am one, began mark-up hearings on the farm bill today.

The study indicates that wheat and feed grain producers would be most severely affected.

Of the more than 117,000 farms in the State during 1971, over 95,000 participated in the feed grains program and about 42,000 in the wheat program.

In 1972 total Federal payments to Minnesota wheat and feed grains producers amounted to \$165.6 million and represented 33 percent of their total income from such crops—which was \$496.7 million.

The administration's program calls for the total elimination of supplemental income payments under these programs.

The study also states that if the dairy price support laws were lowered below the minimum 75 percent of parity now in the law, as recommended by the Secretary of Agriculture, that "severe dislocations could occur" in the dairy industry.

The report states:

The phasing out of payments for feed grains and wheat and undesirable changes in the dairy program would have a very severe adverse effect on producers of these commodities and ultimately on the producers of other commodities.

Minnesota farms can be characterized as family-type farms with the operators depending largely upon farm income for most, if not all, of their income.

The economic dislocation and resource adjustments that necessarily would have to take place on these family farms would be of major magnitude.

Farm programs do provide some price and income protection to farmers. In addition, they also generate substantial economic activity in local communities.

Therefore, the loss of payments and other assurances now provided farmers would also have a very severe adverse impact on the many local communities which depend heavily on agriculture for their economic activity.

Further, the phasing out of bases and land allotments would have an adverse impact on land values.

Mr. President, I believe this report deserves careful study. I ask unanimous consent that it be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON AGRICULTURE
AND FORESTRY,
Washington, D.C.

To: Senator Humphrey.
From: Henry Casso.
Date: April 27, 1973.
Subject: Appraisal of the Administration's Farm Proposal As It Affects Minnesota.

This is in response to your request for an economic appraisal of the Administration's farm proposal as it may affect Minnesota.

In his appearance before the Senate Committee on Agriculture and Forestry on March 29, 1973, the Secretary of Agriculture made the following recommendations:

RECOMMENDATIONS

"First, income supplement payments, payments that exceed the amount necessary to achieve set-aside or production adjustment objectives, should be phased out over a 3-year period. The 3-year period would provide an orderly transition and give farmers a specific time in which to make their long-range plans as they shifted their income dependence to growing market demand.

"Set-aside payments for production adjustment would continue as needed to prevent surplus accumulations. However, the mandatory requirement for making payments regardless of the amount of land set-aside, should be modified.

"Second, as the income supplement payments are being phased out at the end of three years, we recommend a shift in the fourth year from the present outdated allotments and bases to a new cropland base. This would broaden the set-aside concept by basing production adjustment, as needed, on total crop acreage rather than limiting the adjustment to historical acreages of certain crops.

"The set-aside requirement in a given year would be a percentage of the cropland base established for each farm. The payment rate per acre would be set at a level needed to get the total set-aside acreage required to meet the production adjustment goal.

"Third, the basic payment limitation of \$55,000 should apply to income supplement payments only during the 3-year phase-out. The payment limit... as it applies to income supplements... should be reduced over the 3-year period in proportion to the reduction in income supplement payments.

"To function, set-aside payments for production adjustment should be excluded from the \$55,000 limitation. In the effort to rent land to adjust production, a payment limit would be counter productive in that acreage where payments are above the \$55,000 level would be arbitrarily forced into production and excluded from the set-aside. We intend that this would be included in the legislation for set-aside production adjustment payment even during the 3-year phase out of income supplements.

"Fourth, with respect to the dairy program, we recommend that the 75 percent of parity minimum price support level be removed to give greater ability to respond to changing conditions. We also recommend that the 1970 Act provisions, which temporarily suspend the requirement for direct support on butterfat, be made permanent. However, we do not believe that a comparable case can be made for a permanent Class I Base Plan.

"Fifth, the Secretary should have discretionary authority to set payments for wool and mohair at levels he determines necessary to meet income and other program objectives.

"There are other provisions of the Act that can be improved from the standpoint of the future of agriculture and in the best interests of the program's operations.

"Though not included in the 1970 Act, the peanut, rice, extra long staple cotton and possibly the tobacco programs, are in need of careful review. These programs should be more in line with the other major commodity programs by allowing adjustments to meet changing conditions and by permitting farmers to capitalize on expanding markets. We are exploring alternatives to the present programs and hope to work with farmers and with this Committee in working out acceptable program changes."

The Secretary also indicated that rigid payments and price guarantees prevent the programs from being as effective as they should be to meet changing conditions and that these guarantees lessen the ability of farmers to make decisions based on changing markets.

Whether these price guarantees refer to loan levels is not made clear in the statement.

However, under existing law in the case of wheat, the loan level cannot be less than \$1.25 per bushel; in the case of corn, not less than \$1.00 per bushel and other feed grains in relation to corn; the support price for shorn wool shall be 72 cents per pound, grease basis; the support price for mohair shall be 80.2 cents per pound, grease basis; and price supports for the dairy program shall not be less than 75 percent of parity. Price supports for soybeans shall not be in excess of 90 percent of parity.

It is apparent, therefore, if the Administration's proposal were accepted that loan levels for commodities covered by the Agricultural Act of 1970 would be at existing levels or lower and that allotment and bases, as well as income supplement payments for feed grains, wheat and cotton would be phased out completely after three years. It appears further that price support levels for dairy products would be lowered below the minimum 75 percent of parity now in the law.

MINNESOTA AGRICULTURE

According to the United States Department of Agriculture, Minnesota in 1973 had a total of 117,000 farms with an average size of about 261 acres per farm (Table 1).

A breakdown of census data shows that about 64.5 percent of the farms in Minnesota were less than 260 acres in size and about 35.4 percent of the farms were in excess of 260 acres in size. Census data also show that 65.8 percent of the total land in farms in Minnesota were on those farms of more than 260 acres in size, while only 34.1 percent of the total land in farms were on those farms of less than 260 acres (Table 2).

Census data also show that 51.3 percent of the farms in Minnesota had gross sales of less than \$10,000 per farm. About 42 percent of the farms had gross sales of from \$10 to \$40 thousand and only 6.6 percent of the farms had gross sales in excess of \$40,000 per farm (Table 3).

From the census we also find that the 42 percent of the farms with sales of between \$10 and \$40 thousand accounted for 52.8 percent of the total value of agricultural products sold in Minnesota. The 51.3 percent of the farms with sales of less than \$10,000 per farm accounted for 13.2 percent of the total value of agricultural products sold. On the other hand, the 6.6 percent of the farms with sales in excess of \$40,000 per farm accounted for 34 percent of the total value of agricultural products sold in Minnesota (Table 4).

Measured on the basis of cash receipts from sales of principal farm products, agriculture in Minnesota is highly diversified although the importance of livestock and products far outweighs that of crops. Of total farm cash receipts of about \$2.4 billion from sales of farm products in 1972 all livestock and products accounted for about 68 percent, while crops accounted for about 32 percent. Cattle and calves are the principal commodities with sales in 1972 of about \$673 million, dairy products is next with sales of about \$481 million, followed by hogs with \$324 million, and poultry and eggs with \$133 million.

Total cash receipts from sales of crops in 1972 amounted to about \$775 million. Soy-

beans was the number one crop with cash receipts of about \$253 million, followed closely by corn with \$224 million. Cash receipts from sales of wheat accounted for about \$82 million. Cash receipts from sales of crops included in the Agricultural Act of 1970 amounted to about \$332 million or 43 percent total sales of all crops (Table 5).

In 1972 about 5.7 million acres of corn and barley were harvested in Minnesota. Also another 1.5 million acres of wheat were harvested. These crops are covered by the Act of 1970. Soybean acreage harvested in 1972 amounted to about 3.3 million acres, while oats accounted for about 2.4 million acres (Table 6).

According to the Statistical Reporting Service of the United States Department of Agriculture, there are now 117,000 farms in Minnesota. Utilizing data available from the Agricultural Stabilization and Conservation Service of the Department, we find that in 1971 over 95,000 farms participated in the feed grain program and about 42,000 farms participated in the wheat program. The 1971 programs did not include barley but the 1972 and 1973 programs did. In 1972 about 19.7 thousand farms with barley bases, totaling about 1 million acres did participate in the program. These are the crops covered by the Agricultural Act of 1970.

Of those farms participating in the program in 1971, about 65.5 percent had feed grain bases of from 30 to 200 acres and 30.3 percent had bases of less than 30 acres. In the case of wheat only 4.9 percent of the farms had bases in excess of 30 acres, while 95.1 percent of the farms had bases of less than 30 acres (Table 7).

IMPACT OF ADMINISTRATION'S PROPOSAL ON MINNESOTA'S FARMERS

In 1972 total payments to Minnesota's producers under the feed grains and wheat programs amounted to \$165.6 million. Of this feed grains accounted for about \$147.8 million and wheat for about \$17.8 million (Table 8).

It is evident, therefore, that the payment requirements of the 1970 Act are extremely important to Minnesota farmers and the loss of this income would have a very severe adverse impact.

FEED GRAINS

The impact of the phase out of the program payments and bases for feed grains would have a very severe impact on the 95,350 producers who participated in the program. Last year Minnesota produced about 489 million bushels of corn and barley which are included in the 1970 Act. Although only part of this was marked as grain, cash receipts from the sale of feed grains amounted to \$250 million. And government payments amounted to \$147.8 million, and as a result, government payments to producers accounted for about 37 percent of the total cash income from sales of these feed grain crops.

It is evident that the present feed grain program is of substantial benefit to the farmers of Minnesota and the loss of this payment income would have a substantial adverse effect on these feed grain producers.

WHEAT

Wheat is also a major crop in Minnesota. Last year almost 1.5 million acres were harvested and production amounted to nearly 50 million bushels. Cash receipts from the sale of wheat amounted to \$81.1 million and payments to wheat producers who participated in the program accounted for \$17.8 million, or about 18 percent of the total cash income from sales of wheat. Loss of this payment income to the producers of wheat in Minnesota would also be especially difficult to overcome.

SIZE OF PAYMENTS PER FARM

Almost 96 percent of the farms in Minnesota participating in the 1972 feed grain pro-

gram received payments of less than \$5,000 per farm and about 54 percent received payments of less than \$1,000 per farm.

In wheat, 99 percent of the farms received payments of less than \$5,000 per farm and about 92 percent received payments of less than \$1,000 per farm (Table 9).

It is evident that Minnesota bases and allotments upon which payments are made to producers are predominantly small, but it should also be noted that loss of the payment income to producers in Minnesota on even the largest of farms would be extremely difficult to overcome under existing cost-price relationships. For example, the average price received by farmers for corn in Minnesota in 1972 average \$1.15 per bushel, and for barley 94 cents per bushel and for wheat \$1.73 per bushel. But it should also be pointed out that with the exception of corn prices in the year of the 1970 blight the 1972 prices are higher for any of the commodities mentioned than in any recent year. (Table 9).

DAIRYING

The dairy industry is second to only cattle and calves as a source of cash receipts from sales of agricultural commodities in Minnesota and in 1972 accounted for \$480.7 million. Existing price support programs for milk provide for a minimum of 75 percent of parity for manufacturing milk. This year 75 percent of parity amounts to \$5.29 per hundred-weight. If the dairy price support laws were changed to lower the level as recommended by the Secretary of Agriculture, it could have an adverse impact on the dairy industry in Minnesota. While at the present time market prices are higher than in recent years, the fact remains that production costs in dairying have increased materially. Last year Minnesota produced about 9.2 billion pounds of milk, about 90 percent of which goes into manufacturing purposes. Without some reasonable assurance of nationwide price guarantees, severe dislocations could occur in the dairy industry in Minnesota.

GENERAL

The phasing out of payments for feed grains and wheat and undesirable changes in the dairy program would have a very severe adverse effect on the producers of these commodities and ultimately on the producers of other commodities. Minnesota farms can be characterized as family-type farms with the operators depending largely upon farm income for most, if not all, of their income. The economic dislocations and resource adjustments that necessarily would have to take place on these family farms would be of a major magnitude. Farm programs do provide some price and income protection to farmers. In addition, they also generate substantial economic activity in local communities. Therefore, the loss of payments and other assurances now provided farmers would also have a very severe adverse impact on the many local communities which depend very heavily on agriculture for their economic activity.

Furthermore, the phasing out of bases and allotments would have an adverse impact on land values. Farmers have been able to use the increasing value of land as collateral for additional credit which is so sorely needed in today's farm operations. For example, on a nationwide basis in just the last decade the use of credit by farmers has increased by over 250 percent.

There are many estimates of the multiplier effect of dollars earned in farming. If a multiplier effect of 5 is used, the loss of payments in Minnesota alone could amount to losses of about \$800 million in economic activity.

TABLE 1.—Minnesota, 1973

Number of farms..... 117,000
Land in farms..... 30,500,000
Average size of farms..... 261

SOURCE.—SRS, USDA, April 1973.

TABLE 2.—MINNESOTA, 1973 (117,000 FARMS) PERCENTAGE OF FARMS AND PERCENTAGE OF TOTAL LAND IN FARMS IN EACH SIZE CLASS OF FARMS¹

Size of farms (acres)	Percentage of farms	Percentage of total land in farms
1 to 9	2.7	(2)
10 to 49	5.8	0.7
50 to 69	2.3	.5
70 to 99	8.7	2.7
100 to 139	9.5	4.3
140 to 179	16.5	10.0
180 to 219	9.1	6.9
220 to 259	9.9	9.0
260 to 499	25.7	34.8
500 to 999	8.1	20.3
1,000 to 1,999	1.5	7.3
2,000 and over	.1	3.4
Total.....	99.9	99.9

¹ Census percentage applied to 1973 numbers.

² Less than .01 (actually 0.03).

³ Does not add to 100 percent because of rounding.

TABLE 3.—Minnesota,¹ percentage of farms by value of products sold

Value of sales:	
Under \$2,500	20.4
\$2,500 to \$4,999	12.0
\$5,000 to \$9,999	18.9
\$10,000 to \$19,999	24.5
\$20,000 to \$39,999	17.6
\$40,000 to \$99,999	5.5
\$100,000 and over	1.1
Total.....	100.0

¹ From Census of Agriculture, 1969 April 1973.

TABLE 4.—Minnesota,¹ percentage of total value of agricultural production sold by farms by category

Category—Value of agricultural products sold by farms having sale of:	
Under \$2,500	1.6
\$2,500 to \$4,999	2.8
\$5,000 to \$9,999	8.8
\$10,000 to \$19,999	22.4
\$20,000 to \$39,999	30.4
\$40,000 to \$99,999	20.0
\$100,000 and over	14.0
Total.....	100.0

¹ From Census of Agriculture, 1969 April 1973.

TABLE 5.—Minnesota farm cash receipts from sales of principal farm products, 1972

Crops:	
Included in the 1970 Act:	
Corn	\$224,100,000
Barley	25,900,000
Wheat	81,900,000
Other Principal Crops:	
Soybeans	253,200,000
Oats	35,600,000
Sugar Beets	27,600,000
Vegetables	58,200,000
Hay	23,500,000
Livestock and Products:	
Cattle and Calves	672,900,000
Hogs	323,900,000
Dairy Products	480,700,000
Poultry and Eggs	133,200,000
All Crops	774,776,000
All Livestock and Products	1,634,977,000
Total.....	2,409,753,000

TABLE 6.—MINNESOTA, ACREAGE HARVESTED AND PRODUCTION OF PRINCIPAL CROPS, 1972

Crops	Acreage harvested	Production
Corn (for grain) (bushel)	4,899,000	455,607,000
Barley (bushel)	790,000	33,970,000
Wheat (bushel)	1,498,000	49,292,000
Soybeans (bushel)	3,325,000	93,100,000
Oats (bushel)	2,440,000	124,440,000
Sugar beets (tons)	111,700	1,559,000
Hay (tons)	3,020,000	8,163,000

TABLE 7.—MINNESOTA, PERCENTAGE OF FARMS PARTICIPATING IN THE 1971 FEED GRAIN AND WHEAT PROGRAMS BY SIZE OF BASES OR ALLOTMENTS¹

Size (acres)	Percentage of farms ²	
	Feed grains	Wheat
0.1 to 10	7.82	84.26
10 to 15	5.62	5.55
15 to 30	16.87	5.28
30 to 50	18.44	2.92
50 to 200	47.06	1.88
200 to 500	3.91	.10
500 to 1,000	.25	(?)
1,000 and over	.02	(?)
Total	99.99	99.99
Number of farms participating	95,350	41,646

¹ The 1971 program did not include barley while the 1972 and 1973 programs do. In 1972 about 19.7 thousand farms with barley bases totaling about 1,000,000 acres participated. No frequency distribution as to base sizes available.

² Does not add to 100 percent because of rounding.

³ Less than 0.01.

⁴ None.

TABLE 8.—MINNESOTA GOVERNMENT PAYMENTS ON PROGRAM CROPS, 1972

Feed Grains ¹	\$147,822,897
Wheat	17,757,632
Total	165,580,529

¹ Includes corn, sorghum grain and barley.

TABLE 9.—MINNESOTA PROGRAM PAYMENTS, 1972, PERCENTAGE OF FARMS RECEIVING PAYMENTS BY SIZE OF PAYMENTS

Size of payment (class)	Percentage of farms in each class ¹	
	Feed grains	Wheat
0 to \$100	5.10	36.14
\$100 to \$500	26.69	47.49
\$500 to \$1,000	22.05	7.96
\$1,000 to \$2,000	22.97	4.45
\$2,000 to \$5,000	18.64	3.03
\$5,000 to \$7,500	2.94	.54
\$7,500 to \$10,000	.91	.20
\$10,000 to \$15,000	.49	.11
\$15,000 to \$20,000	.13	.04
\$20,000 to \$30,000	.06	.02
\$30,000 to \$35,000	.01	(?)
\$35,000 to \$40,000	(?)	(?)
\$40,000 to \$45,000	(?)	(?)
\$45,000 to \$50,000	(?)	(?)
\$50,000 to \$55,000	(?)	(?)
Total	99.99	99.98

¹ Does not add to 100 percent because of rounding.

² None.

³ Less than 0.005.

TABLE 10.—MINNESOTA, AVERAGE PRICES RECEIVED BY FARMERS FOR SELECTED CROPS

Crop	[Dollars per bushel]				
	1968	1969	1970	1971	1972
Corn (grain) (bushel)	1.03	1.05	1.18	1.01	1.15
Barley (bushel)	.82	.80	.93	.84	.94
Wheat (all) (bushel)	1.34	1.46	1.59	1.37	1.73
Oats (bushel)	.55	.61	.59	.56	.64
Soybeans (bushel)	2.45	2.37	2.79	3.08	3.45
Flaxseed (bushel)	2.85	2.45	2.49	2.44	2.80

Source: SRS, USDA.

WILLIAM BENTON

Mr. METCALF. Mr. President, I join with my colleagues in commemorating William Benton. His accomplishments are well known: former Senator from Connecticut, publisher, vice president and benefactor of a university, statesman. The list is a catalog of life lived to the fullest, of versatility, of diligence, and above all, of excellence.

His passion for education led him to the University of Chicago and the Encyclopaedia Britannica. His sense of duty took him to the State Department and the U.S. Senate. His love of country and its ideals gave us the Voice of America. His concern for humanity brought the establishment of UNESCO.

When I was a Member of the House of Representatives and assigned to the Committee on Education and Labor it was my good fortune to work closely with Mr. Benton on proposals for Federal aid to education. His knowledge of educational problems and his enthusiasm for Federal support of education contributed substantially to the early legislation. As a pioneer supporter of education from the Federal level he was responsible for much of the legislation in this area that eventually evolved.

I am proud to recall that Montana had some small part in the development of this remarkable man. Although he was born in the Midwest and lived in the East for most of his life, Bill Benton homesteaded in the rolling prairies of eastern Montana.

I am sure that his independent spirit was forged in that stern and precarious life and that he took the breadth of his vision from the vast horizons of the Big Sky Country.

FOREIGN TRADE AND INVESTMENT ACT OF 1973

Mr. HARTKE. Mr. President, as sponsor of the Hartke-Burke Foreign Trade and Investment Act of 1973, I have consistently tried to keep the debate open on trade matters. The administration has finally sent us its recommendations for trade legislation, and I welcome this move because we may now discuss these questions in committee and hopefully pass a meaningful trade bill as soon as possible.

Mr. President, I am very pleased that the distinguished chairman of the Ways and Means Committee of the House, Mr. MILLS, will begin hearings on trade matters May 7. Because under our Federal system the House is charged with tax matters, it is correct for the Ways and Means Committee to first take up trade questions. We all know that a great deal of our trade problems are caused by an inequitable tax system which grossly favors our large multinational corporations.

Mr. President, I would remind my colleagues that trade legislation is a top priority in this current session of Congress, and with that in mind I think it is incumbent upon all of us to study the issues thoroughly in order that we may act wisely.

James L. Rowe, Jr., has written a timely and informative article in the Washington Post about the differences between the administration bill and my own. I ask unanimous consent that the article by Mr. Rowe be printed in the RECORD so that my colleagues may further understand the issues we face.

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

EFFECT OF NIXON'S FOREIGN INCOME TAX PROPOSALS DEBATED (By James L. Rowe Jr.)

The President's proposed changes in the tax treatment of income earned by foreign subsidiaries of U.S. corporations represents, in the words of one Treasury expert, a "minimum position."

The President's proposals, contained as part of his broad trade legislation went to Congress last week, stopped far short of the sweeping revisions called for by organized labor and contained in the Burke-Hartke bill, reintroduced in January in both the House and the Senate.

Organized labor has contended that U.S. tax treatment of foreign-earned income encourages American companies to produce abroad rather than at home with the consequent "export" of jobs.

The President, in the message accompanying his proposed legislation, said, "Our income taxes are not the cause of our trade problems and tax changes will not solve them." However, he said, "In certain specialized cases, American investment abroad can be subject to abuse." To correct those abuses, the President proposed that:

American companies taking advantage of foreign offers of tax holidays should have their income taxed when the income is earned, rather than when the profits are returned to the U.S., as they are now.

Companies which build plants abroad expressly for the purpose of reexporting products back to the United States also should be subject to U.S. taxes when they earn the income rather than when they repatriate the profits.

The President also said there are "situations in which American companies so design their foreign operations that the United States Treasury bears the burden when they lose money. Yet, when that same company make money, a foreign treasury receives the benefit of taxes on its profits."

Treasury Secretary George P. Shultz told newsmen that such situations occur in oil exploration. When a company drills for wells, it runs up expenses without any incoming revenue and uses these expenses as an offset against its U.S. taxes. But when the wells begin producing and the company begins making profits, foreign governments get the taxes.

Shultz and the proposed changes would force that company to deduct some of the earlier losses from the foreign tax credit it gets during the profitable period.

The President's proposed tax changes do not deal with the two major tax provisions in the Burke-Hartke bill, however. That bill, which was introduced during the last session of Congress and reintroduced during the current one by Rep. James A. Burke (D-Mass.) and Sen. Vance Hartke (D-Ind.), among other things, would:

Repeal the tax credit which American companies may claim for taxes paid to foreign countries.

Eliminate the deferral of taxes on profits which have not yet been sent back to the parent company, instead taking that income when it is earned.

The Burke-Hartke bill would force an American company to treat foreign income taxes much the same way it treats state taxes—as a cost of doing business and, therefore, a tax deduction rather than a tax credit. A tax credit permits a company to reduce its U.S. income taxes within certain limits by the amount of taxes it paid to the foreign government. The credit cannot be a bigger portion of its U.S. tax than the foreign portion of its total income.

So, to use an example developed by Gerard M. Brannon of Tax Analysts and Advocates, a public interest tax law firm, suppose a U.S. firm has a plant in the U.S. and a plant in France, earning \$1 million at each plant.

It would have to report \$1 million in income to France, and \$2 million to the U.S.

With the U.S. tax rate at about 48 per cent, the taxes owed here would be \$960,000. Suppose the French rate were the same: the company would owe \$480,000 to France. Its foreign tax credit, therefore would be \$480,000 and it would owe the U.S. government \$480,000 (\$960,000 minus the \$480,000 tax credit).

If the French tax were \$600,000, the most the company could take as a credit would be \$480,000 (since half the income was from France, the company cannot use the credit to reduce its U.S. taxes by more than half). If the French tax were \$400,000, then the company would owe \$480,000 on the U.S. business and an additional \$80,000 on the French business.

Under Burke-Hartke, the U.S. corporation would be forced to treat the French tax as an expense, and would subtract it from its profit on the French plant rather than from its U.S. taxes.

As a result, the profit the company would report would be \$1 million from its U.S. plant and \$520,000 from its French plant, paying taxes of about \$250,000 on the French plant profits. Its total French and U.S. taxes on the plant would be \$730,000.

In practice, most companies set up subsidiary corporations organized under the laws of the country in which they are doing business. The current law does not require a company to pay U.S. taxes on the profits of those subsidiaries until the company returns those profits to the parent corporation as dividends. The dividends still receive the foreign tax credit.

If a company reinvests the earnings of a foreign subsidiary, it pays no U.S. taxes on that subsidiary's earnings.

The proposals of President Nixon would revoke that privilege for two very specific situations—when the company sets up abroad to take advantage of foreign tax holidays or when it sets up abroad to re-export its products to the U.S.

The President said these holidays distort "the flow of capital" and produce "unnecessary hardship." According to one tax expert, most companies are not flexible enough to take advantage of tax holidays for the sake of the tax holiday itself. A byproduct of the proposal might be to hurt lesser-developed countries, who offer such holidays on a long-standing basis to attract capital.

The President's proposed legislation sets up a safeguard which would permit him to negotiate bilateral income tax treaties with the lesser-developed countries "which would make these rules inapplicable to specific incentives."

The kicker here, according to one tax expert, is that the Senate must approve these bilateral income tax treaties. The Senate, no said, has not approved a bilateral income tax treaty in decades.

To prevent the so-called runaway plant situation, where the company sets up a plant specifically for the purpose of re-exporting goods to the U.S., the President would tax income earned by these subsidiaries immediately.

The provision would apply, however, only where the subsidiary's receipts from exports "exceed 25 per cent" of its total receipts. The provision would apply to new investments, not to investments already in place.

The provision is weak, according to a number of tax experts, because it applies to total subsidiary receipts. "One plant may be a runaway plant," an expert said, while the rest of the subsidiary may not be. Unless that plant's receipts from re-export to the U.S. exceed one quarter of the total subsidiary's receipts, that plant would not be contained by the proposed provision.

RECONFIRMATION OF FEDERAL JUDGES

Mr. HARRY F. BYRD, JR. Mr. President, the General Assembly of Virginia has approved a resolution calling for the reconfirmation of Federal judges by the U.S. Senate every 8 years.

This resolution is similar to the one which I proposed as an amendment to the U.S. Constitution. It is my feeling that as more and more power is concentrated in the Federal Government, it is increasingly important that Federal judges who now serve for life, be made more accountable. Today, these judges are accountable to no one.

Why should any public official in a democracy have life tenure?

The resolution approved by the Virginia General Assembly originated in the State Senate, where it was sponsored by State Senator Robert S. Burruss, of Lynchburg.

I know Senator Burruss well. I know his deep concern about this problem. It was therefore heartwarming to me to know that the legislature of Virginia, as a body, holds the same view.

I commend Senator Burruss for the resolution which he presented to the Virginia Senate and I commend the Virginia General Assembly for approving it.

Lifetime tenure for Federal judges is a practice that should be ended. Federal judges should have fixed terms as now provided for in 49 States. There is only one State out of 50 which provides for life tenure.

We should have fixed terms for the Supreme Court and the rest of the Federal judiciary.

I ask unanimous consent that the text of this resolution be included at this point in the RECORD.

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

SENATE JOINT RESOLUTION 130

Memorializing the Congress of the United States to propose an amendment to the Constitution of the United States, relating to tenure of federal justices and judges.

Whereas, the justices of the Supreme Court and judges of the inferior courts of the United States are appointed for life, and are removable only by impeachment; and

Whereas, in forty-seven of the fifty states, including this Commonwealth, the judiciary has fixed tenure; and

Whereas, the experience in this Commonwealth reveals that although the judges may be removed from office at the end of their terms, the judiciary has remained independent; and

Whereas, the Congress of the United States should be granted the power parallel to that which this General Assembly now has, that is, to review the records of its federal justices and judges of inferior courts; now, therefore, be it.

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Congress of the United States is hereby memorialized to adopt and offer to the States for ratification or rejection the following amendment to the Constitution of the United States:

"ARTICLE —

"Section 1. Notwithstanding the provisions of the second sentence of Section 1 of Article II of the Constitution, each justice of the

Supreme Court and each judge of an inferior court established by Congress under Section 1 of Article III shall hold his office during good behavior for terms of eight years. During the eighth year of each term of office of any such justice or judge, his nomination for an additional term of office for the judgeship which he holds shall be placed before the Senate in the manner provided by the law, for the advice and consent of the Senate to such additional term, unless that justice or judge requests that his nomination not be so placed. Any justice or judge whose nomination for an additional term of office is so placed before the Senate may remain in office until the Senate gives its advice and consent to, or rejects, such nomination. If the Senate gives its advice and consent to an additional term of office, that term shall commence from the date of such advice and consent, or the day immediately following the last day of his prior term of office, whichever is later.

"Section 2. The terms of office established by Section 1 of this article shall apply to any individual whose nomination for a judgeship is submitted after the ratification of this article to the Senate for its advice and consent."

Resolved further, That the Clerk of the House of Delegates is hereby instructed to send copies of this Joint Resolution to the members of the Virginia delegation in the Congress of the United States, and to the President and Vice President of the United States, and the Clerks of the Senate and the House of Representatives.

SENATOR DOLE SPEAKS ON INTERNATIONAL TRADE

Mr. HANSEN. Mr. President, the subject of foreign trade and the U.S. position as a major partner in international commerce have assumed the greatest importance in recent years. With the vast changes of the past quarter century and especially the last 4 years, the policies which our country adopts to deal with the economic challenges confronting us abroad take on even larger significance than ever before.

This year, with the consideration of major trade legislation as one of the top priorities in Congress, these issues will command even greater attention and require the most careful consideration and thoughtful analysis from all who bear responsibility for shaping our Nation's policies.

Recently, at the Conference on International Trade and Diplomacy held at the University of North Carolina, the Senator from Kansas (Mr. DOLE) addressed the major issues facing the United States as we develop a policy toward our European and Japanese trade partners. These remarks provide a clear perspective on the issues and national interests involved as we approach the enactment of legislative authority for the trade negotiations which are expected to begin later this year.

My colleague from Kansas is a new member this year of the Finance Committee. This committee will have jurisdiction over trade legislation when it is received from the House, so the points made by the Senator are all the more valuable and instructive for those of us who are concerned with these important questions.

Therefore, I ask unanimous consent

that the text of Senator Dole's address be printed in the RECORD.

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

REMARKS OF SENATOR BOB DOLE

I am pleased to be here as you take up the start of the University of North Carolina's first conference on international trade and diplomacy.

This is a most timely subject and a most important one—and as you are no doubt aware—it is a subject that will, in all likelihood be occupying an increasingly large share of the Congress' attention in this session and in sessions to come.

Allow me to say, at the outset, that though I am a member of the Senate Finance Committee, which is chiefly responsible for international trade legislation in the Senate, I am one of its newest members. So I am not going to pretend to any special expertise in this complex field involving international relations, macroeconomics, trade and monetary policy along with law and diplomacy.

I claim the right only to speak as an observer who has noted, with marked interest and fascination, the tremendous changes that have taken place on the world scene in the last 25 years and with increasing rapidity in the last ten.

The mere mention of a few cities—Tokyo, Bonn, Peking, Moscow—these alone are enough to evoke images of a world drastically changed from what we may remember from the immediate post-war era.

CHANGED ECONOMIC RELATIONSHIPS

The world has changed radically, and with it, the United States' international economic position.

In 1960, our trade balance on a "C.I.F." basis—that is, including freight and insurance costs for our imports, but excluding foreign aid giveaways—was still in the black by \$1.8 billion.

By 1972—one year after our first dollar devaluation since the depression—it was in the red by over \$10 billion.

We have been running trade deficits, on a "C.I.F." basis, since 1966.

We have been running over-all international balance of payments deficits since 1950.

During the late 1950's and all through the 1960's. The United States acted to "correct" the balance of payments. A variety of methods such as tied aid, military offset sales, the interest equalization tax, controls over bank lending and direct investment abroad, tightened "Buy American" requirements on defense purchases were utilized other "cosmetic" actions, such as debt prepayments were taken to make the numbers look better. But during this period—while the United States plodded along with business as usual—the forces of change were at work.

There are many technical terms, which could be applied to the international economic history of the past 15 or 20 years. But for shorthand purposes, we can just use two words: Europe and Japan. The reconstruction and succeeding growth of these two powers changed the whole world's economic and trade landscape—most of all, the United States' position as the giant of international commercial intercourse, in the process of their restoration and rebirth, we were out-sold, out-bargained, out-hustled and out-maneuvered, while the deficits grew and our trade balance declined. And, finally, all the chickens came home to roost, in the massive speculation against the dollar in 1971.

LIVING IN THE PAST

After a period of truimph, new currency rates were set at the heralded "Smithson-

ian Agreement" in December, 1971. This realignment was viewed in optimistic terms, and everyone predicted a major swing in the United States' balance of trade and payments.

But 1972 did not witness any improvement. Rather, a further deterioration in the U.S. trade and payments position was experienced. The published "F.O.B." trade deficits shot up to \$6.9 billion, while the "C.I.F." trade deficit exceeded \$10 billion. And the second massive run against the dollar in fourteen months resulted in another dollar devaluation this past February.

As the President stated in his latest "international economic report:"

"Our major difficulties stem from relying too long upon outdated economic arrangements and institutions despite the rapid changes which have taken place in the world. Many countries were helped to rebuild after world War II are now our strongest competitors. Americans can no longer act as if these historic developments had not taken place."

That statement is a good, hard, realistic assessment of the perspective in which we must view trade policies. We have been living in the past. And we have been kidding ourselves with the "good news" announcements—which, until recently, so regularly issued from the Department of Commerce, telling us that we had a rosy trade surplus—when actually the trade balance of the United States has been in the red since 1966. And if imports are valued to include the cost of insurance and freight as 90 percent of other countries around the world do, and if we exclude from our export figures the foreign aid giveaways for which we earn no hard currencies—then it is startlingly clear that we have been running a trade deficit since 1966.

A CLEAR CHOICE

Economic theory would suggest that the recent unilateral devaluation of the dollar by 10 percent, and a float of certain other currencies, such as the Japanese yen, the British pound, and the Italian lira, should result, over time, in a significant improvement in the U.S. competitive position. Imports of foreign products should become more expensive, with U.S. exports being more attractive in foreign markets, yet, as the last devaluation showed, the short-term effects may well be negative. The problem lies, not in the tactics and strategy employed by the United States and other countries in meeting these situations. But in the basic rules which govern the entire game of international trade and finance. And without revision of these rules the international monetary system is likely to limp along from crisis to crisis, and the U.S. balance of payments deficit could persist and worsen for years to come.

The nations of the world face two simple alternatives. They can recognize the common dangers of the present system and sit down together to revamp the old Bretton Woods system in a cooperative way. Or they can let the law of the jungle take over in international trade and monetary matters.

But there is really only one course, for we cannot afford the second choice. Stability and order in the international system are essential to the strength and security of every national economy, regardless how large or how small. And economic conditions are basic elements in the overall prospect for lasting world peace.

NO SIMPLE ANSWERS

But what are we to do? How are we going to set about the task of facing up to reality and securing those basic revisions in the ground rules of international economics? I wish I had the simple answers to these questions. But there are no simple answers, and

there will be no easy solutions. And to understand this point, we only have to turn a few pages of fairly recent history.

Since 1934, the Congress has delegated the authority for negotiating reciprocal trade agreements with foreign countries to the executive branch of Government. And in the intervening years, a variety of bilateral and multilateral reciprocal agreements have been concluded. The first, of course, was Bretton Woods in 1944. Between 1944 and 1962, we had a series of trade negotiations which substantially reduced tariff barriers around the world. In 1962, the Congress authorized the so-called Kennedy Round which led to the largest tariff reductions in the post-war period.

But based on hard evidence in a number of important export sectors of our economy, it is clear that these trade agreements have neither been reciprocal nor fair. Indeed, most of them have been deliberately designed to transfer our resources to other countries. Now the motives for these agreements may have been of the highest and most praiseworthy nature, as we sought to rebuild and strengthen a worn-torn and depressed world economic order. But times have changed. As we have noted, the U.S. has large trade and balance of payments deficits, and the new round of trade negotiations set to begin this fall, will have to result in a different outcome than in the past.

A FAIR SHAKE FOR AMERICA

The present bargaining authority is expiring, and in preparation for the new negotiating sessions the President has proposed legislation which would give the executive branch authority to raise or lower all tariffs in the United States, and to deal with the difficult, but important non-tariff trade barriers which United States exporters face, particularly in the Japanese and European markets. He seeks maximum negotiating authority and flexibility to achieve, as he said "A fair shake" for America in our international trade relationships.

I believe the United States has more than a reasonable expectation of receiving that fair shake. We have a right to it. But having a right to it and getting it are two entirely separate matters.

NO ILLUSIONS

I certainly hope our trading partners will enter into these negotiations with the realization that the United States cannot trade horses for hares anymore. We are going to have to bargain hard, and our overall bargaining position is going to include the threat that the U.S. market will be free only to those who give our exporters reciprocal advantages in their markets.

The fun and games days of International Trade Agreements are over, and no one should harbor any illusions. For their part, our trading partners should neither expect unearned concessions, nor be upset when we refuse to offer them. The United States can no longer afford unjustifiable and unilateral trade giveaways and generosity, and when we sit down to the bargaining table from now on, everyone should be on notice that we are playing for keeps.

On our part, we cannot expect to furnish any undeserving shelter to American industries which cannot compete on an even basis—and I stress, on an even basis—with their counterparts in other countries. But we cannot afford another tariff-cutting exercise like the "Kennedy Round" which left United States markets over-exposed to foreign imports without providing corresponding benefits for U.S. exporters.

Since the end of the Kennedy Round, our trade and balance of payments deficits have grown by leaps and bounds, while industry after industry has complained of foreign non-tariff barriers which were neglected in

those negotiations. More than 70 American industries requested import protection in 1970, and I doubt that their numbers have dwindled since then.

Organized labor has called for a sweeping change in foreign economic policies, including the imposition of across-the-board import quotas and the abolition of favorable tax treatment for U.S. investment abroad. While I do not agree with this view of our attitude toward foreign trade, there is no question but that we need a new approach to International Trade negotiations.

CARTOON CAPSULE

I don't know how many of you might have seen it, but Pat Oliphant, the editorial cartoonist of the Denver Post, put the basic question of International Trade Negotiations into crisp focus with one of his pictorial commentaries last January.

In it he shows the Members of the Common Market—dressed in World War I battle gear with muskets, cannon and a vat of boiling oil at the ready—awaiting President Nixon, atop the battlements. The Frenchman is leaning over to the German and muttering out the side of his mouth, "If he thinks Vietnam was a hardship, wait 'till he tries to sign a peace treaty with us."

Well, if Oliphant had added a Japanese to the picture and just labelled the fortress as "The Rest of the World," he would have had the whole picture. For that is just what we face when we negotiate in the International Economic field: the United States versus the rest of the world.

And the score over the past seven years, going on eight, is: rest of the world—40, United States—0. That is \$40 billion dollars—the total amount of our trade deficit since 1956.

LOPSIDED ARITHMETIC OF GATT TALKS

So we are approaching the battlements of another Gatt round of negotiations. Participating in them will be more than 100 countries, half of them associated in one way or another with the European Bloc. And as a fundamental point of survival, as we view these talks, we must recognize that these countries are not interested in helping us solve our problems, by lowering their barriers. Their principal goal is to sell more to our markets.

In light of this attitude, the arithmetic of these talks makes for a sobering picture. With the one-country, one-vote rule in the GATT, we start out with nine full members of the European community against one—the United States. Then we add all their special commercial partners, and it shifts to thirty-four against one, throw in the less developed countries who want their own tariff preferences, and it's over eighty to one.

So it makes little difference how "tough" our negotiations are under the present system. If we have the deck stacked against us before the negotiations begin, we simply will not have the votes to get a good deal—or even a fair deal.

TWO PRIMARY AREAS

But perhaps we are over-simplifying to picture the situation as the United States against everybody. Of course, our trade links to Communist nations and to the developing countries of Africa, Asia and Latin America are of growing importance. And I do not seek to minimize them. But more specifically, in discussing the really difficult questions of foreign trade, we are talking about conditions which exist between the United States and the two other economic giants of the free world, Japan and the European economic community. In our dealings with them lie the basic problems, and in negotiations with them, also rest our hopes for rewriting those basic ground rules which will enable the U.S. to achieve a realistic position in the GATT negotiations and establish the vitally-needed

basis for stability in the international trade and monetary realm—which is so important to the structure of a lasting peace.

So let us turn for a moment to the two principal economic powers and see how the negotiations stack up.

UNITED STATES-JAPAN

Let us start with Japan, the source of our biggest trade deficit—\$4.5 billion on an F.O.B. basis, and over \$6 billion on a C.I.F. basis in 1972.

Of course, it is a fact that two devaluations have changed the relationship between the United States' dollar and the Japanese yen by over 35 percent in the past two years. If the laws of economics were able to operate freely, this would mean a rapid shift in our trade imbalance with Japan. U.S. exports from Japan would tend to slow down.

But the laws of economics are not operating freely. The Japanese government has cozy cartel arrangements with its great trading houses and industries. The net result has been that the dollar devaluation in regard to the yen has not and will not, in itself, bring about a corresponding degree of change in the trade imbalance between the two countries. In fact, the Japanese appear confident that they will continue to increase their surplus with us in the near future.

CLEAR MESSAGE

But sooner or later, we are going to have to tell our good friends in Japan that they cannot enjoy this advantageous situation for as long as they can sustain it, for, as much as we may be opposed in principle to doing so, we will be forced to impose restrictions on their exports to our market.

It is well known that Japan is a monolithic economic structure in which the government, banks, and business community set specific export targets on a sector-by-sector basis and adopt policies to insure that those targets are met. I am not critical of their system. It obviously works a lot better than ours, in some significant ways. But I am suggesting that either we are going to have to tell the Japanese that they can export to our market only to the extent that they import from us, or the Japanese are going to have to use their ingenious trading system to set targets on imports from us, which would be in balance with their targets on exports to the United States.

ARTIFICIAL OBSTACLES

This is not a matter of the Japanese being forced to pay a penalty in support of inefficient or uncompetitive American Industries. The ideal solution, of course, would be for United States firms to increase their exports to Japan to make up the difference. But frequently, American businessmen seeking to do business in Japan have encountered a system of official and non-official burdens which make doing business there a near impossibility.

There is no reason in the world why we could not be selling a lot more to Japan, both in industrial and agricultural commodities. Yet, in areas in which we are competitive in agriculture and industry, the Japanese have reserved many of those markets for their own producers. To be fair, I must say that the Japanese have liberalized their economy and their import structure to some extent. And they appear willing to change their priorities and give their consumers some of the benefits of living in a modern industrial economy. But, the progress has been painfully slow, and trade deficits of the United States with Japan will continue to grow as long as this progress remains at a leisurely pace.

LIMITATIONS OF MULTILATERAL AGREEMENTS

But how do we open up the Japanese economy to American products through a trade negotiation on a multilateral basis? And what are we in turn likely to have to give up

in our own tariff and non-tariff barriers to achieve such a result? The Japanese have been liberalizing their import structure for years without any improvement in the United States' overall competitive position. Obviously, in such negotiations, the Japanese are going to ask for a reduction in U.S. tariffs and non-tariffs against them. I imagine textiles and steel will be on that list.

If the Japanese trading system were like ours, I would not fear reciprocal reductions in tariffs and non-tariff barriers. But it is not, and even if the Japanese eliminated all other tariffs, I don't think it would have a significant impact on the volume of U.S. exports going to Japan. And here another unique Japanese factor must be taken into account.

The Japanese distribution system is such that an American Pinto which lands in Japan costing about \$3,000, ends up at the dealer with a \$5,000 sticker on it. The problem is not the tariff at all, the problem is the mysterious distribution system in Japan, which marks up imported products by over 100 percent.

This example stresses the problem of dealing with factors other than tariffs—the so-called non-tariff barriers. It shows that these negotiations will have to break new ground if progress is to be achieved. We will simply have to get into such previously unexplored territory as foreign business practices and limitations on foreign investments and operations.

I certainly have no magic solution to these questions and doubt anyone else does either. But we must recognize the issues to be taken into account as we look ahead and attempt to establish our negotiating position with Japan.

UNITED STATES-EUROPEAN COMMUNITY

Now, let's look at the European Common Market. In 1972, the United States ran a trade deficit with the European community of \$600 million on an "F.O.B." basis, and at least twice that on a "C.I.F." basis. Our military expenditures in the community were running at a net deficit of \$1 billion—\$1.8 billion gross, less \$800 million in military sales. Our current account deficit (which includes trade, services, and income on investments) with the community was \$3.4 billion last year, and our overall balance of payments deficit was \$1.1 billion.

Now obviously, the Europeans can't say they are not a major cause of our large deficits. And it is not only their bilateral balance with us that contributes to our problem—their third-country transactions must be counted in, too. In a real sense the Europeans and Japanese are both reaping the commercial fruits of our generosity in foreign aid and security payments, while complaining to us about our deficits.

COMMON MARKET TRADING PRACTICES

But let's examine the trading practices of the European community, and how sincere they are in trade negotiations—on anything but their terms.

The community has proliferated its discriminatory preference system to many countries. One might suggest the way to eliminate their discrimination is to end all tariffs—if you don't have any tariff you can't have a discriminatory one. But, there is no evidence from the European community that they are at all interested in ending their common external tariff. Indeed, reports have indicated that in the wake of the latest dollar devaluation, they may actually increase tariffs—to offset the effects of the devaluation on their imports.

AGRICULTURE—A KEY QUESTION

Agriculture is, of course, vitally important to the United States, both in terms of the food and fiber it supplies for our domestic

economy and as a major contribution to our exports. It is, after all, one of the few areas in which we enjoy a real competitive advantage, and we must harness it to the greatest possible extent.

In approaching negotiations with Europe our negotiators have put at the top of their list the community's common agricultural policy.

And a very real and important test case for the success of future negotiations on all issues could be the Europeans' decision on paying us compensation for the agricultural trade we will surely lose as Britain adopts the common agricultural policy. Such compensation is called for under the GATT, and we are losing a big grain market in England because of British entry. But so far, the Europeans appear to be unwilling to pay us anything for that loss. They have, in effect, told us "we owe you nothing." And remember, they have the votes in the GATT, and we don't.

I certainly hope this attitude changes, but we must recognize their domestic problems. They have their farm constituents just as we do. But the facts of life dictate that we cannot afford to give their industries better access to our markets without receiving better access for our agricultural exports to their market.

I believe the President defined the issue as clearly as words can put it when he said in his international economic report:

"Indeed, if there is no commitment to meaningful and realistic negotiations in the agricultural sector, it would be difficult for the United States to proceed with multilateral trade negotiations in other sectors."

So, once again, we come down to a basic question, an uncertainty which we cannot answer at this time, but which is fundamental to the progress and shape of negotiations.

DIFFICULT NEGOTIATIONS

At this time, I believe the only legitimate conclusion we can draw is that very difficult negotiations with our European and Japanese friends lie in store.

We simply must receive equal treatment in their markets. Indeed, given the military burdens which the United States carries and which costs us billions of dollars a year to protect our European and Japanese friends and ourselves, I believe we should receive more than reciprocal treatment in their markets.

Our balance of trade and balance of payments deficits must end. Otherwise, the world will continue to suffer one monetary crisis after another, and the prosperity which we have all experienced since the end of World War II will be in jeopardy. But even more important, such economic dislocation and uncertainty would undermine political stability among the nations of the world and hazard the great dream of a lasting, just peace.

But I believe good will and a serious recognition of each nation's problems, expectations and the tremendous importance of these undertakings can bring about success. This success is not only desirable, it is essential.

A BALANCE OF CONCEPTS

Mr. HANSEN. Mr. President, the distinguished Senator from Utah (Mr. BENNETT) spoke to the American Association of Museums recently.

In his speech, presented on April 26, 1973, Mr. BENNETT provided a clear look at tax legislation which will be coming before the Senate Finance Committee after the House Ways and Means Committee and the House of Representatives finishes action on the measure.

Senator BENNETT is the ranking minority member of the Senate Finance Committee and his remarks to the American Association of Museums about the Tax Reform Act of 1968 and the tax burden on foundations, including museums and galleries.

Because of the excellent points he makes in the speech which will be of interest to a number of our colleagues and others, I ask unanimous consent that Senator BENNETT's remarks be printed in the RECORD.

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

SPEECH OF SENATOR WALLACE F. BENNETT TO THE AMERICAN ASSOCIATION OF MUSEUMS, APRIL 26, 1973

I appreciate this opportunity to be with you today to look at the tax problems of museums and galleries through the eyes of a legislator charged with the responsibility of fitting laws affecting your group into the whole tax system in the most practical and equitable way.

Before I address myself to the specific tax questions in which I think you are most interested, let me tell you about the timetable for any tax legislation this year as I see it. As you know, all tax legislation must originate in the Ways and Means Committee in the House and that Committee has been holding general hearings on tax problems since early January. These hearings will be ended next Monday with the appearance of the Secretary of the Treasury and at that point, all tax legislation will be laid aside in order that the Committee may turn to consider trade legislation and the President's recent recommendations for changes in that area. It expects to be thus occupied until the time the Congress takes its summer recess in August and it is assumed that when we return in September, the Finance Committee will take its turn again to consider suggested changes in the tax law. This means that if there is any tax legislation this year, it will be at the very end. My own guess is that there will be none until next Spring.

Having said this, let me return to the more specific tax problems in which you are interested. To open this subject, and by way of background, I think it is necessary that we turn our attention to the 1969 act and the very substantial changes that legislation made in the tax burden on foundations which, by definition, includes museums and galleries. Looking back, I am afraid I have to agree that some tax reforms in this area were necessary at that point in time. The public and the Congress had begun to lose faith in the conduct of charitable activities in general because of the abuses by a relatively few charitable organizations and their donors, and something had to be done to restore confidence in the basic concept of private philanthropy supported by tax incentives. At the same time, I recognize that in the first version of any broad-scale reform of this nature, there are bound to be some instances where the new rules are either inadequate or are more restrictive than necessary to achieve the designed objectives. Obviously most of the amendments being sought at this time by charitable organizations are based on the latter assumption.

Before commenting on the current proposals for change, let's look briefly at the basic philosophy behind the concept of tax advantages for private philanthropy. During the hearings on the 1969 Act, the Finance Committee heard many witnesses testify that the private charity dollar pays for social efforts which would otherwise be a burden to the Federal, State or local governments and for considerable less cost. However, this was

opinion testimony; there were no hard facts to back it up. Mr. Peter Peterson, later to become a Presidential Assistant and Secretary of Commerce, testifying for the Commission on Foundations and Private Philanthropy, indicated that this Commission hoped to include such information in its final report, but unfortunately, this did not happen.

I know that value in dollars is not the only means of judging the worth of private philanthropy, since for many of us the existence of a pluralistic society, strongly supported by private philanthropy, is more highly valued than the dollar cost of present tax incentives. But it should be evident that the availability of hard facts would go far in protecting private philanthropy from attack by those who believe that Government could save tax dollars if it should undertake activities now carried on by private charity. And, of course, if an authoritative study of this question could be made it would be very relevant in any legislative deliberations aimed at encouraging private charity, by expanding the tax incentives or liberalizing the present regulations.

As a beginning, I would like to suggest that perhaps the Treasury or a private group should undertake a study of the effects of the charitable rules under the Tax Reform Act of 1969 on the support and operation of public and private charitable organizations. Since the Treasury Department is now receiving much more information from returns of charitable organizations, particularly the private foundations, it may be the appropriate agency to carry on this study.

As you are well aware, the 1969 Act established a whole new set of rules applicable to charitable contributions and to the operation of charitable organizations, the most significant feature of which is the new differentiation between public and private charitable organizations, as defined in the Act. Private foundations, as defined therein, are singled out for more stringent requirements in such matters as the percentage limitation on deductible contributions to such organizations, their investment policy, the type of self-dealing permitted, the required distribution of current income for charitable purposes with a minimum payout, and the special 4 percent audit tax on their net investment income. It was the intent of the Congress that these changes would insure that the tax exemption and tax reductions from charitable contributions would result in reasonably concurrent and commensurate public benefits.

While recognizing that the 1969 charitable reforms were the source of much concern to those involved in the administration of charitable organizations (which is always the case with a new law of such significance) I am pleased that both current and former officials of both the Treasury and Internal Revenue Service have recently stated that they have confidence that the Revenue Service can administer the 1969 charitable reforms in a manner which will carry out Congressional intent without seriously inhibiting the general expansion of philanthropic efforts. We all hope they are right!

Regardless of how well or poorly the sections of the 1969 Act affecting foundations may be administered, there is every reason for the Congress to take another look at them when it returns to tax legislation. There are several areas in which a reconsideration appears justified and I would like to go over some of them with you.

1. CLASSIFICATION OF MUSEUMS AS PRIVATE FOUNDATIONS

I understand that some museums are distributed because under the new Treasury Regulations they are classified as private operating foundations rather than as public charities. The difficulty apparently arises

because these museums fail to meet the Treasury's construction of the statutory test requiring a public charity to receive a "substantial part of its support" from the general public, which Treasury construes as requiring the museum to receive at least 10 percent of its support from the public.

While most museums meet this 10 percent test, there is a significant number who don't, including some of our most outstanding art museums. These museums were created years ago, usually by a single donor, and were provided with sufficient endowment income to meet most if not all the anticipated operating costs of the museum with the objective of freeing it from the necessity of annual fund-raising drives.

This objective was consistent with tax policy in effect at that time. Since these institutions have public trustees, serve the public directly, and conduct all the programs and activities associated with successful museum operations, your association questions whether they should be treated as private foundations and subjected to the disadvantages of this classification, including the difficulty private operating foundations status presents in soliciting support from large donors and from private foundations of the grant-making type, and of being subjected to the 4 percent audit tax.

I believe this is a matter the tax-writing committees will want to review. Rather than to complicate the existing classifications with wonder if it wouldn't be wisest to try to create a completely new classification for museums and galleries, writing specifications that would apply to them only and preserve their opportunity to attract large contributions, at the same time possibly eliminating the 4 percent audit tax and other features that obviously should not apply to these institutions.

In my opinion, you will have the rest of this year, at least, in which to explore such a possibility with your own officials, the Treasury and staff of the tax-writing Committee.

2. POSSIBLE REDUCTION IN 4 PERCENT AUDIT TAX

If it is not possible to take museums out from under this tax by creating such a new classification you will still be interested in the possible reduction of the 4 percent audit tax for all charitable institutions. As you may remember, in 1969 the Administration recommended an annual supervision tax of 2 percent on the net investment income of private foundations which was estimated to raise annual revenue by about \$25 million. This was considered to be enough to cover the cost of the Internal Revenue Service of administering the tax provisions relating to private foundations and other tax-exempt organizations. The Congress rejected the 2 percent rate as probably being inadequate and imposed a 4 percent tax.

Recent Treasury estimates show that the 4 percent tax raised about \$56 million in fiscal 1972 while Internal Revenue Service auditing of the entire tax-exempt field cost only \$19.3 million, of which auditing of the private foundations cost \$12.9 million, and the cost is estimated to be less for fiscal 1973. This would appear to justify a reduction of the 4 percent tax to 2 percent as originally recommended although I must say it might be difficult for Congress to justify tax reduction for private foundations if individual taxes are not also trimmed. At the same time we cannot ignore the efforts of Congressman Wright Patman to enact legislation which would turn over one-half or more of the revenue raised by the 4 percent tax to Attorney General of the States to finance their efforts to beef up state regulation of charitable organizations in their respective States.

3. CHARITABLE GIFTS OF MANUSCRIPTS AND ART WORKS BY CREATOR

The 1969 Act contained an amendment actively supported by Senator Williams of Delaware, which took away the tax deductibility of the value of the contributions made by a person in government, of papers and manuscripts prepared and published while that individual was actively involved in government and which were created in the performance of his official duties. The amendment which limits the charitable deduction for gifts of ordinary income property to the donor's cost, was written in general terms and thus, affected not only persons in government, but also any deduction for charitable gifts by any creator of any work of art or original creation. As you know all too well, this amendment had the unexpected effect of reducing the number of contributions or original manuscripts, musical scores, paintings and similar material produced by people outside of government where the creator was the donor.

Realizing that it would be a tragedy if, as a result of the operation of the tax law, important papers of Americans in public life and the significant production of artists, authors and musicians should become unavailable for study and enjoyment by future generations, I think we must seek to liberalize these provisions either by changes in the tax law such as have been proposed by Senator Church of Idaho last year and Senators Javits and Metcalf this year, or by finding some other non-tax-related incentives to accomplish this same purpose. I wonder if, out of your broad experience, you can give us some specific suggestions as to other ways in which we can encourage the producers of this valuable material to leave it in the public domain.

4. LOBBYING BY PUBLIC CHARITABLE ORGANIZATIONS

Another proposed change with some impetus behind it is the proposal to permit charitable organizations (other than private foundations) to carry on activities intended to influence legislation. In the last Congress, Senator Muskie introduced two bills (S. 1408 and S. 3063) to accomplish this result. Several similar bills were introduced in the House, including H.R. 13720, which was the subject of hearings held by Ways and Means Committee in May of last year.

Two basic arguments have been advanced in support of this general proposition. One is that since business is permitted to deduct lobbying expenses related to its trade or business, which is lobbying for a private interest, then charitable organizations should be allowed to carry on similar lobbying activities in order that the public interest in the same matters may be presented to legislative bodies. The second argument is merely that legislative bodies need the information available to charitable organizations concerning the impact of present laws or proposed legislation in areas of concern to such organizations in order to make better laws.

I think we can all agree that adoption of an amendment which would permit charitable organizations to engage in lobbying at the Federal, State and local levels, and to lobby their own members enlisting them to lobby, in turn, would constitute a basic change in public policy.

I have not reached any conclusion on this matter and will not do so until the Finance Committee, of which I am ranking minority member, has held hearings on the subject and there has been the fullest discussion.

However, as a long-time supporter of tax incentives for charity and private philanthropy, I have some reservations as to whether the proposed change is in the best interest of charity, unless it is severely limited to prevent abuse. We must remember

that it was the evidence of abuse by some foundations that generated the changes made in the 1969 Act, and it might take only a few examples of abuse of any new lobbying privilege by a few overeager charitable organizations to turn large segments of the public against any tax support of private charity.

There are already many people today who are concerned with the tax support of many so-called action groups and public interest law firms. If an important charity should, by its lobbying, become actively in a controversial legislative area in which the public is sharply divided, it is not inconceivable that the reaction would be unfavorable to tax supported charity in general. We may be approaching such a case in church-based intervention in the contest between Mr. Chavez and the Teamster's Union.

I am also concerned with the problem of achieving a balance in the representation of our citizens' viewpoints to legislative bodies. Legislators today have a problem in ascertaining whether a letter-writing campaign on a particular issue represents a widespread viewpoint, or merely the concentrated efforts of a public pressure group. If suddenly we add two or three hundred thousand tax-supported charitable organizations, all using their total membership, as public pressure groups, the legislator's problem will obviously be made more difficult.

5. REQUIRED DISTRIBUTION OF INCOME OR MINIMUM PAYOUT PROVISION

Prior to the 1969 Act many charitable organizations invested in assets which produced little or no current income, while the donor received immediate tax benefits from his contribution. To correct this situation, the 1969 Act provides that a private foundation must distribute annually all of its income, but not less than 6 percent of net value of its investment assets. As you may remember, the Ways and Means and Finance Committees agreed with Treasury on a payout of 5 percent of net investment value; however, the Senate adopted the Percy amendment to raise this figure to 6 percent and that figure prevailed in Conference.

I believe there is general agreement by private foundations today that the principle of a required minimum current payout by private foundations is sound and should be retained. The problem appears to be with the statutory provision implementing this principle. There was no intention to require a level of payout which was inconsistent with the income produced by sound investment practices. Unfortunately, the approach of requiring an annual payout equal to 6 percent of the net investment value of a foundation's assets does not achieve this objective.

The choice of this figure was based on the assumption of the Peterson Commission—which underlay the Percy amendment—that balanced investment funds might be expected to earn annually 9 percent or 10 percent (including capital appreciation as well as interest and dividends). As we all know, the experience of balanced funds since 1968 does not support that assumption. And the present required payout provision looks at the income of each single year, rather than income over a period of years. Experience has demonstrated that some consideration should be given to modifying the required payout test to permit some form of averaging.

For example, the requirement could be for a payout over a five-year period of an amount equal to 30 percent (using the current 6 percent rate) of the net value of the investment assets as of the beginning of the period, with perhaps a minimum payout of 1 percent or 2 percent in each year. Since the Treasury has always maintained that the 6 percent rate is too high, it seems certain that

the tax-writing committees will want to review the minimum payout provision.

6. OTHER PROPOSALS ADVERSELY AFFECTING CHARITABLE CONTRIBUTIONS

In this era of political consciousness of the growing impact of higher taxation at the various levels of government, it has become popular to blame this on the inequities of the Federal tax structure and to call for broad reform in the Federal tax laws. Without digressing into a discussion as to the validity of such suggestions, the fact is that several "reform" proposals have been advanced which would adversely affect the present tax incentives to support charitable organizations.

(a) Ceiling on Charitable Bequests and Tax of Appreciated Property at Death.

It has been suggested that the limitation of 20 percent on charitable deductions for contributions to private foundations and of 50 percent for contributions to other charitable organizations should be applied to estate and gift bequests. There is another proposal which has considerable support—this would impose a tax on unrealized appreciation of property passing at death. The threat of such legislation should spur those organizations who depend largely on charitable bequests or large endowments to develop information to substantiate the importance of the estate tax incentives to the continued life of charitable organizations. Since most of the donors of charitable bequests receive no personal income tax benefits while they live a strong argument can be made that limits on charitable bequests in effect impose a tax on the charity rather than the donor.

There are several other proposals which would indirectly weaken the incentive of potential donors. They are still in a rather nebulous state so it is impossible to measure their effect, but they should be mentioned. They include a proposal to tie the deductions for charitable bequests to the marital deduction with the intention of reducing both, also a suggestion to put a floor under charitable contributions and allow deductions only for the amount exceeding the floor. There are other proposals for reshaping the present treatment for capital gains including an idea that the treatment for gift and estate taxes should also be changed and some variations of the present capital gains program worked into such changes.

I realize that this must necessarily be a rather sketchy and inadequate discussion of the problems that concern you very much. I wish it were possible to be more definite but since, as I said at the beginning, there is little likelihood of any substantial tax legislation being enacted this year, it follows that at this point in time any new tax ideas are found to be vague and nebulous. Underlying all of this, however, is the basic issue of the relationship of tax policies to private philanthropy. On the one hand, experience shows us that some of the proposals in the 1969 Act are either too burdensome or too rigid and should be changed, while on the other hand, there is the continuing feeling that direct government programs may be more effective than the use of the tax mechanism to support private philanthropy. In the end, with this question, as with so many others, our problem is to find the point of balance between these two concepts if we are to preserve the greatest good for the greatest number.

THE FALLACIES OF BOYCOTTS AND ROLBACKS

Mr. HANSEN. Mr. President, a constituent of mine from Wheatland, Wyo., Mr. Alan Utter, said in a recent newspaper column that—

This is unquestionably the poorest time and place in history to boycott or roll back meat prices or even talk about it.

I could not agree more with Mr. Utter, and I was pleased to note in a letter to the editor of the Wall Street Journal of April 23, 1973, that the noted and often-quoted economist, Dr. John Kenneth Galbraith, appears to share Mr. Utter's views on meat price controls. Said Dr. Galbraith:

Controls should not be used where price increases are caused by an excess in aggregate demand or a shortage in the specific supply. If so used, some momentary effects apart, the result will be either random shortages in the retail stores, violations or, most likely, both. The present behavior of meat prices, as of numerous other prices, shows every indication of being caused not by wage and cost increases, but by the pull of demand.

Dr. Galbraith and I part ways on the question of what, in the absence of controls, is needed to deal with the situation. Dr. Galbraith says what is needed to deal with our economic problems is a tax increase. I say what is needed are sharp reductions in Federal spending, so a tax increase can be averted.

In the meantime, so long as inflation persists and prices continue to rise, consumers will continue to complain, and some Members of Congress will continue to push for price freezes or rollbacks on specific areas of the economy, even though such steps would only aggravate the problem and do nothing to address the cause.

In a column entitled, "Everybody's Business" which appeared in the April 13 Platte County Record Times, Mr. Utter pointed out, using facts and figures the fallacies of boycotts and rollbacks. He makes a very forceful and eloquently stated case against controls, and I agree with his conclusions.

In my opinion, housewives and consumers in general would serve themselves and the economy as well by opposing any action, such as a price rollback, that would discourage or reduce production at a time when exactly the opposite is needed. Further, if consumers would direct their anger over prices bloated by inflation at the source of that inflation—a free-spending and fiscally irresponsible Congress—a great deal might be accomplished toward balancing the Federal budget and thus stabilizing the economy.

Mr. President, I ask unanimous consent that Mr. Utter's column and Dr. Galbraith's letter to the editor be printed in the RECORD.

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

[From the Platte County (Wyo.) Record

Times, Apr. 13, 1973]

EVERYBODY'S BUSINESS

(By Alan Utter)

When Mrs. June Donavan, head of the National Meat Boycott, advocated strict export restrictions of meat, feed or food grains, Eshe exposed the consumer's complete ignorance of economics and displayed their personal selfishness.

We cannot export cadillacs or color televisions to Japan. We cannot sell sewing machines to Italy. We cannot sell cameras or

cars to the Germans. We cannot dump watches on the Swiss. We cannot sell airplanes to the French or British.

We cannot export crude oil, natural gas or timber because we have depleted and wasted our own resources and threatened our own supply to the point that we are dependent on even Russia for these very vital supplies.

We have developed a balance of trade deficit that has rendered the American dollar unwanted and nearly unacceptable many places in the world. We have priced ourselves out of nearly all foreign markets and can scarcely afford to buy our own products.

The agricultural export of 9 billion dollars in 1972 and the projected 15 billion dollar export in the next few years are vitally necessary to maintain even a semblance of trade balance and to nourish the lavish standard of living, the American has become accustomed to.

U.S. News and World Report, April 9, 1973, lists average farm incomes at \$3,179 annually. This is \$19 above what is considered poverty level. But 47% of this poverty level income came from non-farm sources such as wages, dividends, interest, pension and other non-agricultural sources and included no government subsidies or assistance.

With soy bean meal—indispensable to hog production—selling at \$340 dollars a ton, if you can find it; with corn at \$3.00 per hundred; with labor scarce, reluctant and high priced; with feeder trucks priced at \$18,000; with mixer grinders priced at \$3,000; with construction costs, transportation, taxes, school bond issues, nuts, bolts, repairs, pickups and everything thinkable that is needed and necessary for the production of pork at unprecedented and prohibitive prices, how in the name of economics can we continue to produce this essential red meat protein at roll back prices or possibly even at present prices?

This is unquestionably the poorest time and place in history to boycott or roll back meat prices or even talk about it. With the agriculture industry faced with a devastating winter which in itself threatens a stable supply of meat, blasted with the full impact of inflation that is more inescapable than in any other segment of the economy. Faced with operating and production costs that have risen 30 to 250 per cent; saddled with an increasing share of the tax load; segregated politically, socially and economically, for some mysterious reason by the rest of the economy—how can agriculture continue to meet the increasing demand for red meat protein?

Mr. George Meany in his bitter denunciation of agriculture and his dire threat to further complicate the national and international monetary structure best should look to the cause of the past and present problems and also ponder what excessive demands by organized labor could and would do to our precarious and tottering economy.

Labor prices and policies, labor attitude and endeavor have created this situation, where textiles and clothing flow into this country from Taiwan; where products of every description flood in from Japan, Germany, Italy and every other industrial country in the world with new sources adding to the torrent every year. Where will this lead us and what has this already cost us in international prestige, and monetary stability, and where and how will it stop? Certainly not by the hamstring and harassment of agriculture which is emerging with the only desirable export commodity we have to offer and also the commodity we can best afford ourselves. In 1950 a full 24% of George Meany's men's income went for food. Last year, it was down to 15.7%. In no other industrial country is the percentage so low.

Germans pay 22.5%, Italians 31.9%, the Japanese 33.2%. Now, just who is out of tune? [From the Wall Street Journal, Apr. 23, 1973]

PROFESSOR GALBRAITH'S VIEW

EDITOR, THE WALL STREET JOURNAL:

Anyone who has urged the necessity of wage and price controls for effective economic management has, no doubt, a special obligation to draw attention to their frivolous or irresponsible use. Such is true of the controls imposed recently on meat.

The purpose of control is to arrest the interaction of wages on prices and prices on wages in that part of the economy characterized by strong unions. As such it is an essential supplement to fiscal and, in its more limited role, monetary policy. It is nowise a substitute for such action. Controls should not be used where price increases are caused by an excess in aggregate demand or a shortage in the specific supply. If so used, some momentary effects apart, the result will be either random shortages in the retail stores, violations or, most likely, both.

The present behavior of meat prices, as of numerous other prices, shows every indication of being caused not by wage and cost increases but by the pull of demand. For this the right remedy is to stop playing games with the Congress over who will be responsible for the next tax increase. The need, whatever the prospective level of spending, is now for a prompt increase in taxes.

JOHN KENNETH GALBRAITH.

Cambridge, Mass.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

VOTER REGISTRATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of the unfinished business, which is S. 352. The clerk will state the bill by title.

The legislative clerk read as follows:

S. 352, to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The Senate resumed the consideration of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. 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. McGEE. Mr. President, may I ask what the parliamentary situation is?

The PRESIDING OFFICER. The unfinished business, S. 352, is before the Senate.

Mr. McGEE. Mr. President, may I inquire of my colleague whether he has any speaker who will be ready, or any remarks? I have a couple of speakers who are coming over. They are at lunch, and it will be another 10 or 15 minutes.

Mr. ALLEN. Well, before the bill goes to its third reading or before it comes up for a vote, the Senator from Alabama would like to discuss it further, but he understands there is to be a cloture motion filed, possibly by the majority leader later in the day, which would be voted on Thursday, which seems to indicate that it is anticipated that there will be some 2 days of debate. So the Senator from Alabama would feel it is his duty to use a portion of that time.

Mr. McGEE. Unless it was especially burdensome for us, I would be happy to proceed to third reading today, and we could avoid all that.

Mr. ALLEN. I would not want to deprive the majority leader of his privilege of filing the cloture motion.

Mr. McGEE. He feels very strongly about that, and I would agree that he ought to have that opportunity.

Mr. ALLEN. We ought to keep the discussion going until he has that opportunity.

Mr. McGEE. I suspect we will have no great difficulty in keeping this discussion going, and we will shed some more information on this very interesting matter.

I would like at this time to see what kind of time we probably ought to be aiming at, because I am sure later on there will be other business to come before the Senate, and we can perhaps work out an agreement on time.

Mr. ALLEN. I certainly would not object to taking up some other matter, because I would dislike to see this bill hold up the business of the Senate.

Mr. McGEE. I repeat, I would be willing to risk the disfavor of the majority leader, if we could just proceed to a third reading and then to a vote. I think he would, in the long view of history, approve my course.

Mr. ALLEN. The Senator from Wyoming has long years of seniority in the Senate, and the Senator from Alabama has only a very short period of service here, and he would not want to incur the ire of the majority leader by not giving him the opportunity to file his motion. So if the Senator from Wyoming would yield the floor to the Senator from Alabama, he will discuss the matter and possibly make a motion that might be of interest to the Senator from Wyoming.

Mr. McGEE. Would the Senator, in the preamble of his remarks, suggest what the motion might be?

Mr. ALLEN. It is a perfectly proper motion, I would assure the Senator from Wyoming, but if the Senator wishes to continue to discuss the bill, the Senator from Alabama has no objection.

Mr. McGEE. In view of the Senator's comments, in terms of his preparing to

file a motion, he at once intrigues the Senator from Wyoming in terms of whether the Senator from Wyoming ought to discuss the bill a bit, himself.

Mr. ALLEN. That is the Senator's privilege.

Mr. McGEE. If we would have an agreement that we would have only speeches, without motions, this afternoon, in order to expedite matters in regard to the leadership and the like, and to keep open the majority leader's great opportunity to file a cloture motion, that might be well.

Mr. ALLEN. With the business before the Senate, the Senator is not likely to deprive any Senator of any opportunity to file any motion.

Mr. McGEE. I understand. I was trying to get a gentlemen's agreement on how we could proceed this afternoon. The Senator from Wyoming had enough steam last night to go until midnight. He did not have to exercise it, so he could draw upon some of that steam, but he would be perfectly willing, with the understanding that there would be no motions this afternoon, to exchange times, and that sort of thing, so we might ventilate all sides of this particular issue.

Mr. ALLEN. The Senator from Alabama insists that he has a right to file any motion—a motion to table, a motion to refer to the Judiciary Committee where the bill ought to have been sent to in the first place in the view of the Senator from Alabama, a motion to postpone to the next legislative day, a motion to refer back to the committee with instructions to report forthwith. Any number of motions are available to the Senator from Alabama, just as they are available to the distinguished Senator from Wyoming. The Senator from Alabama would like to discuss the bill briefly and possibly file a motion.

Mr. McGEE. In the interest of the Senator from Alabama, the Senator from Wyoming would like to honor his deep desire to protect the prerogatives of the majority leader to file a cloture motion. And, in the spirit of cooperating with the Senator from Alabama, I would then think it important that I hold the floor until that cloture motion is filled, unless we arrive at an agreement on discussion rather than motions inasmuch as apparently the majority leader does intend to file such a motion.

Mr. ALLEN. The Senator from Alabama would be unwilling to commit himself not to file any motion he is entitled to file under the rule. If the distinguished Senator from Wyoming wants to do that on his own bill, naturally the Senator from Alabama would be delighted to listen to the distinguished Senator from Wyoming in order that he might get an additional view on the bill.

At this time, the Senator does not feel that it is in the public interest to pass the bill. However, if I listen to the distinguished Senator from Wyoming for a few more hours, it might be that I would change my mind.

Mr. McGEE. That is a very interesting prospect, because the Senator from Alabama has devoted much time to this

measure and has weighed the diversities very carefully.

Mr. ALLEN. Yes, indeed.

Mr. McGEE. With the understanding that the Senator from Alabama might join the Senator from Wyoming in voting for the bill, I think it would be wise for the Senator from Wyoming to proceed.

Mr. ALLEN. There is that possibility, though it is remote.

Mr. McGEE. That remoteness is worth a chance.

Mr. ALLEN. The Senator from Alabama calls the attention of the Senator from Wyoming to the fact that the Senator from Alabama was one of those who filed the cloture motion to try to get this bill to a head and decide whether the bill can be passed over the objection of a large number of Senators who are willing to discuss the measure. However, if the Senator from Wyoming is willing to discuss the matter further, it would relieve the Senator from Alabama from that task and duty.

Mr. McGEE. It was only with the prospect that the Senator from Alabama was here and had expressed a willingness to listen to the substance of the measure at hand that the Senator would be moved to air some of the obligations and the operations of this measure at this time.

I would be moved to inquire of the Senator from Alabama, since my memory fails me at this point, how he voted on the cloture motion on yesterday, which he initiated. And it is a very wise move and reflects his wisdom.

Mr. ALLEN. Mr. President, I stood on the principle that the Senate should be given an opportunity to decide whether it wants to invoke cloture on the question itself. The Senator from Alabama did not want to see cloture invoked. However, he did want to say that since the Senate has been spending time on this matter since April 6, it ought to have an opportunity to vote up or down on the question of cloture. That was the purpose of filing the cloture motion, to give the Senate a vehicle by which to determine whether it wanted to debate on the issue of cloture.

Mr. McGEE. Would it not be in the public interest, if, indeed, any case is to be made for majority vote, to give the people of the United States a chance to know where the Members of the Senate stand on the question and where they stand on the issue of voter registration? Would not the Senator agree that the forthright thing to do would be to have a straight up or down vote on the bill?

Mr. ALLEN. The Senator from Alabama believes that the vote on a cloture motion is a pretty good indication of the views of Senators with respect to the litigation.

Mr. McGEE. I think so, too. As I recall, on his cloture motion, the vote was 56 in favor of closing debate and 31 Senators in favor of continuing the debate.

In my judgment, that is a rather substantial majority. And as I remember it, on each of the major test votes on amendments and modifications on the bill that have been held, with one or two exceptions, the result was the same. Therefore, the will of the Senate in terms

of majority judgment has been very clearly indicated. That is the reason that I wonder what purpose we serve by delaying the Senate in having an up-or-down vote on the bill itself by hiding behind a two-thirds majority requirement on a cloture vote.

I would think that tends to obscure the issue or to lend some obfuscation in the central question being tested, and that is the matter of getting more people registered so that they might be able to vote.

Mr. ALLEN. The Senator realizes that wrapped up in the vote on the cloture motion was a pretty clear indication of how the Senate stood. So, there is no need of an up or down vote.

The Senator recalls that in the last Congress when we were seeking to cut off debate on the bill which would forbid the forced busing of schoolchildren, even though there were 49 Senators in favor of cloture and only 38 Senators against invoking cloture, yet the Senate in its wisdom saw fit not to cut off debate, even though a substantial majority were in favor of passing the bill.

Right at the moment, the Senator from Alabama does not recall how the Senator from Wyoming voted on that bill. Perhaps the Senator could enlighten the Senator from Alabama.

Mr. McGEE. Mr. President, inasmuch as I do not anticipate the busing of voters, I would be reluctant to plunge into that very serious question. I was very much concerned with the issue, but I do not want to digress from the subject matter.

Mr. ALLEN. Mr. President, was the Senator willing at that time to give the majority of the Senate an opportunity to express their views when he saw from the vote that a large majority of the Senators wanted an up or down vote and wanted an up or down vote on that measure?

Mr. McGEE. Mr. President, the point that the Senator is mentioning is something that the Senator from Wyoming has sought to protect, as has the Senator from Alabama, the limitation on procedure required in the two-thirds vote that can prolong debate. With the new national concern and public sense of responsibility, the Senate itself has become more and more determined that the time for prolonged debate has reached its ultimate point and it ought to be terminated, and the increasing tendency is to invoke cloture.

I think it is interesting to note that a great many in this body who used to automatically not approve of cloture have had a new look at the whole problem. That includes many of the Senators from the section of the country represented by the Senator from Alabama and those from the West. Some have voted for cloture, I think, as many as 10 times. The RECORD shows that one has voted 13 times and some only 2 or 3 times. However, it is a new change of perspective, I think, in the Senate, and the days when we could prolong debate indefinitely have pretty much had to give ground to the expediency of the times in which we live; namely, the importance of finally reaching a decision so that the people can de-

termine precisely where their Senators stand.

I do not think that we achieve that after the kind of debate we have had since the 6th of April, as the Senator mentioned, and by continuing to prolong the debate.

That is the reason why I believe we ought to vote up or down on the voter registration. I think that all of the issues have been ventilated, and much as we listen to protests against it in this body, as we did yesterday, nothing has been added with respect to it by these protests.

Therefore, I believe that we are pretty much at the bottom of the well on all of the issues. Thus it is possible for mature men now, I would think, to sort those out and to render a judgment on the question of voter registration. So that would be the disposition of the Senator from Wyoming.

Mr. ALLEN. Mr. President, I call the attention of the distinguished Senator from Wyoming to the fact that he has the floor, and he is the one who is prolonging the discussion. He is engaging the Senator from Alabama in some measure of colloquy that the Senator from Alabama did not seek; and it would seem to the Senator from Alabama that it is the distinguished Senator from Wyoming who is prolonging the discussion.

Mr. McGEE. Only prolonging it because the Senator from Wyoming would not agree to go to third reading unless we vote. We can vote on this measure within the hour.

Mr. ALLEN. The Senator from Alabama wishes to file a motion, as he has told the Senator from Wyoming, but the Senator from Wyoming will not let the Senator from Alabama get the floor so that he can file a motion. It is as simple as that.

Mr. McGEE. On the track record of where we have been the last 2 or 3 weeks on this question, it is obvious that there is no intention of permitting the matter to come to a vote in its own right. With that approach very much present in this colloquy and this debate, the Senator from Wyoming feels that he has to preserve the prerogative esteemed equally by his colleague from Alabama in his desire to file a new cloture motion. It is with that thought in mind that this Senator has sought to retain the floor for the time being.

Mr. President, I would like at this time to yield to the distinguished Senator from Illinois for a question that he has posed to me privately, so that we might air it for the record here on the Senate floor; and, with the understanding that I do not lose my right to the floor, I turn to my colleague so that we might have that question aired in public.

Mr. ALLEN. Mr. President, I put the Senate on notice that if the colloquy extends beyond the asking of a question and the answer, the Senator from Alabama will have to call for the regular order.

The PRESIDING OFFICER. That would be the Senator's prerogative. The Senator from Illinois is recognized.

Mr. STEVENSON. I thank the Senator from Wyoming for yielding.

Mr. President, the United States was

founded on the democratic principle of citizen participation. That was our purpose, as declared by our founders. It was the first time that any nation had declared such a purpose.

The purpose was to set people free. Up until that time, the purpose of every nation in the world had been to enslave its neighbors, and if possible the world. Our purpose was to set people free.

To fulfill that purpose in our laws and our Constitution, and afterward in our traditions, we gave people the right to govern their own affairs.

Those traditions have sustained Lincoln's suggestion that democracy is the "government of the people, by the people, and for the people." As one of this Nation's founders, James Madison, stated at the Constitutional Convention in 1787:

It violates the principle of free government that those who are bound by the laws ought not to have a voice in making them.

Madison further defined his democratic intentions in his response to the question, "Who are the electors?". He said:

Not the rich more than the poor, not the learned more than the ignorant, not the haughty heirs of distinguished names more than the humble sons of obscure and unpropitious fortune. The electors are to be the great body of the people of the United States.

Addressing himself to this question, Alfred Smith in 1933 said:

All the ills of democracy can be cured by more democracy.

Mr. ALLEN. Mr. President, I call for the regular order. There has been no question asked.

The PRESIDING OFFICER (Mr. HUNDESTON). The Chair feels that the Senators from Illinois is about to pose his question, and is merely setting the context on which that question might be based. While it might be somewhat lengthy, we will wait and see whether or not the question is forthcoming.

Mr. STEVENSON. Mr. President, I was just leading up to the first, if the Senator will continue to yield, of several questions.

The first question is a philosophical question that I would like to propound to the Senator from Wyoming: Is it not true that this Government has been, from the beginning, based on a sense of participation of the governed? We have seen the process of citizen participation evolve over a long period of time. It is a process continuing toward the ever greater enfranchisement of an ever greater number of the American people. Is not this proposal very much in that tradition, which has evolved over a long period of years? Is it true that the bill is no break with tradition, and that rather it is another step in the continuing effort to expand citizen participation in and support for the Government?

One of the most recent steps taken by the Government is the enfranchisement of 18-year-old voters. But we still find that whatever the age, whatever the color, whatever the economic background, many people are prevented from

exercising the franchise because of archaic registration laws and other obstacles to citizen participation in the most fundamental way, in registering to vote.

Is not this measure a continuation of a long and difficult process, a step in that tradition?

Mr. McGEE. The Senator is precisely correct. He reflects a deep sense of history, as he refers to this as a part of a continuing process. His citation of the philosophy of Madison, one of the Founding Fathers and architects of the Constitution itself, is the epitome of the concept of government by the consent of the governed. While at our beginning the franchise was very limited—it was a government of gentlemen, landed gentlemen for the most part, with severe restrictions on the right of suffrage—systematically this right has been expanded, through the era of Jackson and the new democracy—"Jacksonian democracy," as we called it—through the aftermath of the Civil War, when there were some efforts to narrow the voting base, though the ultimate result turned out to be the opposite, after there was some bitterness at restraint of participation, with the enfranchisement of women right after World War I, and now with the enfranchisement of 18-year-olds.

The whole direction of the trend was to make sure that we did not select out some voters and eliminate others because we were afraid of how they would vote. We never dare let that come to pass. So the Senator is correct in his conclusion that voter registration, as exemplified in this bill, continues on the process of change and expansion of the basis of citizen participation in the Government. I think the Senator's statement is a great testimony to the necessity for this bill, or one like it.

Mr. STEVENSON. I thank the Senator, and I commend him, too, for presenting this proposal, very much, as he points out, on the basis of American political traditions. He has fought for it with industry, skill, and courage. He brings not only his qualities as an outstanding legislator, but also his background as a teacher and a scholar. He speaks with great authority on American political history.

Mr. President, addressing himself to this question, President Eisenhower in 1952 told a gathering in Wheeling, W. Va.:

We must work for the abolition of restrictions remaining anywhere on the basic American right to vote.

One can conclude that this Government, which derives its just powers from the consent of the governed, must be able to hear the voice of the people.

Thus, if we really believe in democracy in this country, we must assure every citizen freedom to vote. If we really believe in citizen participation in this country, we must knock down the barriers which unreasonably and unnecessarily restrict the right of the individual to participate in the democratic process.

One of the brightest chapters in the history of America is the progress we have made toward achieving our goal

of universal suffrage and full participation for every citizen in the political life of our Nation. The route we have traveled in the past 100 years since the Civil War is marked with national milestones of the efforts we have made to broaden our democracy. Indeed, 6 of the last 12 amendments to the Constitution have been concerned with extending the right to vote.

The 15th amendment adopted in 1870, guaranteed the vote to citizens regardless of their race or color.

The 17th amendment, adopted in 1913, provided for the direct popular election of Senators.

The 19th amendment, adopted in 1920, extended the franchise to women.

The 23d amendment, adopted in 1961, extended the franchise to citizens of the District of Columbia in Presidential elections.

The 24th amendment, adopted in 1964, abolished the poll tax as a condition of voting in Federal elections.

Most recently, the 26th amendment extended the franchise to 18-year-olds in all elections.

Hand in hand with these great constitutional amendments have come a series of landmark decisions by the Supreme Court and much congressional legislation, all concerned with insuring the broadest possible exercise of the right to vote. Within our recent memory, legislation like the Civil Rights Acts of the fifties and sixties, and the Voting Rights Acts of 1965 and 1970, and the one-man, one-vote decisions of the Supreme Court, stand as eloquent tributes to the Nation's continuing commitment to extend and secure the fundamental right to vote.

THE PROBLEM

Our country's current practice certainly does not coincide with the goal of full citizen participation. In 1972, only 55 percent of eligible Americans voted—62 million Americans who were qualified to vote did not vote. This figure of 62 million becomes more distressing when one realizes that only 31 million Americans voted for the man who was elected President. Our nonvoting adult population is greater than the entire population of England—children included.

This country's record of utilization of their democratic right to vote compares very poorly with the other democracies of the world. In Canada, 75 percent of the eligible people vote; in Great Britain, 80 percent vote; in Germany, 85 percent vote; and, in Australia, there has been up to 95 percent of the people turning out on election day. It is ironic that the country most widely recognized as the world's greatest democracy, in fact, does not practice its philosophy.

Mr. President, this proposal would make an imperfect institution less imperfect. It would not make democracy perfect, but then no form of government will ever be perfect.

I recall what George Bernard Shaw once said of democracy, that—It is only a device for giving the people what they deserve.

There are many who deserve far more of their Government than what they are receiving. There is truth in what George Bernard Shaw said.

We can even adopt perfect political institutions. We can reform our political procedures but, in the end, the quality of the men and women in public office and, in the end, the quality of their public policies, depend on the judgments and the decisions that they make.

Mr. President, I should like to conclude with a final question to the distinguished Senator from Wyoming (Mr. McGEE). Objections have been raised to the bill, a few of which, in my opinion, are meritorious. One provokes more concern in my mind than any other and has also been of some concern in the minds of many representatives from my State of Illinois.

The question raised is whether the bill would create the possibility of more irregularities in voting and whether, in fact, it could lead to corruption in our politics and a greater incidence of voting fraud.

I wonder whether the distinguished Senator from Wyoming would care to respond to that most serious concern that I have heard expressed about the bill.

Mr. McGEE. Mr. President, well, the question of fraud is an understandable one, and it should be raised. I am delighted to address myself to the question in specific terms.

We are all mindful of the threat of fraud in our kind of political society today. This is not the first time it has reared its ugly head in our history. What we have surely discovered by now is that we cannot write a Constitution or a code of legal statutes that will actually prevent fraud. If there are men who seek to be fraudulent in the public's business, they will find ways to get by with it.

It is to the credit of our system that it exposes those efforts and punishes them.

So what it comes down to in the instance of this particular bill is, namely, does it make the prospects for fraud any more flagrant than already exist? I say, categorically, absolutely not. In fact, it may make it less than flagrant. The reason it may make it less than flagrant, as the distinguished Senator on the other side of the aisle, Mr. BROCK from Tennessee, has made perfectly clear in his experience in his State, the prospects of one party that is clearly dominant in its area refusing the right to registration to people of other political faiths, whatever they may be, who come in to register to vote, is so great in many parts of the country that post card registration tends to defuse that possibility, because it goes around those who would otherwise organize an effort to prevent registration.

With that in mind, I would say further to my distinguished colleague from Illinois that his interest in this subject has been deep and abiding, helpful and constructive to the committee, and I would hope he will have more to say later on the matter.

Mr. STEVENSON. I thank the Senator for his comments, and especially for his reassurance on that very important point. It is a convincing reassurance.

Mr. McGEE. I thank the Senator from Illinois for his comments.

I would add, in general, that on the

whole question of fraud, the prospect of fraud, we have the repeated testimony of those who have been involved in the registration process, who have said again and again to the members of the committee as we held our hearing, and to others who have probed them in public ways, that the frauds occur at the ballot box, the frauds occur in the efforts of election officials at the time of voting, and there is no sustained evidence of fraud in the registration process.

All this bill does, Mr. President, is to make it possible for somebody to apply for registration by postcard. The same procedures of validation, the same processes of verification, still obtain in each of the States. The local State registrars have to perform their duties with respect to eligible registrants. The postcard is only a request. There is no new introduction of an element that might lend itself to the commission of fraud. In fact, a specific inducement is made that is otherwise; namely, the penalties attached: 5 years in jail and a \$10,000 fine for anyone convicted of abusing this procedure.

With that thought in mind and with the reminder that obstacles to registration, in themselves, are fraud these days, that almost 62 million people did not vote the last time, something is wrong, and this is but a modest attempt to correct a little of that wrong.

Mr. President, I yield the floor.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending bill (S. 352, a bill to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mike Mansfield, Robert Byrd, Gale W. McGee, William Proxmire, Edmund S. Muskie, Thomas F. Eagleton, Dick Clark, William D. Hathaway, Daniel K. Inouye, Philip A. Hart, John O. Pastore, Stuart Symington, Walter D. Huddleston, Claiborne Pell, Vance Hartke, Adlai E. Stevenson III, Alan Cranston.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, has an order been granted to the Senate for a time to convene tomorrow?

The PRESIDING OFFICER. No, the Senate does not have an order.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER FOR ADJOURNMENT FROM TOMORROW TO THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday, it stand in adjournment until the hour of 12 o'clock noon on Thursday.

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

Mr. MANSFIELD. On that basis, is it correct to assume that the vote on the cloture motion will occur at approximately 1 p.m. on Thursday?

The PRESIDING OFFICER. After a quorum call; yes.

Mr. MANSFIELD. After a live quorum.

The PRESIDING OFFICER. After a live quorum.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

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

On April 20, 1973:

S. 1315. An act to extend diplomatic privileges and immunities to the Liaison Office of the People's Republic of China and to members thereof, and for other purposes.

On April 27, 1973:

S. 1493. An act to amend title 37, United States Code, relating to promotion of members of the uniformed services who are in a missing status.

On April 30, 1973:

S. 398. An act to extend and amend the Economic Stabilization Act of 1970.

PROPOSED FOREIGN ASSISTANCE ACT OF 1973—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. MATHIAS) laid before the Senate a message from the President of the United States, which, with an accompanying paper, was referred to the Committee on Foreign Relations. The message is as follows:

To the Congress of the United States:

One of the most important building blocks in erecting a durable structure of peace is the foreign assistance program of the United States. Today, in submitting my proposed Foreign Assistance Act of 1973, I urge the Congress to act on it with a special sense of urgency so that we may continue the important progress we have made toward achieving peace during the past year.

Perhaps the most persuasive reason for a strong foreign assistance program was set forth by President Roosevelt in the days shortly before World War II, when Britain needed help. "Suppose my neighbor's home catches fire," he said, "and I have a length of garden hose four or five hundred feet away. If he can take my garden hose and connect it up with his hydrant, I may help him to put out his fire."

Implicit in Roosevelt's analogy was the mutual benefit of giving assistance, for if the fire in question spread, both neighbors would be in danger. Those clear and simple assumptions underlaid our

wartime assistance to our European allies and our post-war policy toward the nations of the Western Hemisphere.

Today, we see the wisdom of this policy on every hand. Western Europe is now a bulwark of freedom in the Atlantic Alliance. In the Pacific, Japan has emerged as a major economic power. The remarkable vigor and talents of her people and the dynamic efficiency of her industry are making significant and increasing contributions to other countries, so that Japan itself now plays an extremely important role in working toward a lasting peace in the Pacific.

In recent years, as we have sought a new definition of American leadership in the world, assistance to other nations has remained a key part of our foreign policy. Under the Nixon Doctrine of shared responsibilities, we have tried to stimulate greater efforts by others. We want them to take on an increasing commitment to provide for their own defenses, their security and their economic development. Most importantly, we hope they will assume greater responsibility for making the decisions which shape their future.

We must not, however, try to shift the full weight of these responsibilities too quickly. A balance must be struck between doing too much ourselves and thus discouraging self-reliance, and doing too little to help others make the most of their limited resources. The latter course would spell defeat for the promising progress of many developing nations, destroy their growing self-confidence, and increase the likelihood of international instability. Thus it is critical that we provide a level of foreign assistance that will help to assure our friends safe passage through this period of transition and development.

The sums I am requesting in the Foreign Assistance Act of 1973 represent the absolute minimum prudent investment which the United States can afford to make if we wish to help create a peaceful and prosperous world. Altogether, authorizations under this bill amount to \$2.9 billion for economic and military assistance in the coming fiscal year. During the current fiscal year, some \$2.6 billion has been appropriated for such purposes under the strictures of a continuing resolution passed by the Congress.

This new Foreign Assistance Act has several fundamental objectives:

- To help the developing countries achieve a greater measure of self-reliance in their struggle against hunger, disease and poverty;
- To respond swiftly to the ravages of natural disasters;
- To assist friendly governments in building and maintaining the military capability to protect their independence and security;
- And to help South Vietnam, Cambodia, and Laos begin the task of rehabilitating and reconstructing their war-torn countries.

Let us look more closely at each of these objectives.

DEVELOPMENT ASSISTANCE

Hunger, poverty and disease are still widespread among developing countries, despite their significant progress of re-

cent years. Their economic growth—averaging some 5.5 percent a year over the last decade—as well as rapid improvements in agricultural methods and in health care have not yet overcome many deep-seated problems in their societies. Their current needs represent a moral challenge to all mankind.

In providing assistance, however, we should not mislead ourselves into thinking that we act out of pure altruism. Successful development by friendly nations is important to us both economically and politically. Economically, many of the developing countries have energy resources and raw materials which the world will need to share in coming years. They also could represent larger markets for our exports. Politically, we cannot achieve some of our goals without their support. Moreover, if essential needs of any people go entirely unsatisfied, their frustrations only breed violence and international instability. Thus we should recognize that we assist them out of self-interest as well as humanitarian motives.

While development progress as a result of our aid has been less visible than some would like, I believe it is essential for us to persevere in this effort. I am therefore asking the Congress to authorize some \$1 billion for development assistance programs during fiscal year 1974 and approximately the same amount for fiscal year 1975.

EMERGENCY AID

America's fund of goodwill in the world is substantial, precisely because we have traditionally given substance to our concern and compassion for others. In times of major disaster, American assistance has frequently provided the margin of difference between life and death for thousands. Our aid to victims of disasters—such as the earthquake in Peru and floods in the Philippines—has earned us a reputation for caring about our fellowman.

No nation is more generous in such circumstances. And the American people respond with open hearts to those who suffer such hardship. I am therefore asking the Congress to authorize such amounts as may be needed to meet emergency requirements for relief assistance in the case of major disasters.

SECURITY ASSISTANCE

Security assistance has been a cornerstone of U.S. foreign policy throughout the last quarter century. Countries whose security we consider important to our own national interest frequently face military challenges, often prompted by third countries. In order to maintain a stable international order, it is important that these threatened countries not only be economically developed but also be able to defend themselves, primarily through their own resources.

The United States can rightly claim a number of successes in this regard during recent years. Our programs to help South Vietnam and South Korea build capable forces of their own, for instance, have permitted us to withdraw all of our forces—over 500,000 men—from South Vietnam and 20,000 men from South Korea.

It is unrealistic to think we can provide all of the money or manpower that

might be needed for the security of friendly nations. Nor do our allies want such aid; they prefer to rely on their own resources.

We can and should, however, share our experience, counsel and technical resources to help them develop adequate strength of their own. It is for this reason that I ask the Congress to authorize \$652 million in grant military assistance, \$525 million in foreign military sales credits, and \$100 million in supporting assistance funds for fiscal year 1974.

This year's foreign aid bill includes for the first time separate authority for a foreign military education and training program. We want to strengthen this program so that we can help friendly governments better understand our policies, while they develop a greater sense of self-reliance and professional capability in their own military services.

AID FOR INDOCHINA

The signing of cease-fire agreements in Vietnam and Laos marks the beginning of a trend toward a peaceful environment in Indochina. This change will permit us to turn our attention to the considerable post-war needs of Southeast Asia. To ignore these needs would be to risk the enormous investment we have made in the freedom and independence of the countries of Southeast Asia.

The legislation I am presenting today would authorize the continuation of our economic assistance to South Vietnam, Laos and Cambodia and would provide for a sound beginning in the process of rehabilitation and reconstruction there. I anticipate other nations will join in this effort, as they have elsewhere, to solidify the foundations for a new era of reconciliation and progress in Southeast Asia.

Relief assistance for refugees of the war in Southeast Asia is vital to this effort. These refugees number in the hundreds of thousands. In addition to their resettlement, this Administration proposes a major effort to help restore essential community services in areas which have suffered because of the war.

In this bill, I ask the Congress to authorize \$632 million for the reconstruction effort in Indochina in fiscal year 1974.

My present request does not include any assistance for North Vietnam. It is my hope that all parties will soon adhere fully to the Paris agreements. If and when that occurs, I believe that American assistance for reconstruction and development of both South and North Vietnam would represent a sound investment in confirming the peace.

Representatives of the United States have recently been holding discussions with representatives of the Government of North Vietnam to assess economic conditions there and to consider possible forms of United States economic assistance. This assessment has now been suspended, pending clarification of North Vietnam's intentions regarding implementation of the cease-fire. Once Hanoi abandons its military efforts and the assessment is complete, the question of aid for North Vietnam will receive my personal review and will be a subject for Congressional approval.

For a quarter century, America has borne a great burden in the service of freedom in the world. As a result of our efforts, in which we have been joined by increasing numbers of free world nations, the foundation has been laid for a structure of world peace. Our military forces have left Vietnam with honor, our prisoners have returned to their families, and there is a cease-fire in Vietnam and Laos, although still imperfectly observed.

Our foreign assistance program responds to the needs of others as well as our own national needs—neither of which we can afford to ignore.

For our own sake—and for the sake of world peace—I ask the Congress to give these recommendations prompt and favorable consideration.

RICHARD NIXON.
THE WHITE HOUSE, May 1, 1973.

EXECUTIVE MESSAGES REFERRED

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

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

VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. MANSFIELD. Would the distinguished Senator consider the possibility of laying aside the pending business temporarily, so that we can turn to the humanities bill, with the proviso that when that is completed, the pending business would again become the pending business and the Senator would have his right to the floor? I ask the Senator from Alabama if he would concur in that request.

Mr. ALLEN. Mr. President, reserving the right to object to the request, the Senator from Alabama, in the absence of the majority leader, has been seeking to get the floor with respect to the voter-registration-by-post-card bill; and he stated to the distinguished Senator from Wyoming that he desired to file a motion in connection with the bill. The Senator from Wyoming has seen fit to maintain and keep the floor during that time, even though the Senator from Alabama is anxious to get a vote on some phase of the bill.

So I will have to object until the motion that the Senator from Alabama has in mind has been made.

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

Mr. MANSFIELD. I yield.

Mr. McGEE. I should like to suggest that, in the absence of the majority leader, the Senator from Alabama made a very eloquent plea, because of seniority and other matters, for the opportunity of the majority leader to file what he

understood was the majority leader's cloture motion. Out of respect for the high esteem in which the Senator from Alabama holds the majority leader, I felt obligated to hold the floor until the cloture motion might be filed.

The motion has now been filed, and I have now protected the desires of the Senator from Alabama, who wanted to protect the majority leader; and in our mutual protection society we are now prepared to move in any direction the majority leader thinks is desirable. I do not seek the floor, so long as I have the right to the floor, by unanimous consent, at the conclusion of the vote on the cloture motion on Thursday.

Mr. MANSFIELD. The request will have to be renewed.

Mr. ALLEN. Has an order been made to that effect?

Mr. MANSFIELD. No; I would have to renew that request.

Mr. ALLEN. The Senator from Wyoming had the floor after the last cloture vote. I did not know an order had been entered, because the Senator from Montana just sent to the desk the cloture motion.

Mr. MANSFIELD. The request was made.

The PRESIDING OFFICER. And objection was heard.

Mr. ALLEN. Objection was heard, the Chair states.

Mr. MANSFIELD. That takes care of that until an appropriate time.

I yield the floor.

Mr. ALLEN. Mr. President, may I be recognized in my own right?

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I might state that at the time I conclude my remarks, I will make a motion that the Senate proceed to the consideration of S. 373, Order No. 115 on the calendar, a bill by Mr. ERVIN and others to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever the impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action.

The bill before the Senate, S. 352, the voter registration by post card bill, has been before the Senate since April 6. At the present time, a number of bills are on the calendar that, it would seem to the Senator from Alabama, are much more important than this voter registration bill, there being no need whatever for the voter registration bill.

Mr. President, the Senator from Wyoming, in advocating this bill, is seeking to set up a large additional Federal bureau, another entire echelon of the Federal bureaucracy. It is absolutely unnecessary. It would create many more problems than it would solve.

What does the bill provide? It provides that at least once every 2 years there shall be broadcast throughout the country, by a new bureau in the Bureau of the Census, millions of post cards—double post cards, the folded-over type

of post cards, not addressed to any particular individual, but addressed merely to "postal patron," "boxholder," "RFD mail addressee." Every resident, every postal address in the country, is to receive what the bill says are "sufficient quantities" of post cards. Sufficient unto what? The bill does not say. They would be broadcast indiscriminately, without regard to whether the recipients are already qualified to vote, without regard to any system of elimination; and, in addition, they would be spread en masse among government offices throughout the country.

Why send all these cards through the post office in the first place? The cost is estimated to be anywhere from \$50 million to \$100 million a year. Why give the Committee on Post Office and Civil Service, headed by the distinguished Senator from Wyoming (Mr. McGEE), jurisdiction of the bill?

Why not the Judiciary Committee, when passed on a tremendous change in the registration laws? Instead, the bill was referred to the Committee on Post Office and Civil Service.

At least one State, the State of Texas, for 30 years has had registration by post card, registration by coupon published in the newspapers, and registration in almost any way. Yet, in 1970, according to the figures of the Bureau of the Census, only 63 percent of the Texans of voting age were registered; and in the last Presidential election, fewer than 50 percent of the citizens of voting age voted in the general election. So post card registration has not helped in Texas.

Mr. FONG. Mr. President, will the distinguished Senator from Alabama yield?

Mr. ALLEN. I am glad to yield.

Mr. FONG. Does the Senator think that registration in the State of Texas will be increased by the adoption of a voter-registration post card system?

Mr. ALLEN. No, I do not. It would not. Texas already has a post card system for registration to vote in State elections. All that the post card system would do would be to register persons to vote in a Federal election. I point out that those who register under this bill would really be second-class citizens, because they would have just half a vote. The bill would not qualify them to vote in a State election. On the other hand, if they go into a registration office, present themselves to register, and say, "I am 18 years of age. I am already a citizen of this county," they are allowed to register. No educational qualifications are required.

Mr. FONG. In the State of Texas, he does not present himself personally.

Mr. ALLEN. No; he merely sends in the newspaper clipping.

Mr. FONG. It would be easier for him to register in Texas.

Mr. ALLEN. Possibly easier, with the coupon in the newspapers.

Mr. FONG. Therefore, in the State of Texas, even if we pass the voter mail registration bill, it is not going to increase the number of registrants.

Mr. ALLEN. There is no assurance whatsoever that those who register under the proposed law would get more

privileges than they would get under the Texas law.

Mr. FONG. They would have to be placed in a separate category.

Mr. ALLEN. If a voter came in to vote under the Federal post card system, he would not be qualified to vote for the candidates for the State legislature, Governor, county commissioners, sheriff, or probate judge. There would have to be some system whereby the voting officials at the voting box could say, "You are qualified to vote only in Federal elections. Do not vote, or try to vote, for anybody except a Senator. You cannot drop down and vote for this."

How in the world could they manage a system like that, I will ask the Senator from Hawaii?

Mr. FONG. So if he signed and sent in a coupon appearing in the newspaper, he could vote in any election?

Mr. ALLEN. That is correct.

Mr. FONG. If we adopt the voter registration bill now before the Senate, a person who registered by that means would be eligible to vote only for the election of Federal officials?

Mr. ALLEN. That is correct.

Mr. FONG. If he wanted to vote for State officials, he would still have to sign a coupon?

Mr. ALLEN. Yes.

Mr. FONG. In the State of Utah, as I understand, about 98 percent of the eligible voters are registered.

Mr. ALLEN. 98.4 percent.

Mr. FONG. That leaves 1.6 percent who did not register.

Mr. ALLEN. That is right.

Mr. FONG. Would this post-card system increase the registration rolls of Utah?

Mr. ALLEN. I would say 98.4 percent is just about as many as we are going to get under any system. That comes from individual initiative and resourcefulness and public-spiritedness on the part of the citizens. What the distinguished Senator from Wyoming is overlooking is the need for the desire on the part of the people to discharge the rights and privileges of their citizenship, not just to bring everything to them on a silver platter, toss it into their lap, and say, "Mail it in."

Another thing I want to point out to the Senator from Wyoming is that it makes it just as easy as possible for these people to get the card and send it back. While I see nothing to indicate, stamped on the card, that the postage will be paid, the inference is there that it will be without cost to the recipient. So we will have millions of these cards throughout the country falling into the hands of people who have no need for them, with a postal stamp on them guaranteeing their postage. So we are going to have a lot of use of this by people unauthorized to do so.

Mr. FONG. As the distinguished Senator from Alabama reads the bill as it is now on the floor of the Senate, does he conceive that every voter or every addressee in the State of Utah will receive postal voter registration cards?

Mr. ALLEN. Yes, because they are to receive a sufficient number. Nobody knows for sure what a "sufficient num-

ber" is. Sufficient number to pay for every room in the house? Sufficient number to make a deck of cards out of? Sufficient number for what? It is assumed they feel it will be a sufficient number to allow every person 18 years of age to fill it in and send it to the registrar. That makes a subregistrar out of every postman in the country, because he has to ascertain who in the house might be old enough to vote. He has to go around making inquiries. From the best I can tell, the post office does not need that business.

I believe the Senator from Hawaii on more than one occasion said they would probably send out 240 million cards at a time.

Mr. FONG. There are 88 million addresses in the United States. If they were to send 4 cards to each address, to be sure all of the people residing at that address are registered—they would need to send 3 or 4 cards to each address—they would send 320 million cards out nationwide—98.4 percent of the people of Utah are registered. If these cards were to be sent throughout Utah, they would have to be sent to the 98.4 percent of the people who are already registered. Is that not a duplication of effort and a waste of money?

Mr. ALLEN. I have computed, roughly, what would be the size of a stack of mail of 100 million cards put in the postal system. Computing 25 of these double cards to an inch, that would be 300 cards to a foot. That would make around 166,500 cards in a stack as high as the Washington Monument. So it would make about 600 stacks of post cards, if they are stacked one on top of the other, each as high as the Washington Monument, that would be dumped into the Postal Service each time 100 million cards were sent out. I do not believe the post office needs this business. I believe they are having a hard enough time delivering the mail on time as it is, without going through this farce.

Mr. FONG. Under the bill, these cards must go out at least once every 2 years.

Mr. ALLEN. Every 2 years, but they are not limited to once in every 2 years. According to the bill, they could send them out every other day, if they wanted to, because the only limit is on the floor, not on the frequency, but on the fewness of the number.

Mr. FONG. In other words, the national postal registration agency would have the authority to send out post cards more than once every 2 years?

Mr. ALLEN. That is correct.

Mr. FONG. If they sent them out twice in every 2 years, that would double the cost?

Mr. ALLEN. Yes.

Mr. FONG. It is estimated that it would cost \$100 million if they sent cards out once every 2 years. If they were sent out twice, in the same period of time, it would cost \$200 million?

Mr. ALLEN. Yes.

Mr. FONG. Does the Senator think that cost justifies that end?

Mr. ALLEN. I certainly do not feel that it would justify the end. I really feel that this would increase the registration very little. It would get people relying on it, rather than having citizens' groups going

out and urging people to register and putting some degree of responsibility on the people themselves.

Mr. FONG. What has the distinguished Senator from Alabama to say to the question that the proponents of the bill claim that many millions of Americans did not vote in the 1972 election because of the fact that it was so difficult for them to register? What is the distinguished Senator's answer to that?

Mr. ALLEN. I feel that the real trouble was that the people who were registered just did not bother to go out and vote. That is the real reason. There are no barriers to registration. Not once here on the floor has the suggestion been made that a person cannot go into the registration offices in Alabama and the South, present himself for registration, and become registered. I have heard that suggested in past years, but not once has anyone on either side of the aisle, on either side of this controversy, made the claim that it is impossible to get fair treatment at the registration offices in the South. That is an admitted and conceded fact, and I am proud that that is the case.

I might call the attention of the distinguished Senator from Hawaii to the fact that in my own State of Alabama, according to my census bureau's figures—in my State the Census Bureau is opposed to the bill; they do not want it—80 percent of those of voting age in Alabama are registered to vote, whereas in the great State of Wyoming, so ably represented by the distinguished Senators from Wyoming, Mr. McGEE, and Mr. HANSEN on the other side of the aisle, only 69 percent of the citizens of voting age are registered.

Mr. FONG. Does that mean that the barriers in Wyoming are more onerous than they are in Alabama?

Mr. ALLEN. I am not sure why. Maybe our people in Alabama regard with greater love their right to go in and vote. I do not know why, but I would say that if there are barriers existing, they are not existing at the Federal level.

Possibly a State has some hour requirement, and the office does not stay open every day in the year or something of that sort. However, that is something to be handled at the local level. We do not need to set up a whole new bureau or some new Federal bureaucracy to handle local problems. We should let the local people handle it.

Mr. FONG. Mr. President, I want to inform the Senator from Alabama that in the State of Hawaii we have no barriers to registration. For 3 or 4 months before an election, additional registrars are deputized within the Republican Party and the Democratic Party, to go out and register people. Deputy registrars go out door to door and are paid by the number of names they bring back.

These deputy registrars stay at the street corners at tables. They go into shopping centers and go from house to house looking for voters. Everyone is encouraged to register. The television and radio stations exhort the people to register. However, even with that kind of registration system, where it is very easy

for a person to register and where a person need not go to the registration office but only has to stay at home and the registrar will come to him, it has not been easy to register voters. If a citizens' group says that they want the registrar to come and register their members, the registrar will come to register them.

Even in my State only 63 percent are registered. Thirty-seven percent of my people are not registered. And just a little over 50 percent of the eligible voters vote.

It is not a question of any registration barriers that have been put up against registering.

It is just that the people do not feel that they want to register or vote. Many people do not want to register because they feel that they will be called for jury duty. Therefore, they keep away from registering and do not vote. They think that they will then not be called for jury duty.

I believe that the Senator from Alabama knows about the poll that was taken in 1968 by the Bureau of the Census of 50,000 households, and not just 500 or 1,500 people like the Gallup poll, but 50,000 households. If we figure that there are about 3 people to a household, this is a poll of 150,000 people. That poll shows that over 50 percent of those households were not registered to vote. They were asked why they did not register. Of the 50 percent who said they did not register, 53.2 percent said that they were not interested in politics.

If we took, say, about 10 percent of the people who did not register because they were not citizens the number of eligibles who did not register and who said they were not interested in politics would amount to 60 percent.

That is the primary reason why people did not register. They were not interested in politics. The sending of cards, as envisioned in the pending bill, would not get these people to register.

Mr. ALLEN. Mr. President, I agree with the distinguished Senator.

Mr. FONG. Mr. President, why should we spend millions of dollars on such a proposal? We estimate that it will cost a hundred million dollars to send one mailing of cards. Why should we spend that money for nothing?

Mr. ALLEN. Mr. President, I do not think that we should. And I do not think that the Senate in its wisdom will say that we should. That is why I have been standing here shoulder to shoulder with the distinguished Senator from Hawaii and fighting the bill.

I think it is against the public interest. It will encourage fraud. I do not think that the bill will accomplish its purpose.

Mr. FONG. Now that the question of fraud has been brought up, may I ask the Senator whether the mere sending of a certificate by the registrar to the registrant saying that he is registered will entitle him to register and vote?

Mr. ALLEN. Mr. President, the Senator is correct. He would receive a certificate saying that he is entitled to vote under the provisions of the voter registration bill.

Mr. FONG. Mr. President, the man sends a card to the registrar. The regis-

trar does not even see the man. He does not know his name. He does not know whether he is or is not John Doe. He does not know whether he lives at that address or not. He does not know whether it is a name from a tombstone.

He does not know whether it is someone who has not been born yet.

The man gets this certificate back in return. He then comes down to the voting booth and says, "This is my certificate." The pending bill would say that is *prima facie* evidence that he is registered and is qualified to vote.

Mr. ALLEN. The bill makes that provision.

Mr. FONG. In other words, if one wants to disprove that and prove that he is not the man listed in the certificate, he has to present evidence to rebut that *prima facie* evidence.

Mr. ALLEN. The Senator is correct.

Mr. FONG. And if John Doe came in and had signed the name of Mary Smith to the card, and received back a certificate showing that Mary Smith is a *prima facie* registrant, John Doe could take that card down and vote.

Mr. ALLEN. If John Doe were to bring the certificate of Mary Smith, it might raise some eyebrows.

Mr. McGEE. Mr. President, in this day and age, it is sometimes difficult to tell a John Doe from a Mary Smith.

Mr. ALLEN. Mr. President, that is another reason for not passing the pending bill.

Mr. FONG. Mr. President, if John Doe were to register as John Smith, Henry Adams, Philip Smith, or Daniel Boone, he would get in return a certificate saying that John Smith, Henry Adams, Philip Smith, or Daniel Boone was registered and qualified to vote.

Mr. ALLEN. The Senator is correct.

Mr. FONG. He could then take that certificate down and vote under the name of John Smith, Henry Adams, Philip Smith, or Daniel Boone and the registrar could not do anything about it.

Mr. ALLEN. It would be difficult.

Mr. FONG. Mr. President, does not the Senator think that this could really present situations involving a great deal of fraud through this type of registration?

Mr. ALLEN. There is no doubt about that.

Mr. FONG. Under the present State registration systems, a man presents himself personally.

Mr. ALLEN. The Senator is correct.

Mr. FONG. He swears that he is the man, and they can touch him and talk to him. However, in this kind of a registration procedure, they do not know who the man is.

Mr. ALLEN. The Senator is correct.

Mr. FONG. Mr. President, I thank the Senator.

Mr. ALLEN. Mr. President, I thank the distinguished Senator for his able comments and the colloquy in which we have engaged.

Mr. President, it is not my purpose to delay the consideration of the Arts and Humanities bill that is to be called up shortly according to the plans of the majority leader. However, before that is done, I would like to offer a motion to substitute for the pending business S. 373,

the so-called Anti-Presidential Impoundment bill.

Mr. President, the Senate since April 6 has been engaged in the consideration of trivia, the trivia being S. 352, the voter registration by post card bill.

The Senate and many individual Members of the Senate have had a whole lot to say about the necessity of preventing the President of the United States from deciding the spending priorities of the country and the implementing of his decision on impoundment of funds appropriated by the Congress.

The distinguished Senator from North Carolina (Mr. ERVIN) is the author of S. 373, which is a bill to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds. It gives the Congress the right to veto that impoundment, not by affirmative action, but by the failure to act, because in order for the impoundment to be approved, Congress would have to take affirmative action.

So, Mr. President, it would be up to the Senate, then, in considering a motion which I shall file in a moment, at the time I get ready to yield the floor, to weigh these matters, to weigh the need for one piece of legislation over the other, to weigh the need for this voter registration by post card bill as against the bill providing for a way for Congress to assert its independence, and to discharge its duties and responsibilities as a coequal branch of the Government.

Which is the more important piece of legislation, that bill or this voter registration measure, which in the opinion of the Senator from Alabama will either be killed in the House of Representatives or be vetoed by the President, if it should be able to pass here in the Senate?

By agreeing to this motion, the Senate could lay aside this ridiculous post card registration bill and take up a bill that goes to the very roots and foundations of the principles upon which this Republic was founded. It would be up to the Senate to decide.

Mr. McGEE. Mr. President, a number of times in recent weeks I have said on this floor—and I have probably said it today—that the failure of so many millions of Americans to participate in our American democratic process is a national disgrace. A national disgrace is just the term used by columnist Milton Viorst concerning the very actions of this body in its protracted and muddled consideration of this bill, S. 352, to provide a relatively simple system to help inspire that many of the 6.2 million eligible voters who failed to vote last November will at least have the opportunity to do so in the next Federal election.

Mr. Viorst, writing in the April 19 Washington Evening Star-News, also makes the point that the obstacles thrown in the faces of would-be voters by restrictive registration requirements do not just exist in the South. The Senator from Alabama (Mr. ALLEN) has already made the point on this floor today that proponents of this legislation have not gone out of their way to cite Southern States or to accuse Southern States of unnecessarily blocking the path to the

voting booth. Indeed we have not because the problem is a national one, existing in other regions, my own included, and in the Middle West, as the Senator from Minnesota (Mr. HUMPHREY) told us earlier in today's discussion.

Mr. Viorst goes on to say that the real reason for opposition to S. 352 lies in the belief some have that only blacks, poor people, and Democrats will be enfranchised by it. That belief might be held in the minds of some of those who oppose the bill, but the hearing record of the Committee on Post Office and Civil Service gives us ample testimony that white-collar and college-educated Americans are unregistered in about the same proportion to blue-collar workers and whites in about the same proportion as other races.

Mr. President, the Evening Star-News columnist has made some other excellent points in the article I refer to, including the point that in the State of Missouri alone prospective voters encounter six different registration systems. Mr. Viorst's points are well worth bringing to the attention of all Senators, and I ask unanimous consent that the column entitled "Quiet Filibuster a Disgrace" be printed in the RECORD.

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

QUIET FILIBUSTER A DISGRACE

(By Milton Viorst)

What's been happening on the floor of the Senate for the past 10 days—beneath the eyes of thousands of visitors in town for the cherry blossom season—is, I think, something of a national disgrace.

The visitors have seen Sen. James Allen, D-Ala., along with two colleagues, conducting a quiet filibuster against a bill designed to extend the franchise to millions more Americans by simplifying the cumbersome process of voter registration.

One of Allen's partners is Sen. Hiram Fong, R-Hawaii, and the only Chinese-American ever to sit in the Senate. I don't understand how Fong can be so insensitive to a bill whose practical impact would be to encourage more members of minority groups to participate in the democratic process.

The other is Sen. Sam Ervin, D-N.C., the brilliant constitutionalist. At one time, Ervin confined his brilliance to rationalizations for the unconstitutionality of civil rights legislation. Lately, he has extended his concern to constitutional questions of greater national interest, like executive privilege and impoundment. It's a pity to see him reverting back to his regional myopia of an earlier day.

The filibuster the three are conducting seems rather like a sad anachronism. Many of us believed the principle was established in the 1960s that this device would not be used to keep Americans from exercising a right as fundamental as the vote.

Indeed, the Voting Rights Act of 1965—which removed many of the obstacles to voting by blacks in the South—was enacted without a filibuster. It was a landmark legislation, which most Southerners came to accept as both justified and inevitable.

To be sure, this bill was enacted at the insistence of President Johnson, after a major buildup of public pressure during Martin Luther King's confrontation with voting officials on the streets of Selma, Ala.

But does that mean the franchise will be extended only when American society reaches the brink of violence? I would like to think that Congress can enact a law—and the President will sign it—when the facts show it is needed.

And the facts show exactly that. In 1972, barely one out of two Americans of voting age went to the polls—compared to 80 percent in 1876, before the states' various registration laws were adopted.

No one can say for sure, of course, how many were prevented from voting by registration procedures. The figures, however, show that nine out of 10 registered Americans voted, but that a majority of Americans aren't registered at all.

The obstacles don't exist just in the South. In New York, for example, registration for a primary election is closed 11 months a year. In Cleveland, a citizen can register only at city hall. Missouri has six different registration systems. In most states, registration offices are open only during business hours, when most people work.

As Sen. Gale McGee, D. Mont., author of the new registration bill, has written: "At best, current registration laws in the various states are outmoded and simply inappropriate for a highly mobile population. At worst, registration laws can be construed as a deliberate effort to disenfranchise voters who desperately need entry into the decision-making processes of our country."

What McGee proposes, quite simply, is to allow every citizen to register by means of a postcard sent to him in the mail. The states still would register the voters and continue setting registration standards, as the Constitution provides.

Allen and Ervin, speaking for the South, and Fong, spokesman for the White House, have been raising questions about constitutionality and possible fraud. But the bill's real opposition, everyone agrees, lies in the belief that only blacks, poor people and Democrats will be enfranchised by it.

The facts, however, indicate otherwise. They show that white-collar and college-educated Americans are unregistered in about the same proportion as blue-collar Americans, and whites are unregistered in almost the same ratio as blacks.

That's what swung such normally conservative Republicans as William E. Brock of Tennessee and Henry L. Bellmon of Oklahoma to support the bill. It now has a solid bipartisan majority in the Senate.

But it's bitterly opposed by the White House and the South—and if they manage to filibuster it to death, I think that will be a disgrace to America.

IMPOUNDMENT OF FUNDS

Mr. ALLEN. Mr. President, at this time I move that the Senate proceed to the consideration of Calendar Order No. 115, the bill (S. 373), introduced by Mr. ERVIN and others, to insure the separation of Federal powers and to protect the legislative function by requiring the President to notify the Congress whenever he impounds funds, or authorizes the impoundment of funds, and to provide a procedure under which the Senate and House of Representatives may approve the President's action or require the President to cease such action.

The PRESIDING OFFICER (Mr. HELMS). The question is on agreeing to the motion of the Senator from Alabama.

Mr. ROBERT C. BYRD. Mr. President, of course, if this motion were to prevail, it would have the effect of automatically displacing the unfinished business and placing that bill back on the calendar. I would be constrained, therefore, to move to lay the motion on the table, but I wonder if the distinguished Senator would allow me to ask unanimous consent and to obtain unanimous

consent, insofar as he is able to assure me of that, that the Senate now proceed to the consideration of Calendar Order No. 94, a bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965.

May I say to the able Senator that the majority leader and I have contacted those Senators who are particularly interested in S. 795, including the author of the bill, the Senator from Rhode Island (Mr. PELL) and others, and we had indicated to them yesterday afternoon that that bill would be brought up today; and I think Senators on both sides of the aisle are anticipating that. It is hoped that the Senate could proceed to the consideration of that bill now, and hopefully complete it today, laying aside the unfinished business at any rate until the end of the day, or until the bill (S. 795) is disposed of, whichever is the earlier.

Mr. ALLEN. I will say to the distinguished Senator from West Virginia that in his absence a few moments ago, the Senator from Alabama did confer with the majority leader, and it was agreed that there would be no objection made to the request that the arts and humanities bill be brought up and voted upon, at which time we would return to the consideration of S. 352, with the motion of the Senator from Alabama then pending. I believe the majority leader will confirm the fact that that was the agreement.

Mr. MANSFIELD. Yes.

Mr. ROBERT C. BYRD. Very well, Mr. President, as long as that motion would not be pressed today, because, as I say, if it were to prevail it would have the effect of automatically placing the unfinished business back in limbo for the time being, or at least it would no longer be the unfinished business.

Mr. ALLEN. Mr. President, will the Senator yield long enough for me to request the yeas and nays on my motion?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. I ask for the yeas and nays on the motion I have just made.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. ALLEN. I suggest the absence of a quorum, then, if the Senator from West Virginia has no objection, since he had the floor.

Mr. ROBERT C. BYRD. I have no objection.

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. ALLEN. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

VOTER REGISTRATION ACT—DIVISION OF TIME ON CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the hour of debate on the motion to invoke cloture begins running on Thursday next, the time be equally divided between

the distinguished Senator from Wyoming (Mr. McGEE) and the distinguished Senator from Hawaii (Mr. FONG).

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

Mr. ROBERT C. BYRD. I ask unanimous consent that the time under rule XXII on the motion to invoke cloture begin running on Thursday next at 12 o'clock noon.

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

Mr. ROBERT C. BYRD. Mr. President, under the rule, this would mean that at the hour of 1 p.m. on Thursday next, the Chair would ask the clerk to call the roll to establish a quorum, and when such a quorum is established, the rollcall vote would occur. This would mean that at 1 p.m. on Thursday next, there would be an automatic quorum call, and at about 1:15 p.m.—as soon as a quorum is established—the vote to invoke cloture would occur.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed now to the consideration of S. 795, and that the unfinished business be laid aside temporarily, until the end of the day or until S. 795 is disposed of, whichever is the earlier.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Foundation on the Arts and the Humanities Amendments of 1973".

AMENDMENTS TO THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 2. (a) The National Foundation on the Arts and the Humanities Act of 1965 is amended in the following respects:

(1) Clause (7) of section 2 of such Act is amended by striking out all that appears after "a National Foundation on the Arts and the Humanities" and inserting in lieu thereof a period.

(2) Subsection (d) of section 3 of such Act is amended by striking out "renovation, or construction" and by adding at the end thereof the following new sentence: "Such term also includes—

"(1) the renovation of facilities if (A) the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed \$250,000, or (B) two-thirds of the members of the National Council on the Arts (who are present and voting) approve of the grant or contract involving an expenditure for such purpose; and

"(2) the construction of facilities if (A) such construction is for demonstration purposes or under unusual circumstances where there is no other manner in which to accomplish an artistic purpose, and (B) two-thirds of the members of the National Council on the Arts (who are present and voting) ap-

prove of the grant or contract involving an expenditure for such purpose."

(3) (A) That part of subsection (c) of section 5 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) In clauses (1) and (2) of such subsection (c) such Act is amended by striking out "production" each time it appears and inserting in lieu thereof "projects and productions"; and, in clause (3) of such subsection, such Act is amended by striking out "projects" and inserting in lieu thereof "projects and productions".

(C) Clause (5) of such subsection (c) is amended by striking out "and planning in the arts" and inserting in lieu thereof "planning, and publications relating to the purposes of this subsection".

(D) Such subsection (c) is amended by adding at the end thereof the following new sentence: "In the case of publications under clause (5) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairman consults with the Joint Committee on Printing of the Congress and the Chairman submits to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives a report justifying any exemption from such section 501".

(4) (A) Paragraph (1) of subsection (g) of section 5 of such Act is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) That part of paragraph (2) which precedes clause (A) of such subsection (g) is amended (i) by striking out "such assistance" and inserting in lieu thereof "assistance under this subsection" and (ii) by striking out "prior to the first day of such fiscal year" and inserting in lieu thereof "at such time as shall be specified by the Chairman".

(C) Such subsection (g) is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) The sums appropriated to carry out the purposes of this subsection shall be allotted among the States in equal amounts.

"(4) (A) The amount of each allotment to a State for any fiscal year under this subsection shall be available to each State which has a plan approved by the Chairman to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1), except that the amount of any such allotment for any fiscal year which exceeds \$125,000 shall be available, at the discretion of the State agency, to pay up to 100 per centum or such cost of projects and productions if such projects and productions would otherwise be unavailable to the residents of that State: *Provided*, That the total amount of any such allotment for any fiscal year which is excepted from such 50 per centum limitation shall not exceed 20 per centum of the total of such allotment for such fiscal year.

"(B) Funds made available under this subsection shall not be used to supplant non-Federal funds."

(D) Subsection (j) of section 5 of such Act is amended to read as follows:

"(j) It shall be a condition of the receipt of any grant under this section that the group or individual of exceptional talent or the State or State agency receiving such grant furnish adequate assurances to the Secretary of Labor that all laborers and mechanics employed by contractors or subcontractors on construction projects assisted under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary of Labor shall have with respect to the labor standards specified in this subsec-

tion the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. 913) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)".

(5) Subsection (f) of section 6 of such Act is amended, in the third sentence thereof—

(A) by striking out "\$10,000" and inserting in lieu thereof "\$15,000"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: " *Provided*, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sum appropriated for that fiscal year pursuant to subparagraph (A) of paragraph (1) of section 11(a)..."

(6) (A) That part of subsection (c) of section 7 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) Clause (2) of such subsection is amended by adding at the end thereof the following: "any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;"

(C) Clause (6) of such subsection (c) is amended by striking out all that follows in lieu thereof a period.

(D) Such subsection (c) is amended by adding at the end thereof the following new sentence: "In the case of publications under clause (6) of this subsection such publications may be supported without regard for the provisions of section 501 of title 44, United States Code, only if the Chairman consults with the Joint Committee on Printing of the Congress and the Chairman submits to the Committee on Labor and Public Welfare of the Senate and the Committee on Labor and Public Welfare of the House of Representatives a report justifying any exemption from such section 501".

(7) Subsection (f) of section 8 of such Act is amended, in the third sentence thereof—

(A) by striking out "\$10,000" and inserting in lieu thereof "\$15,000"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: " *Provided*, That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (B) of paragraph (1) of section 11(a)..."

(8) Section 9(b) of such Act is amended to read as follows:

(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior. The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization".

(9) Clause (2) of subsection (a) of section 10 of such Act is amended by inserting after "purposes of the gift" the following: " except that a Chairman may receive a gift without a recommendation from the Council to provide support for any applica-

tion or project which can be approved without Council recommendation under the provisions of sections 6(f) and 8(f), and may receive a gift of \$15,000, or less without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time".

(10) Section 11 of such Act is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following:

"Sec. 11. (a) (1) (A) For the purpose of carrying out section 5(c), there are authorized to be appropriated to the National Endowment for the Arts, \$59,000,000 for the fiscal year ending June 30, 1974, \$105,750,000 for the fiscal year ending June 30, 1975, and \$152,500,000 for the fiscal year ending June 30, 1976.

"(B) For the purposes of carrying out section 7(c), there are authorized to be appropriated to the National Endowment for the Humanities \$70,000,000 for the fiscal year ending June 30, 1974, \$125,000,000 for the fiscal year ending June 30, 1975, and \$180,000,000 for the fiscal year ending June 30, 1976.

"(C) For the purpose of carrying out section 5(g), there are authorized to be appropriated to the National Endowment for the Arts \$11,000,000 for the fiscal year ending June 30, 1974, \$19,250,000 for the fiscal year ending June 30, 1975, and \$27,500,000 for the fiscal year ending June 30, 1976.

"(2) There are authorized to be appropriated for each fiscal year ending prior to July 1, 1976, to the National Endowment for the Arts and to the National Endowment for the Humanities, an amount equal to the total amounts received by each Endowment under section 10(a)(2), except that the amount so appropriated for any fiscal year shall not exceed the following limitations:

"(A) For the fiscal year ending June 30, 1974, \$20,000,000.

"(B) For the fiscal year ending June 30, 1975, \$30,000,000.

"(C) For the fiscal year ending June 30, 1976, \$40,000,000.

"(b) (1) Sums appropriated pursuant to subsection (a) for any fiscal year shall, notwithstanding any other provision of law, unless such provision is enacted in express limitation of this subsection, remain available for obligation and expenditure until expended.

"(2) (A) Unless the Congress, during the period beginning July 1, 1974, and ending July 1, 1976, passes or formally rejects legislation extending the authorizations of appropriations in subsection (a), each of such authorizations of appropriations is hereby automatically extended for the fiscal year beginning on such latter date at the level provided for each of such authorizations for the preceding fiscal year.

"(B) For the purposes of subparagraph (A), legislation shall not be considered as having been passed by Congress until it has become law.

"(3) In order to afford adequate notice to interested persons of available assistance under this Act, appropriations authorized under subsection (a) are authorized to be included in the measure making appropriations for the fiscal year preceding the fiscal year for which such appropriations become available for obligation."

(11) Sections 13 and 14 of such Act are repealed.

(b) The amendments made by subsection (a) shall be effective on and after July 1, 1973.

AMENDMENT TO THE LIBRARY SERVICES CONSTRUCTION ACT, INCLUDING RESEARCH LIBRARIES IN THE DEFINITION OF "PUBLIC LIBRARY"

SEC. 3. (a) Section 3(5) of the Library Services and Construction Act is amended by adding at the end thereof the following new sentence: "Such term also includes a

research library, which, for the purposes of this sentence, means a library which—

"(A) makes its services available to the public free of charge;

"(B) has extensive collections of books, manuscripts, and other materials suitable for scholarly research which are not available to the public through public libraries;

"(C) engages in the dissemination of humanistic knowledge through services to readers, fellowships, educational and cultural programs, publication of significant research, and other activities; and

"(D) is not an integral part of an institution of higher education."

(b) The amendment made by subsection (a) shall be effective on June 30, 1973, and only with respect to appropriations for fiscal years beginning after such date.

ADDITIONAL COSPONSOR

Mr. PELL. Mr. President, I ask unanimous consent that at the next printing of this bill, the name of the Senator from Alaska (Mr. GRAVEL) be added as a cosponsor.

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

Mr. PELL. Mr. President, the legislation before the Senate is the unanimous recommendation of the Senate Committee on Labor and Public Welfare. S. 795 extends the National Foundation on the Arts and the Humanities Act of 1965 for 3 years at an increased authorization amount.

The National Foundation on the Arts and the Humanities was established in 1965 by Public Law 89-209. The original act was thereafter amended in 1967 by Public Law 90-348 and in 1970 by Public Law 91-346. The 1965 legislation created the National Foundation on the Arts and Humanities and its two cooperating entities, the National Endowment for the Arts and the National Endowment for the Humanities. Each Endowment has a Presidentially appointed chairman and council who are responsible for program operation. The National Endowment for the Humanities. Each Endowment has a joint administrative staff which reports to both chairmen.

Since enactment of the National Foundation on the Arts and the Humanities Act of 1965, the Federal involvement in, and support of cultural activities in both the arts and humanities areas, has broadened in scope and effectiveness.

The committee considered two bills, S. 795 and S. 916. S. 795 represents proposals introduced by Senator PELL and cosponsored by Senators EAGLETON, JAVITS, MONDALE, and TAFT.

S. 916 contained proposals made by the administration and introduced by Senator JAVITS, with Senators EAGLETON, MONDALE, PELL, and TAFT as cosponsors.

S. 795, as amended, contains the major features of the administration proposals and thus is an amalgam of the best features contained in the bills considered.

Extensive and comprehensive testimony was received from the chairmen of the two endowments and from leaders in the States involved in the development of State programs in the arts and humanities areas, as well as comprehensive testimony from leading representatives of independent research libraries. The testimony emphasized the progress made to date by both endowments and forms

the basis for the increased levels of funding contained in the bill as approved by the committee.

The Committee on Labor and Public Welfare found that under the excellent leadership of Miss Nancy Hanks, Chairman of the National Endowment for the Arts, and Dr. Ronald Berman, Chairman, National Endowment for the Humanities, both Federal programs have grown in scope and quality. Indeed, the underlying theme during the hearings was the quality of the programs. It was also noted that in answer to congressional requests over the years, a wider geographical distribution of funds is being made. The mandatory State arts agencies, and the voluntary programs of State and local humanities organizations, presently in 40 States, are bringing the arts and humanities to individuals on a local level throughout the Nation.

Since the concept of the National Foundation on the Arts and the Humanities was first introduced, the matter of a Federal czar, or czars, for the cultural areas has been discussed. There was real and justified discussion in 1965 that in the establishment of this agency there could be created an individual who could dominate the future of Federal involvement, or bring to the programs of the arts and humanities a particular bias. I am pleased to report to the Senate that we have not heard of one allegation that the chairman of either endowment has made a conscious effort to exclude any school of thought or theory in art. What is interesting to note is that over the years when I have heard of possible criticism about the actions of the chairmen they seem to balance each other—one critic saying the endowments are too conservative and the other critic saying they are too liberal. What we are really talking about here is the courage of the endowments to fund the best possible qualified individuals, groups and institutions, and to have the forbearance not to censor the material which is provided. Perhaps one of the major factors to this independence and lack of interference is the procedure by which grantees are chosen—panels of experts in various disciplines, with a wide variety of viewpoints, review each grant before it is presented to the national councils themselves. This procedure ensures that all points of view are heard.

In addition, there are specific provisions in statute which allow for full participation by the private sectors of our cultural life in the operation of the arts and humanities programs and provide for the exclusion of Federal domination. These include the provision for the two private citizens councils of 26 members each which guide the endowments in their activities and the provision against nonintervention in the affairs of the groups and organizations which receive support from either endowment.

Mr. President, the bill before us recommends a marked increase in the total authorization for the endowments. It should be noted that the levels of funding for fiscal 1974 are consistent with proposals made by the administration, whose proposal did not specify total funding levels for subsequent years. Some

will ask why should we enact such a marked increase in authorizations for the National Foundation on the Arts and the Humanities when the administration is cutting back on all other social serving programs. This is a question which should be asked. First, I would say that we who bring this bill before the Senate also support continued funding of social serving programs. As chairman of the Education Subcommittee, I feel very strongly concerning funding of elementary and secondary education programs, impacted aid, higher education, education of the handicapped, and similar programs, and believe our Federal budget is large enough to include both those programs and the proposed increase for the arts and humanities. I believe all these programs should be financed and that this should be where our priorities are. The people who would cut these other important programs are in the White House and not in the Committee on Labor and Public Welfare. I personally believe that this increase is not a contradiction, but a continuation of our commitment to human beings, and the well-being of our Nation.

It should also be noted that this Federal money is, in truth, seed money. It is estimated that for every Federal dollar appropriated for the arts and humanities programs there has been generated from the private sector approximately \$2 to \$3. Actually, as the report on this legislation states, the funding for each endowment on a per capita basis amounts to approximately 40 cents per person a year in fiscal year 1974, 70 cents in fiscal year 1975, and \$1 per year in fiscal year 1976.

I believe that we can well afford such relatively modest sums. They represent a sound investment in the future of our country. Throughout history leading civilizations have been judged by the values which they have placed on cultural achievements. Mr. President, we have the capability today of building toward a better future for all our people. The arts and humanities represent the abiding values of our civilization. They no longer apply to a limited audience. They have a central importance and meaning to our daily lives.

How will history eventually judge us as a Nation? Will some group of historians in the future say that somehow the United States faltered—that it became paramount in industry, preeminent in science, expert in the design of weaponry, a genius in mass communication—but that it neglected, or paid too little attention to, the diverse art forms which signal like beacons from generation to generation the lasting values of the human mind and spirit?

And I would also ask:

Do we remember ancient Egypt by its list of Pharaohs—or for its Pyramids?

Do we remember Greece for its phalanx of soldiers—or for its Parthenon—for Plato, for Aristotle, for Socrates?

Do we remember Rome for its catapult in battle—or for the orations of Cicero, the poetry of Ovid and Virgil which are continually refreshed for us by imaginative scholarship in the humanities?

Do we remember medieval times

culminating in the Renaissance for the wars between the Guelphs and Ghibellines—or for those manuscripts which preserved man's knowledge for all future generations—and for Michelangelo—and, incidentally, the Medici without whose patronage there would have been far less Renaissance art?

Do we remember 17th century England for a civil war between England and Scotland and the battle of Marston Moor—or for John Milton?

And will we ourselves be remembered for our technological progress, our affluent society, and our nuclear weaponry—or for the abiding values of the arts and the humanities?

I believe we know how we would respond—and that we would like those future historians to say that we helped revive the Renaissance, or that we helped create a new Augustan Age, or that we produced a new Athens in America for cultural advancement.

And when I say Athens, I mean Athens, and not Sparta.

Athens with all its glories, including its sculptors and, yes, its vases, its philosophers, and its Parthenon, and not Sparta with its rather brutal society and its string of military victories. From a viewpoint in the amphitheatre of history, Athens has outstripped Sparta. And so I hope its values and standards and goals will be surpassed in America—and not those of Sparta.

For all of the reasons I have discussed, Mr. President, I strongly urge passage of this legislation.

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

Mr. PELL. I yield.

Mr. MANSFIELD. Mr. President, because of a pressing engagement at this time I would like to offer an amendment. On page 11, line 8, after the word "interior" to insert "a member designated by the Senate Chairman of the Committee on Arts and Antiquities and the Speaker of the House."

The PRESIDING OFFICER. The amendment is in order.

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

The PRESIDING OFFICER (Mr. DOMENICI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be stated.

The legislative clerk read the amendment, as follows:

On page 11, line 8, after the word "Interior," insert:

A member designated by the Chairman of the Senate Committee on Art and Antiquities and the Speaker of the House.

Mr. MANSFIELD. Mr. President, I ask that that amendment be corrected so that it will read:

A member designated by the Chairman of the Senate Committee on Art and Antiquities, and a member designated by the Speaker of the House.

So that there will be two Members of Congress.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. The council to which these two Members would be named now seeks to be a composite of the highest authorities of government in respect of the arts and humanities.

I ask unanimous consent that section 9(b) of the statute with which we are dealing today may be made a part of my remarks.

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

ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 9. (20 U.S.C. 958) (a) There is established within the Foundation a Federal Council on the Arts and the Humanities.

(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, and a member designated by the Secretary of State. The President shall designate the Chairman of the Council from among the members. The President is authorized to change the membership of the Council from time to time as he deems necessary to meet changes in Federal programs or executive branch organization.

Mr. JAVITS. Mr. President, these include the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the U.S. Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, and a member designated by the Secretary of State.

It seems eminently fitting that the Congress should be directly represented in this group, and I thoroughly approve of the amendment offered by the majority leader.

Mr. MANSFIELD. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. PELL. I want to pay a word of tribute to the senior Senator from New York (Mr. JAVITS), because he was treading down this road long before I came to the Senate, pressing for Federal Government support for the arts, and was truly the pioneer and the original father of all these concepts and legislation, and without his help this bill could never have seen the light of day.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from Rhode Island.

Just by way of observation to the newer Members of the Senate, it took 16 years, from 1949 to 1965—I first introduced the bill in 1949, in the other body—to get the bill adopted as the law of the land. The United States is away behind in the parade, among all the countries of the world. That goes not only for industrial, allegedly affluent countries, but many, many countries that are very poor and are in what we call the third world.

The Senator from Rhode Island (Mr. PELL) has already made a distinguished argument for the bill. The Senator from Wisconsin (Mr. PROXIMIRE), who is challenging the authorizations, I treat with the greatest respect. He will be challenging those authorizations, and that will give us what we consider a proper opportunity to go into the details of what the authorizations are to be spent for and why the rate of increase. I agree with the Senator from Wisconsin that they look steep and need to be justified. We should be put to our proof. Then whatever the Senate does will be acceptable. But the Senator from Wisconsin is correct to say, after examining the budget, that the authorizations look very steep. How do we justify them? I think we should do so after the Senator from Wisconsin has made his argument, with his usual skill and thorough preparation.

As to the general lineaments of the bill, it essentially underlines what we have done before, as well as takes account of the recommendations of the administration. There is a fine amalgam of the bill which the committee desired to report to the Senate and the recommendations of the administration. I ask unanimous consent that President Nixon's state of the Union message of March 1, on human resources, relating to the arts and humanities, be printed at this point in the RECORD.

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

ARTS AND HUMANITIES

I know that many in the Congress share the concern I have often expressed that some Americans, particularly younger people, lost faith in their country during the 1960's. I believe this faith is now being reborn out of the knowledge that our country is moving toward an era of lasting peace in the world, toward a healthier environment, and toward a new era of progress and equality of opportunity for all our people.

But renewed faith in ourselves also arises from a deeper understanding of who we are, where we have come from, and where we are going—an understanding to which the arts and the humanities can make a great contribution.

Government has a limited but important function in encouraging the arts and the humanities—that of reinforcing local initiatives and helping key institutions to help themselves. With the approach of our Bicentennial, we have a special opportunity to draw on the enrichment and renewal which cultural activity can provide in our national life. With this in mind, my 1974 budget requests further expansion of the funds for the National Foundation on the Arts and the Humanities, to a new high of \$168 million. I ask continued full support from the Congress for this funding.

Mr. JAVITS. Mr. President, I wish to note the interest and encouragement of the President, which has resulted in the orderly growth of this program and has contributed so much to its success. This was symbolized when Nancy Hanks, who has made such an outstanding success as Chairman of the Arts Endowment, and was similarly signalized when Dr. Ronald Berman, who came to us from quite a different discipline, with a reputation as a conservative, took over the National Endowment of the Humanities.

I wish to call special attention to what this program has done in respect of the States, where it has literally effected a revolution. We talk about States' rights and State opportunities; and we have had a big debate here about how much we should transfer to the States. When something outstanding happens, which shows promise of a stimulation of the States, it is worthwhile sitting up and taking notice, in order that we might learn from this experience how best to work in the Federal system. It has been virtually remarkable.

In 1960, before the passage of this Federal law, 14 States and State arts councils and State arts programs. They were pretty skimpily financed. But in 1973, every one of our States—all 50—has State arts councils and State arts programs. In the humanities, however, actually about 26 States have working programs. They are now in place and 24 States have programs in the planning stage for a total of 40 of the States. Only a few years ago, there were none whatever in the humanities. These State programs do not subsist on Federal grants. That is the big thing, and I wish that Senators would pay close attention to it.

There is rather an infinitesimal participation by the national arts and national humanities endowment in these ventures. Within the States the matching grants now run up to \$150,000. But individual States, even small States, have now thought very highly of these programs and have put a great deal of money into them. My own State of New York, which quite properly should be the leader in this regard, now stands for \$15 million of the program itself, as only one State. A number of other States, and some small States. Mr. President, have done absolutely remarkably well in regard to the contributions which they make. It is really an extraordinary and very exciting record. Every State, of course, realizes what there is in this matching.

Mr. President, I said a minute ago that one of the great virtues of this program is the fact that it stimulates rather than dominates the field. It is interesting that in the years this program has been in effect, since 1965, I have heard of no substantiated complaint—and I think that I am as exposed to the constituency which would be affected as anyone else—of the political domination of any arts and humanity program. I think that is a remarkable record. I doubt if there is any record comparable with it in any Federal aided program, especially when we consider that when they first started, the argument was made that Senators and Congressmen would be choosing

their favorite opera singers. That has proven to be a lot of nonsense.

Mr. PELL. Mr. President, if the Senator will yield at that point, I can vouch for that statement, because I tried to get some of my own views implemented with regard to representational versus abstract art. And very properly they ignored my views. And I think they were absolutely correct.

Mr. JAVITS. Mr. President, that is an interesting observation. I congratulate the Senator from Rhode Island for making it. There is a certain cynicism which prevails in the country today with regard to politics and politicians. People should know that we ourselves often have made recommendations which may have been rejected. We may be disappointed at the time, but I think that demonstrates the validity of the process. It is important, as the Senator noted with regard to the action on the National Endowment for the Arts.

Another point which I wish to emphasize on this question is what proportion of the totality of aid to the arts and the humanities come from the Federal Government.

Our figures indicate that for a symphony orchestra it comes to 3.5 percent, notwithstanding the towering deficits of these symphony orchestras.

I have figures for New York which are quite detailed and were prepared by a group who have really worked very hard on this matter. This group is called the Associated Councils of the Arts. This particular group is headed by Amyas Ames and is called the Partnership for the Arts.

Mr. President, I ask unanimous consent that the tabulation may be printed in the RECORD.

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

THE MOUNTING CRISIS FOR THE PERFORMING ARTS AT LINCOLN CENTER
(In millions of dollars)

	Costs	Loss (after operating income)	Government aid (State and Federal)	Private aid
1970 to 1971	\$47.7	\$13.1	\$2.3	\$10.8
1971 to 1972	51.8	16.8	1.6	15.2
1972 to 1973	55.0	18.0	2.5	15.5

Note: The outrage of inflation, loss up \$4.9; the inadequacy of government aid, up only \$0.2; the unbearable increase in demand on the private sector, up \$4.7.

Mr. JAVITS. Mr. President, the tabulation indicates that notwithstanding the fact that Lincoln Center, which is probably the principal performing arts center in the country, has a towering loss running up to \$18 million in the current year—since it costs about \$55 million, and the losses come to \$18 million—Government aid amounts to two-tenths of 1 percent. That is the aggregate aid given to the activities going on in Lincoln Center. We can compare that with \$15.5 million in private aid which is poured into Lincoln Center. Indeed, the figures show that on the average for every dollar put in by the National Endowment for the Arts there is a matching, not of dol-

lar for dollar, but \$3 to \$1. That is the way it runs.

So, an extraordinary amount of artistic activity is developed in this program.

Just to indicate that the support for the work of the Arts Endowment is not a situation confined to New York, I would like to read a brief excerpt from a letter I have received from Terry Melton, executive director of the Oregon Arts Commission:

Within the structure of the National Endowment for the Arts and, subsequently, the State Arts Councils, I know of virtually no self-serving bureaucrats. Miss Nancy Hanks and the Endowment have delivered programs to people and continue to be responsive to the real, not imagined, needs of the American arts constituency and the public.

At the local level and because of financial and spiritual cooperation with the National Endowment, programs are being generated which contribute to the human condition of people here in Oregon—and elsewhere. Funding for the arts has proven to be efficient and straightforward with maximum funds being delivered to arts organizations and the creators of American art. The successes of the program could well act as a prototype for the majority of governmental agencies.

What Mr. Melton says is borne out by what I believe to be a very significant figure, and that is the overhead cost of these particular agencies of the Government which, according to the best estimate I have, is something like 6 percent.

Anyone who is acquainted with the operations of Government agencies certainly must respect that figure. And the present estimates for fiscal year 1974, based on administrative requests, would represent 4.6 percent. I think that is a most enviable record.

Finally, Mr. President, I am very interested, because I think this is a real challenge to the program which should be met, and again I am not a bit irritated or made unhappy by the challenge of the Senator from Wisconsin to this program. I think it is proper and almost his duty. I am glad that he has made it, although I hope very much that we will defeat it. However, that is neither here nor there.

I am interested in one thing which is essential to the education of the Senate, and that is the letter of the Senator from Wisconsin (Mr. PROXMIRE) under date of April 16, 1973, which was sent to all Senators. The letter deals with his feelings that these increases are too steep.

In the letter, the Senator from Wisconsin says:

Which go primarily for the enjoyment and the benefit of the upper middle class and the wealthy.

I wish to read that again, because I think it is so important. It reads:

Which go primarily for the enjoyment and the benefit of the upper middle class and the wealthy.

Mr. President, I think that ought to be tested out. Would one say that with over 171 million recorded museum visits to 5,000 museums that this goes to the upper middle class and the wealthy who are at the most 5 percent of the population?

Mr. President, would one say that with the 26 symphony orchestras reporting 11 million attendees in 1 year, that represents a crosscut of the upper middle class and the wealthy? Would one say, President, that in respect of the theater activities? For example, in my own State of New York we have a gifted fellow by the name of Joseph Papp, who has gotten some help in having a traveling Shakespeare company, an excellent company, go to high schools and to small centers never reached before by commercial endeavors. Indeed, this way my whole hope in the many years I spent on the National Endowment, that these developments of culture would be had where they had not been seen before.

With thousands upon thousands of high school students of every conceivable class and grade attending these performances, could one say that this was for the benefit and the privilege of the wealthy and upper middle class?

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

Mr. JAVITS. I yield.

Mr. GOLDWATER. I am glad the Senator brought that point up, because I had noticed that statement in the Senator's letter. I could add certain information to what the Senator has been saying that might be of interest to more or less set aside the idea that this money goes only to the middle class and the wealthy. Just last week it was once again my pleasure to visit the Hopi Indian Reservation, and also the Navajo Indian Reservation.

By no stretch of the imagination can those people be called middle class. It is rather hard even to get them up into the lower class, as we think about incomes in this country. But ever since the coming of the Spaniards and the Mexicans, there has slowly been developing on those reservations a great interest in silver art. In fact, I can say to any colleague from New York that in his big city of New York, stores are selling Navajo Indian jewelry at prices far above anything we dreamed of a few years ago.

My point is that on the Hopi Reservation, there is a Hopi cultural center in part financed by these funds, at which young Hopi men or boys and girls are taught the art of silversmithing. Those people are enabled more and more, because of this help, to become more and more self-sufficient.

I can say the same thing about the young people of the Navajo Tribe, who, until this help came along and we were able by it to finance these centers, were drifting away from their culture.

To us in the Southwest, the Indian and Spanish cultures are the two big sources of our cultural life and inspiration. To go further with this argument against the middle-class people and the wealthy enjoying it, and they only, in Tucson, which can be considered the oldest settlement in the United States without too much argument, we have had, since the beginning of this program, a bilingual theater, El Teatro del Pueblo, which has been operating in Tucson as a Spanish-language theater for local residents who do not attend the English-speaking theater. The State Arts Commission has been instrumental in assist-

ing the creation of this special cultural outlet, and the National Endowment has provided financial grants to this group for 3 consecutive years, including a \$10,000 grant in fiscal 1972.

Mr. President, I do not want to prolong this argument, but I was quite disturbed by the statement that only the middle class and the wealthy enjoy these privileges. I have been, for a number of years, a director on several museums in my own State of Arizona, and by far the majority—I would say as high as 80 percent—of the people visiting those museums are young, and they are distinctly middle class or lower middle class. But these museums and orchestras have provided for the people of Arizona from all classes—and we do not like to think of ourselves in classes or groups out there; we promote everything that is good for everyone, and it has been, because of these funds that we have been able to do it.

I just wanted to let my friend from New York know that the friends in Arizona that this bill has created would very much resent the idea that it is sort of a rich man's hobby.

Mr. PROXMIRE. Mr. President, will the Senator from New York yield, so that I may ask the Senator from Arizona a question?

Mr. JAVITS. In a moment, after I respond briefly to the Senator from Arizona.

Mr. President, by way of reciprocity of information to my friend and colleague from Arizona, may I say that in the enormous crowds which literally flocked to the Metropolitan Museum in New York to see the great Rembrandt's Aristotle Contemplating the Bust of Homer, when it was acquired by the Metropolitan Museum, not only were the overwhelming majority of the people not rich or upper middle class but actually poor. This is the greatest New York City attraction on a Sunday. It is free, and people go there; it is a very lovely thing to do.

Of course, the Metropolitan is not supported by the endowment on the arts; its money just did not go that far. But the important thing is, we are directing our attention to the word "primarily." That is what I wish to emphasize to my colleague and the Senate. Senator PROXMIRE's representation, and, we must assume, the basis for his amendment, is that these funds go primarily for the enjoyment and benefit of the upper middle class and the wealthy. The truth is precisely the contrary; that is my point, and I am sure the point of the Senator from Arizona, that they go primarily for the benefit of the lower middle classes in economic terms. That is what this is all about. If I did not feel that were the case, Mr. President, I would not be here. I would be for the repeal of this act, instead of having devoted most of my legislative life to working for its implementation.

I yield now to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I ask the Senator from Arizona if he has any idea what proportion of these funds will go for any project purveying some cultural advantage to the disadvantaged

like the Hopi Indians. And can he tell me how much went to the Hopi Indian Cultural Center?

Mr. GOLDWATER. The Senator is asking for a figure that I cannot give without getting into—

Mr. PELL. Mr. President, if the Senator will yield—

Mr. GOLDWATER. I am glad to. Perhaps the Senator from Rhode Island has the information.

Mr. PELL. The kind of program we would like to expand on and do not have the funds is, for example, Artists in Schools. Three percent of the children in schools are presently enjoying or benefiting from a certain exposure to the arts. I would like to see that 3 percent moved up to 100 percent. We cannot possibly do that, because the cost of that would go to some \$75 million. But at least more children can be exposed to high quality in the arts, as they apply here specifically to education and the inspirational value they have for our young people.

There is another program for helping the handicapped in hospitals, some of whom may be rich or upper middle-class, or they may be poor. Certainly a hospital population is pretty much across the board. But we have here a program for the hospitalized, as well as programs for the disadvantaged, and these, too, are programs that would be benefited by expansion and most worthy of it. But in order to move ahead, we need more funds.

Mr. PROXMIRE. Let me say at this point to the Senator from Arizona that I made, as I thought—

Mr. GOLDWATER. If I might add, for the benefit of the Senator from Wisconsin—

Mr. PROXMIRE. Very well.

Mr. GOLDWATER. We had \$182,000 of Federal funds available for the conduct of these events last year, and in addition we had \$803,000 of local funds contributed. So the stimulation is important. I am not saying we would not have received some of the \$803,000, but when we can start projects on Indian reservations, and we can get the young Mexican-Americans interested, once again, in preserving the cultural efforts of their ancestors, to the point that we obtain about seven times as much local money as we get from the Federal Government, that is the kind of money that this conservative is interested in.

Mr. PROXMIRE. Mr. President, I still stand by my statement that the primary enjoyment of a great deal yes the primary advantage of the museum culture, opera, music, and so forth, goes to the people of the upper- and middle-income classes.

I say that on the basis of having attended many of these functions, as all Senators have, and talking to other people who attend them, and having an opportunity to observe the customers.

I do not say the poor do not go. Many of the very poor go, as the Senator from New York has said, especially if there is some kind of free exhibition, and I am sure this authorization makes more of that possible. I think that is wonderful. But I do say, No. 1, that the primary beneficiaries are people who, fortunately, have better educations than most and

who, by and large, have larger incomes than most. In the second place, this is the principal reason for my amendment. It does not cut the program. It permits the program to expand enormously, but it does not permit it to explode. The basis for the amendment is to hold increases in this field down to a reasonable amount.

I reserve the remainder of my remarks.

Mr. GOLDWATER. Let me comment on one point in the remarks just made by the Senator from Wisconsin. Western art is something that is relatively new, although we have had Western art, of course, going back for some time. If it had not been for the stimulation of this program in the Southwest and the Far West, we would not have the great outpouring today of Western art, much of it equaling Charlie Russell and the Remington type of thing, the kind of opportunity afforded countless thousands of young artists.

Who provided this? Not endowments, but the fact that the endowments made it possible for young artists to get started and then made it possible for the wealthier people to buy the works of these young artists and, thereby, stimulating our interest in art.

There must be some spark somewhere to get things going. Without such a spark—the money we are talking about—I am convinced that many of the smaller financing States, such as my own State of Arizona, would not have enjoyed the great increase in culture they have enjoyed since its inception.

Mr. PROXMIRE. May I say to my good friend from Arizona that my amendment would permit, next year, an increase in arts grants from \$28 million to \$44 million; an increase in the humanities from \$35 million to \$52 million; an increase in art States programs from \$6.9 million to \$8.25 million; an increase in arts and humanities matching, from \$9 million to \$15 million.

So I am not killing the programs. They are fine programs. The Senator from Arizona has made a superlative case for continuing with this kind of program. It is an excellent and much-needed service. Buy my amendment does not gut it. It would permit it to go ahead in a reasonable and orderly way.

Mr. JAVITS. Mr. President, if I may resume—and I shall shortly conclude my remarks—we will get on to the amendment of the Senator from Wisconsin.

Now, Mr. President, I mentioned when I made my remarks in chief that this country, for years and years and years, has lagged behind all the other major countries of the world. The fact is that even after we enact this particular bill and make the authorizations which we have provided for in this particular measure, we will still be dealing with 70 cents per person in fiscal 1975, and \$1 per person in fiscal 1976 in terms of national stimulation of the arts.

Canada, a nation much like our own but with less material per capita annual income than ours, spends \$1.40 annually per person. West Germany spends \$2 per person. Sweden spends \$2 per person. Austria spends \$2 per person, and so forth.

Many countries in the third world,

the so-called developing countries, do better than we do. The maximum under these authorizations, which are characterized as being so profligate, will come to \$1 per person per endowment in 1976.

Mr. PROXMIRE. Mr. President, will the Senator from New York yield at that point?

Mr. JAVITS. I yield.

Mr. PROXMIRE. I think what we overlook is Federal spending through tax expenditure or incentives. Most of the money provided for the arts and humanities is not provided through appropriations but through tax expenditures. I have checked with the Internal Revenue Service to get the best estimates of what we provide now for arts and humanities through the tax expenditure route, through providing deductions for individuals who make contributions in this area.

The amount spent for support of arts and humanities by individuals is about \$2½ billion, or \$12 per person in this country, which is far more than in the other countries of the world. Those countries may have tax incentives, too, for contributing to the arts, but I would challenge the Senator to show me that in any of the free enterprise countries in the world comparisons are nearly as generous as in this country.

Mr. JAVITS. That is really stretching it. In the first place, the Senator does not know what the other countries give by way of deductions with respect to the arts. In the second place, if it were all that attractive, as the Senator from Wisconsin states, why would private aid be practically now frozen at the figure of what it has been in the past few years, and why are these various enterprises, which we are trying to stimulate, in grave danger of shutting down? I gave the example of the symphony orchestra situation. Museums all over the country are also in great danger of shutting down. Some museums now charge admission which never charged admission before. Is that going to help the poor or the lower middle classes? On the contrary, it will confine cultural activities to the very people the Senator is inveighing against—to wit, the upper middle classes and the wealthy.

Mr. President, by any standards, I still maintain that among the civilized countries, this country has been far behind the parade. We are trying to do something about it. We do not have to catch up, but to match our situation with respect to this field, which so many people feel is infinitely more important, even, than housing and shelter.

It is banal to say it, but it is true in this particular case, that the poor—certainly the poor—do not live by bread alone. If we are talking about ennobling and dignifying their lives, I would hazard the belief that they will tell us whether they have one more crust of bread or a little better bathroom, as much as they need it and as much as we want to supply it for them, it is not that, but really the satisfaction they get out of some cultural activity which warms their hearts and gives them the feeling that they are human beings living in dignity.

That is why I have found—and I think even the Senator from Wisconsin has

found—that the most exciting part of the antipoverty program has turned out to be, what? The big things we were doing in day care, help for the elderly, and so forth? Not at all. The most exciting thing turned out to be the legal services program, the fact that the poor have a sense of dignity and well-being knowing that they, to, had a lawyer.

It is the same with us. This program should be infinitely more pervasive than it is, if we are really to fulfill the function which it should have, is improving the quality of life for all the people of the United States of America circa 1973.

That is what this argument is all about—improving the quality of life in this country, circa 1973, whether it is on a Hopi reservation, in the slums of Harlem, the slums of the Lower East Side, where I was born, the slums of Chicago, the slums of San Francisco, Philadelphia, St. Louis, or Boston—or any other city in the country.

That is what is at stake here.

Mr. President, a nation that can devote \$80 billion a year to defense can, in its bicentennial year of 1976, spend \$400 million to enhance and really enhance the quality of life in America.

Mr. President, I yield the floor.

Mr. TOWER. Mr. President, I should like to associate myself with the remarks of the distinguished Senator from New York (Mr. JAVITS).

I have always been of the belief that without the arts, we would be little better than educated savages.

The arts are not only edifying to the mind but also lift the spirit.

I am amazed that there would be an assault upon such a modest expenditure for the arts in the most powerful, the richest, and the most highly industrial nation in the world.

What Senator JAVITS has said is so true, that the United States lags behind. Those of us who have had the opportunity to travel abroad and see the great works of art, the production of fine music, the dance, the theater, I think have cause to be a little ashamed that we are behind.

There is no danger, certainly, from the modest amount contemplated here, of Government or the State taking over the arts in this country. Rather, to me it represents a stimulus of something that should have been going on all along in the United States, and that is the decentralization of the arts.

The people of New York City are fortunate. But would it not be splendid if we could have resident theaters and resident symphonies in the modest-sized communities of this country? It happens in Europe. It happens in the United Kingdom.

My own community of Wichita Falls is a town of only a hundred thousand. Yet, we have a flourishing little theater, we have a sympathy orchestra, and we have a ballet theater.

But it is really a hand-to-mouth existence to keep these things going. They perform an important service not only for the community but also for several thousand airmen stationed at the Air Force base in our town. They attract people from the small villages and the hamlets and the agricultural area that surrounds it who would not have the

opportunity to see the performance of artistic works if it were not for what we were able to maintain in Wichita Falls, Tex.

So I certainly hope that the amendment offered by the Senator from Wisconsin will be defeated. I think Senator JAVITS wrapped it up very nicely when he said that what we are talking about is the quality of life in the United States. What an enormous contribution the arts have made to our civilization. I submit that they are the most civilizing influence in our society.

I think this program has great merit, and I hope the attempts to dilute this program will be defeated. I think a majority of the American people, including those who are low on the socioeconomic scale, would agree with me.

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

AMENDMENT NO. 80

Mr. BENTSEN. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. PROXIMIRE. Mr. President, will the Senator yield for a question?

Mr. PELL. I would yield, but the Senator from Texas has been recognized.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BENTSEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and, without objection, the amendment will be printed in the RECORD.

HUMANITIES GRANTS

SEC. 4. Section 7(d) of the National Foundation on the Arts and Humanities Act of 1965 is amended by adding after the phrase "Federal programs" a comma and then the words "designated State humanities agencies".

Mr. BENTSEN. I yield myself 10 minutes.

Mr. President, I have discussed this matter with the distinguished chairman of the Special Subcommittee on the Arts and Humanities, Mr. PELL.

Let me say first that I am an enthusiastic supporter of the legislation that created the arts and humanities endowment. Two years ago, in a floor speech I specifically commended the President for his support of the arts and humanities and I recorded my own approval of the appropriations measure substantially increasing Federal support of these programs.

I have supported this legislation ever since I came to the Senate.

The amendment I offer today is intended to strengthen that part of the legislation which has been used as the impetus to create State-based programs in the humanities.

Some years ago, the distinguished Senator from New York (Mr. JAVITS) was the father of legislation that created the State Arts Council programs. Those programs are now flourishing in all of the States, and they have proved to be very successful. In many instances, State leg-

islatures have appropriated three or four times the amount of money required to match the Federal share to create State-based programs in the arts.

There is no comparable provision in the bill creating State agencies to supervise some of the State-based grants in the humanities, however, the humanities endowment, under direction from the Congress to expand its public humanities programs, has established State-based programs in some 40 States under the general authority of section 7(c)(5) of the act, which authorizes the endowment to foster public understanding and appreciation of the humanities.

Although there has been some discussion, particularly from the distinguished Senator from Rhode Island, (Mr. PELL) about creating State agencies in the humanities similar to the State arts councils, this has never been done. Indeed, this year's committee report notes that the committee found it unwise to mandate the creation of State humanities councils in view of the fact that some 40 State-based programs are now in operation and the programs are still in an experimental stage.

Mr. President, I have no quarrel with the conclusion reached in the committee report, and I have no wish now to mandate the creation of any State agency, for I can recognize that the program is relatively new and that the endowment wishes to experiment with a number of models before it recommends the establishment of State humanities councils similar to those in the arts.

What does concern me, however, is that in a number of States, including my own, State humanities councils have been in existence for some years. The Texas Committee on the Arts and the Humanities is such an agency, fully qualified to administer State-based programs in the humanities. However, the humanities endowment has not channeled any funds for its State-based programs through that agency.

Mr. President, I am fully aware of the arguments that have been raised on this point. Some have claimed that the State agencies will not be as free as private groups to administer the State program. Yet, as the Senator from New York (Mr. JAVITS) knows, similar arguments were raised when the State arts councils were established. However, I think he will agree that the early fears about State meddling in the affairs of artists and artistic organizations have proved to be largely unfounded. Today, even those who opposed the Javits concept at the beginning are hailing the State arts council programs as a success.

I would repeat that my amendment does not mandate the creation of any State humanities agency. It merely says that where such an agency exists, the national endowment must correlate its activities, insofar as practicable, with the State agency. In other words, it establishes a cooperative relationship between the national and the State officials. Hopefully, some of the Federal funds can be channeled through these existing agencies.

I believe this is a very modest step, Mr. President.

At some point in the future, perhaps, the Congress will decide to set up State agencies in the humanities.

I am not ready to go that far at this time. But I do believe that this amendment can point us in a direction and can give us some guidance about whether we want to move that way later on.

I am hopeful that the manager of the bill can accept this amendment.

Mr. PELL. Mr. President, the Senator from Texas is absolutely correct. This matter has been discussed with the ranking minority member, the Senator from New York, and with me, and it is a most acceptable amendment. It is acceptable to the administration.

I ask unanimous consent to have printed in the RECORD—unless the Senator wishes to do so—the letter from Dr. Berman about indicating acceptance.

Mr. BENTSEN. I will be pleased to do that.

I ask unanimous consent to have the letter printed in the RECORD.

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

NATIONAL ENDOWMENT
FOR THE HUMANITIES,
Washington, D.C., April 10, 1973.
Hon. LLOYD BENTSEN,
U.S. Senate
Washington, D.C.

DEAR SENATOR BENTSEN: Stephen Wexler of the Special Subcommittee on the Arts and Humanities has informed me of the proposed amendment to NEH legislation. I would like to say that I find this amendment not only entirely acceptable but indeed perceptive and helpful. You may rest assured that we will do our best to implement the letter and spirit of the proposed change, and I am personally most grateful to you for the attentive thought you have given to the Endowment's purposes and procedures.

Naturally we have discussed the pending legislation with many of the 26 members of our board, the National Council on the Humanities. Being simply private citizens, they are, as I'm sure you understand, deeply concerned about potential changes in programs which they have originated and to which they have deep personal commitments within their states. In the attempt to clarify the situation, some of them may, I think, have tried excessively to make themselves heard: this is certainly to be regretted and I assure you that we will try as hard as possible to keep their reactions from interfering with normal Congressional procedures.

May I take this occasion of making it a matter of record that we intend to review proposals emanating from state councils and indeed to stimulate them at all appropriate times. This confers upon us the obligation not only to cooperate with these designated groups but to take the best occasion of funding their justified proposals.

We would like to thank you for your patience in this matter, and for your continued interest in the Humanities.

Sincerely,

RONALD BERMAN,
Chairman.

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

Mr. PELL. I yield.

Mr. PROXMIRE. I have a subsequent amendment which I would like to offer after the Senator from Texas finishes the disposition of his amendment, and I want to be sure that my amendment is not ruled out of order, because it may

affect the same figure which the Senator from Texas may or may not be changing.

Does the Senator from Texas change the amounts in any way?

Mr. BENTSEN. The Senator from Texas does not change the amount in any way. All the amendment does is to say that, insofar as practicable, the National Foundation will cooperate with the State agencies on humanities.

Mr. PROXMIRE. I thank the Senator.

Then, my amendment would be in order.

Mr. PELL. Mr. President, I move that the amendment of the Senator from Texas be agreed to.

The PRESIDING OFFICER. Would the Senator from Texas indicate at what part of the bill his amendment can be found? Is it at the end of the bill?

Mr. BENTSEN. That section 4 be amended by adding after the phrase "Federal programs,"

Mr. PELL. Page 29 of the report.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, before I call up my amendment, I should like to ask the senior Senator from Texas a question. He praised the statement by the Senator from New York (Mr. JAVITS). I must say that I found it very appealing and attractive too. But I ask the Senator if he would agree with the observation by the Senator from New York that the best part of the poverty program is legal services for the poor. That program gives them the dignity of having a lawyer, the dignity of belonging effectively to the legal system of the United States of America, so that they can feel that they can have protection in the courts, too.

I do not want to put the Senator on the spot, because I do not know where he stands on legal services and OEO, but I have a suspicion. I wonder how the Senator can argue, on the one hand, that the people in Wichita Falls ought to be allowed to have a ballet or little theater, or whatever this program assists, but the poor in Wichita Falls and in Madison and Milwaukee and Providence, R.I., should not be allowed to have the kind of lawyers which, as Senator JAVITS pointed out, are essential if they are going to have any part of this American system.

Mr. TOWER. I thank my good friend, the Senator from Wisconsin, for not wanting to embarrass me or put me on the spot. I know he has never wanted to do that.

However, my views on legal services are quite separable from my views on the arts. I do not see any point in getting into a debate on legal services at this moment. That is not the issue before the Senate. It is on the arts.

In my community, I think that the arts and the facilities we have there are very beneficial to the poor. As a matter of fact, when I was connected with the little theater there, we used to take our productions into the ghetto and put them on there, and do it for no charge, in an effort to bring some sense of appreciation and some accessibility of the arts to

those who could not otherwise afford them.

I think it is a little phony to get into a debate on legal services at this time. I have certain philosophic reasons for perhaps failing to support some legal services concepts that have been advanced, but I am not going to debate those here now. I think it would be demeaning to the present debate to get sidetracked into a debate on legal services.

Mr. PROXMIRE. Let me say here that I think it is not demeaning. It is right on the button, right on the mark. The fact is that we have a ceiling on spending. The President has proposed and the Senate has passed a ceiling which may or may not become law, but we passed it sincerely. We passed a ceiling of \$268 billion. If we spend money on this program in increased amounts, we are going to have to take dollars out of other programs. As we go along, we are going to have to make painful and difficult priority judgments.

This is a program that has a lot of appeal. The amendment I am going to offer is not a cutting amendment. It says in effect, "Go ahead, gun go, with this." But do not go ahead with a program which will be so extravagant as to be self-defeating.

Mr. PELL. President, will the Senator yield for an observation?

Mr. PROXMIRE. I yield to the Senator from Rhode Island.

Mr. PELL. Actually, the amounts for the coming year, fiscal year 1974, have the support of the administration, and since it has the support of the administration presumably it would be within the administration budget.

Also, Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from AFL-CIO indicating their support for S. 795. While they may have become upper middle class in some ways, I think they speak for labor and for all of our people, including poor people. I also ask that two other letters, from the council of AFL-CIO unions for scientific, professional, and cultural employees with a listing of their member organizations, and from the American Association of Retired Persons and the National Retired Teachers Association be similarly printed in the RECORD at this time.

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

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., May 1, 1973.
Hon. CLAIBORNE PELL,
Chairman, Arts and Humanities Subcommittee,
Senate Labor and Public Welfare Committee, Washington, D.C.

DEAR SENATOR PELL: The AFL-CIO, following principles established by the American labor movement in its earliest days, is committed to improving the quality of life for its members and all Americans by improving conditions on the job and increasing opportunities for every man and woman to enrich their leisure hours off the job. The arts and the humanities are essential to the fabric of our culture, the enjoyment of which adds meaning to a worker's toil.

For this reason, we are convinced that the opportunity to learn from the humanities

and experience the arts must belong to all our citizens. It cannot, and must not, be the province of the wealthy alone.

The AFL-CIO consistently has called for greater public support of the arts and humanities. We endorse S. 795 which extends the authorization for the National Foundation on the Arts and the Humanities and provides it with funding that we believe is reasonable and necessary.

The AFL-CIO earnestly hopes that the Senate will give this measure the vote of approval it so richly deserves.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

COUNCIL OF AFL-CIO UNIONS FOR
SCIENTIFIC, PROFESSIONAL AND
CULTURAL EMPLOYEES.

Washington, D.C., April 11, 1973.
Hon. CLAIBORNE PELL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PELL: The Council of AFL-CIO Unions for Scientific, Professional and Cultural Employees warmly endorses S. 795, legislation that would extend the authorization period of the National Foundation on the Arts and the Humanities. This agency represents a small commitment by the national government to the quality of life in our nation today. Nevertheless, it is an important commitment and must be strengthened.

We respectfully request that you support this measure in the Senate with your voice and your vote and resist all amendments that may cut the amount of funds called for in this bill which already has been approved by your committee.

The affiliates of this Council represent nearly five million men and women, one million of whom are employed in the various professional fields. As leisure time increases and as the educational attainments of these working people grow, their search for meaningful enriching experiences intensify. The arts satisfy this quest.

This Council rejects the notion that the arts are, or ought to be the province of the wealthy. We believe that every American should have the opportunity to experience the arts in all their many forms. S. 795 helps to do this. We believe the nation would be pennywise and pound foolish if it were to curtail the development of this small program.

Sincerely,

JACK GOLODNER,
Executive Secretary.

NATIONAL AND INTERNATIONAL UNIONS AFFILIATED WITH THE COUNCIL OF AFL-CIO UNIONS FOR SCIENTIFIC, PROFESSIONAL, AND CULTURAL EMPLOYEES

Actors Equity Association.
American Federation of Musicians.
American Federation of Teachers.
American Federation of Technical Engineers.
American Guild of Musical Artists.
Brotherhood of Railway, Airline and Steamship Clerks.
Communications Workers of America.
Insurance Workers International Union.
International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators.
International Brotherhood of Electrical Workers.
International Union of Electrical, Radio and Machine Workers.
National Association of Broadcast Employees and Technicians.
Office and Professional Employees International Union.
Retail Clerks International Association.
Seafarers International Union of North America.
Service Employees International Union.

AMERICAN ASSOCIATION OF RETIRED PERSONS, NATIONAL RETIRED TEACHERS ASSOCIATION,
Washington, D.C. April 30, 1973.

Hon. CLAIBORNE PELL,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR PELL: The American Association of Retired Persons and the National Retired Teachers Association, with a combined membership of more than five million older Americans, wish to express their strong support of S. 795, extending aid to arts and humanities through fiscal year 1976. We are most hopeful that the Senate will expedite passage of this legislation as reported by the Senate Labor and Public Welfare Committee.

As you may know, Senator Pell, our Associations' innovative continuing education program—the Institute of Lifetime Learning—has opened new doors to creativity and knowledge and has demonstrated the capacity of older Americans to enrich their lives through music, the arts, literature and the sciences. Based on our experiences, it is our Associations' firm belief that the involvement of older Americans as viewers and as participants in cultural activities has great potential. We see the expansion of the federal assistance to the arts and humanities as an important breakthrough in broadening the recreational and cultural opportunities for older Americans. Our endorsement of these programs has been strengthened by the recently published study entitled *Arts and the Elderly*, prepared by the National Council on the Aging. This interesting and informative study not only underscores the importance of cultural activities for older Americans, but it also offers numerous suggestions to state agencies on aging and to State Councils on the Arts for joint activities to enrich the lives of older Americans.

We are appreciative of your efforts to expand the arts and humanities programs, and we hope that the legislation which was reported by the Senate Labor and Public Welfare Committee will not be weakened during debate in the full Senate.

Your continued interest and action on behalf of all older Americans is most gratifying.

With warm regards,

Sincerely,

CYRIL F. BRICKFIELD,
Legislative Counsel.

Mr. PROXMIRE. Let us make the situation as clear as we can. In the committee report on this bill on page 9, at the bottom, the administration made it clear that they are not in favor of the Pell bill. In the event my amendment is rejected I intend to offer the administration amendment, which would reduce the amount.

They say, at the bottom of page 9: In a report to your committee on the subject bills, the National Foundation on the Arts and the Humanities recommends against enactment of S. 795, favoring instead S. 916, the administration's proposal. We concur with these views and also recommend against enactment of S. 795.

What the administration proposes is an authorization for 1 year. Thereafter they propose an open authorization and under that authorization there would not be the same pressure on the Committee on Appropriations to provide the very large appropriation.

On page 128 of the budget, the administration states that the outlay for cultural activities will be \$348 million in 1974 and of this \$120 million will be provided for the National Foundation on the Arts and the Humanities.

The Proxmire provision for 1974 is in

the amount of \$120 million, which is exactly what the budget provides. This is an increase of \$60 million for activities of the American Bicentennial Commission.

Mr. PELL. Mr. President, will the Senator yield at that point?

Mr. PROXMIRE. I yield.

Mr. PELL. I wish to read into the RECORD a letter from Miss Nancy Hanks, Chairman, National Endowment for the Arts, and Mr. Ronald Berman, Chairman, National Endowment for the Humanities. The letter is addressed to the distinguished Senator from Pennsylvania (Mr. SCOTT) and it states, in part:

You will remember, the President stated in the 1973 State of the Union Report on Human Resources (March 1, 1973): ". . . renewed faith in ourselves also arises from a deeper understanding of who we are, where we have come from, and where we are going—an understanding to which the arts and the humanities can make a great contribution. My 1974 budget requests further expansion of the funds for the National Foundation on the Arts and the Humanities, to a new high of \$168 million. I ask continued full support from the Congress for this funding."

On behalf of the Administration, we wish to reaffirm the commitment to the level of funding proposed by the President for Fiscal 1974 and opposition to any action in regard to S. 795 pending before the Senate that would reduce appropriations from this level.

Mr. PROXMIRE. Mr. President, I think we now have a somewhat clearer picture. The administration changed its mind. In the budget they asked for a 50 percent increase in the arts, to \$120 million in 1974, a very big increase. They changed their minds and decided to ask for a 100 percent increase but they limited their request to 1974 and they did not ask for the same increase that the Pell bill provides for 1975 and 1976.

Mr. PELL. That is what I was going to say. They are addressing themselves only to the coming fiscal year. They did not support that amount or any other amount. They would like to say, "such sums as may be necessary." I know the Senator and I both have objection to the phrase "such sums as may be necessary."

Mr. PROXMIRE. Is the Senator from Rhode Island prepared to accept an amendment to strike out the authorization for 1975 and 1976?

Mr. PELL. Absolutely not.

Mr. PROXMIRE. So the Senator is taking a position contrary to the administration on that point.

Mr. PELL. I would be compelled to oppose such an amendment.

Mr. PROXMIRE. But the Senator would admit that that is the administration position. Is that correct?

Mr. PELL. No. Its position, as it sometimes indicates, is no position.

Mr. PROXMIRE. Is the Senator really saying it is no position at all? The administration recommends against enactment of S. 795, favoring instead S. 916, the administration bill. If I submit the administration bill as an amendment it is clear I am submitting a position that the administration would support. It is stated in the report that they would support that.

Mr. PELL. If the Senator offers an amendment stating "such sums as may

be necessary," which is the administration position, for 1975 and 1976, I would be compelled to oppose that.

Mr. PROXMIRE. I am certain the Senator would not oppose it on those grounds. I have served on the Committee on Appropriations for 10 years and we all know that in that committee we get pressure to meet the authorization level. We have great pressure to do so.

Mr. PELL. As the chairman of the Subcommittee on Education I wish they would even come up to only one-half of the authorization.

Mr. PROXMIRE. If we did, we would have to print an awful lot of money.

Mr. PELL. And spend less money somewhere else. This is again a question of priorities. S. 795 deals with the quality of our Nation's future life. I consider that of high priority.

Mr. PROXMIRE. Mr. President, the authorization bill for funds for the National Foundation on the Arts and the Humanities (S. 795) contains outrageous increases in funds for fiscal years 1974, 1975, 1976.

From very modest beginnings of about \$20 million a year in its first 2 years of existence, funds for the Foundation have grown at a rate of roughly \$20 million a year, reaching \$80 million this year, or fiscal year 1973.

FUNDS EXPLODE

But under this bill, the funds are to explode.

In fiscal year 1974, the authorization is for \$160 million. That is double fiscal year 1973. It is four times the fiscal year 1971 rate. It is eight times the amount authorized in the first 2 years. This is a 100-percent increase in 1 year.

I think many of us have been in the Senate long enough to realize that any program, whether it be a military program, a social program, an educational program, or a welfare program, that goes that fast, makes a whale of a lot of mistakes along the way and wastes extravagantly.

But in the words of the old song, "Baby, You Ain't Seen Nothin' Yet," in fiscal year 1975 it goes up again by \$120 million over fiscal year 1974 and by \$200 million over fiscal year 1973.

Finally in fiscal year 1976, the amount authorized is \$400 million. And there is a provision in the bill that if no further action is taken, \$400 million will be available again in fiscal year 1977.

SIGNIFICANCE OF INCREASES

These are not merely marginal yearly increases to take care of pay raises and inflationary factors. These increases are geometrical in their proportions. There is a 100-percent increase for fiscal year 1974. By the fiscal year 1975 funds increase by 3½ times. The funds increase by fivefold in fiscal year 1976 over 1973, or from \$80 million to \$400 million. The \$400 million provided in fiscal year 1976 is five times the amount we now spend each year on the Peace Corps. It is 2½ times the \$172.5 million we spend for REAP—the Rural Environmental Assistance Program—which the President cut from his budget this year. It is almost twice the \$216 million in REA funds the President cut from the budget this year.

And the \$400 million provided for the National Foundation on the Arts and Humanities in the third year of this authorization is almost as much as the \$425 million the President cut outlays in the OEO budget from fiscal year 1973 to 1974.

Mr. President, in a year of budget cutting, belt tightening, freezes, and meat-tax approaches by the administration for funds for public housing, farm disaster loans, water and sewer grants, and rehabilitation of the handicapped, it is unconscionable to double the funds for the arts in this coming fiscal year and to authorize a fivefold increase 2 years from now.

I ask unanimous consent that a table showing the authorizations for funds for the National Foundation since its inception be printed at this point in the RECORD.

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

The tabulation ordered to be printed in the RECORD is as follows:

TABLE 1.—Authorizations for the National Foundation on the Arts and Humanities, fiscal year 1969-73

[In millions]

Fiscal year:	
1969	\$22.75
1970	24.75
1971	40.00
1972	60.00
1973	80.00

Mr. PROXMIRE. I may say parenthetically that the authorizations and appropriations have been essentially the same.

I would like to read some of these.

In fiscal 1969 the amount was \$22,750,000. In 1970 it was \$24,750,000. In 1971 it was \$40,000,000. In 1972 it was \$60,000,000. In 1973 it was \$80,000,000.

That is a very sharp increase—I think too sharp—but I think that is a case which can be defended.

In this proposal we would abandon that kind of regular increase of about \$20,000,000 and really jump.

The proposal in this bill would increase that authorization in 1974 from \$80,000,000 to \$160,000,000; in 1975 to \$280,000,000; and in 1976 to \$400,000,000.

And, as I have said, \$400,000,000 more is authorized for fiscal year 1977 if the Congress fails to act to extend the authorization authority.

Mr. PELL. Mr. President, if the Senator will yield, I am not a mathematician, but the percentage increase remains approximately the same. It does not go up in geometric progression; it is going up in arithmetic progression.

Mr. PROXMIRE. I think the Senator must have had a different kind of arithmetic teacher than I had. I think the percentage increase does go up much more than he says. In 1971 it was \$40 million; in 1972 it was \$60 million or 50 percent higher; in 1973 it was \$80 million or 33½ percent higher. But in 1974 it would go up to \$160 million, which is a 100-percent increase.

Mr. PELL. That is right, but that is what the administration supports.

Mr. PROXMIRE. The percentage increase from 1973 to 1974 is 3 times the percentage increase of what it was from

1972 to 1973 and twice what it was from 1971 to 1972.

Mr. PELL. But this is the administration-sponsored increase, which I agree with the Senator is more, but then we get back to the cycle, and we find the increase from 1974 to 1975 is from \$160 million to \$280 million, which is about 70 percent. Then it drops down to about 40 percent.

Mr. PROXMIRE. The increase is confused by the fact that the administration has supported the increase because they have a notion that it is for the bicentennial. That is why we have the contradictions between what the administration recommended in the budget, when they say outlays for this Agency should be \$120 million for the National Foundation on the Arts and the Humanities, or an increase of \$60 million in 1974.

Then why did they go on with that very sharp increase that is beyond \$120 million that they have in the budget for this proposal? The reason is that we are moving on now to the bicentennial year, and it requires time to move ahead properly. However, the report of the Senator from Rhode Island, the position taken by his committee, and the position I understand which has been taken by other individuals, is that these sums would not be used by the Bicentennial Commission until the Bicentennial Commission wanted to ride along; that they would be used for the basic, regular purposes of the National Foundation for the Arts and the Humanities.

Mr. PELL. The language in the report says that they can be used for the Bicentennial. There is no discouragement of that, but the artistic levels of excellence have to be maintained. In other words, they could not be used to dress up parking lot attendants for the bicentennial celebration or for something of that sort. They could be used to help a ballet that was moving along, with its theme being the bicentennial.

Mr. PROXMIRE. It is quite obvious that the Pell committee adopted a sensible approach from their standpoint by saying that if the administration wants to use these funds for the bicentennial, fine. That is in accordance with tradition and it is a fine purpose. We are all proud of the bicentennial. But the fact is that there is still a 100-percent increase in this agency's money in the coming year at a time when we are trying to operate under a ceiling, when we are aware of the worst inflationary pressures in the last 20 years, when we are doing all we can to hold down spending. Yet in this area we are expected to throw caution to the winds and move ahead from \$80 million to \$160 million in 1 year.

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

Mr. PROXMIRE. I yield.

Mr. TUNNEY. Under the committee proposal, I calculate that the country would presently be spending 40 cents per capita for the arts and humanities increasing to approximately \$1 or perhaps a little less nationwide by 1976.

I would point out to my distinguished

friend, who has such a desire to trim this fund—

Mr. PROXMIRE. I have a desire to increase the fund, but not this way.

Mr. TUNNEY. Very well then, to trim the proposal of the committee. At the present time a country like Austria spends about \$17 per capita for the arts and humanities, and there is no great country in the world today that spends less of a percentage of its gross national product on the arts and humanities than does the United States.

Mr. PROXMIRE. May I say to the Senator from California that if he had been here a little earlier he would have heard the discussion between the Senator from New York (Mr. JAVITS) and myself on that question. We are talking about only a small part of what this country spends, what the taxpayer spends, on the arts and humanities. In the first place, the Internal Revenue Service records indicate that about \$2.5 billion goes into the arts and humanities, of which the taxpayer contributes about half, 40 percent to 50 percent, because of the tax expenditure route. In other words, individuals can make contributions to museums and to various art purposes and deduct them from their income taxes. When we compare that to other countries, it seems to me we have taken into account a part of the funding.

If the Senator is going to talk about Austria, which is a small country, and arts and humanities constitute a large part of the attraction of that country for tourists. That and the "Sound of Music" is a large part of the reason why people go to that country.

Mr. TUNNEY. Perhaps Austria has a better quality of life as far as the average citizen is concerned than we do in this country.

I have heard the Senator from Wisconsin stand on the floor and talk about technology gone wild, particularly as it related to the SST, and I have heard him talk about how there is too much concern for the gross national product, and not enough concern for the enhancement of the quality of life.

Mr. PROXMIRE. The Senator has me confused with somebody else.

Mr. TUNNEY. He may not have used those exact terms, but I have heard him refer, particularly with reference to the SST, to technology gone wild. I cannot think of an expenditure of money that could more be for the satisfaction of the human soul than an expenditure on the arts.

If I have understood the Senator from Wisconsin well, and I think I have, he is a humanist who believes in bettering things in this world here and now, and I think the Senator would be the kind of person who recognizes that there is no expenditure that would do more for the human spirit and for the quality of life than an expenditure in the arts.

Quite frankly, when we compare the committee proposal with the kind of money we are spending on defense to destroy people or to defend countries in Southeast Asia that do not want to be defended, and to destroy the kind of life

we have destroyed in Vietnam, Cambodia, and Laos, we have before us in comparison a very small amount of money which, hopefully, if it is well spent, will create a climate in this country in which in the future we will not be so desirous of making war in underdeveloped countries and engaging in the kind of destruction of life in which we have engaged for the past 10 years.

It would just seem to me that a person who has been given the opportunity to expand his cultural interests, who has been given the opportunity to understand what the great traditions of culture are in the Western World, would be far less likely to be as interested in the development of technology for technology's sake.

I think this expenditure is completely consistent with everything I have heard the Senator from Wisconsin speak out on when he talks about the needs of the poor in this country and when he has talked about eliminating programs such as the SST. I think the Senator is out of step in this particular case with his overall philosophy, and I cannot understand why he is picking on the arts.

Mr. PROXMIRE. May I say to the Senator from California I am really astonished at how he thinks I can be out of step because I want to increase this item only by 50 percent. There are very few, if any, other programs that we are increasing by 50 percent.

It is easy to speak of these matters in generalities, however, I am not sure that I want the money to go to George Plimpton. I think that George Plimpton was very funny on a television show. However, I am not sure that he needs the money.

Robert Penn Warren was one of a number of people who received \$1,000 from this program. He is a very wealthy author. There are all sorts of horror stories, which I intend to read later, on which this money was wasted.

If we go through the wasteful parts of the program and eliminate them, we can still leave ample funds for a better life in America. We can applaud that and still have a better program than if we made the sky the limit and shoveled the money out as long as we thought we were helping something that people call the arts.

Mr. TUNNEY. Mr. President, it is not the point at all, that they are shoveling it out and wasting the money. I do not know why Robert Penn Warren ought to be discriminated against because he has some money in the bank.

Mr. PROXMIRE. He ought not to be subsidized by the Federal Government. That is all I am saying.

Mr. TUNNEY. If we have a program in which certain people receive stipends based on the quality of their material, I do not see any reason why Robert Penn Warren should not get it. He is a very highly qualified author.

Mr. PROXMIRE. I hope we do not have to pay for it. And as far as giving him \$1,000 that comes out of the pockets of the American people and out of the pockets of the average taxpayer in Wisconsin who makes \$9,000 or \$10,000 a year and works his heart out to make a

living, I think that we should not give it to some author who makes perhaps \$300,000 or \$400,000 a year. It makes no sense.

Mr. TUNNEY. Mr. President, is the test going to be whether a man has a certain amount of money in the bank and therefore cannot get that stipend?

Mr. PROXMIRE. I certainly would not be willing to give thousands of dollars away to the people who have money. They would usually prefer to get a medal or some other reward anyway.

Mr. TUNNEY. We do not have discrimination in the tax structure. Many people have tax deductions irrespective of whether they have large bank accounts or not. If we have a program applying equally to all, why should we have a means test to determine whether a person should get a stipend for writing a poem or a play?

Mr. PROXMIRE. I think that we could reward people and recognize that they are tremendously competent in their field by giving them a medal or some other commendation. It is not necessary to give them money. It is something that does not even interest them a great deal. It is a waste of money. I think that if we give them a plaque or even a letter, it would be more worthwhile. If I might proceed, I have a whole series of examples that I would like to cite. However, I would be very happy to yield momentarily to the Senator from California.

Mr. TUNNEY. Mr. President, I have one further question. What was the \$1,000 paid to Robert Penn Warren for?

Mr. PROXMIRE. For an essay, an article.

Mr. TUNNEY. That was money that was paid to Robert Penn Warren under contract so that he would write an essay, is that correct?

Mr. PROXMIRE. It is listed under essays and critics. I assume that might be it.

Mr. TUNNEY. If the money had not been paid, the essay would not have been written. Is that correct?

Mr. PROXMIRE. I am not sure. He may have come into a workshop or something. People like Robert Penn or John Tunney would be creative whether they were rewarded or not. I am sure that when the Senator makes one of his speeches—which we all like to hear—it is not necessary to pay him \$1,000 or \$500, or whatever the amount is. The Senator makes his speech out of his heart. He is speaking this afternoon. His imperishable words are going to be preserved and read by future generations. It is not necessary to pay him. I think if we were to get paid for everything we said, we would never finish a Senate session.

Mr. TUNNEY. Has the Senator ever written an article for a magazine for money?

Mr. PROXMIRE. I have. I do not know whether it was worth it.

Mr. TUNNEY. Almost every Senator who speaks has done some writing. In all probability, the Senator would not have written an article if he were not going to get paid.

Here we have an example of \$1,000 to pay Robert Penn Warren. I think that is

pretty cheap. I understand that *Playboy* published an article by him.

Mr. PROXMIRE. But not by this Senator.

Mr. TUNNEY. The point is that a thousand dollars is pretty cheap to get an essay from Robert Penn Warren.

Mr. PROXMIRE. The Senator from California could probably get more than that if he wrote an article.

Mr. TUNNEY. I am afraid I could not.

Mr. PROXMIRE. In fact, if it were not for the incredible increase, proposed increase, in the bill, I would be absolutely astonished at my own profligacy in proposing a 50 percent increase in the total funds for the Foundation next year and an annual increase which is double the annual increases of the past.

Mr. President, I ask unanimous consent that a table showing both the past authorizations and the proposed authorizations under the bill and under the Proxmire amendment be printed at this point in the RECORD.

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

TABLE 2.—*Actual and proposed authorizations for the National Foundation on the Arts and Humanities for fiscal years 1969-76*

[In millions]

Fiscal year:	Amount
1969	\$22.75
1970	24.75
1971	40.00
1972	60.00
1973	80.00
Proposed amounts:	
Under S. 795:	
1974	160.00
1975	280.00
1976	400.00
Under Proxmire amendment:	
1974	120.00
1975	160.00
1976	200.00

Mr. PROXMIRE. Mr. President, one of the reasons—perhaps the only reason—why I think the sums provided in S. 795 are not even in the best interest of the artistic community is that I do not believe one can expand a program at the proposed rates under S. 795—a doubling this year, and a fivefold increase over 3 years—and still run a program efficiently.

Such an increase, in my view, will promote sterile and second-rate art. Funds will be provided for every crazy idea that comes forward. The Foundation will have to go recruiting for artists.

Great art and great artists are not universal commodities. They are unique and special people and works. There is no way a fivefold increase in the funds can be used efficiently and selectively and promote excellence in the arts. There is just no way in which that can be done.

DANGER OF CENSORSHIP—FILM INSTITUTE EXAMPLE

Second, there is a tremendous danger, if we expand the Foundation as proposed here, that we will promote middle class, mundane, establishment art.

We are treading on dangerous grounds. By its nature, art provides unique works and sensitive people. The artists' creative ability is often misunderstood by the generations in which they live. Examples are abundant. Think merely of the strug-

gles of the French impressionists against the establishment, the ostracism of a Michelangelo at various times in his life, and the criticism and jeers that were aimed at Picasso when he revolutionized the art world at the turn of the century.

Yet we are told in the bill that the way to make art and the humanities flourish is to provide them with really fantastic sums from the public purse.

But that, I am confident in predicting, will bring censorship of the arts, sterility to the arts, and a second-rate artistic endeavor.

Apart from the fact that such gigantic amounts cannot be used productively, we have seen the dead hand of government and the dead hand of censorship operate in this field only this week.

The American Film Institute was scheduled to show the film "State of Siege" at the American Film Institute Theatre last week. The Film Institute, but not the theatre, is subsidized by the Federal Government through the Foundation on the Arts and the Humanities.

In fiscal year 1973 the American Film Institute received \$1 million from the Foundation for the operation of the Institute. In addition, they received another \$650,000 for such items as its own film preservation work, the administration of film makers grants, and for the preservation of the film at the Library of Congress and the Museum of Modern Art.

But "State of Siege" is a controversial film, and obviously, with one eye on their funding and the White House, the showing of the film was canceled. In the wake of that obvious censorship, numerous other filmmakers withdrew their films from the AFI's opening festival.

How can art flourish when the art is subsidized? Is it not better to have less money but more freedom?

A CZAR FOR THE ARTS

Let me discuss another obvious danger in the bill which provides such substantial subsidies for the arts. That danger is that the Foundation may well end up by creating Czars for the Arts.

Under sections 5(c) and 7(c) the Foundation makes grants to support the arts and the humanities. The law provides that the Chairmen of the Endowment for the Arts and the Endowment for the Humanities may make grants up to \$10,000 without the prior approval of the respective councils of these organizations who ordinarily exercise this function. They did retain the right of review.

Under the bill as recommended by the Foundation, grants of up to \$25,000 without prior approval were to be allowed to the Chairman of each endowment. Further, no limit was set on the proportion of funds which could be used in this way.

Sensing the very real danger that Chairman's grants of this size and without any limitation on the proportion of funds used in this way could make for the art council and their successor czars of the arts and czars of the humanities, the committee wisely limited their authority to grants of \$15,000 or less and to a total of 10 percent of the funds. I welcome that limitation.

But there is no doubt whatsoever that the power over the arts which could be exercised by the Chairmen of these groups is potentially very dangerous. And it is more dangerous as a subsidy increases.

This is what happens when art is subsidized by governments and administered by individuals—any individual who has such great power over the artistic and intellectual activities of the Nation.

UPPER MIDDLE CLASS SUBSIDY

Let me make one other point. It is absolutely clear to anyone who knows anything about the arts, that the substantial bulk of the patrons of the arts are upper middle class and wealthy citizens. They are the ones who attend the concerts, buy tickets to the theater, and purchase paintings. That is a fact.

It is true that many people of modest incomes and some people of very low incomes have a great love of the arts; but the great majority who will benefit are the people who are better educated, and therefore more affluent.

What this bill does, therefore, is to subsidize those who need subsidies the least. While some of the funds go to the artistically talented from the poor or from minority groups, the overwhelming effect is to subsidize those in the top income classes in the country who would otherwise have to pay from their private incomes for the results of the arts. These are the people who can most effectively take care of themselves.

The language of the report brags as to how in fiscal year 1976 the per capita annual cost of this bill will be only \$1 a year for the arts and \$1 a year for the humanities and asks us to support it on the grounds of its relatively small amount. The Senator from California (Mr. TUNNEY) has just made that point. But if that is true, why not let the well-to-do and the affluent in our society support the arts on their own?

We already give a vast indirect subsidy to the arts and the humanities through the income tax laws. While only the most rudimentary estimates are available, probably about \$15 billion a year is given to charitable groups of which charitable contributions to literature, museums, educational foundations, libraries, galleries, orchestras, and so forth, probably amount to \$2 to \$2.5 billion.

Since those funds are given mainly by those in the upper tax brackets, I judge that through the tax expenditure route as much as \$1 billion a year in tax receipts which would otherwise come to the Government now go as a tax subsidy to the arts and humanities. The figure may be higher.

I think we have to take into account the fact that the taxes are higher for average families with incomes of \$8,000 to \$10,000 because we provide this subsidy for those with higher incomes in the income tax laws.

Why then should we add another \$400 million a year in direct subsidies to the existing indirect but very real tax subsidy for the arts and humanities?

And the tax subsidy at least has the merit of keeping decisions and judgments in private rather than in Government hands. The advantage we have, without expanding this bill at a break-

neck speed, is that with the tax subsidy the money comes from private sources, without a big brother government deciding whether a particular film, for example, should or should not be shown.

CONCLUSIONS

For all of these reasons I believe the authorization given by the committee should be cut back to some reasonable level. I propose an annual increase of \$40 million, which is double the \$20 million annual increase given heretofore.

But I think it is unconscionable to increase the total funds available by \$80 million in the coming year and to provide \$400 million or five times as much as is now authorized 2 years from now.

Mr. President, I send my amendment to the desk and ask for its immediate consideration.

THE PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

MR. PROXMIRE. Mr. President, I ask unanimous consent that the further reading of the amendment be dispensed with. I think I have explained the amendment in some detail, and will be glad to expand on it further.

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

Mr. PROXMIRE's amendment is as follows:

On page 12, line 3, strike out "\$59,000,000" and insert in lieu thereof "\$44,250,000".

On page 12, line 4, strike out "\$105,750,000" and insert in lieu thereof "\$60,300,000".

On page 12, line 5, strike out "\$152,500,000" and insert in lieu thereof "\$76,250,000".

On page 12, line 9, strike out "\$70,000,000" and insert in lieu thereof "\$52,500,000".

On page 12, line 10, strike out "\$125,000,000" and insert in lieu thereof "\$72,000,000".

On page 12, line 11, strike out "\$180,000,000" and insert in lieu thereof "\$90,000,000".

On page 12, line 15, strike out "\$11,000,000" and insert in lieu thereof "\$8,250,000".

On page 12, line 16, strike out "\$19,250,000" and insert in lieu thereof "\$11,000,000".

On page 12, line 17, strike out "\$27,500,000" and insert in lieu thereof "\$13,750,000".

On page 13, line 2, strike out "\$20,000,000" and insert in lieu thereof "\$15,000,000".

On page 13, line 4, strike out "\$30,000,000" and insert in lieu thereof "\$17,000,000".

On page 13, line 6, strike out "\$40,000,000" and insert in lieu thereof "\$20,000,000".

THE PRESIDING OFFICER. Does the Senator from Wisconsin wish that his amendments be considered en bloc?

MR. PROXMIRE. Yes. I ask unanimous consent that the amendments be considered en bloc.

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

MR. PELL. Mr. President, I yield to the Senator from California.

MR. TUNNEY. Mr. President, as I have already made clear in some preliminary remarks, I strongly oppose the amendment of my good friend the Senator from Wisconsin.

I recognize that we have to live within our means in this overall budget, and that we must, each one of us, decide where our individual priorities are, but I compliment the committee for coming up with a recommendation for spending for the arts and humanities which I think is really a minimum of what is needed in this country.

As I have stated, there is no great country in the Western World that spends less as a percentage of its gross national product on the arts and humanities than does the United States. The Senator from Wisconsin says that we cannot have a fivefold increase and maintain excellence in the arts—this fivefold increase being over a period of several years. I could not disagree with any statement more strongly. It all depends upon the base from which you start; and the base, in the case of the arts, was very low.

There are many creative people in this country who are unable to support themselves and at the same time pursue the development of their talents. I for one do not find it an egregious example of wasteful spending to pay a person like Robert Penn Warren \$1,000 to write an essay. As a matter of fact, I have not read the essay, but it was probably worth more than \$1,000 insofar as the quality of thought that went into the piece and the impact that it would have upon the students who read it are concerned.

Today the arts, for the most part, depend upon the commercial value of the product. Unfortunately, commercial value does not always correlate with artistic value. The opera is in trouble in many parts of the country. We find that our orchestras in many cities are incapable of being sustained by the local communities. We find that the repertory theatre cannot pay decent living salaries to the actors and actresses who participate therein. Many painters in disadvantaged areas of the cities and rural areas have no outlet for their artistic production, and therefore they cannot sell it, because there is no way they can get their paintings to the potential buyers.

I feel that it is quite clear that the quality of any particular artistic effort, whether it is in the field of literature, music, or painting, may or may not have a relationship to its commercial value; but oftentimes those particular products which are of the greatest artistic value have no commercial value whatsoever.

How many Americans, for instance, have gone to see Nureyev dance in a ballet? How many have had the opportunity to see grand opera?

How many Americans, for instance, have read John Locke? There is probably no other man who had a greater influence on American philosophy or on forming the American life style than John Locke, simply because the Founders of this Republic, men like Thomas Jefferson, James Madison, and Alexander Hamilton, did read him and they wrote into the Constitution certain precepts that were borrowed, lock, stock and barrel, from John Locke. Yet I venture to say that the majority of the people of this country have never read a word that he wrote.

So it seems to me that when we consider the impact of his literary and philosophic efforts as against what it has meant to the cultural and philosophical thinking of this country, any fair-minded person would have to agree that a man like John Locke made a huge contribution to the culture of the United States.

MR. PROXMIRE. Mr. President, if the

Senator will yield, I am delighted that he has brought up the work of John Locke. He was a great British philosopher who, if we read him, we will find that Thomas Jefferson took what he had said, wrote the Declaration of Independence, almost word for word, from Locke except where John Locke had written, "Life, liberty, and property," Thomas Jefferson wrote, "Life, liberty, and the pursuit of happiness." That declaration had a profound effect on America, as the Senator from California has so well stated.

However, it seems to me that John Locke could not possibly have been in a position to write if he had been writing based on a subsidy such as we are discussing today from the British Government—the monarchy. The fact is, John Locke was a revolutionary. He was a philosopher of freedom. He was a man who supported the ideals on which this country was formulated in breaking away from the British crown. If he had had to rely on the British Government to provide his funds in order to write, he would still be waiting to ghostwrite for Tom Jefferson. He would have had the same experience as the great film maker who made the movie "State of Siege," a film which was censored and cut and eliminated from the Kennedy Center recently because it was so controversial. He would have been placed in that same position.

If we are going to make that argument, this program will stifle the voice of freedom and the opportunity for the development of philosophical thought in this country.

The Senator has made a very good point on my side.

MR. TUNNEY. In reading John Locke, we realize that the aristocracy loved him because he was talking about the importance of property. As a matter of fact, I believe that he put "property" ahead of "life" in the order of importance. There is nothing that was more important to the privileged few of those days than to have their own basic instincts as to the importance of property held up and sanctified by someone as eminent a philosopher as John Locke. As a matter of fact, the Lockeians in this country today are perhaps considered by far our most conservative element.

MR. PROXMIRE. That may well be, but in terms of life first, liberty next, and property third.

Furthermore, it is true that John Locke enjoyed the esteem of the aristocracy because they were the ones best educated and able to understand him and to appreciate him. The fact is, however, we have that kind of situation now. The Lockes in this country are confined to some kind of support from the so-called aristocracy of this country today, but the pending bill provides support from the dead hand of government. When government steps in, we have a different kind of switch, a necessarily deadening effect on free philosophic expression, radical expression, the kind of radical expression contained in the film "State of Siege." We should proceed with that kind of program and recognize that it has its limitations. We should also recognize that we must continue to rely, in

a free society, on funding our philosophers and our artists on the basis of private contributions as well as public contributions.

Mr. TUNNEY. Marcuse certainly has not had a tough time with his publications.

Mr. PROXMIRE. Who?

Mr. TUNNEY. Marcuse. He is the social philosopher—some would say the Marxist-Socialist philosopher who wrote for the University of California some time ago. Some say he was responsible for the new left “revolution” in this country a few years ago.

But I have had the opportunity—and I am sure that the Senator has probably had the opportunity also—to visit disadvantaged areas in the large cities where there is great artistic talent. I am personally familiar with one case of painting talent in south central Los Angeles, where there are talented young people with no opportunity to find a way to make a living so that they could express themselves through their art. The reason for that is they had no outlets from which to sell their art.

I had the opportunity last year to go to the Watts festival in Los Angeles to see the offerings of 10 to 15 young people in their late teens and early twenties who had great talent, yet they could not sell their works because there were no outlets.

Yet these people should have their artistic expressions enjoyed by a far greater number of people than was possible as a result of the constraints that were placed on them, coming from a disadvantaged area and not having the kind of money to enable them to support themselves by painting.

I had a chance to talk to several of them and they told me that they would have to give up the expressions of their talent, that they would have to stop painting, because they could not afford to feed their families and paint at the same time.

Mr. PROXMIRE. A number of people from my State have protested this amendment but when it was explained to them, they backed down and said, “That is fine. We did not realize that your amendment would permit expansion. We agree that we can go too far with anything.”

The committee bill does go too far in this area. I am sure that the Senator would agree that these programs are going too fast.

Mr. TUNNEY. I think the programs are good, but how can they be going too fast with only 40 cents per capita in 1974? That is not going too fast, so far as I am concerned. It is not going too fast to ask for \$1 per capita in 1976. That is not going too fast. It is less than any other country in the Western World, certainly any European country. I do not know what the European tax laws are but I dare say they have charitable deductions the same as we do. So we cannot mix apples and oranges. I think the Senator from Wisconsin is trying to suggest that because of the tax deductions allowed in this country for a charitable deduction to the arts, we were presuming this was not done overseas and

that the only money that went to the arts in foreign countries, in European countries in particular, came from the federal treasury of the state. I do not know whether that is true or not, but I daresay they have charitable deductions in Europe as well.

I recall reading in the newspaper that in France, Picasso left many of his personal paintings in the collection that he had to a French museum and that no taxes would be paid on the estate, at least that portion of the estate that represented his personal collection of paintings, worth about \$50 million.

I may say it is a question of where to put the priorities, and I have to say that my very good friend from Wisconsin, a man whom I highly respect and whom I consider to be a true humanist but who certainly is demonstrating that he has got a flintlike soul this afternoon, is not acting the part of the humanist today, and that I strongly disagree with his amendment.

The PRESIDING OFFICER (Mr. JOHNSTON). The question is on agreeing to the amendment of the Senator from Wisconsin.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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. MCCLELLAN. Mr. President, I wish to express my concern about the extraordinary increase that is proposed in this bill, S. 795, for the future funding of the National Foundation on the Arts and Humanities.

S. 795 provides that funds for this program are to increase from \$80 million in fiscal 1973 to \$160 million in fiscal 1974, to \$280 million in fiscal 1975, and to \$400 million in fiscal 1976. This would be, within the next 3 years, an overall boost of five times what we are now spending in fiscal 1973. Such an exorbitant increase in funding at this time, when our fiscal affairs are already in disarray, is indeed excessive.

Undoubtedly, the work of the National Foundation on the Arts and Humanities is a valuable asset to our Nation's cultural life. It is a program that should be supported. But an increase in funds of the magnitude contemplated in the proposed legislation is clearly out of line. Certainly, it is out of line if we intend to make progress in our effort to limit spending.

This tremendous increase of five times what we are spending now within the next 3 years cannot be justified. It certainly cannot be justified at a time when we are being forced to cut back on programs vital to human wants and needs, programs in health, education, and housing, in aid for the handicapped and other programs. Certainly it cannot be justified at a time when we are incurring annual deficits of more than \$20 billion.

Mr. President, in recent weeks I have pointed out on the floor of the Senate

that we are authorizing expenditures far in excess of our abilities to fund. In every session of Congress we have proposed and continue to establish new programs and to expand old programs or existing programs, costly programs which are fueling the fires of inflation. I think everyone knows that we cannot support an authorization at the level proposed in S. 795 without fanning the flames of inflation.

I do not doubt that this is a good program, one that I think we should continue, and one that I want to continue. The proposed amendment would grant reasonable increases in the amount previously authorized. We are reducing the level of authorization. In fact we are increasing it to allow the opportunity not only for continuation but also for reasonable expansion.

There are other programs just as meritorious. There are other services of Government just as valuable that we are not increasing, that we feel we cannot increase, where an increase would simply exceed the limits of our current resources.

Mr. President, for these reasons I support the amendment introduced by the Senator from Wisconsin (Mr. PROXMIRE). It would provide an increase of \$40 million in the next fiscal year, and for the following fiscal years. In other words, the bill before us would increase this program from \$80 million during fiscal 1973 to \$400 million in fiscal 1976. The amendment would increase the program by only \$120 million over the next 3 years—or to \$200 million in fiscal 1976.

I believe, Mr. President, under the circumstances, that this is adequate. In my opinion, the amendment is reasonable and generous. It will allow the National Foundation on the Arts and the Humanities to continue a reasonable expansion.

Mr. President, we are being forced to reduce a number of good programs. Let us be fair to them. This amendment is fair. It grants a substantial increase. But if we should take all comparable programs that the Government is funding today, and increase the authorizations in proportion to this, we would not have a \$20 billion deficit next year; we would have a \$40 billion deficit. This country cannot continue this kind of reckless spending. It is painful. Here is a program everybody wants. Everyone is for it. I know of no one who is against it. I know of no reason anyone should be against it. But what will we profit if we continue to authorize programs that will compel us, if we honor the authorization, to make appropriations that are excessive and destructive to the value of the dollar and which increase inflation. Inflation spurs measures in the cost of living and constitutes a burden on the poor people of this Nation, on those with fixed incomes, or those on retirement, or those living on social security. Who can barely make ends meet now.

There is no denying the merits of this program. There is no denying the desirability. While this amendment takes into account the realities of our fiscal situation, it provides a generous increase in the authorization. I think that generous increase should be accepted and I

think we should support this amendment. Of course, in the future if our revenues will permit us to come nearer to a balanced budget, or bring us to a better balance between income and outgo we might again increase the authorization and make appropriations in accord or for a higher amount. But as I have said on the floor of the Senate, that if we pass these authorizations today, they become bills tomorrow. They are bills presented to the Committee on Appropriations for payment. We are not able to pay. We are not able to pay the bills that are being presented now except by borrowing money and running this country further in debt. We will never return a better balance in our fiscal affairs if we continue to authorize new programs and expand old programs excessively and say, "Oh, well, let us borrow the money and pay it." We have borrowed too much money now. The national debt is costing us some \$25 billion a year in interest. It is increasing each year. It soon will be \$30 billion. I would like to support the measure. There is no doubt it would be a wonderful thing to provide all the money which could be properly spent. But there are many other programs which are just as valuable and just as important to the welfare of our Nation as this program.

I would hope those who support this program would take these factors into account and be satisfied with the amounts proposed in this amendment. Hopefully, when the amounts proposed in the amendment are presented in the Appropriations Committee each year, we can appropriate the full amount of the authorization.

This is not the end of the problem. We can authorize funds, but there has to be an appropriation. I think we do wrong when we authorize large sums, building up the hopes of people who are interested in these programs, only to dash them to the ground when we make the appropriations. When we make these authorizations, those people who are interested in the programs anticipate and expect that appropriations will be made for them. I think now is the time to weigh the issue and settle it here.

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

Mr. McCLELLAN. I yield.

Mr. COTTON. I would like to say to the Senator that last week I was in a rural section of my State. As the Senator knows, for some years I have served on the Appropriations Subcommittee having to do with housing, education, and welfare, and I can remember during all those years that every year we have taken up the problem of the fact that doctors, or somebody, had to determine who should live and who should die because of the fact that we could not produce and furnish—at least deliver—dialysis or the aid of an artificial kidney throughout the country. Year by year we squeezed out all of the money we felt we could squeeze, but there was testimony that it would take such a sum of money to take care of everybody that it would take years to do it.

Only last week I was in a sparsely populated section of my State where

people are still dying because of the fact that they cannot be taken to Boston, or even to the one largest center in the little State of New Hampshire, and because they do not have enough money in the community so they can bring the service to them. So they are still dying simply because we cannot deliver that health care to them.

When we also have before our committee those who want grants and loans so that every boy can get a college education in this country, to me my sense of the esthetic and my appreciation of the arts is not profound enough or deep enough so that there is any reduction that can be offered on the floor to this bill that I will not vote for.

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

Mr. McCLELLAN. Mr. President, I yield.

Mr. PROXMIRE. Mr. President, I congratulate the chairman of the Appropriations Committee for his very strong and overwhelmingly logical reasons for voting for a reduction in this enormous increase, and what the Senator from New Hampshire has said put the icing on the cake, in my view.

There were years in which I served in this body in which individuals said, "Well, we should go ahead with all of these programs. We should increase spending for the education program. We should go ahead with the space program. We should go ahead with military spending, all of them." We now realize we cannot do that. We have passed a ceiling of \$268 billion. President Nixon has a similar ceiling. One way or the other, we are going to adopt a ceiling. If we move ahead with this immense expansion of the program, it means we are going to have to take the funds out of somewhere else. It is going to mean that in the area the Senator from New Hampshire talked about, a matter of life and death, perhaps that will have to be reduced. We cannot have everything.

I do think we have a different situation than we had before. As the Senator from Arkansas has said so well, this is not an amendment which would gut the program. Without the committee proposal, I would consider it much too profligate. It is a modest reduction in the immense increase the Senate committee would provide. If a 50-percent increase is permitted, that should be large enough, especially in a program which is as vague and intangible as this.

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

Mr. McCLELLAN. I yield to the Senator.

Mr. PELL. I was interested in the exchange between the Senator from Arkansas and the Senator from New Hampshire and I share the sense of sadness in knowing that people are dying in his State, as they are in other States, because there are not enough kidney dialysis machines around and because there are not enough health resources available for the people, but the Senator put his finger right on the nub of the problem. We are spending too much money now wastefully in killing in other parts of the world.

I realize it is dangerous to compare apples and oranges, but we in the Government and those on the Appropriations Committee and in Congress are spending billions and billions of dollars in the killing of people with no relation to our national security, and we do it without any thought or any pangs of conscience sometimes. This is where we should cut expenditures. We should cut funds so the Air Force cannot engage in the bombing raids. We are spending as much money there as we would for providing enough kidney dialysis machines for everybody who needed them for a substantial time. This is where we should cut and cut now. Cut it out of the hardware systems. Cut it out of offensive weapons appropriations and offensive actions. Maybe we should take some out of the space program. Maybe we should take some out of the hardware sector.

Senators will never hear me deny an increase in the field of human welfare, education, health, or in raising the quality of life. Just because my education programs were cut does not mean that I, as chairman of that subcommittee, will want to reduce this program or that program. I want the programs in the human sector of life all expanded. If I do not fare very well in the educational forum, I am not going to vote against additional expenditures in the field of the arts and the humanities. What I will do is oppose programs that are wasteful and that result in killing and building up plutocracies. Our approach should be to provide people with needed kidney dialysis machines, the arts and the humanities, college educations, and not engage in expensive adventures around the world.

That is where the cuts should be made, and those of you on the Appropriations Committee have it in your hands—I will refer to you as the presidium—to make the decision of where the priorities will be. Let us cut, but let us cut where it does not hurt Americans or the quality of their lives. Let us cut where it reduces the killing of people and military dictatorships around the world.

Mr. President, in my opening remarks, I emphasized the reasons for my conviction that the funding levels contained in S. 795 are reasonable and that they provide a sound investment in the future well-being of our country. I do not consider them exorbitant. I believe they are fully in keeping with the progress the two endowments have made to date. We are discussing not only the quality of achievements to date, but the quality of life in our Nation. In 7 years, we have witnessed the thorough testing of this program from its most modest beginnings. It is now on the threshold of having a major impact on the quality of our life. We should not falter here. We should remember that the funding levels proposed in this bill represent the planning and the convictions of our most knowledgeable cultural leaders, those who know best the needs in the arts and humanities areas, which, until this legislation came into being, were virtually neglected at a Federal level. And, we should remember that for each Federal dollar spent on this program, three pri-

vate dollars are engendered for cultural advancement.

I have always believed that Federal funding for the arts and humanities should serve to encourage private giving and support in these areas. Federal assistance should provide an incentive. It should help the private community to raise its sights toward better goals. Recently I spoke to the Business Committee for the Arts, representing the Nation's top leadership in major corporate support. I noted that this committee of more than 100 business leaders had helped to increase business support for the arts from \$22 million 5 years ago to more than \$140 million today on an annual basis. And, I challenged these leaders to more than match the sums contained in this bill; they responded to this challenge with great enthusiasm. I believe this is the proper thrust, the proper concept for incentive. Let us not set a limited example for these business leaders by curtailing this authorization. Let us keep our own sights on the goals the Committee on Labor and Public Welfare recommended to the Senate without a dissenting voice. And, let us remember that business assistance is but one important aspect of the need for increasing private support.

For example, when the Federal program for the arts and humanities was just beginning, the Ford Foundation provided almost \$80 million to help our Nation's important orchestras on a matching formula basis. This was but one field where assistance was desperately needed. In many cases, it was a question of survival. The Ford grants provided temporary support, but the needs have not diminished. They remain, and they increase, and it is in partnership with such important foundations that the mission of Federal support can be fulfilled.

The Senator from Wisconsin has quoted figures regarding cuts and curtailments in other social serving programs. With him, I would deplore limitations on funding for programs which have proven their worth and value. But, I would remind the Senator that we did not make such cuts and curtailments in this Chamber. Two negatives do not add up to a positive. Two wrongs do not make a right. I am strongly in favor of a positive approach—not a negative one.

And, let us also be concerned with consistency here. From its beginnings in 1966, the arts and humanities program has increased in authorized sums from \$20 million to \$80 million. That is a four-fold increase. In appropriated funding, the program has grown virtually ten-fold to its present level. The bill we have before us maintains this kind of consistency.

The Senator from Wisconsin has mentioned in his statement in the RECORD of April 11, "the dead hand of Government" on the arts and humanities. Nothing could be further from the truth in my judgment. The leadership, as I have said many times, has been imaginative, and it has possessed the consistent hallmark of quality. In the comprehensive hearings we held, in 1146 pages of testimony and supporting material, these factors

are abundantly evident. This leadership, as I have often repeated, stems not from a "cultural Czar" or from a combination of two, since there are two endowments. The two chairmen of the two endowments, arts and humanities, depend on the guidance of private citizens—on two councils consisting of a total of 52 private citizens selected for their broad knowledge and their accomplishments in their respective field of competence. These two private citizen councils, presidentially appointed, have produced an exceptional record of achievement. They are leading examples of the partnership between Government and the private community. My staff and I have attended as observers their meetings, along with other observers from the Congress and their staffs, and we have been impressed by the full flow of ideas, and by the absence of political pressures, as well as by the deserved respect accorded to the council members by their respective chairman.

In addition, each endowment is guided by panels of private citizen experts who most carefully review projects and applications for possible support before they reach the point of final council recommendation and review. I think it eminently fair to say that no other foundation in this country, private or public, receives greater cooperation from private citizen guidance, includes better procedures for the use of its funds, or has as far-reaching potentials, as this one. It works on a national level, and it works in every State.

Finally, in this regard, there is an explicit provision in the act against government interference in the private-citizen, nonprofit arts or educational areas with which the endowments are involved. And, this precludes the concept of governmental censorship or control. Each group receiving support is carefully reviewed as to its quality and ability, and, once the grant is approved, it proceeds with its own program. Grantees submit comprehensive reports to the endowments on the use of the sums received. If a grantee reappeals for support, if a grantee is eligible for a grant of more than 1 year, its record is again reviewed. If there is any problem, this is taken into careful consideration.

Under all of these circumstances, I see no threat of governmental domination or censorship. Neither apply to this act, and they never have.

Let me outline, first, some of the arts programs which I believe deserve expansion in keeping with the funding levels we have proposed. One is the artists in the schools program which permits leading artists in many fields to give our children enriched experiences, to develop their talents, to widen their horizons. This program has been immensely well received. It applies to just about 3 percent of the total number of schools which could be involved. If we were to reach all our 90,000 schools with this program the cost, which averages over \$800 per school, would amount to close to \$75 million a year.

Or let us look at the potentials of touring quality theater groups to areas which have never had the opportunity of

seeing such live performances. In my own State, an educational theater project was established some years ago. Its initial cost was over \$500,000, but it reached out to more than 500,000 schoolchildren, who saw free of charge, the very highest quality performances of the world's great dramatists, and who were instructed in the concept and content of these performances as part of their school curriculum. Let us think what this could mean to young people all over the country—in all cities. We have 40 resident professional theater groups in the United States. They have no funds yet to tour extensively, but the arts endowment is starting a new program to make that possible. Such a program benefits our country in many ways. It benefits the artists; and—let me note here that 75 percent of our professional actors and actresses are not employed on a year-round basis, and that only 36 percent of our college graduates who wish to act professionally can find jobs. Let me also add that 87 percent of our professional actors and actresses make less than \$5,000 per year. And, in addition, it benefits our communities—it brings the arts out to the people who wish to enjoy them, and it can bring a new cultural dimension to communities hitherto deprived of the arts—as enrichment for life, as an attraction for industry, as an invitation to tourism. Recently, the famous Guthrie Theater based in Minnesota toured a number of nearby States, including Wisconsin and Nebraska. You can read samples of the tributes of that tour received on pages 93–101 of the record of our joint congressional hearings of this reauthorizing legislation.

Let us look at museums and their needs. One of the greatest immediate needs lies in the field of conservation and preservation of their collections. Proper climate control is an absolute must if those collections are to last. The arts endowment, knowing this is a most expensive program, is proceeding carefully in this area. But museum budgets are already stretched to their utmost. They are in critical financial difficulties. The traditional sources of private giving are simply not adequate any longer. If we say that out of 5,000 museums throughout the country, only 1,000 are in need of help to preserve what they have—which amounts to the treasures of our cultural heritage—we can see the magnitude of this task alone—and its importance.

Let us take orchestras and opera companies. Over the past 10 years orchestra attendance has risen by 76 percent, but labor and administrative costs have more than doubled. That is where "the income gap" is in the arts. Volumes of statistical information have been written about it, but talk to any orchestra trustee and he will tell you the same story of financial need, and the need to expand services instead of curtailing them—and the fact that ticket prices have reached the limit of reasonable increase. Remember there are 1,060 resident symphony orchestras in our cities—and the breadth of the task ahead is apparent.

Opera is the costliest of all the arts for it combines orchestral work, and

numbers of performers, and scenery. We have only a few leading opera companies in the United States, yet opera is one of the most traditional of all art forms. Its roots go back centuries into our European heritage. Our own Metropolitan Opera Co. in New York, or our San Francisco Opera Co. on the west coast are of the very highest quality—but suppose we could tour them into areas where citizens had only learned about opera in books or through recordings which contain only a portion of the excitement and enrichment of seeing a live performance. The arts endowment is embarking on a program to increase these experiences.

Let us consider the endowment's program of placing excellence in sculpture in public places—a relatively small program which could well be greatly expanded—or another new program to bring the arts to bear on beautifying larger ranges of our environment and meeting our need for better industrial design. Let us consider the endowment's expansion arts program to bring the values of the arts, the values of creative expression to the disadvantaged, the underprivileged, the handicapped, the ghettos, where the arts remarkably well communicate and where they provide special enrichment—and, indeed, a special sense of inspiration. Again, this is a relatively new program which has been tested and found worthy of great expansion.

Let us consider that it is estimated that it would cost \$80 million alone to preserve our film collections, where we have made such major contributions to the world, from decay. Or the just-started program to bring the variety of the arts out to communities by Art Train, six railroad cars long, which in an exceptionally well-received pilot endeavor, has recently toured the States of Michigan, New Mexico, Arizona, Colorado, Utah, Idaho, Montana, Wyoming, and Nevada. The facility cost \$850,000. In Michigan alone it has been visited by more than 300,000 people. Mobile traveling exhibits are but one way of bringing the values of the arts to widened audiences.

Finally, with respect to the arts, let us consider the great strides forward being made by the State arts councils or agencies. Testimony at our joint congressional hearings clearly demonstrated how they have grown, that they are now fully matching the amounts received this year, or \$125,000 each, that they are ready to have the challenge of matching the sums we have approved. To me, and I am sure to many of you, the States arts program is a most important feature of this act, for its gets down to the "grass roots." It encourages the development of quality at the local level, and it provides for ever widening appreciation and participation.

The arts endowment reports that applications have increased from 1,383 in fiscal 1970 to 6,462 now—a fivefold increase—and that they are estimated to go to approximately 18,000 in fiscal 1974. That is an almost 14-fold increase from 1970. It shows the level of interest—and, most important of all, it shows that the

funding we have proposed to you, far from being exorbitant, is realistic and reasonable.

The humanities are copartners with the arts. Long ago we decided that this alliance, this partnership, was appropriate, and that the two branches—arts and humanities—related each to each and served to bolster each other.

Thomas Jefferson, himself a humanist, put his faith in an enlightened people as the foundation of democracy. Enlightenment, in its best sense, requires wisdom. If I were to summarize the humanities in one brief sentence, I would say that they serve to translate knowledge into wisdom.

Let us look, then, at some of the accomplishments of the humanities endowment, especially in terms of future funding at the levels proposed.

Through the help of this endowment, the famous "Civilization" series of Lord Clark—a best seller in book form—as well as his new series on modern painting has reached out to hundreds of communities and to literally millions of viewers via television. It is obvious that similar programs would have a similar impact. For such programs the endowment plans to spend \$8 million in fiscal 1974—and I would say this is a modest sum, if we think of the vast audiences to be reached and enlightened.

By the end of the present fiscal year the endowment will see in operation or in planning State humanities programs in every State. In this respect, this endowment has followed procedures pioneered by the arts program. Planning grants of \$10,000 each begin the State humanities program. When planning is satisfactorily completed, the State group receives its funding—now at a level of \$6.1 million in total. The endowment plans to spend, in fiscal 1974, \$11 million for its State-based programs—equivalent to \$200,000 per State, a figure identical to the \$11 million proposed for State arts agencies. This figure would increase to approximately \$1 million per State to meet future needs and in accord with funding levels proposed in this bill. Again, let me say—as in the case of the arts—that I applaud this State concept. State committees for the humanities are organized so that approximately one-third of the members are professional educators and humanists, one-third are gifted in administration and administrative practices, and one-third are laymen—without Ph. D.'s or the like. They are the leavening force, the catalysts who provide a common touch, if you will, who serve as bridges between scholarship and lay opinions. And in these committees and groups, both sides are finding themselves enlightened.

Let me quote a statement made to our joint congressional hearings by William H. Masterson, chancellor of the University of Tennessee at Chattanooga:

The great value of the NEH state-based program consists of two features. The first is a free and frank interchange among the laymen of geographical areas in the presence of and with contributions from professional humanists. Secondly, this interchange of the concerns and values of laymen has a feedback effect on the campus where historically the humanists have been too isolated from

the daily problems and priorities of the lay citizenry.

This same theme of mutually beneficial interchange was repeated at the hearings, and I applaud it, and the imaginative leadership which created it; for it serves to invigorate and provide the quality of public dialog we desire—and hence to enhance wisdom.

And that is what these State humanities programs are all about. Each State selects its own particular theme. Each theme may have a number of related subheadings and variations. Some samples are: Indiana—"Government and the Family;" Minnesota—"Regionalism, Regional Government, and the Individual;" North Carolina—"Traditions in Transition: The Impact of Urbanization;" Washington—"Education: Changing Prospectives."

The humanities endowment is also deeply concerned with programs to assist our libraries and museums, as our great resources for research and education. As examples in the library field, the Folger Library here in Washington, D.C., and the Newberry Library in Chicago have been strongly assisted—by matching grants—as well as the New York Public Library. These grants have proved of enormous value. They have triggered the kind of private philanthropy which is essential to the maintenance of these institutions and their service to the public, as well as to scholars. They have prevented curtailment of service, which threatens the library field, especially in view of the stoppage of other Federal programs for library assistance. It is anticipated that the humanities endowment will be inundated with requests for library assistance. Obviously the humanities endowment cannot fulfill all library needs. The endowment's program is now concentrated on the so-called independent research libraries, relatively few in number but housing collections of inestimable value, in most cases original manuscripts or single editions which cannot be duplicated. For example, the Library Co. of Philadelphia, founded by Benjamin Franklin in 1731, contains the collected volumes of James Logan. This collection represents what is still considered the finest library in Colonial America. It is beyond price, and as was pointed out by Edwin Wolf, the librarian of the Library Co., "The imperative need is for the restoration and preservation of its books." Without such work, these books may well be lost to the writers and researchers and scholars of a next generation. Meanwhile the acids in the old bindings eat with slow but now inexorable progress into the pages.

In terms of its overall program, the endowment's projected allocations for sustaining research resource centers, whose collections and facilities constitute unique national resources, remains—in my judgment—modest. These allocations would grow to \$2.4 million under the authorizations proposed, and would encompass grants averaging \$200,000 each to 12 such centers.

With respect to museums, the humanities endowment has begun a limited program of support to bolster and comple-

ment in the humanities areas the work the arts endowment is doing in the arts areas. The program encompasses in fiscal 1974 approximately \$2 million toward exhibitions, \$1 million for community education grants, and \$1 million for museum staff training programs and special workshops. These amounts would increase to \$10 million under the proposed authorizations and would include 10 major traveling exhibits at \$250,000 each to be viewed by an estimated 3 million people, 50 education grants at \$50,000 each, and smaller grants averaging \$5,000 each to assist up to 1,000 museums—out of a national total of 5,000—in museum training and the improvement of services.

The endowment's educational program brings together the museum and the institution of formal education—from school to college or university—so that the resources can be shared, and the museum's educational function emphasized.

Let me also mention a relatively new program undertaken by the humanities endowment which I believe has exceptional merit. It applies to special grants to young people without postgraduate training in the humanities and in some cases now at the high school level. These youth grants enable young students to explore fields of special interest and concern. They serve to enhance that young person's wisdom so that he or she may proceed to greater accomplishment. The youth grant program would support, under our proposed authorization amounts, one project at \$6,000 in 10 percent of the nation's colleges and 50 special bicentennial-related historical research projects at \$10,000 each for high school students. This program would be funded with \$750,000 in fiscal 1974 as it develops, and it would expand to \$2.5 million by fiscal 1976. I mention it, in particular, for I believe it shows that a modest program in amounts of dollars spent nationally can have a most significant impact—and, also, because I believe it shows the careful planning of the humanities endowment with respect to a most rational and reasonable rate of growth.

I would also emphasize a new program for the humanities endowment which includes 125 of our Nation's newspapers and 250 colleges and universities. This is a cooperative endeavor. The newspapers will publish lectures by our country's leading humanists.

The colleges and universities will offer credit in connection with the newspaper courses in each locale. Here is a unique extension of formal education, created by the humanities endowment. All of us, whether or not interested in formal educational advancement, will benefit.

Let me also stress a program which will provide each of our states with a fully documented, fully researched, carefully composed state history. This program is just beginning. It would be funded by \$1 million in fiscal 1974, and by a total of \$10 million for completion. It represents, I believe, a unique service to all our States—at a modest per State cost.

The thrust of the humanities program is to concentrate on activities which have a broad outreach to the 150 million Americans who do not have access to the humanities through institutions of

formal education. It is obvious that this is an enormous task. Certainly, it cannot be accomplished by government alone—but only in terms of a partnership between government and the private community.

The programs I have outlined—and I have only mentioned a few—do not encompass anywhere near a point where all eligible institutions or individuals would find Federal assistance. There are more than 2,500 institutions of higher education, more than 5,000 museums, more than 1,000 major library systems, and 200 public television stations—and all these plus tens of thousands of individuals are possible and potential beneficiaries of aid from the humanities endowment. Dr. Ronald Berman, the endowment's chairman, gave us these figures during our hearings. He also estimated that by the end of this present fiscal year the endowment will have received over 5,000 applications seeking a total of \$160 million. To date the endowment has been able to provide assistance for approximately one out of nine applications. Even with full funding for this endowment's work at the levels approved by the committee, we would be reaching—for example—only 10 percent of 4-year college teachers and 10 percent of 2-year college teachers in the endowment's fellowship program.

I use these examples to emphasize that these levels are not Nirvana. They are not Shangri-la. But they do provide the impetus; they do provide the impact we seek. In case after case, we have seen that the impetus for this program, both arts and humanities, which is unique in our history, engenders in the private sector two and three and four times the amounts invested by the Government.

Let me now give two examples of unique programs which apply to my own State. One deals with the arts and applies to providing low cost tickets for arts events for people of limited financial means. As Barnet Fain, the chairman of the Rhode Island State Council on the Arts, stated at the hearings: "This program is probably the single most innovative and successful undertaken by the Council." In 2 years this program has vastly increased opportunities for those it serves. For instance, the number of disadvantaged community groups aided to enjoy and appreciate the arts has grown from 658 to 2,250. Senior citizens aided have increased from 107 to 921—a ninefold increase. I would like to see such a program applied nationally, but then we would have to consider funding in excess of the amounts proposed.

The other program applies to the humanities endowment and is described in a letter to me, dated February 27, 1973, from Stansfield Turner, vice admiral, U.S. Navy, president of the Naval War College in Newport.

It says in part:

May I express my enthusiastic support for the legislation you entered on February 7th (S. 795) in support of the National Foundation on the Arts and Humanities.

I am writing because I would like to mention to you the considerable support that I have received here at the Naval War College from the National Endowment for the Humanities section of the Foundation. It has

been my view that an understanding of the humanities is just as vital to national defense as is comprehension of the many technical fields in which we are involved. This is particularly the case in a military institution of higher education such as a Naval War College.

Military officers as a group are accustomed to a world in which there are right and wrong solutions to most problems. They are conditioned to this by their early education and by the exercise of responsibility in a highly technical atmosphere. You are as well aware of this as I from your experience in the Coast Guard. When officers begin to reach the more senior grades, it is important that we introduce them to the problem of understanding the uncertainties, the inexactness, and the approximations that must be faced in dealing with many of the broader issues they will confront as senior military officers. We have set the Naval War College on a course toward achieving just this.

Accordingly, I drew very specific assistance from the National Endowment for the Humanities in restructuring the curriculum here. . . . The National Endowment provided the inspiration for this and a great deal of the spade work in preparing this curriculum material.

Accordingly, I am most impressed that S. 795 would be a forward step beneficial to all segments of our society including the military. It is far too easy to lose sight of the broad objectives such as this under the press of everyday pressures. I do hope you will receive all the support necessary to carry this bill through to enactment.

I think this letter speaks eloquently for itself.

And it goes to the very roots of this legislation we are considering which declares, with reference to the humanities: "that democracy demands wisdom and vision in its citizens and that it must therefore foster and support a form of education designed to make men masters of their technology and not its unthinking servants."

In the administration's budget for fiscal 1974, we see that \$17.4 billion is requested for science and technology.

One of the original purposes of this act was to help correct the imbalance between Federal support for scientific and technological areas and Federal support for cultural advancement. Even with full funding for this bill for fiscal 1976—or a total of \$400 million—we can see what a comparatively minuscule proportion, less than 2.5 percent, would be going to cultural areas.

The imbalance will continue, but we have the opportunity today of making an appropriate, a realistic, a reasonable commitment to cultural progress.

Mr. President, at this point I ask unanimous consent that the following table relative to the administration's budget request for the arts and humanities program be inserted in the RECORD.

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

PROGRAM AND FINANCING (IN THOUSANDS OF DOLLARS)

	1972 actual	1973 estimate	1974 estimate
Program by activities:			
1. Promotion of the arts...	33,083	43,691	80,000
2. Promotion of the humanities...	31,939	45,905	80,000
3. Administration...	3,363	5,314	8,000
Total obligations....	68,385	94,910	168,000

Mr. McCLELLAN. Mr. President, we are going to hear speeches of this type all during this session of Congress. There is and will be, in my judgment, an all-out assault on the defense budget.

It would be well, it would be wonderful, it would be utopia, if there were no war, no prospect of war, and no necessity to spend money for national defense. All war is wasteful. The money we spend for our defense is aimed at preserving our independence. We may make mistakes in judgment. I think we made a mistake when we got into the Vietnam war. I have never contended we belonged there. I have simply said that if we belonged there, the rest of the free world belonged there with us—and they were not there. I also said that if we are going to fight a war, we ought to fight it as a war, and we did not do that.

There have been a lot of mistakes, and we cannot lay all the responsibility on any one party.

This country faces a crisis with respect to its fiscal affairs. And I can say to my friend that I do not believe we can take enough money out of the defense budget to pay for all of the programs that we would like to have. I honestly do not think there is enough money in the defense budget unless we intend to disarm America.

Here is a program that is not being cut. It increases it by 50 percent during fiscal 1974.

There are other programs that are just as meritorious. The distinguished Senator from New Hampshire (Mr. COTTON) mentioned one. There are many others that could be mentioned, I am sure. However, when we increase a program like this by 50 percent in 1 year and under the conditions that now prevail, I think we are being rather generous. I can say that we could disarm America if we wanted to. However, I do not agree that we should do so. I do not think that we want to do so.

I favor cutting the budget. We will find ways to do it. I reported to the Senate that I would make an effort as chairman of the Defense Subcommittee to cut the defense budget by \$3 billion. Last year we cut it by \$5 billion. I hope that we can do the same this year. However, I am not willing, and I will not make any commitment here, to cut the defense budget to where I think it impairs America's defense, or runs a risk that would leave us exposed to the danger of another war.

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

Mr. McCLELLAN. I yield.

Mr. PELL. Mr. President, I would completely agree with the Senator with respect to defense. However, when we talk of the defense budget, I think we are using a misnomer. I think that a better word would be the word that used to be used, the War Department. We are engaged in really offense and warmaking and potential warmaking. We have some 2,000 bases around the world. And we have engaged in a civil war which even Henry Kissinger now calls a civil war in Southeast Asia. It is degrading for a Nation like ours with 200 million people and a huge gross national product to engage in such practices.

Yet, we have participated there on behalf of people who are engaged in their own civil war.

Mr. McCLELLAN. Mr. President, I simply hope that the Senator had the same anxiety about the people of South Vietnam who were murdered in cold blood by the invaders from the north. I hope that the Senator has the same compassion for them.

Mr. PELL. I do. However, it was a civil war. We usually let a civil war be fought out in the local areas. The money we are using now is being used to my mind to spread around the world in a warmaking way.

Mr. McCLELLAN. Does the Senator want to completely disarm this country?

Mr. PELL. I do not wish to disarm the country. I want to enable the United States to keep the enemy away.

Mr. McCLELLAN. In which category does the Senator place nuclear weapons and aircraft carriers. Should they be associated with defense or with warmaking?

Mr. PELL. Those would be defense. We have new bases around the world. I noticed in the press to my horror the other day that we are closing our bases at home.

Mr. McCLELLAN. Mr. President, I am not opposed to reducing the defense budget. I proposed that it be reduced. I asked the Defense Department to submit a list of all bases we have, together with the personnel and the cost of maintaining those bases and their priorities. I expect to get that information soon.

Mr. PELL. Mr. President, would that list be classified?

Mr. McCLELLAN. So far as I am concerned, it will not be classified. I have asked for the complete information. I want a list that will be of use to the Senate in its deliberations.

I agree with the Senator with respect to some of these commitments that we have. I want to reduce them. I want to make these cuts so that we can have more money for other purposes. I am for defense. I do not want to start a war. However, I am convinced that we have to be prepared. Otherwise we will be exposing ourselves to what might be the whims of an enemy who thinks he can take advantage of our lack of adequate defense. This is what happened to other countries that were defenseless, as the Senator well knows.

Mr. PROXMIRE. Mr. President, the Senator from Arkansas has agreed with the Senator from Rhode Island, he indicated that he favors cutting the defense budget. The Appropriations Committee did that last year and the year before. However, we cannot have a vast increase in expenditures in this program and other programs by just cutting defense.

I have been in the forefront of those who say that we have to hold down military expenditures. However, that is not enough. We cannot go on a spending spree elsewhere and take it all out of defense.

The Senator from Arkansas is dead right. That would mean that we would be irresponsible and would damage the defense of our country.

We cannot meet the ceiling and have

an adequate defense and permit these programs to increase at this enormous rate.

Mr. McCLELLAN. Mr. President, if there were only a few programs of the type under consideration, we could forget about them. However, there will be increases proposed in one program after another as the session continues. S. 795, alone, provides for a 50-percent increase in authorization during the 1974 fiscal year and a 500-percent boost by fiscal 1976.

I go along with the amendment proposed by the senior Senator from Wisconsin. However, I hate to think that I must go along with every other 50-percent increase proposed, for the 1974 fiscal year. We have to strike a balance in these matters.

I will go along with this increase. However, I do say now that we cannot make equivalent funds available for other programs of equal or more merit. We cannot do it without fueling fires of inflation which may consume us.

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

Mr. McCLELLAN. I yield.

Mr. COTTON. Mr. President, first I would like to array myself squarely behind the distinguished chairman of the committee on which I serve in everything he has said. I would like to say regarding the remarks of my friend, the Senator from Rhode Island, that he has used two phrases—one is "warmaking" and the other is "defense."

With regard to his remarks about warmaking, the Senator from New Hampshire will stand squarely with him. For long years I have said publicly to my people that I repented in sackcloth and ashes for the vote I cast on the Gulf of Tonkin joint resolution. It is one of the votes I shall always remember. It is one of the votes that I wish I could take back. However, after we were engaged in conflict in Vietnam and all through the Johnson years and all through the Nixon years, as long as we had our troops there and as long as we had our boys there and as long as we had our prisoners of war there, I voted against the resolutions presented to the Senate concerning cutting off the financial support of our troops and always considered them as aiding and abetting the enemy.

I felt it was a vote either for America or to encourage Hanoi, and I went down the line. But I want to say that that is over as far as I am concerned. Our boys are home. Our prisoners, we hope, are home—all of them.

Mr. McCLELLAN. Mr. President, I find I must leave the Chamber. Therefore, I yield the floor to the Senator from New Hampshire.

Mr. COTTON. Now, why we are staying over there and bombing is beyond my comprehension; and even though I am, of course, in general support of the administration, if there is any way to avoid it, by any resolution, now that we are out of this war, let us not go back in. I will go with the distinguished Senator from Rhode Island all the way, or whoever offers a resolution in the Senate, to bring back all our people, assuming that our prisoners are back.

Let us not wait until they take some more, shoot down some planes and get some more. Then we will be involved again.

To that extent, I say the Senator from Rhode Island is dead right. But when it comes to national defense, that is a different story. When it comes to national defense, I do not believe that we should permit ourselves to fall behind our certainly one and probably two great possible rivals in the world, because I think we must depend on ourselves for American security, and I simply wanted to draw a distinction between those two things:

Let us not confuse the question of warmaking with the question of national defense. I still feel that we could get along another year, in this particular program, for what we had last year, and increase it later. But I find myself voting with the distinguished Senator from Wisconsin, because we cannot have all these things and have any expectation of getting this budget under control this year.

Mr. PELL. Mr. President, if the Senator will yield on that one point—

Mr. COTTON. I yield the floor.

Mr. PELL. I would make one observation with regard to the budget for this year, not for 1974.

Mr. COTTON. I am talking about 1974.

Mr. PELL. Right. The figure that is in my basic bill is essentially the administration's figure for 1974, and the amendment would cut the proposed budget or administration figure for 1974. In 1975 and 1976, the administration suggests the phrase "such sums as may be necessary," and my figures are specific, and very much larger. But for this year the budget figure is in the basic bill, and not in the amendment.

Mr. COTTON. I understand that. I appreciate the Senator's calling it to my attention. He is perfectly correct. But I do not agree with the administration, and I do not have to go along with the administration in everything it recommends. Its recommendation for fiscal 1974 for this program, in my opinion, is too much, and the money is needed much more in more vital programs.

As for the future years, I would not agree with my friend from Rhode Island, because I like to meet each year as it comes along. This obligating ourselves ahead and forward funding is one of the things that have led us down the primrose path until less than 44 percent of public spending ever comes before the great Appropriations Committee that my friend from Rhode Island said were the arbiters.

Mr. PELL. The presidium.

Mr. COTTON. Or the presidium. I do not know if I accept that term, but it is a good term.

But we are the presidium over only less than half of our spending, because of the obligations we have incurred in advance, and to which we have tied ourselves and probably the generations to come.

So I would oppose the setting of any amount for fiscal 1975 or fiscal 1976; and for fiscal 1974, I cannot go along with the administration's figure; I prefer to go with the Senator from Wisconsin (Mr.

PROXMIRE). I could even stand it if it were slightly less than the figure of the Senator from Wisconsin.

I yield the floor.

Mr. HRUSKA. Mr. President, I wish to address a few words on the subject of the National Endowment for the Arts and Humanities. It seems to me that any society which neglects the arts and humanities will, in the long run, feel the consequences of that neglect. Conversely, a society which recognizes the importance of the arts and humanities profits from improvement in the quality of its cultural life.

An example of the importance of the arts comes to mind. Recently, the Omaha-Council Bluffs Riverfront Development program received a grant from the Arts Endowment for \$15,000. This grant is being used to establish guidelines for architectural style, park planning and zoning in the Riverfront Development area. It is part of the "City Edges" program of the National Endowment for the Arts. The concept of City Edges is new and interesting. It is an attempt to define areas within cities with regard to their own special characteristics. The riverfront area of a city, for example, has different geographic characteristics than the business or residential areas. What the City Edges program attempts to do is frame these areas so that they complement rather than detract from one another. I am confident that better buildings, better surroundings and better lives result from such grants.

As chairman of the Subcommittee on Federal Charters, Holidays, and Celebrations, I noted with interest the recent transfer of funds in the amount of \$200,000 for the American Revolution Bicentennial Commission to the National Endowment for the Humanities. I understand that the National Endowment for the Arts and the National Science Foundation have received similar amounts for their respective bicentennial activities. Many of the projects currently funded by the endowments are in some way connected with Bicentennial activities. It is important to note that any bicentennial activity supported by the endowments will be an extension of the endowment's customary activity and will be conducted through the usual grant-making processes and in accordance with the endowment's recognized high standards. I also understand that it is anticipated that the number of bicentennial projects will increase as the Nation approaches 1976. The funds transferred from the American Revolution Bicentennial Commission to the Endowments for the Arts and Humanities will be used to support these projects.

Projects that are supported by these funds will have regional or national significance and should be operational by 1976. Projects which will be eligible for support include museum exhibits, seminars, and endeavors which will extend the public's knowledge of the role of arts and humanities in the growth of the Nation.

There are many positive aspects of the endowment's work. I want to mention one more: grants to State art councils.

Endowment grants to State art councils have allowed those councils to better serve their respective communities. In Nebraska, endowment grants to the State Art Council have allowed the council to fund theatre and orchestra performances that otherwise might not have been seen and heard. They have helped communities begin work on centers for the arts that otherwise might not have been constructed. And they have helped scholars research subjects that otherwise might not have been investigated.

We are fortunate, Mr. President, that we as a Nation have recognized in the National Foundation Act of 1965 the importance of the arts and humanities to the quality of our national life. It is for this reason that I favor extending authorizations for the Arts and Humanities Endowments. I prefer an extension as proposed by the administration in S. 916, which calls for indefinite authorizations for fiscal years 1975 and 1976 rather than the fixed amounts proposed in S. 795. This, however, is a question of spending procedures and not a disagreement with the substantive goals of the 1965 act and the proposed amendments.

Mr. DOLE. Mr. President, clearly there is a national commitment for the arts and humanities, for they are central to our Nation's well being, to civilization and mankind. Today, there is a growing appreciation of the fact that our cultural resources are a national treasure, to be nurtured, much the same as our natural resources.

Since enactment of the National Foundation on the Arts and the Humanities Act of 1965, the Federal involvement in, and support of cultural activities in both the arts and humanities areas, has broadened in scope and effectiveness. In this the Federal Government has a vital role. The need for this kind of general public education is great, and should be sustained by the Government, although it entails a more than equal input from individuals and private organizations. As a public foundation spending public moneys, it is with the usefulness of the arts and humanities to the Nation's organic conditions of continuity and change of society, that we are concerned. The endowment seeks to follow Jefferson's plan that the wisdom of the Nation should increase with its power.

The Foundation has been at work only a short time, its funding, given the weight of great public issues, remains manistic knowledge, which should be general public outside the campuses and institutions are now coming into play on a significant scale. Continued funding will nurture activity in the arts and humanistic knowledge, which should be available to all citizens at every educational level. What has been done in creating the National Foundation on the Arts and Humanities is to set in motion a process that reaches deeply toward the roots of our culture, to insure its continued growth in a world acceptable to our children.

The time for work in the arts and humanities is not fixed at today or tomorrow, it is cumulative in its task of enhancing the Nation's health, its

moral strength, and intellectual integrity. It may be one of the greatest achievements of the modern era in realization that all people gain security by sharing rather than by secreting knowledge. It seems evident that knowledge cannot be contained and that an inexorable elevating of intellectual capability is needed if we are to achieve social equilibrium in the form of peace.

There is in this bill a symbolic bringing together of the Federal Government and the States, in the arts and the humanities. Government has a limited but important function in encouraging the arts and humanities, and of reinforcing local initiatives and helping these institutions to help themselves.

In 1960, only 14 States had State arts councils and State art programs; today, all 50 States have such councils and programs. And there are 40 State-based programs in the humanities. The level of funding for fiscal 1974 is consistent with proposals made by the administration. It should be noted that, on a per capita basis these amounts for each endowment now represent approximately 40 cents per person per year in fiscal 1974, 70 cents per person per year in fiscal 1975, and \$1 per person in fiscal 1976.

The nurturing of Federal encouragement of the arts and the humanities and the nurturing of such encouragement in all the States signals a Federal-State-local partnership in developing our cultural resources which must continue to be encouraged so that it might achieve its full and true growth. The legislation before us seeks to provide that nourishment and encouragement.

Mr. CRANSTON. Mr. President, the Senate is now debating a measure of great importance to the future of the arts and humanities in the United States.

If we approve S. 795, to extend the life of the National Endowments for the Arts and Humanities, Senators will once again make clear their belief that all Americans should share the rich resources of the arts and humanities, as audience and as participants.

My support of this legislation has been complete and unqualified. The measure is simply essential to the future of the arts and humanities and the role they can play in our lives.

On behalf of Californians, I thank the distinguished Senator from Rhode Island (Mr. PELL) whose leadership as chairman of the Senate Subcommittee on the Arts and Humanities has brought forth a measure that offers new horizons for the arts and the humanities in America.

I know that Senator PELL had the creative support of the ranking minority member of the subcommittee, the Senator from New York (Mr. JAVITS). Senator JAVITS's commitment to the arts and humanities is unquestioned. There is much in this measure that reflects his high ideals and considerable knowledge of the arts and humanities.

Mr. President, my reasons for supporting this measure are not complicated. I believe that creativity, the quality of ideas, and the open expression so

essential to a free society need our careful nurturing now more than ever before. I also believe that the Federal Government has a responsibility to provide the leadership and the means to keep the arts and humanities from the growing list of societal "endangered species."

We are emerging from a destructive decade. We reached new levels of violence at home and we exported violence to Southeast Asia. We began paving over the countryside. We tore apart our great cities and we failed to put them back together. We built more machines and made more noise and deafened more Americans. We poisoned our water and polluted our air.

Mr. President, we must come to grips with what seems to be a new national pastime: The steady destruction of all that is beautiful, of all that is true, of all that is real and satisfying.

We need a national blueprint for esthetic education.

I believe the National Endowment for the Arts and Humanities is the way to get that blueprint and the way to achieve its realization.

Briefly, Mr. President, that is one of the reasons I so enthusiastically support this legislation.

But apart from rationale, there are some substantial and exciting things happening in the State of California—delightful, effervescent things that are engaging the minds, alerting the eyes, and quickening the senses of the people of my State.

To cite just a few of the activities the National Endowment for the Arts, alone, is making possible:

In Los Angeles, the endowment has funded the gallery operations of the Mexicano Arts Center, in the eastern sector of the city, which serves—in the words of the endowment—"students, school dropouts, and street people." The project is winning the hearts of a long-oppressed community.

In San Francisco, the endowment has gotten the private and public sectors together to fund a "neighborhood arts program" under aegis of the San Francisco Arts Commission with the cooperation of the Zellerbach Foundation.

Again, in Los Angeles, the endowment has helped mount a performing arts training program for talented persons of Mexican-American heritage who want to make the performing arts, particularly the film arts, their careers.

And, all over California, the endowment has aided my State's symphonies and orchestras, its museums and its galleries, and its struggling dance companies and its individual artists that have been so long without the encouragement and aid they so well deserve.

Mr. President, I am reminded of a statement made not too long ago by one of America's greatest philanthropists, John D. Rockefeller 3d. In a speech in St. Louis, Mr. Rockefeller stated the case for the arts—and, by implication, the humanities—as succinctly and as well as I have ever heard. He said:

If we really care about the dignity of the individual, about his potential for self-fulfillment, then we must have a deep and rich

sense of the place of the arts in our individual lives. We need the arts if we are to be whole human beings—fully alive and vital and in control of ourselves and our environment. We need the arts as the key to the higher order of things—our cultural heritage, our gift of expression, our creative faculty, our sense of beauty. We need the arts if we are to have discriminating taste, the ability to judge levels of quality in all the works of man. And we need the arts if we are to have the truth—if we are to understand ourselves.

Mr. President, William Saroyan certainly knew this when he wrote that—

The purpose of art is to give the traveling human race an improved map that shows the way to itself.

At this stage in the American life, we need that roadmap; we need to find the way to ourselves.

Mr. President, we need the arts.

TO PROMOTE THE FREEDOM TO CREATE AND
TO REFLECT

Mr. HUMPHREY. Mr. President, I rise in strong support of S. 795, a bill to amend the National Foundation on the Arts and Humanities Act of 1965 and to extend authorizations for highly important programs under the act for 3 years.

The "declaration of purpose" under this historic legislation includes formal recognition by Congress that a Nation's position in world leadership should include leadership in the realm of ideas and of the spirit. A vital new direction in national policy was established in the original enactment of this legislation, with the finding and declaration by Congress:

That a high civilization must not limit its efforts to science and technology alone but must give full value and support to the other great branches of man's scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future.

The National Endowment for the Arts and the National Endowment for the Humanities, served by a point administrative staff, have compiled an impressive record of accomplishment in carrying out this policy with very limited funds. Chaired respectively by Miss Nancy Hanks and Dr. Ronald S. Berman, and provided with excellent guidance by their 26-member private citizens councils, the endowments have made great progress in making the benefits of the arts and humanities available to all our citizens, in maintaining the criteria of quality and excellence, and in providing essential assistance for independent research and creativity. It is clear that Federal funds have been a major stimulus for State matching funds and for private support for these programs. But it is also clear that the higher authorizations provided for in this bill are fully merited, particularly in light of the great number of applications of high quality which the endowments are unable to support.

The Minnesota State Arts Council has effectively utilized grants received under the Endowment's Federal-State partnership program over the past 2 fiscal years to provide support for a tour by the Minnesota Orchestra in States of the Upper Midwest, for the Dance Coordinated Residency Touring program, and for various community arts programs. Promising

writers have received fellowships; more audiences have been enabled to enjoy the annual Bach Festival; support has been given for an exhibition entitled "American Indian Art"; the Minneapolis Society of Fine Arts has been helped to take art collections to the people; the St. Paul Civic Philharmonic Society has launched a college residency program and carried through its concert opera project; notable opera productions in Minneapolis and St. Paul have been made possible; and the Children's Theater Co. in Minneapolis has received support for performances throughout the metropolitan area.

These are only some of the highlights of exceptional accomplishments in Minnesota as a result of Endowment grants. In addition, the Guthrie Theater Co., whose productions have achieved nationwide recognition, has received major support under this program. Recently, the company's traveling production of John Steinbeck's "Of Mice and Men" returned from a 10-week tour of the Upper Midwest that took it to 15 cities in six States. Its performances reached 66,000 people. And these performances were supplemented by educational programs, seminars between company members and students at local schools, and creative drama sessions.

The Minnesota Humanities Commission, chaired by Mr. Russell W. Fridley, director of the Minnesota Historical Society, has made more than 40 grants, on a matching basis, to colleges, libraries, educational television stations, museums, historical societies, and community organizations to share with the public at large the insights of humanists. These can include relating the humanities to public issues, encouraging open discussion about basic questions of social values, government and law, and so forth, where the philosopher, the historian—the humanist exercising his discipline—can make a vital contribution toward promoting voluntary joint decisions and collective action on current problems. It is my conviction that such programs must continue to be carried out in an atmosphere of independence and innovation if they are to be a catalyst for effective cooperation.

The National Endowment for the Humanities has taken imaginative steps to broaden public exposure to the vital importance of these disciplines. Beginning April 12, the Humanities Film Forum, made possible by a grant from the endowment, has been presenting 10 outstanding films to television viewers across the United States—some of which are cinematic translations of great literary works, and others providing new insights into major historical events and developments. This fall, newspaper readers in over 125 communities will be able to take a college-level course in American studies over a 20-week period under an extension program, called "Courses by Newspaper," launched by the University of California, San Diego.

The report from the Senate Committee on Labor and Public Welfare, accompanying S. 795, raises important questions with respect to the involvement of the respective endowments in the Na-

tion's Bicentennial Celebration, and the principles enunciated by the committee should be regarded as constituting basic legislative history for guidance on this important matter. I also support the committee's recommendations respecting individual grants, the renovation and construction of facilities, council membership, matching fund requirements for State arts agencies, and compliance with basic labor provisions. And I am in accord with the recommendation that State humanities programs should continue to develop in a cooperative manner, rather than by mandating the designation of State agencies, and with the further recommendation for legislative steps to assure that adequate support is continued to independent research libraries throughout the Nation.

Mr. President, I urge the Senate to act favorably on this legislation to demonstrate our national commitment to promote the freedom to create and to reflect—to strengthen the esthetic and ethical values and the resources of basic knowledge that are vital to a better civilization.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 1, 1973, he presented to the President of the United States the enrolled bill (S. 1494) to amend section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to limit the number of employees that may be retired under such act during specified periods.

SPECIAL PROSECUTOR FOR WATERGATE INVESTIGATION—SENATE RESOLUTION 105

Mr. CURTIS. Mr. President, I ask unanimous consent that the vote by which Senate Resolution 105 was agreed to be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, will the Chair indulge us for a moment?

The PRESIDING OFFICER. Certainly.

Mr. CURTIS. Mr. President, I renew my request.

Mr. PELL. Will the Senator explain his request?

Mr. JAVITS. Mr. President, reserving the right to object—and if necessary, I shall object—I only wish to enable the author of the resolution, the Senator from Illinois (Mr. PERCY), to come to the floor of the Senate. Then he can take care of the matter himself. If the Senator from Nebraska insists upon pressing his request, we should have the Senator from Illinois here. Otherwise, if it is in order, I shall suggest the absence of a quorum.

Mr. CURTIS. I decline to yield.

Mr. President, I hold in my hand a letter from the Senator from Illinois, stating that he planned to submit a resolution calling upon the President to appoint a special prosecutor for the purposes of investigating and prosecuting any crime relating to illegal acts associated with the Presidential campaign of 1972.

This is a procedure that does not reflect credit on the U.S. Senate. The reso-

lution was never printed. It was called up during the noon hour, when only five Senators were present.

Mr. AIKEN. Not over five.

Mr. CURTIS. The resolution purports to convey the sense of the Senate. The letter implies that the resolution would not be called up today. The letter reads in part:

If you would like to join me as a cosponsor of this resolution, a copy of which is enclosed, please call me or have some member of your staff contact John Childers (Ext. 57916) today, if possible.

The next sentence says that "between 12:30 and 1 p.m." there would be a discussion of the matter.

Mr. President, when one is invited to become a cosponsor and to get his answer back today, if possible, the implication is that the resolution would be submitted today. In the ordinary course of business, that implies that the resolution would be printed. But it was agreed to during the noon hour, without notice to Senators generally—I dare say without notice to the cosponsors.

My objection to the resolution is this: It expresses the sense of the Senate that the President appoint a special prosecutor with reference to the Watergate case. Judging by the use of the word "prosecutor" instead of "investigator," the resolution bars the appointment of former Senator John Williams. I submit that John Williams is better capable of investigating the Watergate incident than any other person in the country. Why? Because he is free from the accusation that he would use the investigation to advance himself politically. He has retired from politics. He is one of the most skillful and distinguished investigators ever in the Senate. His character is unimpeachable. The press has absolute confidence in John Williams.

This morning, when I made by statement suggesting this, several members of the majority party, not all those on the record because they could not get here, said it would meet with their approval, that they thought it would go unanimously—and I think it would, too, because he is a man who is well respected.

Now, it is true that we could go outside public life and pick many thousands of honest and dependable people to do the job, but, they would be unknown to the public. If John Williams made this investigation and he said these men were guilty but this man was innocent, there would be no feeling that it was a coverup, no feeling that partisan politics had been played, and no feeling that someone was conducting an investigation to advance himself.

All I wanted was the chance to amend the resolution so that John Williams would not be barred. But here, without notice, an unprinted resolution is called up during the noon hour.

Mr. President, I renew my request, and ask unanimous consent that—

Mr. AIKEN. Mr. President, will the Senator from Nebraska yield?

Mr. CURTIS. As soon as the Chair rules.

Mr. President, I ask unanimous consent that the vote by which Senate Resolution 105 was agreed to be reconsidered.

Mr. JAVITS. Mr. President, I object.

The PRESIDING OFFICER (Mr. JOHNSTON). Objection is heard.

Mr. CURTIS. Mr. President—

Mr. AIKEN. Mr. President, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, I have been informed that the principal sponsor of this resolution is on the way over here now and that it would be only an act of courtesy to withhold any statements or action on the motion of the Senator from Nebraska until he gets here.

Let me say for the record that at least 95 of us were not extended the courtesy of knowing when this resolution was to be submitted and when it was to be acted on by the Senate.

It is well known that both parties were having a luncheon conference at the time, and I do not know how many were left on the floor, between two and five people, and yet what they did was represented as the unanimous action of the Senate.

It is one of the most reprehensible operations that I have seen during my long period of service in the Senate.

I think that the Senate, the country, and the President deserve an apology from those responsible for doing this. I do not know what the motive was, but the effect is to harass and condemn the President of the United States—the same President who got our troops back from Vietnam, the same President who has done more to restore peace in the world than anyone has done for many years; yet, this unexpected action by two or three or not over five Members of this body has the effect of condemning him.

Mr. COTTON. Mr. President, will the Senator from Vermont yield?

Mr. AIKEN. I did not know about this resolution until after the luncheon. I go to my office and there it is, inviting me to become a sponsor. It passed this body while most of the Members were at a preannounced luncheon. The motion was made to reconsider and that motion was laid on the table with nearly every Member of the Senate knowing nothing about it. That is pretty low politics in my book.

Mr. COTTON. Mr. President, will the Senator from Vermont yield?

Mr. JAVITS. Mr. President, will the Senator from Vermont yield to me?

Mr. AIKEN. I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I should like to say to the Senator from Vermont that I must concur in what he has said—not quite with all of his expressions, but nearly all of them; but certainly in the sentiments that he has expressed in his characterization of the result of what happened.

Mr. AIKEN. It was known that virtually every Member of this body would be absent from the floor at the time this resolution was submitted and immediately acted on.

Mr. JAVITS. Mr. President, will the Senator from Vermont yield to me?

Mr. AIKEN. I yield to the Senator from New York, without losing my right to the floor.

Mr. JAVITS. Yes. The Senator from Vermont retains his right to the floor, of course.

Mr. President, it should be made clear, so far as I am concerned, that I was not on the floor either when this resolution was agreed to, although I am a cosponsor, as are others. But I protect the right of a Member to come here and defend himself.

Mr. AIKEN. I agree with that.

Mr. JAVITS. That goes, of course, for the two distinguished Senators from Vermont (Mr. AIKEN) and Nebraska (Mr. CURTIS).

Mr. President, now that the distinguished Senator from Illinois (Mr. PERCY) is in the Chamber, Senator CURTIS is at liberty to renew any motion that he wishes and I shall certainly not interfere.

Mr. AIKEN. Mr. President, it is well to give the principal sponsor of this resolution the courtesy which was not extended to 95 Members of the Senate earlier today.

The PRESIDING OFFICER. What is the will of the Senate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

Mr. COTTON. Mr. President, reserving the right to object to the Senator's request, if the purpose—

The PRESIDING OFFICER (Mr. JOHNSTON). The Chair would inform the Senator from New Hampshire that debate is not in order during a quorum call. The Senator would have to object to the withdrawal of the quorum.

Mr. COTTON. The Senator from Illinois asked that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. AIKEN and Mr. COTTON objected.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The second assistant legislative clerk continued the calling of the roll.

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

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

Mr. PERCY. Mr. President, I should like to explain, for the benefit of my colleagues, exactly what I had in mind, to assure them that if there is any concern in their minds about this, I would be very anxious to take into account their feelings. I have a very high regard for their judgment; but in using the procedure we used today, I used a procedure for which there was precedent.

The question of Vietnam and the President was mentioned by the distinguished ranking member of the Committee on Foreign Relations. At the time the President addressed the Nation on October 7, 1970, and requested and offered negotiating terms that for the first time appeared as though a major breakthrough could be made in establishing a negotiating base for settling Vietnam, I talked to the President the night of the speech.

He asked for help as quickly as he could have it in connection with the presentation he had made to the Nation.

That night, I prepared a resolution commending the President for the initiative he had taken. I discussed it with the majority and minority leaders and asked what was the fastest method we could use to see that the sense of the Senate resolution was put on the record by the Senate as early as possible. It was submitted that day, and that day it was unanimously adopted, by a unanimous consent agreement. I followed the procedure of contacting both sides of the aisle.

In this case, after hearing Secretary Rogers yesterday and his comments on a special prosecutor, and his express concern that delay might be the endangering factor in this kind of case, I assured him that the Senate could move with dispatch when it seemed appropriate and necessary.

For that reason, I prepared the letter. I delivered a speech on the floor of the Senate yesterday and indicated my intention to submit the resolution. I had discussed it with a number of my colleagues, but I indicated at that time that I would not submit the resolution until we had an opportunity—all of us—to hear the President last night.

I indicated that Representative JOHN ANDERSON, of Illinois, would submit a resolution in the House; but the House had also decided to withhold by 1 day the submission of the resolution.

After hearing the President describe last night that he had authorized Secretary Richardson, Attorney General-designate of the United States, to appoint a special prosecutor—I am not certain of the exact words he used, but he suggested that if he felt that it was necessary, he could go ahead and do so—it seemed that there was a community of thought now moving in generally the same direction.

This is not a new idea. The President of the American Bar Association has called for it; leading newspapers all over the country have called for it. It is not in any way implicating or showing a lack of confidence in the President of the United States. It simply follows a procedure which in 1924 President Coolidge followed, after both the House and the Senate passed a resolution at that time calling for an independent special prosecution in connection with the Teapot Dome affair.

There has been a correlation between these two matters, from the standpoint of the seriousness to the country, and the question is whether or not the executive branch properly should investigate itself in this matter, when every one in the Nation is concerned. It is to add credibility to the prosecution. It is to share responsibility. It is to fulfill our constitutional function of confirming the nominations of all officers of the United States who are appointed by the President, except those "inferior officers," as chapter 2, article II of the Constitution provides that Congress determines need not be confirmed by the Senate.

This is not an inferior office. This is a major office. If we confirm the nomination of a second lieutenant when he is

promoted to first lieutenant, certainly tens of thousands of confirmations indicate that the Founding Fathers felt that officers of the United States should be subject to the check and balance of the legislative as well as the executive.

Taking into account that all of us want to move with dispatch in this matter, I prepared a letter last night, after hearing the President, had it delivered by hand to 100 Senate offices this morning, and invited my colleagues to join me. At the very time that the distinguished Senator from Nebraska was speaking this morning, I joined him in indicating that a man of the caliber of John Williams would add a great deal to this particular investigation or prosecution. It was my feeling at the time that John Williams was a lawyer. I had always thought that he was a lawyer. I now have determined that he is not a lawyer. For that reason, he would not be eligible, I do not presume, to assume a position of a prosecutor, but he certainly could be an investigator.

My own feeling is that the Senate has provided for an investigation. We have a bipartisan committee that has been established for that purpose, fully empowered by the Senate.

The President has conducted his own investigation. We probably do not need more investigations. But I have no objection to accepting the amendment of my distinguished colleague if he feels that the amendment would add something to this matter and if it would have his support rather than his opposition.

The Senator from Illinois did what he felt in his judgment was the right thing to do from the standpoint of finding out what the procedure would be to carry this matter forward at the earliest possible time. After checking with the Parliamentarian, I advised the majority and the minority leadership that at the time designated for my remarks, between 12:30 and 1 p.m., I would ask unanimous consent for immediate consideration. If that unanimous consent had not been offered, as I understand the parliamentary procedure, it would have been laid over until the next day but would have been taken up as business tomorrow. I have no objection to taking this matter up tomorrow or the next day. As the minority leader has said, this matter could be debated at any time, but it was his general feeling that it would be passed by the Senate.

I would accept the amendment if this would answer the questions in the mind of the distinguished Senator from Nebraska.

I have checked with one of the principal cosponsors, Senator JAVITS, who sees no objection. I would like, of course, to have been able to check with all 15 Senators who are now cosponsors of the resolution before accepting the amendment, but I will take upon myself the responsibility, because of the strong feelings that have been expressed by my distinguished colleagues, for accepting the amendment, because I feel that it does not in any way impair what we are attempting to accomplish.

We are simply saying that we have a responsibility to share in this matter, to give every appearance to the whole coun-

try that we are working with the President in assuming responsibility and standing behind the investigation or prosecution, whatever it may be, that would be carried on in what the President termed last night a sordid affair.

I would be happy to yield to my distinguished colleague.

Mr. CURTIS. Mr. President, my objection here is to the procedure of the Senate. I have no objection to the resolution in general. I am serving notice now that there is no one in the leadership that has authority to waive for me the clearance of the consideration of a resolution that is not printed, during a noon hour when both parties are having a caucus, and in connection with which I have a letter in my hand which reached my office at 11:30 this morning which clearly implies the matter would not be called up today. I read this paragraph from the letter:

If you would like to join me as a cosponsor of this Resolution, a copy of which is enclosed, please call me or have a member of your staff contact John Childers (Ext. 57916) today, if possible.

If I know anything about the English language it means you have several days to do it. Then, the letter goes on to state:

Senator Domenici and I have reserved 30 minutes on the floor this afternoon between 12:30 and 1:00 p.m. to discuss this matter. Should you wish to discuss this matter yourself, I will be happy to yield you time at any point.

Now, here is a letter that goes out that infers Senators have all day to become sponsors. That letter arrived at our offices after most of us had gone to committee meetings. I had gone to the Committee on Agriculture and Forestry where we are marking up an agriculture bill. I did not see this letter until late today, but that is probably my fault for not going back to my office. The letter arrived at 11:30 a.m.

Now, we are setting a precedent that will do this Senate no good: Pretend to the world that this is the sense of the Senate and the Senate does not even know it has been passed. What sort of procedure is that?

My objection to the resolution is this. What is it we want? We want to have the Watergate cleared up for all time. If a message is to be sent to the President to ask someone to do that, I do not want the name of John Williams barred from consideration, and the passage of this resolution does that. It calls for a special prosecutor, and to prosecute one would have to go into court and practice law and one cannot practice law without a license.

I believe that whoever is to go to the bottom of this and get all the facts should be outside of Government. John Williams meets that test. He should be someone who would not engage in partisan politics. Those who know John Williams know he would not do that. He has taken his place in this Chamber and investigated matters that were against his party, as well as against the interest of any other party. It should be a man who is a skilled investigator. I submit there is not a more skilled investigator in the country than John Williams. It calls

for someone in whom the press has confidence. There never has been an investigator in connection with the Senate that has received higher acclaim from the press than John Williams.

Furthermore, when all is said and done, we want a job done by someone in whom all of the American people have confidence. John Williams meets that test. You do not want an investigator or prosecutor, even though his motives are pure and his conduct is pure, who is trying to build himself politically. John Williams has served his time on the track and he has retired and he has refused to run.

I have no right and this Congress has no right to force the President to do anything or to pick out a man for him. I have sent a letter to the President asking him to consider John Williams.

But I do object to the manner in which a resolution was passed in this Senate that would bar former Senator John Williams from taking a leading role in reference to this very important matter.

Mr. President, should I renew my request that this bill be reconsidered, I would not want it reconsidered tonight. I do not feel that this matter, having gone this far, should be considered unless the membership knows the time and place when it is going to be brought up. If it is reconsidered I expect to offer an amendment relating to section 1, in the first sentence, after the term "prosecutor" I would put "or investigator" and in section 2, after "prosecutor" I would put "or investigator."

This would leave it open so the President could consider the one man in the country who could do a better job than anyone else. But I will not make my request to reconsider if we are forced to do it tonight because here it is 6:30 in the evening and we would be indulging in the same procedure to which I object, and I believe most of the Senate would object to the procedure that has brought us to this point.

Mr. President, I ask unanimous consent that the vote by which Senate Resolution 105 was agreed to be reconsidered, and I ask further unanimous consent that after consent is granted and it is reconsidered, that the matter be made the pending business on a day later than this, upon due notice to all Members.

The PRESIDING OFFICER (Mr. PROXIMIRE). Is there objection?

Mr. PERCY. Mr. President, reserving the right to object, would the distinguished Senator amend his unanimous-consent request so that we could have a vote at a time certain tomorrow?

Let me explain what literally happened here. In checking on the parliamentary procedure, one objection would have been sufficient today to set it aside. I fully expected there would be an objection and that this would be considered on the calendar the following day. That is what I wanted to protect and insure. I found no objection. In fact, I found support for it from the leadership. I did not check with every Senator. That is true. I would be perfectly willing to either accept the distinguished Senator's amendment now and ask for unanimous consent for that purpose, or I would not

object if the amendment, if the unanimous-consent request were amended so that we could have a vote at a time certain tomorrow which would then give us adequate time to debate it, discuss it, and then vote.

Mr. CURTIS. Mr. President, is my understanding that if I correct my request merely to ask that it be considered, and if that were agreed to, then the matter could be called up at a later date as might be determined later? My parliamentary inquiry is: Is that correct?

The PRESIDING OFFICER. I am advised by the Parliamentarian that if the Senator asks unanimous consent he have permission to enter a motion to reconsider, that that would be in order, if that is granted, the motion would be entered on the Calendar. It could be called up at a future time.

Mr. CURTIS. Mr. President, in a moment I shall ask to restate my unanimous-consent request, and in so doing I will inform the Senate that if it is granted, I shall not call this matter up today.

Mr. President, I ask unanimous consent that the vote by which Senate Resolution 105 was agreed to be reconsidered.

Mr. COTTON. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. COTTON. Mr. President, two wrongs do not make a right. We have here a question of very delicate and far-reaching implications. Last night the President of the United States spoke to the American people and stated that he had named Elliot Richardson as Attorney General, having accepted the resignation of his predecessor, as a person of unquestioned integrity, to take the steps necessary to clear up the so-called Watergate matter, and that he had delegated to the Attorney General the privilege of naming a special prosecutor if he deemed it necessary.

This matter is a paramount matter in the press and in the public mind.

This morning—and I do not impute to the distinguished Senator, my friend from Illinois, who is a person of transcendent integrity, any intent to play grandstand politics, but the fact remains—within far less than 24 hours after the President of the United States had made a statement to the American people, action was taken on the floor of the Senate, with, I understand, only five Senators present, with the Republican Senators in their policy meeting, and I believe the Democrat Senators in their policy meeting, which could well be interpreted, and will, in my opinion, be interpreted in many quarters and in many segments of the press, as a vote of no confidence in the President of the United States, and it appears as a unanimous action of the Senate.

Now here we have, by my count, eight members on the floor, and it is suggested that we reverse that action and reopen it with only eight Senators.

This matter having been reopened, no matter how it comes out—I admire John Williams—I would like to have the opportunity to say a word for Elliot Rich-

ardson, whom I have known for many years and in whom I have great confidence. This should not be done without full debate.

I would like to see two things. I would like to see this unanimous-consent request made with a quorum of the Senate present, and I would like to see if there is a single United States Senator on either side of this aisle who will stand up and object to this matter being reopened—this action which was taken with only five Senators present. I do not think there is a Member of this body who would object, but I think it would be good to demonstrate the desire to have this matter aired thoroughly, and then, after the matter is reopened, that we have a full opportunity to debate it, because the action of the Senate, if it was not significant this morning, has become significant tonight. I hope that we will not take another step with only eight Members present. I would be disposed, unless it goes over to tomorrow, to insist on a live quorum before this unanimous-consent request is acted upon.

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

Mr. COTTON. I do not have the floor.

Mr. PERCY. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The Senator will state his parliamentary inquiry.

Mr. PERCY. Who has the floor?

The ACTING PRESIDENT pro tempore. A unanimous-consent request is pending. In the regular order, it is not debatable. The Senator from Nebraska has the floor. The Chair is inclined to be lenient and have Senators address the Chair, but the Senator from Nebraska has the floor. If he asks for regular order, the unanimous-consent request will be propounded.

Mr. CURTIS. Mr. President, I am going to ask to restate the unanimous-consent request. In so doing, I want to inform the Senate that if this particular unanimous-consent request is granted, nothing would be done today and nothing could be done without a vote of the Senate, because this unanimous-consent request, instead of asking that it be reconsidered, would be—which I will propound in a moment—that it be in order to enter a motion to reconsider the vote by which the resolution was agreed to. Then, instead of a handful taking action tonight, we would merely preserve the right to do it by motion tomorrow, and then there can be a rollcall or any procedure they wanted to take.

So my request, instead of being as I first stated it, that the vote be reconsidered, is that it be in order—and I am informing the Senate that I do not mean today, but I mean at a later time—to offer a motion to reconsider the vote by which the resolution (S. Res. 105) was agreed to.

So with that explanation, I now make this request: I ask unanimous consent that it be in order to enter a motion to reconsider the vote by which the resolution (S. Res. 105) was agreed to.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. PERCY. Mr. President, reserving

the right to object, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. PERCY. What would be the effect of this motion from the standpoint of this resolution being able to be taken up by the Senate, and would it be placed on the Calendar and would it be in order to take it up as the pending business tomorrow?

The ACTING PRESIDENT pro tempore. The Chair has been advised by the Parliamentarian that if the unanimous-consent request is agreed to, then the motion goes on the calendar under "Motions for reconsideration," and can be taken up at any time. The Senator from Nebraska has not named a time certain in his unanimous-consent request, and so it would just go on the calendar and be a part of the motions to reconsider.

Mr. AIKEN. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. AIKEN. If a motion to reconsider is made, then is debate on the resolution itself permissible without any time limit?

The ACTING PRESIDENT pro tempore. The Senator is correct. If a motion to reconsider is made, that is a debatable motion.

Mr. AIKEN. Then debate can be had on the resolution itself, as to its merits if any and the demerits also.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is correct.

Mr. AIKEN. That is what I meant.

The ACTING PRESIDENT pro tempore. It is debatable on its merits or demerits.

Mr. AIKEN. Mr. President, I wanted to be sure that a live quorum was available at the time.

Mr. ROBERT C. BYRD. Mr. President, if the unanimous-consent request which has been read by the distinguished Senator from Nebraska is agreed to, the entry of the motion to reconsider would go on a special calendar and at such time as the Senator or some Senator wished to proceed thereon, would the following not be the situation? There would first be a motion to proceed to consider the motion to reconsider.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is correct. There would have to be the motion that the Senator suggests.

Mr. ROBERT C. BYRD. Mr. President, there would really be two steps. First there would be a motion to proceed to consider the motion to reconsider. That motion to proceed to consider the motion to reconsider is debatable.

The ACTING PRESIDENT pro tempore. The motion is debatable.

Mr. ROBERT C. BYRD. And once the motion to proceed is agreed to, then the motion to reconsider is debatable.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is correct on both counts.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

Mr. PERCY. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. PERCY. Mr. President, if the Senator from Illinois objects to the pending motion, as I understand it, on the resolution that was agreed to by the Senate this morning by a voice vote, if a motion were made to reconsider and that motion was tabled, with the objection of one Senator, the motion that is now offered would fail and the resolution agreed to by the Senate would in effect prevail.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is correct. A single objection would prevent a motion for reconsideration.

Mr. PERCY. Mr. President, I have a great desire to accommodate the Senator. However, having participated in endless debates that had no objective other than to delay and frustrate the Senate from coming to a vote—bills such as the consumer protection agency bill, which died because of a filibuster such as we are now experiencing with the voter registration bill—I do not feel, in light of the fact that we had a wide spectrum of support for the resolution today, 15 Senators including Senators CASE, JAVITS, MATHIAS, METCALF, GOLDWATER, BUCKLEY, and many other distinguished Senators, and in view of the fact that they, as cosponsors, had the feeling that this matter had been agreed to and they probably are not available to consult with at this time, I would not feel that I could undertake the responsibility to them to have this resolution put in such a position that it might never be acted upon.

Mr. President, I am quite willing to subject this resolution to full and thorough debate. However, the principle is an established principle that has precedent in the action of the Senate, and I had printed in the RECORD today all of the proceedings from 1924 in which the Senate acted in a similar manner.

The matter has been discussed at great length over many months.

Mr. CURTIS. Mr. President, I call for the regular order.

The ACTING PRESIDENT pro tempore. Regular order has been called for. Is there objection?

Mr. PERCY. I object.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Illinois yield for a question?

Mr. PERCY. I am happy to yield for a question.

The ACTING PRESIDENT pro tempore. The floor is open. The Senator from Virginia has the floor if he will address the Chair.

Mr. PERCY. Mr. President, if the distinguished Senator from Virginia would permit a short comment, I would then be happy to yield the floor.

The Senator from Illinois would be quite willing—although I do have an engagement in Baltimore, Md., with one of our colleagues tonight—to stay on the floor until the matter is equitably, amicably, and fairly resolved. There is no attempt to try to railroad something through the Senate.

I am trying to protect the sponsors of the measure. It is my own deep conviction that what we did was right, proper, and fair.

Many times the Senator from Illinois indicated that there is no impugning of the Secretary Elliot Richardson as Attorney General or any lack of confidence in him. However, we wish to share the responsibility for the prosecution that will be underway, and we would want to assume that responsibility through the normal confirmation proceedings, with the consent of the Senate.

I would be happy to stay here and work this out. I do not mean to shut this off, although I realize that one Senator can do so, as we have learned. However, I would be happy to yield at this point, making that point clear, that the Senator from Illinois will stay here until we can have the matter resolved.

Mr. HARRY F. BYRD, JR. Mr. President, I would like to get an understanding from the Senator from Illinois as to exactly what the resolution would do.

Mr. PERCY. Mr. President, the resolution is in three parts. It is a sense-of-the-Senate resolution. Part one indicates that the President should immediately designate an individual of the highest character and integrity from outside of the executive branch to serve as a special prosecutor.

Mr. HARRY F. BYRD, JR. Mr. President, would that special prosecutor serve as an official at the Department of Justice? Would he be a subordinate of the Attorney General? Would he be independent of the Attorney General?

Mr. PERCY. This would be something that would have to be determined by the confirmation process. There is a great deal of leeway in the resolution. The resolution provides that someone outside of the executive branch of the Government should be appointed by the President.

Mr. HARRY F. BYRD, JR. Mr. President, I am inclined to favor the resolution. However, I want to understand it. It seems to me that before we adopt the resolution—although I understand that it has already been adopted—we ought to determine whether such a man would be subordinate to the Attorney General, or exactly how he is going to operate and to whom he will report.

Mr. PERCY. Mr. President, I think the answer to the questions posed by the Senator from Virginia will be found in paragraph 3 which provides that the President shall submit the name of such designee to the Senate and request approval thereof. That is the time for the Senate to determine what procedures will be followed by the special prosecutor.

Mr. HARRY F. BYRD, JR. Mr. President, if I vote in favor of the resolution, if I have an opportunity to vote for it, am I voting for an individual who will be independent of the Justice Department and can act on his own or am I voting for someone who will be a subordinate of the Attorney General? Both of those questions are questions that should be answered.

Mr. PERCY. In the judgment of the Senator from Illinois the former presumption is correct, that the Senator from Virginia would not be voting for a resolution that would provide for an

individual to be appointed who would be a subordinate of the Attorney General, as is the case now with the Assistant Attorney General who is prosecuting the case. He is subordinate to the Attorney General.

Mr. HARRY F. BYRD, JR. Mr. President, as of last night, the President said that Mr. Richardson will have the responsibility for the investigation.

Mr. PERCY. I think this is the shading of difference that I would have, respectfully, with the President. I do not feel, so long as the special prosecutor is subordinated to a politically appointed Attorney General, that the investigation could have the appearance, no matter how impeccable the credentials of the individual, of being free from the influence of the Justice Department and the Attorney General.

Mr. HARRY F. BYRD, JR. I do not disagree with that at all. As a matter of fact, I am inclined to the same view as expressed by the Senator from Illinois; but I am just trying to understand. If the Senate does adopt this resolution, then does the prosecutor call on the personnel of the Justice Department, and operate through that independent of the Attorney General? If so, is that a feasible way to operate?

Mr. PERCY. Paragraph 2 provides broad authority. It simply states that the President shall grant such special prosecutor all authority necessary and proper to the effective performance of his duties.

What I would envision is that the President would provide that the special prosecutor could call upon all agencies of Government for personnel, for assistance, for help, for physical facilities, for clerical assistance, for lawyers—whatever that special prosecutor might need. There should be no bounds; if we have confidence in the man who is appointed and confirmed, we should have no bounds to keep that man from being free in any way to move ahead with what the American public would consider to be untainted, unpolitically influenced investigation that would, once and for all, convince everyone in their minds, as they are not convinced today, that this investigation is thorough, complete, and final, and will end up in whatever indictments the facts may prove and bring forth.

Mr. HARRY F. BYRD, JR. It is very important, I think, that the American people do reach that conclusion.

Mr. PERCY. I think it is essential.

Mr. HARRY F. BYRD, JR. We must restore confidence in Government. And in order to do that, as I see it, the American people must be convinced that whatever investigation is undertaken, it is thorough, impartial, and objective, and that it goes to the bottom of all the problems connected with the main problem, and that all the facts are disclosed. It is vitally important that the American people have confidence that that is being done when such an investigation takes place.

The ACTING PRESIDENT pro tempore. Will Senators use their microphones? The Chair cannot hear.

Mr. HARRY F. BYRD, JR. (continuing). When such an investigation is

undertaken. I have been in Virginia today, and I have been asked many times, "Was it wise for the President to appoint Mr. Elliott Richardson full authority to handle this matter?"

My reply was, "Frankly, I don't know. I do not know whether it was wise or not."

Mr. Richardson is a very able individual, in my judgment, though I do not know him too well. He is very smart. He is an able lawyer. He is a man of the highest integrity.

On the other hand, he has handled three top positions prior to this for this administration in the last 4 years. In the public mind, is he going to be an objective prosecutor? That is the point that concerns me about the appointment of Mr. Richardson as Attorney General, and giving him the authority and the direction to get to the bottom of the case.

Mr. PERCY. If the distinguished Senator will yield, this is exactly what the Senator from Illinois and all of the co-sponsors of the resolution have in mind.

Mr. HARRY F. BYRD, JR. That is what I thought the Senator had in mind.

Mr. PERCY. We are attempting to protect the President.

Mr. HARRY F. BYRD, JR. I want to understand now, though, how it will work and what the mechanics are to make it work, because I am inclined to the same view the Senator has.

Mr. PERCY. The mechanics, of course, will have to be worked out. The President suggested in his address to the Nation last night that Mr. Elliott Richardson as the Attorney General designee would have his authority to appoint—I am not sure of the term he used, but let us say a special prosecutor.

Mr. HARRY F. BYRD, JR. Yes. That raises this point: If he does that, here is what we will have: We will have the President saying, in effect, "This is out of my hands, I am turning it over to Mr. Richardson," and Mr. Richardson saying, "This is out of my hands, I am turning it over to Mr. So and So." Mr. So and So may turn it over to a committee, and then what do we have?

Mr. PERCY. All the resolution asks of the President—it does not have the force of law, for the simple reason that I did not want it to have the force of law. I simply wanted the Senate to express its feelings, as eloquently expressed by the Senator from Virginia, and expressed to me from all over the country as the feelings of the American people, that this matter should be investigated.

The President has not disagreed at all in principle. All we have here is a procedure to say that the President, last evening, made it very clear indeed that he assumes the responsibility for this matter, and thus assumes the responsibility for selecting and designating a public prosecutor.

I say that it is impossible, within the Justice Department, to find anyone to be assigned and connected with this matter who did not in some manner have some relationship with some of the personalities who may have been involved, so that the President should designate someone outside the executive branch of the Government and submit that name

to the Senate. The Senate could accept that name or reject it, but once we accept it, we have assumed the responsibility and put our stamp of approval behind the investigation.

I think that is paramount. It is recognized so widely now by the fourth estate that the President is to be commended, last night, for bringing this matter to a head, that I feel it is in the best interests of the country, and I know it is in the best interests of the electoral process, that the confidence of the people be restored.

The procedure is very simple, and the details of it can be brought out at the time the name is sent to the Senate, because under the procedures the Senate would follow, we could then question the special prosecutor as to how he would carry out his responsibilities.

Would he feel that he had to report to anyone? Would he feel that he had to destroy, on orders from anyone, any evidence that might be brought to his attention? Does he feel that he may be intimidated, or politically motivated? All of those questions would be questions that should be brought out in proceedings such as we have followed in this country for 200 years now, and wisely so.

Mr. HARRY F. BYRD, JR. Yes, but the matter the Senator from Virginia wanted to establish is that it is the view and the intent of the several sponsors of the resolution that this prosecutor should be separate and aside from the Justice Department and not subordinated or responsible to the Attorney General.

Mr. PERCY. That is correct.

Mr. HARRY F. BYRD, JR. And that he be completely separate from the Attorney General and from the Justice Department.

Mr. PERCY. Would the Senator yield for just a brief explanation as to why I feel this is so crucial?

Mr. HARRY F. BYRD, JR. I yield.

Mr. PERCY. We have a grave problem in this country now involving law and order. We had a tremendous problem in Collinsville, Ill., a few days ago, when narcotics agents broke into family homes by mistake and terrorized Illinois families. A grand jury will be called and convened by the United States attorney in Springfield on that particular incident, which strikes at the heart of what America is all about. These are Gestapo tactics that are being used. Certainly that case should have the attention of the Attorney General of the United States.

We have problems of drug abuse that are tearing this country apart from the standpoint of the crime it motivates. We have the problem of organized crime, of morale in the FBI and morale in the whole Justice Department, and the distinguished Attorney General-designee should spend his full time on those matters.

Mr. HARRY F. BYRD, JR. But this will not help the morale of the Justice Department or the morale of the FBI to say, in effect, that the Justice Department cannot handle the matter but we have to get an outside investigator.

Mr. PERCY. The precedent for that is clear. It is not impugning any of the integrity or the capability of any individual there. What is simply says is that everyone that has touched this problem has become consumed by it. We are consumed by it. It is impossible for any of us to engage in any activity—even Willy Brandt this afternoon—without being asked a question on Watergate.

The President said last night that we must get about the business of the Nation. Let us set this investigation up separate and give the prosecutor all the power he needs and designate that power from the President himself. But let us not bog down the Attorney General, who has just been designated and who will be going through his confirmation proceedings, with this particular problem.

Mr. HARRY F. BYRD, JR. He has got to go through the confirmation proceedings so it will not save any time. My concern about Mr. Richardson, and I give him high marks for being a clever and an able individual, but my concern about him is that it just appears to me it is not going to suggest to the public, rightly or wrongly—and I do not say it is correct—but rightly or wrongly, it might not suggest to the public that the investigation will be as objective as it should be.

The other thing that concerns me about the Richardson appointment is that he has only been Secretary of Defense for 4 months and the Armed Services Committee had to delay its proceedings for 3 months until he could familiarize himself with what was being in his Department so that he could come before the committee and discuss it. Now he is being taken away from that job and put into another job under circumstances that perhaps leave something to be desired.

Mr. PERCY. Will the Senator from Virginia yield for a question?

Mr. HARRY F. BYRD, JR. I yield.

Mr. PERCY. Because I would be guided by the distinguished Senator's judgment, who has been in the Senate a great deal longer than I have. My judgment is that if this matter is left as it now is pending, the Secretary-designate Richardson would have the authority to appoint the special prosecutor if he so chose, and that question would consume a tremendous amount of time in his confirmation proceedings.

If the question were removed and the issue were removed from the Justice Department and an independent prosecutor set up, it is my judgment that he would be confirmed with due deliberation by this distinguished body, but with considerable speed, in contrast to the proceedings that would be undertaken if he is left with the responsibility for investigating Watergate. Is that the judgment of the distinguished Senator from Virginia?

Mr. HARRY F. BYRD, JR. The Senator from Illinois is probably correct in that view. As a matter of fact, I do not see how it is practical for him to set up a special investigator because then we do not have any responsibility. The President says that Richardson is responsible and Richardson says that so-and-so is responsible, so where does the responsibility lie? That is what concerns me about that aspect of it. That is why I

am inclined to support the proposal of the Senator from Illinois.

Mr. COTTON. Mr. President, I have listened to the colloquy here with some amazement and, I must confess, with some apprehension. If there was anything needed to confirm the fact that hastily, without more than 5 Members of the Senate being on the floor in this Chamber, an act has been performed and formal action taken by the Senate which is, indeed, a vote of no confidence, not only in the President of the United States but also in Elliot Richardson who has been designated by the President as Attorney General, without any opportunity for careful debate and careful consideration, all we needed was to listen to the colloquy of the last few moments to know that that is true.

In the first place, the able questioning by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) brought out that this resolution that was so hastily adopted with 5 Senators present, is very loosely drawn.

It is not for the Senator from Illinois, able and sincere as he is, to interpret his resolutions. His resolution is now passed. It is now a fact. There is nothing he can do about it because it has been agreed to, the motion to reconsider has been laid on the table, and the Senator has objected to a unanimous-consent request that would vitiate it. So it is a fait accompli.

But that does not end the debate or the discussion of the matter, I can assure the Senator from Illinois, because I do not know that it is not a good idea to vote first and debate afterward. Then we cannot be accused of filibustering. But much will be said on the floor of the Senate in the next few days concerning this action by the Senate.

When we talk about restoring the confidence of the people of the United States in their Government, it is not going to restore their confidence by an expression of no confidence by the Senate.

I was interested in the comments made by my friend from Illinois, for whom I have the highest regard, concerning what he unconsciously revealed. He seemed to indicate that the resolution which has been adopted by the Senate, and irrevocably adopted, unless a unanimous-consent request changes it, was loosely drawn, but he also indicated that it would be interpreted—by what? By the questions that would be asked of the designated special prosecutor by a committee of the Senate.

Then the Senator named some other questions. One of the questions was this: that the special prosecutor would be asked whether it was his intention to destroy any evidence. If that remark was not about the worst slap in the face of the President of the United States and of the Honorable Elliot Richardson that could possibly be made, I cannot conceive of anything more ridiculous.

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

Mr. COTTON. I will yield in just a moment. I am sure the distinguished Senator did not mean to say that. It might be called a Freudian slip. I will

yield in just a moment. The time is late. Reconsideration has been objected to, and the action is over.

I have known Elliot Richardson since he was the administrative assistant to former Senator Leverett Saltonstall. That was when I first came to the Senate. I have known him as U.S. district attorney in Massachusetts. I have known of his enforcement, his prosecutions, and his investigations in that capacity.

But I know of his thoroughness and of his rugged, unflinching honesty. I have known him more recently as Secretary of Health, Education, and Welfare, dealing with the Subcommittee on Appropriations for that department. I know of his fearlessness and of his forthrightness in his service in that capacity.

I want to say here and now that all this suggestion that Mr. Richardson is contaminated because he was appointed to two Cabinet positions by a man who has been twice elected President of the United States is so far-fetched that I cannot sit silent under such insinuation.

I do not know who this paragon of virtue would be. It might be John Williams. He is honest, I am told, because he is not a member of the bar; so undoubtedly he is more honest than lawyers. But I do not know who this great paragon of virtue would be who would be selected and would prove satisfactory to the Senate.

I am not sure that anybody the President should name would be satisfactory to the Senate in its present mood, or that any filibuster that ever took place in this body would last as long as the interrogation of whoever this independent agent would be.

But I do know one thing: The President was elected by the American people. I regret some of the developments. I think that he was guilty of misplaced confidence and perhaps delay. I do not claim that he is not human and subject to error. But he was elected by the people of the United States.

Mr. Richardson was named by the President as Attorney General of the United States. As Attorney General, under the Constitution, he is the chief prosecutor and the chief investigator of the Federal Government. I can testify, as one Member of the Senate, that there may be many other men in this country as honest and as forthright and as conscientious as Elliot Richardson, but there are none who exceed his honesty, his integrity, and his forthrightness.

This act has been done. We have adopted a loosely drawn resolution, with five Senators on the floor; and when we tried to reopen the matter, the Senator from Illinois objected to it, and that stands in the RECORD. The deed is done, but the repercussions are not over. Nobody in the Senate, except perhaps five Senators on the floor at the time, ever had an opportunity to debate this matter. Nobody in the Senate had an opportunity to answer the questions that the distinguished Senator from Virginia has been asking. Nobody had a chance to analyze just what was being done. The fact that 15 Senators, some of whom may be described as on the extreme left and others on the extreme right, cosponsored the resolution does not indicate that it

should not be subjected to the scrutiny of the Senate and that the rest of us should not have opportunity to examine it.

Here we are. It is time to adjourn. The resolution was brought up; and it was adopted, as the record will show, by voice vote, which means unanimously, with five Members of the Senate here and 95 elsewhere upon their duties. We tried to reopen it. We tried for an opportunity to debate it. We tried for an opportunity to examine it. We tried to see that the Senate should not act hastily in this matter or that what was done without the careful consideration of the entire Senate could go out as a vote of no confidence in the President or in the Attorney General-designate.

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

Mr. COTTON. I yield.

Mr. AIKEN. I might add that it appears to me to be a vote of no confidence in our Federal court system, which has already convicted seven persons for breaking into the Watergate and has under investigation and in the courts nobody knows how many others. I think we should have a little more confidence in our Federal court system and the Department of Justice than this resolution would indicate.

Mr. COTTON. If we have as little confidence in our courts and in our Department of Justice and in our elected Chief Executive as this resolution would indicate, then God save the United States of America.

I now yield to the distinguished Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. COTTON. I did not yield the floor.

Mr. PERCY. I appreciate the distinguished Senator yielding for two purposes.

The first purpose is to explain fully what the Senator from Illinois had in mind in response to a question by the Senator from Virginia, when he asked about certain details as to how this job would be set up and what would happen in the confirmation proceedings.

The Senator from Illinois is not a member of the Committee on the Judiciary. The Senator from Illinois, therefore, is not proposing or propounding any question that it was his intention to ask.

What the Senator from Illinois had in mind was proposing the kind of questions the Senator from Illinois presumed would be asked by members of the Judiciary Committee when the designee for the position of Attorney General was before them for confirmation or the designee or the special prosecutor was before them, if the President acted in accordance with the spirit of this resolution.

I mentioned this particular point simply because there has been tremendous public discussion about the fact that certain evidence was destroyed on the suggestion of or with the approval of—some have indicated by the order of, but I have no evidence that orders were given for that—but evidence was destroyed. It is only logical to assume that questions of that type, then, which have adequate precedent in the sordid matters

that have occurred in the recent days and weeks, would occur.

So that this is an attempt to explain what the Senator from Illinois had in mind, though it would not be his intention to offer such questions, because the Senator from Illinois would not even be engaging in the confirmation proceedings.

I ask the Senator to consider this possibility: The Senator from Illinois is very anxious to let this matter stand on its own merits; but the Senator from Illinois is unwilling to undo and request by unanimous consent that the prior action of the Senate be undone—it was supported by 15 distinguished colleagues on both sides of the aisle—when by so doing it might frustrate the ability of this matter to be brought to a vote by the Senate at any foreseeable time in the future.

For the record, it is perfectly clear that when the vote was taken at approximately 1:05 p.m. today, the Senator from Illinois did not ask, considering that there was no objection heard from any quarter at any time to the resolution, for a reconsideration of the vote. It was a cosponsor of the amendment, the acting majority leader at the time, the distinguished Senator from Alabama (Mr. SPARKMAN), who suggested to the Senator from Illinois that it would be in the best interests of the resolution to have a request for reconsideration made. That request was made, and the acting majority leader asked that the motion be tabled, which was the action of finality. It was the thinking of the Senator from Illinois that this settled the question.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield.

Mr. COTTON. I have the floor.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a correction only?

Mr. COTTON. Certainly.

Mr. ROBERT C. BYRD. I believe it was the Senator from Alabama (Mr. SPARKMAN) who moved to lay on the table the motion to reconsider.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. COTTON. Mr. President, may I say to my friend from Illinois that the Senator from New Hampshire did not in any way even suggest that his motives were not of the highest or that he consciously tried to what we ordinarily refer to as "put something over." But the effect was exactly that and the fact remains, and I am sure the Senator from Illinois realizes this, that whoever was designated under this resolution as the special prosecutor would not be the supreme arbiter in determining his authority. The courts might have something to say about that and members of the Committee on the Judiciary could ask him questions until Judgment Day about what he conceives to be his duties, how he plans to carry them out, what authority he thought he had, whether he should report to somebody or whether he should not report to somebody, whether he was below or above the President or the Attorney General, and it would not change the facts one iota.

The facts would be in the resolution and it would be for the courts to interpret it if there was any question.

I am sure the Senator from Illinois realizes that, and that is the reason I say it is, as indicated by the questions of the Senator from Virginia, a loosely drawn resolution which simply says, "No, let's not do it. Let's take this away from the President and away from the Department of Justice, and away from the courts, if necessary, and put it in the hands of some independent holy soul who will be the arbiter of this whole matter."

Mr. President, I yield the floor.

Mr. PERCY. Mr. President, I appreciate very much the comments made by my distinguished colleague, the Senator from New Hampshire.

The Senator from Illinois once again would like to state that it would be his intention to see that this resolution was judged on the basis of its own merit. It was his feeling based on inquiry and following customary procedure, when this was not a bill creating a law, establishing a statutory position; it was simply a resolution, a sense of the Senate resolution asking the President to do something—that following those procedures, there being no objection, that the matter could be resolved without further delay today.

However, because the Senator from Illinois has high regard for his colleagues who are engaged in this colloquy in the Senate this evening I would like to say that I would consider making a unanimous-consent request now to reconsider this resolution at 1 p.m. tomorrow. I ask my colleagues if there would be objection to that unanimous-consent request.

Mr. AIKEN. Yes. Six of us are on the floor now. We have done enough legislating with five Senators on the floor. I do not think that six Senators would qualify us. I think we should have a quorum before taking action.

Mr. PERCY. The Senator from Illinois is anxious to see that there be full opportunity for debate of every aspect of this sense of the Senate resolution.

Mr. COTTON. Mr. President, will the Senator yield for a quick question?

Mr. PERCY. I yield.

Mr. COTTON. This could well determine the action of the Senator from New Hampshire, whose mind is not closed on this matter. Does the Senator from Illinois or does he not have confidence in the integrity of the President?

Mr. PERCY. The Senator from Illinois has expressed himself publicly time after time with respect to this matter—that I have full confidence in the integrity of the President of the United States.

Mr. COTTON. Today?

Mr. PERCY. Today and every day.

Mr. COTTON. I thank the Senator.

Mr. PERCY. And I deeply appreciate the actions taken by the President. But when the Founders of the Republic provided in the Constitution that all officers appointed by the President should be confirmed by the Senate, they were not expressing a lack of confidence in the President of the United States but simply saying that this is a government of checks and balances. As the distinguished Senator from New Hampshire

well knows, the process that has worked so well through the years has insured people of high quality, greater integrity, greater character and ability than any other procedure that could be adopted or by providing that they should be appointed solely by the executive branch of Government.

It is for this reason, following that procedure and the procedure established in the same kind of unusual circumstances the country found itself in in 1924, that this body on February 1, 1924, passed a resolution and as I recall the date, on February 2, 1924, the House passed a comparable resolution, and President Coolidge followed the advice of the Senate and the House in this respect and appointed two distinguished special prosecutors in that matter.

The Senator from Illinois has no doubt that the purpose of making the resolution general is to provide the greatest leeway for the President to establish the necessary procedures for following this action. But if 1 day's consideration would be enough, Mr. President, I would like to simply indicate that the Senator from Illinois would consider making a unanimous-consent request to reconsider the resolution at 1 p.m., or at any other designated time on Thursday of this week, if that would be satisfactory to my colleagues remaining on the floor of the Senate. Would there be objection to this request or any counter suggestion so that the Senator from Illinois could simply protect the action taken by the Senate in accordance with the procedures of the Senate and embody the express wishes of 15 distinguished colleagues of the Senator?

Mr. AIKEN. I say that inasmuch as the Senator from Nebraska is absent and he is the one who first recommended undoing the work of the five Senators earlier in the day, I think the only courtesy to him is not to take any further action until he is on the floor. Further than that, we should have more Senators present. We have eight Senators present now. We are gaining. It would take a greater number of Senators present.

Mr. PERCY. As the Senator knows, that is far more Senators than we have on the floor to do business many times and it is unusual for this particularly late hour.

The Senator from Illinois has the floor and I am happy to yield to the Senator from Alabama.

Mr. ALLEN. I thank the Senator. I wonder if it would not be a better course, and a course I feel the Senator from Nebraska would agree, to agree at this time that the resolution, the passage of the resolution be reconsidered, but in order that the distinguished Senator from Illinois would be assured of a vote, an expression of the Senate on this resolution, to set it for a vote at a time certain on the next legislative day, or the following legislative day. Then that would not leave the passage of the resolution under the circumstances that have been alluded to outstanding over the evening.

Mr. PERCY. The suggestion of the Senator from Alabama is perfectly acceptable to the Senator from Illinois.

Mr. AIKEN. Does the Senator from Alabama feel it might be sacrificing the voter registration bill?

Mr. ALLEN. That would not worry the Senator from Alabama.

Mr. AIKEN. There may be other Senators who are not here who might be worried about it. I think this should go over until tomorrow so we may take rational action.

Mr. COTTON. Mr. President, I am amazed that the Senator from Alabama has now joined the Senator from Illinois in this horrible fear of what used to be known as the filibuster. That is what the Senator from Illinois is afraid of—that if it is reopened, it will be talked to death. I do not have that fear. I do not think any Senator has. But before we take that step, before we listen to the appeals and to the eulogies in behalf of our beloved former colleague, John Williams, and before we listen to a defense—and there would have to be a defense—of Elliot Richardson, and before we listen to the attacks and defense of the President of the United States—and there would be attacks and a defense of the President of the United States—I think that if we tried to crowd that into an hour, we would not be getting anywhere.

As far as the Senator from New Hampshire is concerned, this thing was done. It was done this noon when almost every Senator in this body was closeted in his party caucus. It was done with five Members on the floor. The motion to reconsider was laid on the table. It is a fact. It has gone out to the country. It was an ill-considered action. Nobody in this country with any sense, when he knows the facts, will attach any great moral significance to it.

The effort was made to reopen it. It was objected to by the Senator from Illinois. I am sure he would like to cooperate if he could be sure we could crowd it into a limited period of time. I think, let the chips fall and let it lay where it has—a shining example of what the Senate ought not to do.

Mr. PERCY. Mr. President, I hope that is not an implication that Senators should never have lunch. The distinguished Senator from Nebraska was well aware of the fact, and every other Senator was well aware of the fact, that this matter was going to be discussed. The leadership on both sides were well aware of the fact, as was the chairman of the Policy Committee. As I recall my conversation with him, I had cleared it with both the majority and minority leadership. There was no objection, and because there was no objection, I said I intended to ask for immediate consideration, in accordance with the rules of the Senate. Now, the Senator—

Mr. COTTON. Not one word was said—

The ACTING PRESIDENT pro tempore. The Senator from Illinois has the floor.

Mr. COTTON. I am sorry.

Mr. PERCY. I will be happy to yield to the Senator when I finish this one comment. The Senator from New Hampshire has said this action has been taken. It is gone. It is finished. The Senator

from New Hampshire very well knows that by unanimous consent the Senate now can vitiate this action.

To be certain that the Senator from Illinois still protects the rights of the co-sponsors of the resolution who are not here tonight and were not notified that this matter would be brought up for reconsideration, but to be certain that every last mile has been gone to try to find a way to equitably and fairly resolve this matter, having accepted the proposition of the Senator from Alabama, the Senator from Illinois has one further thought: The Senator from Illinois would consider asking unanimous consent to vitiate the action of the Senate that has been taken today and would ask unanimous consent that this matter be brought to the Senate at a time certain that would provide reasonable time for debate and discussion, but a time certain to insure that a vote would be taken, so that this matter would not, like so many other matters the Senate has been engaged in in this Senator's experience in the Senate, be filibustered to death. The Senator from Illinois would feel he had protected the interests of those who had solemnly resolved that, in their judgment, this resolution represented the best thing for the United States of America, for the President, the loyalty of the distinguished Senator from Arizona (Mr. GOLDWATER), the chairman of the Republican National Committee, Senator DOLE, the distinguished Senators from New York (Mr. BUCKLEY and Mr. JAVITS), men of that caliber and quality, whose intentions could not be impugned at all. Nor would they feel that the Senator from Illinois had not protected their interest so long as they would be assured that a time certain could be taken to have this matter reconsidered. The Senator from Illinois would consider requesting unanimous consent to vitiate the action of the Senate today if that would in any way resolve this matter and enable the Senate to get about with its business, and have the feeling that every effort had been made to find a proper resolution of this matter.

Mr. SCOTT of Virginia. Mr. President, will the Senator yield?

Mr. PERCY. I am glad to yield for a question.

Mr. SCOTT of Virginia. I appreciate the Senator yielding to me. I would hope he would request unanimous consent to rescind the action of the Senate. Speaking only as one Senator, I had no idea this resolution was going to be voted on today. I did receive the distinguished Senator's letter to all of his colleagues indicating he was going to bring this matter up. I was aware, from the television program yesterday, that he was interested in bringing the matter up, but I just assumed it was something that would be referred to the appropriate committee and that hearings would be had.

I am not in agreement with the resolution and have no hesitancy in saying so, but that is immaterial. I believe that every Member of the Senate should have been aware of the action that was going to be taken and have had an opportunity to vote on it and express his opinion, because I do not believe the will of the Sen-

ate has been expressed today, and I believe the distinguished Senator would want the will of the Senate to be expressed on that resolution.

I appreciate the Senator yielding.

Mr. PERCY. I very much appreciate the comments of our colleague, who has expressed them very forthrightly.

Mr. AIKEN. Mr. President, there should not be the slightest objection to the Senator from Illinois' making that request at the beginning of the session tomorrow, but I do think, so long as all of us agreed to extend the courtesy to the Senator from Illinois not to take any action at all until he came on the floor, that we should give the same courtesy to the Senator from Nebraska (Mr. CURTIS).

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

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

The legislative clerk proceeded to call the roll.

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

Mr. COTTON. I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll.

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

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

ORDER FOR RECOGNITION OF SENATORS BELLMON, GRIFFIN, AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the two leaders have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Senators BELLMON, GRIFFIN, and ROBERT C. BYRD.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the special orders for the recognition of Senators on tomorrow, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes, the period not to extend beyond the hour of 1 p.m.

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

ORDER FOR LIMITATION OF TIME ON PENDING AMENDMENT TO NATIONAL FOUNDATION ON ARTS BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 1 p.m. tomorrow, the Senate resume its consideration of the amendment which is now pending to the bill with reference to the National Foundation on

the Arts and Humanities, that there be a limitation of 1 hour for debate on that amendment, the time to be equally divided between the mover of the amendment and the manager of the bill, and that a vote occur on that amendment no later than 2 p.m. tomorrow.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

ORDER TO TEMPORARILY LAY ASIDE THE UNFINISHED BUSINESS UNTIL DISPOSITION OF PENDING AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business on tomorrow be laid aside temporarily and remain in a temporarily laid aside status until the vote on the disposition of the amendment to the now pending measure.

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

SPECIAL PROSECUTOR FOR WATERGATE INVESTIGATION

Mr. PERCY. Mr. President, taking into account the schedule on the calendar on tomorrow, it would be the intention of the Senator from Illinois to be on the floor of the Senate at the beginning of the morning hour. If my calculations are correct, that would be approximately between 12:30 and 12:45.

Mr. ROBERT C. BYRD. Mr. President, the Senator is talking about morning business.

Mr. PERCY. I am talking about morning business; the Senator is correct.

It would be the intention of the Senator from Illinois at that time to ask for unanimous consent that the vote of the Senate taken on Senate Resolution 105 today be vitiated and that the resolution be made the pending business of the Senate at some designated time that would fit into the calendar of the Senate, taking into account that such unanimous consent would provide for adequate time for discussion, but a time certain for a vote.

The Senator from Illinois would be willing to have a voice vote or a rollcall vote. I so serve notice.

The Senator from Illinois is extremely sorry that this matter could not be resolved this evening. The Senator from Illinois is willing to stay on the floor of the Senate until a solution can be found that would be equitable and fair to all of the various interests represented. This procedure I have enunciated seems to be the only procedure now remaining to the Senator from Illinois, taking into account the rights of the cosponsors of the resolution and also the desires of distinguished colleagues to have an adequate opportunity to express their opinions on the sense of the Senate resolution.

Mr. COTTON. Mr. President, I am surprised at the remarks of the Senator from Illinois because the Senator from New Hampshire insisted on a live quorum. At the request of the distinguished acting majority leader, the Senator from New Hampshire agreed to withdraw his insistence on a live quorum at this time

on the agreement, as the Senator from New Hampshire understood it, that there would be no more discussion of the matter we have been discussing—namely the resolution of the Senator from Illinois—tonight. It was understood that it would not be kicked around any further.

I do not blame the Senator from Illinois for not wanting to go to bed tonight without getting himself out from under the situation of not having this thing settled, and objecting to reconsideration. However, he did not do this. He is perfectly right in doing it in the future. However, it was with the distinct understanding, and it was my understanding, that the Senator from Illinois agreed that I would withdraw my insistence on a live quorum if this matter was not going to be discussed or kicked around any more.

It so happens that the Senator from New Hampshire may not be able to be present. However, if he can be present when this request is made on tomorrow, there will be an objection because there are engagements this week that make it necessary if this thing is going to be thrashed out that it should be done next week, rather than this week.

Furthermore, in view of the fact that the Senator from Illinois has seen fit after our understanding to take the floor and give notice of his intention, I will give notice of my intention. My intention is that this thing stay where it is, passed, and a motion to reconsider laid on the table and an effort to resurrect it objected to by the Senator from Illinois. It will stay where it is or we are going to have full freedom to discuss this matter.

And there will be no agreement—the Senator from New Hampshire can be present or have someone represent him—for limited time. So if the Senator from Illinois thinks he is going to resurrect this matter and get out from under the situation as it now lies, and give us an hour to discuss a reflection on the integrity of the President of the United States and the Attorney General designee, I will not disillusion him, there will be an objection. We are either going to bring this thing to life fully, just as it was formed, with no abortion, or we are going to let it lie where it is in its grave, and let the world read the tombstone.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows: The Senate will convene at 12 o'clock noon.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes under the order stated: Senators BELLMON, GRIFFIN, and ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business with statements limited therein to 3 minutes, the period not to extend beyond the hour of 1 p.m.

At 1 p.m. the Senate will resume its consideration of the Proxmire amendment presently pending to the bill on the National Arts and Humanities.

There will be a 1-hour limitation of

debate thereon and at no later than the hour of 2 p.m. a vote will occur on that amendment.

Immediately upon the disposition of the pending amendment, the Senate will resume consideration of the unfinished business.

Yea-and-nay votes may occur in the course of the afternoon.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in adjournment, in accordance with the previous order, until 12 o'clock noon tomorrow.

The motion was agreed to; and at 7:51 p.m. the Senate adjourned until tomorrow, Wednesday, May 2, 1973, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate May 1, 1973:

DEPARTMENT OF JUSTICE

Elliot L. Richardson, of Massachusetts, to be Attorney General, vice Richard G. Kleindienst.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Robert L. DuPont, of Maryland, to be Deputy Director of the Special Action Office for Drug Abuse Prevention, vice Paul Louis Perito, resigned.

IN THE NAVY

The following-named Naval Reserve officers for temporary promotion to the grade of captain in the line subject to qualification therefor as provided by law:

Acosta, William
Acton, James Barnes
Adams, Henry R.
Adams, William Harry
Albertson, Richard C.
Allmon, William B.
Anderson, Emmitt Edwin, Jr.
Andes, Paul Gowdy
Anzilotti, Vincent J., Jr.
Arado, Joseph E.
Arment, Duane R.
Asmus, Rodger W.
Baker, Sidney J.
Ball, Robert O.
Balo, Harold A.
Bell, Lawrence D.
Benson, Harold Wesley
Berg, Richard Conrad
Berwick, Robert L.
Beskind, Robert Letaw
Billerbeck, Frederick W., Jr.
Blethen, Lawrence P.
Bonnett, John S.
Boone, Wilkerson
Bouldin, James A.
Boyland, Jack I.
Brenner, Joseph C.
Bridges, Glee E.
Brooks, William Earl
Brown, Gordon V.
Brown, Wilbur A.
Bulger, William W.
Burgess, Robert Edward
Burton, James D.
Butcher, Richard E.
Callo, Joseph F., Jr.
Campbell, Joseph Evan, Jr.
Campbell, John F.
Carney, John F.
Chakmakian, Carl
Clark, Frank Taylor
Clark, John P.
Clingenpeel, William Arnold
Coburn, James C.
Cohen, Marvin H.
Cone, Charles N., Jr.

Conger, Clayton Ned
 Connor, Thomas C.
 Conover, James A., Jr.
 Cooper, Jack
 Coussons, John Stanford
 Couture, Raymond R.
 Cox, Herbert W.
 Curran, John F., Jr.
 Danaher, James William
 Davan, Clarence F., Jr.
 Davidson, Harry H.
 Davies, Edward T.
 Davis, Ozro L., Jr.
 Deacon, Benjamin Harold, Jr.
 Decordova, Noel, Jr.
 Deiling, Leonard Verne
 DeSoto, Leroy Edwin
 Dixon, Thomas Monroe
 Dosland, William B.
 Drehoff, John J., Jr.
 Duff, Joseph W.
 Dugal, Gordon E., Jr.
 Dunne, James Robert
 Earl, George S.
 Ebbert, Donald G.
 Eilers, Robert D.
 Ellerson, Stanley Edgar, Jr.
 Elliott, Buddy
 Espeseth, Robert D.
 Fairbanks, John W.
 Finlay, John D., Jr.
 Fischer, G. Jack
 Fiscus, William S.
 Flynn, Gordon L.
 Frainier, Richard J.
 Frankel, Donald D.
 Frith, Robert L.
 Frudden, Carl R.
 Gall, Edward E.
 Gallagher, Daniel D.
 Gallagher, John E., Jr.
 Galvin, Timothy F., Jr.
 Garcia, Andrew Lawrence
 Garner, Welford E., Jr.
 Garrison, Richard L.
 Gasche, Arnold C.
 Gaudette, Roland E.
 Gibbons, Floyd E.
 Golden, Roger F.
 Goldy, Donald C.
 Goloway, Edward D.
 Gorham, Alden B., Jr.
 Gorman, Irving X.
 Gray, Donald R.
 Greenwald, Marvin
 Grogan, Robert F.
 Grubb, John R.
 Gunwall, Gordon L.
 Haest, Martin Jerome
 Hagan, Harold T., Jr.
 Hagelin, Ronald M.
 Hahn, William B.
 Hall, James R.
 Hazel, Isadore
 Hamre, Roger A.
 Hanley, Terence
 Hansen, Robert C.
 Hansen, Whitney
 Hanson, Marlo W.
 Harris, Edwin F.
 Harris, Richard N.
 Harvill, Robert W., Jr.
 Hatley, Pearl O., Jr.
 Hazel, Gerald V.
 Henry, Lee Leverne
 Hess, Jacob F., Jr.
 Hilke, James L.
 Hill, Edmond H.
 Hinnant, Wallace P.
 Hobbs, James Norman
 Hodge, David M.
 Huggins, Gordon L.
 Hurt, Alfred B., Jr.
 Ingraham, John H.
 Inman, Wayne Deward
 Iverson, Shelmer O.
 Jackson, Oris F.
 Jahnke, Fred R.
 Jamison, Robert E.
 Jenkins, William C.
 Jensen Arthur M. I.

Johnson, Don N.
 Jolley, John M.
 Jones, Arthur Daniel, Jr.
 Jones, Rolland R.
 Karnes, Robert D.
 Kenney, John Joseph
 Keyes, Samuel W.
 Kiernan, Peter L.
 Kline, James Willard
 Knight, Peter L.
 Koch, Edgar J.
 Kost, Don O.
 Kraft, Edwin E.
 Kuhn, Richard A.
 Kullman, Thomas B.
 Kulp, Darlington R., Jr.
 Laffoon, Louis M.
 Lavan, Robert E.
 Leber, William S.
 Leonhardt, John J.
 Levy, Ted
 Lewis, Robert E.
 Lindquist, John R.
 Littleton, Vance Crockett J.
 Locke, Kenneth L.
 Lotz, Jack C.
 Lowry, Robert C.
 Lutts, Raymond J.
 Malone, James E., Jr.
 Marsden, Norman H., Jr.
 Marsh, Frank E., II
 Marshall, Roderick
 Maynard, James H., Jr.
 McBee, James L., Jr.
 McCoy, Thomas W.
 McGervey, John T.
 McGinn, Frank L.
 McGuckin, Benjamin Floyd, Jr.
 McQuinn, Jack H.
 McSally, Bernard J.
 Meeker, Harmon S., Jr.
 Melton, Chancellor G., Jr.
 Merritt, Croft S.
 Michie, Harold W.
 Mighell, Kenneth J.
 Miller, William J. D.
 Moeller, John W.
 Moran, Joseph M.
 Morgan, Arthur F.
 Morris, John F.
 Morrissey, John D.
 Mueller, Robert Leon, Jr.
 Murphy, Garrison Edmund
 Murphy, Richard T., Jr.
 Myers, Edwin L., Jr.
 Nelson, Donald
 Nelson, Roy E.
 Nicholas, John Robert
 Noble, James Kendrick, Jr.
 Nordmeyer, Philip James
 Norris, John C.
 Oberholzer, Nelson C., Jr.
 O'Brian, Henry J.
 O'Connor, Dennis Edward W.
 Olson, Maurice A.
 Pappas, Sophocles G.
 Parker, James W., Jr.
 Patterson, George Jr.
 Patterson, Don L.
 Paule, Philip A.
 Baylor, John W., Jr.
 Payne, George Patrick
 Peterson, Harry J.
 Petzinger, Thomas V.
 Pflueger, Edward G.
 Phillips, Wendal Lee, Jr.
 Phinizy, Robert B.
 Piscitelli, Peter A.
 Plessas, Gus P.
 Poelstra, Ray E.
 Pruessner, Robert D.
 Punzelt, David Lum
 Purcell, Robert C.
 Pyron, John E., Jr.
 Rabun, James Rudolph
 Radford, Robert J.
 Ramsey, Selwyn P.
 Rankin, Charles A.
 Ream, James W.
 Reap, James B.
 Regan, James F.

Reynolds, David A.
 Rindin, James A.
 Roberts, John E.
 Robinson, William H.
 Rodgers, Vernon P.
 Rolka, Harry
 Rose, Guy P., Jr.
 Rosnes, Bruce H.
 Rouse, Robert G., Jr.
 Ruppel, Robert W.
 Ryals, Willard G.
 Sandberg, John Einar
 Sands, Richard E.
 Sayer, George C.
 Schaaf, Alfred Norman
 Schwendeman, Joseph Raymond
 Scott, Sumner T., Jr.
 Semcken, John Henry, Jr.
 Shafer, Mark L.
 Shaver, Henry M., Jr.
 Shaw, Ray M.
 Shields, John D.
 Shupp, Raymond W., Jr.
 Siebert, John Carey
 Simmons, Glenn B., Jr.
 Sims, Lloyd Hampton, Jr.
 Sims, Thomas S.
 Smith, Francis N.
 Smith, Howard Woodruff
 Smith, Paul W.
 Smith, Selden K.
 Smith, William E.
 Snyder, William C.
 Spillis, James P.
 Stacey, James W.
 Standiford, David Millard
 Stehr, William F.
 Steinmann, Bruce B.
 Stern, Philip H.
 Stoffer, Maurice H.
 Straub, James S.
 Sullivan, Robert G.
 Sutherland, Carl F.
 Sweeney, John J.
 Taylor, Robert Hayward
 Taylor, William N.
 Teaford, Richard L.
 Thaiman, Robert N.
 Thomas, Carl H., Jr.
 Thomson, Peter W.
 Thorla, Arlin E.
 Tiernan, Robert P.
 Tigert, Marion A.
 Tillman, Temple H.
 Tremant, Robert A.
 Tyler, Warner W.
 Utt, James W.
 Vadnais, Henry A., Jr.
 Vandenheuvel, Robert E.
 VanHouten, James F.
 Vincent, Dwight Harold
 Vogler, William H.
 Wahler, Joseph Leo
 Walker, James Lafayette
 Wallace, Thomas C.
 Walmsley, George W.
 Wanamaker, Warren A.
 Warhola, Joseph G.
 Wasserman, David B.
 Watson, Warren R.
 West, Frederick Power, Jr.
 Whisler, William C.
 White, Charles E.
 White, Joseph Murray
 Wilcox, Leonard A.
 Williams, Earle A., Jr.
 Williams, Gerald P.
 Williams, Tyler E., Jr.
 Wilson, David A., Jr.
 Wood, Fred M.
 Wyllis, Donald E.
 Yarborough, Gordon T.
 Yohe, John M.
 York, Avin Huey
 Youngstrom, George A.
 Zerda, Kenneth V.
 Zeithaml, Donald Paul
 Zimmerman, James Arthur

The following-named Naval Reserve officers
 for temporary promotion to the grade of com-

mander in the line subject to qualification therefor as provided by law:

Anderson, Harold Eugene
 Anderson, Robert Michael
 Augenstein, John E.
 Avery, Francis Albert
 Barrett, Curtis Leo, Jr.
 Baynes, Gerald Taylor
 Beavins, Robert Cornell
 Best, John Wesley, Jr.
 Bingham, Tad Howard
 Blanton, Eugene W.
 Bowles, Howard Anderson, Jr.
 Boyle, Thomas Joseph
 Brakke, Bernhard Alf
 Brewer, James J.
 Brooke, James Franklin, III
 Browne, Henry William, Jr.
 Bruce, Marian Levi
 Bunn, Gerald Andrew
 Burch, Jesse Cleo
 Burger, Francis Joseph, III
 Burroughs, Robert Peters
 Carlo, James N.
 Carter, Jere Singleton
 Cecere, Anthony Michael
 Christie, Duane Lester
 Clark, James F.
 Coyle, Francis Xavier
 Cushing, Robert Peter
 Dabbs, Sidney Charles
 Damm, Bruce A.
 Daniels, Richard Owen
 Diehl, Russell Claire, Jr.
 Dittrick, Alfred Sadler
 Doolittle, John Beecher
 Doughty, Arthur R., Jr.
 Draney, Jerald Lee
 Duxbury, Richard B.
 Eade, Robert McElroy
 Ellis, Howard Boynton, III
 Emmons, Francis A.
 Evatt, Harmon P.
 Finerty, Gary Thomas
 Foley, Carl Owen
 Ford, John William
 Fox, John Francis
 Gallo, John J., Jr.
 Gauld, Edwin S.
 Gillespie, Richard I.
 Goodwin, Don Fielding
 Gordon, James Allen, Jr.
 Greer, Charles Roller
 Grevstad, Bennard Ingvald
 Gustaveson, Robert E.
 Hager, Robert Marshall
 Hargadon, Edward Wade
 Hathorne, John Edward, Jr.
 Haynes, Terry Kay
 Heisel, Lawrence Leonard
 Henkel, Elmer T.
 Hensley, George L., Jr.
 Howell, Lembhard Goldstone
 Hutchinson, Samuel F.
 Janes, Gregory Henry
 Joslin, Ivan Lumsden
 Kadingo, Edward Patrick
 Kalil, Charles Jeffrey
 Kelly, William C.
 Kerrebrock, Robert A.
 Keske, Carl David
 King, Michael James
 Knox, Ronald Warren
 Lagueux, Paul Bernard
 Larson, Glenn Allyn
 Leslie, William Hunt
 Lockett, Tyler Charles
 London, J. Phillip
 Longton, Joseph Nelson
 Lyons, Richard Broderick
 Malcolm, Lawrence D.
 Martella, Alex Anthony, Jr.
 McGlasson, Bruce
 Mentzer, Ray Galen
 Mihaly, Donald George
 Mills, Michael T.
 Miner, Theodore R., Jr.
 Mitchell, Owen N.
 Moberger, William Harold
 Myers, George Dalton, II
 Nicholas, Jack Robinson, Jr.

O'Neill, Jay Richard
 Osborne, Jerry Clay
 Palermo, Norman Anthony
 Pettit, John Thorpe, Jr.
 Polutnik, Francis Leonard
 Purring, George Albert, Jr.
 Rasmussen, John Peter
 Rasor, Eugene Latimer
 Reeves, Donald Joseph
 Regan, James Dennis
 Reutter, Walter Edward
 Ricker, Charles T., Jr.
 Rieger, Jon H.
 Rimbach, David G.
 Ritmire, Kenneth Dwayne
 Roberts, Michael Merritt
 Rogness, Ronald Mervin
 Rufe, Robert William
 Rynerson, John W.
 Sage, Clarence Eugene
 Sanchez, William A.
 Schlang, Lawrence Harold
 Sciacqua, Robert Vincent
 Shanahan, Vincent Joseph
 Shannon, James Otto
 Sharp, Stanley Edward
 Simonson, Gerald Leroy
 Smith, Canie B.
 Smith, Carl T.
 Sommer, Robert W.
 Spence, Stuart Breray
 Spiliros, George Bill
 Stroud, Lisle Arthur, Jr.
 Taylor, Donald S.
 Thompson, Bobby Camp
 Tye, Clifford Franklin
 Vogel, James M.
 Vunkannon, James Carl, Jr.
 Webster, Richard Gill
 Welch, Kenneth John
 Wilner, Arthur Ira
 Woods, David Lyndon
 Zanin, Norman Roy
 Zickrick, Jerome Leon

The following-named Medical Corps officers of the U.S. Navy for temporary promotion to the grade of commander in the Medical Corps subject to qualification therefor as provided by law:

Addison, Robert Graham
 Aucoin, Edsel Joseph
 Balch, Steven Aggeler
 Billings, Kenneth Joseph
 Buedingen, Richard Paul
 Carlson, Richard Edward
 Casey, John Michael
 Cloutier, Charles Theodore
 Criswell, Francis Mario
 Cupples, Howard Palmer
 Donnell, Robert Leslie
 English, Roger Wesley
 Evans, Earl Foster, Jr.
 Fassett, Richard Lee
 Folkerth, Theodore Leon
 Gay, Charles Curtis
 Graham, Gary Clifford
 Heffner, Dennis Knight
 Henrichs, Walter Dean
 Jones, Merwood Morris
 Jurczak, Dennis Michael
 Kaminsky, Howard Hugh
 Kandler, Paul Alfred
 Korbelak, Robert Mitchel
 Lench, Joel Barry
 Majewski, Paul Louis
 Mannarino, Francis Gene
 McAllister, Clyde Hamilton
 McDonald, Bruce Michael
 McGinn, James Sylvester
 Miller, Douglas Allen
 Murphy, William Martin
 Nelson, Norman Dorr
 Nelson, Ralph Arthur
 Newman, Cyril
 Peterson, Douglas Wayne
 Rubel, Lawrence Richard
 Sanford, Harold Woodlif
 Scutero, James Vincent
 Slocum, Carl W.
 Stetson, Robert Ellsworth

Stout, Rex Allen
 Tredway, Donald Ray
 Tuten, Carroll Stewart
 Utterback, Thomas Duncan
 Vogt, Philip John Walter
 Warden, James Richard
 Welham, Richard Thomas
 White, Marshall William
 Zorn, Dale Tisdale

The following-named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Aasen, Roy Vernon
 Able, Guy H., III
 Achenbach, Dale A.
 Acton, Richard L., Jr.
 Acuff, Lucian Mark
 Adams, Charles Robert
 Adams, Janice H.
 Adams, John H.
 Adams, Michael E.
 Adams, Robert Ellison
 Adams, Roger Clinton
 Adams, Ronald Eugene
 Addison, Christopher L.
 Adkins, Harvey John
 Adkins, Joseph Harold
 Adkins, William Kenneth, Jr.
 Agnew, William Mar
 Ahern, Lawrence Raphael
 Ahern, Thomas Joseph, Jr.
 Ahern, Timothy Michael
 Alchele, Stephen Sadler
 Aiken, Joel W.
 Airgood, Robert P.
 Akerson, Daniel Francis
 Albright, George Ernest, III
 Albright, James Clifford
 Albus, Johnny Patrick
 Alden, Robert Keith
 Alessi, Harry Peter
 Alexander, James Charles, Jr.
 Alexander, David J.
 Alexander, Douglas Baker
 Alexander, Steven R.
 Alfieri, Paul A.
 Algiers, Michael Anthony
 Algoso, Donna Jean
 Allen, Barbara H.
 Allen, Charles Edward
 Allen, Corson Lee
 Allen, James Stanford, Jr.
 Allen, Michael Anthony
 Allen, Phillip Kenneth, Jr.
 Aller, Charles C.
 Alphin, James A.
 Allsopp, Ralph Stanley, Jr.
 Almon, Joseph Robert
 Altman, David Harvey
 Altmann, Raphael Jerome, III
 Amidon, Robert B.
 Ammerman, Larry R.
 Ammons, Andrew Everett
 Amundson, Robert J.
 Andersen, Harold
 Andersen, Richard F.
 Anderson, Craig Griffith
 Anderson, Dennis J.
 Anderson, Ferdinand A. S., Jr.
 Anderson, James Douglas
 Anderson, Jay Wendell
 Anderson, Jonathan Lee
 Anderson, Leroy
 Anderson, Lyle Allen, III
 Anderson, Marc Eric
 Anderson, Richard Earl
 Anderson, Terence L.
 Anderson, Thomas Edward
 Anderson, Thomas F.
 Anderson, William J., Jr.
 Anderson, William R., Jr.
 Anderton, James Dorsey
 Angstead, Donald E.
 Anton, William Max
 Anzelon, Judy M.
 Arbiter, Jerome L.
 Archambo, Hubert E., Jr.

Archer, Dennis Lee
 Arcuri, Louis Edward
 Arfman, John Frederick, Jr.
 Armstrong, David John
 Armstrong, Keith Stuart
 Armstrong, Andrew Adams, III
 Arndt, Stephen Alan
 Arneson, Dennis Calvin
 Arnette, Clyde E., Jr.
 Arnold, Andrew J.
 Arnold, James Clyde
 Arnold, Raymond Dykes
 Arthur, Marvin L., Jr.
 Arthur, William Charles
 Artis, Herbert
 Artus, Stephen Charles
 Arwood, Patrick E.
 Ashby, Donald A.
 Ashton, Richard Arthur
 Atkinson, Byron Craig
 Atwell, Robert William
 Auckland, John Stacy
 Augustine, Sullivan
 Auriemma, John C.
 Averett, Gregg H.
 Averill, Jeffrey Briggs
 Avery, Robert Bruce
 Ayers, Richard Francis
 Axtell, Robert D.
 Ayres, Steven E.
 Baarson, Robert Fulton
 Babb, James A.
 Babetz, Jeffrey Dale
 Babington, William R., Jr.
 Babyak, Edward Eugene, Jr.
 Bachtell, Charles Ray
 Backes, Douglas Allan
 Backlund, Bruce E.
 Bacon, William Redding
 Baeder, Robert Arthur
 Bafus, Guy Raymond
 Bagley, David Worth, II
 Bahnmiller, Michael Patrick
 Bahr, Walter Elliot
 Bailey, Hubert Vaden
 Bailey, Robert John
 Baker, Kenneth James
 Baker, Larry Alan
 Baker, Norman E.
 Baker, Robert Donald
 Baldridge, Craig J.
 Balisle, Phillip Monroe
 Ball, Jeffrey St. John
 Ballard, David Lee
 Ballard, Robert C.
 Ballew, Robert W.
 Ballew, William T.
 Ballock, Roman Roger
 Bane, Purvis W., Jr.
 Bangert, Michael Jon
 Banks, Jerome R.
 Bannat, Edward G.
 Bannat, Steven John
 Barber, Charles Harry, III
 Barker, John Philip
 Barrett, Frank O., III
 Barrett, James Martin
 Barrett, Margaret Doris
 Barrows, Richard Douglas
 Barry, Phillip A.
 Barry, William Patrick
 Bartscher, John Keenan
 Basilio, Anthony C., Jr.
 Baskerville, James E.
 Bass, George L.
 Bastedo, Wayne Webster
 Batchellor, Mary Pamela
 Bateman, Douglas Allen
 Bates, Marshall Edward
 Battell, James J., Jr.
 Batten, Hugh N., Jr.
 Battles, Duane P.
 Baucom, Larry Clifford
 Bauer, Louis William
 Bauman, James Lawrence
 Baumgartner, William Edward
 Baxla, Robert E.
 Beall, Bradley S.
 Beall, William L.
 Beam, Kathleen Sullivan
 Beamgard, Richard Stuart
 Beard, Michael Roane
 Beason, Richard Edwards
 Beatrice, Albert Joseph, Jr.
 Beattie, Aaron Joseph, III
 Beatty, Larry Vernon
 Beck, Richard Alan
 Becker, Denny R.
 Becker, Stephen Edward
 Beckett, Thomas Horton
 Beckman, Charles Barry
 Beckwith, Donald C.
 Beduhn, Jerry R.
 Bell, Edison Lee
 Bell, James M.
 Belli, Lawrence Alan
 Bellinoff, Alan E.
 Bellotti, Joseph Peter, Jr.
 Belrose, Benjamin George
 Bemis, Larry Ray
 Bender, Gene Paul
 Bender, John Frederick
 Bender, Thomas Joseph, Jr.
 Benfell, Sharolyn
 Bengtson, Loren David
 Benjes, Christopher
 Bensing, Donald Ray
 Berck, Henry F., Jr.
 Berg, Jeffrey Michael
 Berger, Janellyn Lu
 Berger, Robert Floyd
 Bergstrom, Alan Lee
 Berke, Barry Lewis
 Berkheimer, Linden Lee
 Berman, Michael R. P.
 Bermudes, Eulogio Conceptio
 Bernard, Paul L.
 Bernia, Douglas James
 Bernsen, Thomas Jerome, Jr.
 Berry, Colin Michael
 Bertelson, James A.
 Besser, Robert Sloane
 Best, David R.
 Bethke, Gary Walter
 Bettcher, Thomas E.
 Beuerlein, Alan F.
 Beuerlein, Susan Cooly
 Bevers, Richard E.
 Beyatte, William Edward
 Bianco, Barron Bruce
 Bianco, Ralph Dominic
 Biber, Reginald Eugene
 Bickel, Robert Michael
 Bieda, George E.
 Bier, Gary L.
 Biggers, Edward M.
 Biola, John Alfred
 Birch, Howard L., Jr.
 Birnbaum, Peter Allen
 Bishop, Douglas S.
 Bishop, Edward L., III
 Bishop, Grover C.
 Bissell, Robert Edward
 Bisset, Andrew Everly
 Bjorlo, Philip Andrew
 Blackstock, James F.
 Blackwell, Theodore L., Jr.
 Blackwood, Elizabeth Anne
 Blake, Clifford Dale
 Blank, David Alan
 Blankenship, Robert Merle
 Blankenstein, Glen Alan
 Blaue, John W.
 Bleecker, James M.
 Blewett, Jay Alan
 Blish, Nelson Adrian
 Bliss, Donald Herbert
 Bloom, Wade Douglas
 Blount, Wilburn Mac
 Bloxom, Richard R.
 Bloyer, Stanley F.
 Blythe, Kent Lee
 Bodie, William Timothy
 Bodnar, John William
 Bodner, Stephen William
 Boerner, Michael Curtis
 Boger, Robert Michael
 Boger, Samuel Paul
 Bogosian, David E.
 Bohannon, Edward L.
 Boley, Morris Victor, Jr.
 Bolser, William Charles
 Bomkamp, Gary William
 Bond, Douglas Marsh
 Bone, John F.
 Bonnett, David E.
 Bonwit, Christopher Call
 Booth, David H.
 Borer, Paul Joseph.
 Borns, Michael Oscar
 Borries, William Glenn
 Boston, Bruce Dennis
 Bouchoux, Donald R.
 Bouthz, Allen Ray
 Bowen, Daniel John
 Bowers, John F., Jr.
 Bowland, Craig Charles
 Bowler, Daniel Richards
 Bowlin, James Franklin, Jr.
 Bowman, Marvin Edward
 Bowman, Neil Okane
 Boyd, Garland Atkinson, Jr.
 Bozin, William George
 Brabene, John J., III
 Brace, Timothy Barron
 Bradfield, Robert W., II
 Bradford, Gregory Copeland
 Bradley, Theron Michael, Jr.
 Bradley, William Frederick
 Brady, Robert Merritt
 Bramlett, William T., II
 Bramley, William A., III
 Branan, Phillip Howard
 Brandon, William Richard
 Brannan, Lee Roy, Jr.
 Branum, Jerome S.
 Braschel, Grant O.
 Brashear, John Edward
 Brasher, Stephen J.
 Brattain Herbert K.
 Brawn, Michael Duane
 Breckinridge, William L., VI
 Breede, Matthew John
 Breen, Dennis Francis
 Brehm, Dale Eugene
 Brelsford, Edward M.
 Brenman, Robert A.
 Brennan, Samuel Harley, Jr.
 Brenneman, Cynthia Angel
 Brenner, Lawrence Joseph
 Brenner, Robert Charles
 Brewer, Douglas Bacon, Jr.
 Bricken, Thomas Llewellyn
 Bridwell, Sharon F.
 Bried, William Paul
 Bries, Eric D.
 Brigance, Sharon E.
 Briggs, Thomas P.
 Britt, James Frederick
 Broberg, Carl Ralph
 Brodsky, Larry Stephen
 Bronson, Robert William, II
 Brooks, Randolph M.
 Brooks, William E., III
 Broome, John C.
 Broome, Michael Clarke
 Brophy, James M., III
 Brotherton, Gene Michael
 Broun, Charles Wood, III
 Brown, Charles Albert
 Brown, Donald Collins
 Brown, Gerald A.
 Brown, Henry Pell, Jr.
 Brown, John A.
 Brown, Lynn E.
 Brown, Melvin Hugh
 Brown, Michael Corbett, Jr.
 Brown, Orville Kenneth, Jr.
 Brown, Paul M.
 Brown, Randall Ray
 Brown, Richard F., Jr.
 Brown, Richard M., III
 Brown, Stanley M., III
 Brown, Tommy Raymond
 Brown, Wendell Earl
 Brown, William H., Jr.
 Browning, Dural Wesley
 Bruerton, Charles Jan
 Brunet, Gerard J.
 Brunninga, Robert Ervin
 Bryan, Carroll Littleton, II
 Bryant, Richard E.
 Bryant, Stanley W.

Brydon, Wayne Robert
 Brzezinski, Walter Adam, Jr.
 Bucchi, Toney Michael
 Bucci, Jack McKinley, III
 Buck, Louis Eugene, Jr.
 Buckingham, John S.
 Budzik, Dennis Michael
 Buergey, William Calvin
 Buescher, Joseph Henry, Jr.
 Buff, Richard Cole
 Bulfinch, Scott Robert
 Bunce, James Standish
 Bundschu, Lawrence Michael
 Burdick, Thomas J.
 Burger, James C.
 Burger, Jerome Paul
 Burger, Robert Jay
 Burgess, David Ross
 Burke, Clifford Michael
 Burke, Robert D.
 Burkhard, Thomas Kinsman
 Burnett, Lewis E.
 Burnham, Johnny W., Jr.
 Burns, Gerald Thomas
 Burns, William Edward
 Burr, Frederic Worthington
 Burroughs, Niles Philip P.
 Burrows, David Reid
 Burtchell, Steven Gerard
 Burton, Robert Norman, Jr.
 Busching, William
 Bush, William Frederick
 Bushby, John Melbourne
 Bushore, Robin Paul
 Butcher, Kenneth W.
 Butler, Craig Lindley
 Butler, Gregory Clinton
 Butler, Lonnie David
 Butler, Thomas Alva
 Butler, William Robert
 Butorac, George Edward
 Butterworth, Bruce V.
 Butterworth, William J., Jr.
 Butyn, Rene Francois
 Buxton, John Armstrong
 Buzas, Michael Charles
 Byers, Bernarr Melton, Jr.
 Byles, Robert W.
 Byrne, Neil Francis
 Byrne, Thomas M.
 Byron, Bruce Bernhardt
 Cable, Robert L.
 Cadden, Charles James
 Cahill, Philip Thomas
 Cain, William Anderson
 Caldwell, Barry Thomas
 Caldwell, William E.
 Callahan, Thomas E.
 Callahan, Daniel James
 Callaway, Dwight Moody
 Callaway, Michael Alan
 Callison, Claude O.
 Cameron, John Stanley, III
 Campbell, Bruce Alan
 Campbell, Darrell W.
 Campbell, Fred P.
 Campbell, Gerald E.
 Campbell, Phillip Wayne
 Campbell, Thomas John
 Campbell, William R.
 Canaday, Craig Holycross
 Cantly, Benjamin Keith
 Capri, Randolph Steven
 Carden, Carl E.
 Cardoza, Rodney Wayne
 Carey, Charles Daniel, III
 Carley, Norman John
 Carlson, David Robert
 Carlson, James R.
 Carlson, William Garrett
 Carlton, Kenneth M.
 Carmichael, Hubert M.
 Carney, James Mann
 Carr, Roger Wesley, Jr.
 Carrig, Michael F.
 Carroll, Joseph David
 Carroll, Patrick William
 Carson, Robert Lee, Jr.
 Carson Steven Alma
 Carter, Frank Saulsbury, III
 Carter, James Butler, Jr.

Carter, John Byrd, Jr.
 Carter, John C.
 Carter, William Joseph
 Casey, Rodney Len
 Cash, Paul David
 Casko, John David
 Cassidy, Edward T., Jr.
 Cassidy, Richard Michael, Jr.
 Cast, Frederick A., Jr.
 Casteel, Robert Blake, II
 Caster, Gary Don
 Castile, Kristopher Lee
 Cathcart, George Robert
 Caudill, Gary Patrick
 Cauthen, George Barry
 Cavanaugh, Thomas J.
 Cavender, John Benjamin, III
 Cavender, William K.
 Cebulski, Raymond J.
 Ceglio, Natale M.
 Cerra, Joseph Michael
 Chacon, Gerald Michael
 Chaffee, Edmund John
 Challain, Eric J.
 Challberg, Edward Carl
 Chambers, Kenneth William J.
 Chamowitz, Michael J.
 Champney, Robert K.
 Chandler, John Stephen
 Chaplin, Robert Charles
 Chapman, Steven Elliot
 Charbonnet, Pierre Numa, III
 Charley, Michael Bryan
 Chatham, Ralph Ernest
 Cheney, Martin J.
 Cheney, Ricky Dennis
 Chepenik, Stanley B.
 Chernesky, John J., Jr.
 Cherota, Frederick W., Jr.
 Cheshire, Lehman Franklin, I
 Chidoni, Rocco Anthony
 Childers, Gary Neil
 Christenson, Larry Ray
 Christian, Richard L.
 Christianson, Robert Neal
 Christman, John Howard
 Christopher, Angelus D.
 Church, Charlotte Marie
 Church, Larry Nathan
 Chwastyk, Thomas Frank
 Ciolfi, Gerald Alfred
 Clabaugh, Duane Lance
 Clancy, Kevin S.
 Clark, Gerald Wayne
 Clark, James
 Clark, James Edward
 Clark, John F.
 Clark, Reed Owen
 Clark, Richard Earl
 Clark, Robert A.
 Clark, Robert Allen
 Clausen, Charles P.
 Clayton, Frederick W., III
 Clayton, Richard E.
 Clayton, William Todd
 Cleghorn, Larry Everett
 Clements, Frederick Roger
 Clemons, David Malcolm
 Click, Alan Richard
 Clifton, Guy D.
 Cloud, Caryl Lee
 Cochran, Larry Lamont
 Cochran, Mark Dennis
 Cochran, Paul Reginald, III
 Cochran, Samuel Davis
 Cocowitch, John H.
 Cocozza, Timothy Robert
 Coffey, Joe Ralph
 Coffin, Robert Peter
 Cohen, Joseph Jeffrey
 Coker, Barbara K.
 Colcock, Marshall Gleason
 Cole, Anthony L.
 Cole, James D.
 Coleman, Stephen Tredway
 Coleridge, David Theodore J.
 Collins, David Oliver
 Collins, John George
 Collins, Robert Samuel
 Collins, Wendell R.
 Colombino, Ralph Frank, Jr.

Colquhoun, Richard Bruce
 Colt, Stockton B., Jr.
 Colucci, Robert Joseph
 Comerford, Susan J.
 Connell, John Clay, Jr.
 Connell, Royal William, Jr.
 Conner, Barbara Ann
 Connolly, Hubert Charles
 Conrad, Emerson S.
 Conrad, James Harold
 Conway, Patrick Michael
 Cook, Dennis Albert
 Cook, Norman Ervin
 Cooke, George A., Jr.
 Cooley, John Eugene
 Cooley, Pemberton, III
 Coons, William Eric
 Cooper, Kenneth Charles
 Cooper, Marshall G.
 Coppins, Michael Frank
 Cordier, Richard Joseph
 Corn, Richard, III
 Cornelius, Steven Thomas
 Corner, Malcolm D., Jr.
 Cornwell, Joseph Henry
 Coronado, Tomas
 Corrado, John David
 Corsey, John William, Jr.
 Cortner, Cara Ann
 Cosgrove, Michael Alfred
 Cote, Joseph John, Jr.
 Councilor, Terrance Allen
 Counihan, Thomas
 Cowan, Daniel Giger
 Cowell, David Eden
 Cox, Harold L., Jr.
 Cox, Lyle Ashton, Jr.
 Cox, Ouida Lavonne
 Cox, Raymond Webster
 Crace, Jesse Allen
 Crane, Allan Douglas
 Cranney, Steven Joseph
 Crawford, Judith Shirline
 Creamer, Chadwick, Graham
 Creighton, Richard Alexandre
 Creighton, Robert Thomas, Jr.
 Crim, George N., Jr.
 Crisp, John Patrick
 Crisson, Phillip Mark Steve
 Crites, Don Michael
 Cronin, Timothy Gerard
 Crosby, Robert Carl
 Crosby, William Oscar, III
 Crossland, Roger Lee
 Crounse, Carole Heath, J.
 Crump, Mark Woodward
 Cruser, Thomas P.
 Cruzan, Gary Lee Edward
 Crysler, Ronald P.
 Crystal, Pete Atsushi
 Cuccias, Robert F., Jr.
 Culp, Lowell Ronald
 Culverson, Kenneth J.
 Culwell, Clarence William J.
 Cumming, John Charles
 Cummings, Kevin Peter
 Cunningham, Curtiss Brent
 Curran, Donald Joseph, Jr.
 Currer, William Robert
 Currier, James Whittet
 Curtis, Keith Paul
 Custer, Lawrence D. L.
 Cutcher, John McCormick
 Cyboron, Robert Edward
 Czech, Gregory Jacob
 Dailey, Eugene Terrence
 Daily, James Leon, II
 Dale, John L.
 Dallara, Charles Harry
 Dam, Allan Scott
 Dampier, Craig Richard
 Dandalides, William J.
 Daniel, Dale Franklin
 Daniel, James Mikell
 Daniel, John H., III
 Daniels, James N., Jr.
 Darden, Welborn O., Jr.
 Darnell, Donald L.
 Darrow, Edward Eells, Jr.
 Davey, Douglas Harry
 Davies, Carl Robert

Davies, William E.
 Davis, Charles Carver
 Davis, David Lee
 Davis, Earl Ronald, Jr.
 Davis, Ernest Graham
 Davis, John Charles
 Davis, Larry Thomas
 Davis, Mark Eugene
 Davis, Norman Frederick
 Davison, Glenn Charles
 Davolio, Joseph Francis
 Dawson, Howard Wesley, Jr.
 Dawson, James Cutler, Jr.
 Day, Jeffrey John
 Day, Marvin Gorman
 Day, Thomas R.
 Dean, Thomas E.
 Dean, Thomas R.
 Dearth, Lawrence C.
 Deaver, William Nelson, Jr.
 Debien, Margaret Suzanne
 Decker, Geoffrey Foster
 Deese, David Allen
 Deets, Clifford L.
 Defiese, Philip Leroy, Jr.
 Deininger, David G.
 Deitch, Harry Edward, Jr.
 Dejohn, Charles A.
 Dejong, John Calvin
 Delano, Kenneth Hatsil
 Delappa, John Edward
 Delorey, Michael Walter
 Deltete, Clement Paul
 Demal, Nicholas Lee
 Demlein, John Joseph, Jr.
 Denny, Donald Jefferson
 Densley, Richard Lavern, Jr.
 Denson, Dwight Ellis
 Dent, Michael Wayne
 Denton, Kenneth William
 Denton, Larry Gene
 Denton, Walter Raymond
 Denzien, James Robert, Sr.
 Depoy, Lloyd Evan
 Dete, Leo Joseph, III
 Detweiler, Jack Alan
 Detwiler, Richard M.
 Devane, John Murphy, III
 Devaney, James Francis
 Devine, Isabel Margaret
 Devlin, Charlotte T.
 Dewey, Roger Scott
 Dibello, Michael Frank
 Didier, Henry N.
 Diehl, George Francis, Jr.
 Diel, Harry A.
 Dieter, Kenneth Albert
 Dietz, Douglas Warren
 Digiocomo, Raymond Vincent
 Dill, William Edward, Jr.
 Dilloff, Neil Joel
 Dillon, Hall Stanton, II
 Dinger, John Parr
 Dinwiddie, David O.
 Dipadova, Arthur Anthony
 Dixon, Kathleen Janet
 Dixon, Lewis Randolph
 Dobbins, Dennis G.
 Dobson, Wilbur Joel
 Dockstader, Bruce L.
 Dodd, Gerald Allan
 Dodd, Jack David
 Dodd, Richard Patrick
 Dodson, David Crockett
 Dolan, James E., Jr.
 Donahue, Edward Joseph
 Donnelly, Robert J.
 Donohue, Edwin A.
 Donohue, Philip Vincent, Jr.
 Dooley, Lawrence Joseph, Jr.
 Doolin, Robert Michael
 Doryland, Adrian T.
 Doty, Michael Giles
 Doud, William Edward, Jr.
 Douglas, Terry J.
 Douglass, Gene A.
 Dove, Roy Edward
 Doyle, Barry Wilson
 Doyle, John J.
 Doyle, Martin Edward, Jr.
 Dozier, Thomas Cader, Jr.
 Drew, David O.
 Duff, Vaughn Wayne
 Duffy, Eugene O'Donnell
 Duffy, Raymond Andrew
 Duke, Daniel Fitzgerald, III
 Duke, Jonathan B.
 Dumbauld, Jerry Ray
 Dunbar, Terry Frank
 Dunlap, Thomas Rough
 Dunn, Franklin Thomas
 Dunn, Paul Owen
 Dunnington, Robert Alan
 Durazo, Manuel Ygnacio, Jr.
 Durham, James Leighton
 Duval, David Alan
 Dwyer, Dennis E.
 Dykstra, David Albert
 Dzikowski, Marc Anthony
 Eadie, Lloyd Davis, Jr.
 Eason, William Ralph, Jr.
 Eberhardt, Thomas Frank
 Eckert, John Morris
 Eckert, Warren Raye
 Eckhardt, Bruce K.
 Edson, James Marshall
 Edwards, Jesse Daniel
 Egan, John Robert
 Egart, George Michael, Jr.
 Eggleston, Lyman A.
 Ehret, Philip Harold
 Elck, Ira J.
 Eisert, John Michael
 Eklof, Sven Peter
 Ekstrom, George Walfred
 Ekstrom, Robert H.
 Ellis, Thomas C.
 Eliel, Frederick John
 Ellingwood, Gerald Vincent
 Elliott, Charles Dewey, III
 Elliott, Thomas John, Jr.
 Ellis, Franklin William
 Ellis, James Manning
 Ellison, Curtis Joseph
 Ellison, David Roy
 Ellison, Daniel A.
 Ellsworth, Gary George
 Elsen, Morris Eugene
 Elsner, Diane Dion
 Emery, William David
 Engelhardt, Robert Granger
 Engelhardt, Sandra L.
 England, Don R.
 Engstrom, George H.
 Enslow, Larry Dean
 Erbe, Herbert Carl, Jr.
 Erickson, Geoffrey Dell
 Erickson, Phillip Alan
 Ermentrout, Gerald George
 Ertel, Gregory William
 Erwin, Robert Ashley
 Eslinger, Philip David
 Estabrooks, Joseph Orlando
 Esterl, Charles Thomas
 Evans, John O., Jr.
 Evans, Michael Frank
 Evans, Michael Allen
 Evans, Robert Bruce, Jr.
 Evansin, David Paul
 Ewan, Lawrence K.
 Ewers, Michael Edward
 Fages, Malcolm I.
 Fahrenkrog, Steven Lock
 Fahy, Edward Joseph, Jr.
 Fahy, Thomas E.
 Falkner, James Raymond
 Falstreau, Ronald Harold
 Falten, Paul J., Jr.
 Fare, Freddie E.
 Fargo, Thomas Boulton
 Farkas, Francis Stephen, Jr.
 Farley, Richard Lee
 Farrell, Charles Stephen, Jr.
 Farrell, Gerard Michael
 Farrell, Michael Dennis
 Farris, Marc
 Farver, Jean J.
 Farver, Richard K.
 Fedor, John Stephen
 Fedoryszyn, Robert J.
 Feeney, James L.
 Feichtinger, Mark Rudolph
 Felgate, George
 Felten, John A.
 Fenneman, Leigh Raymond
 Ferguson, Jeffrey Edward
 Ferranti, John Peter, Jr.
 Ferrill, Chris Allan
 Ferry, John James, Jr.
 Fessenden, Steven Howard
 Fessenden, Richard Randall
 Fetzer, William Woodrow, Jr.
 Fidler, Walter Charles
 Fillmon, Louis Jason
 Fink, Jeffrey Jon
 Finn, Neil Charles
 Finnegan, Edward James
 Finnegan, Gerard Richard, Jr.
 Finney, Robert Terry
 Fiordaliso, Dennis Michael
 Fischer, William George
 Fish, David Allen Terry
 Fisher, Charles Steven
 Fisher, Douglas Frank
 Fisher, Jack Alan
 Fisher, Kelly Martin
 Fisk, Stephen W.
 Fliske, Richard Paul
 Fitch, Kevin Ferguson
 Fitchet, Charles Baxter
 Fitzgerald, William Robert
 Fitzgerald, Douglas
 Fitzgerald, Robert Lee
 Fitzgibbons, Paul Edwin
 Fitzhugh, John E., II
 Fitzpatrick, Richard Stephen
 Flaherty, James Jr.
 Flaherty, Mark Ostrom
 Flaherty, Thomas John
 Fletcher, Gregory G.
 Fleischer, David Nathan
 Flocken, Eric Michael
 Flondarina, Melchor N.
 Flores, Roberto Jr.
 Floyd, Stephen Donald
 Fogerty, Thomas Joseph
 Folga, Richard Michael
 Foote, Herbert Whittier
 Foote, Randall Edward
 Forbes, Ray Thomas
 Ford, Alexander Lawton, III
 Ford, Anthony Ellsworth
 Ford, Johnnie Edward
 Ford, Robert Enright
 Forness, John Francis
 Forrester, John Walter
 Forsh, Deborah Ann
 Fortik, Donald Floyd
 Fortino, Anthony M.
 Foster, Michael Edward
 Foster, Michael Stephen
 Foster, William Kim
 Fought, Earl Jay
 Foust, Gary Lee
 Fouts, James Ward
 Fowler, Paul Lightle Jr.
 Fowler, Thomas James
 Fox, John Richard
 Fox, John Williams Jr.
 Fox, Mark
 Fox, William Leo Jr.
 Fraley, Randall Martin
 Francis, John William
 Francis, William P.
 Frank, David Elvin
 Franklin, Gary Wayne
 Franklin, Marvin A., III
 Franklin, Ronald James
 Franzia, Mary I.
 Frasher, Steven John
 Frederick, George R.
 Fredland, Kurt Roger
 Freeburger, Thomas Oliver
 Freed, Donald E.
 Freed, John W.
 Freedman, Robert Norman
 Freeman, Bruce D.
 Freiheit, Richard Otto
 French, Ronny Wade
 Freybe, Harald
 Frick, Michael Glenn
 Frick, Willis Gilbert, Jr.

Frieden, David Ralph
 Frisch, Dennis Robert
 Frith, Benjamin Newton, III
 Froelich, Clifford Anthony
 Frydenlund, Douglas Timothy
 Fulbright, Joseph J., Jr.
 Fuller, Daniel Richard
 Fuller, Daniel W.
 Funke, David J.
 Fuson, William A.
 Fye, Robert Floyd
 Gaal, Gabriel
 Gable, Morrison Leslie
 Gabriel, Daniel Webster, Jr.
 Gaddie, Paul Ray
 Gaden, Michael Dean
 Gagliardi, Dennis L.
 Galbraith, Donald E., II
 Galdorisi, George Victor
 Gallagher, Gerald L.
 Galloway, Harold L.
 Galus, Albert J. R.
 Gange, Dale Edward
 Gant, Virgil Fitzhugh
 Gantner, Raymond William
 Garcia, Larkin E.
 Garden, Bruce William
 Gardner, Dale Allan
 Garey, Alan William
 Garland, Gary William
 Garman, James Marshall
 Garman, Robert Bruce
 Garnett, Robert R., Jr.
 Garrett, William S., Jr.
 Garrett, Margaret Patrick
 Garrison, Charles Figgis
 Garrison, Richard C.
 Garvin, David Elgin
 Gasink, Robert Ray
 Gaudi, Robert D.
 Gauss, John A.
 Gautreaux, Terrence Michael
 Gavin, Joseph William
 Gavin, William John
 Gaw, Richard Allan
 Gayler, Ralph
 Geb, John Leonard
 Gebhardt, Robert Edward, Jr.
 Gebhart, John William
 Gede, Thomas Frederick
 Geisler, Fred A.
 Gelzer, Gary
 Gendreau, John Robb
 Gengler, Patrick Lee
 George, Caroline Wharton
 George, Danny L.
 George, Frederick I.
 Gettig, Roger Lynn
 Geyton, James Michael Jr.
 Glambastiani, Edmund P., Jr.
 Giancola, Charles A.
 Gibbons, Peter Wickes
 Gibson, Robert L.
 Giesemann, Frank T.
 Giffen, Robert Carlisle III
 Gifford, Mary Suzanne
 Gilbert, George B.
 Gilchrist, Stanley Frederic
 Giles, Blaine Richard
 Gillcrist, John Anthony, Jr.
 Gilmer, Franklin B.
 Gimbel, Charles Robert
 Glass, Dennis W.
 Glasser, Donald Julius
 Glisson, Daniel B., Jr.
 Goen, Lewis Willis
 Goforth, Michael Gerard
 Golle, Stephen Joseph
 Gongaware, William R.
 Gonzales, Gilbert Manuel
 Gonzalezdilan, Daniel
 Good, Layne Walter
 Goodman, Joe Anderson
 Goodrow, Everett Eugene, Jr.
 Goodwin, Donna Marie
 Goodwin, Robert Archer III
 Gordon, Vernon C.
 Gourley, James E., II
 Gorman, Daniel Edward, Jr.
 Goswick, George Ralph
 Gotha, William Francis
 Gould, Dexter Vernon
 Gouslin, William A.
 Gouveia, Ronald Stanley
 Grace, Paul Lyons
 Gradisnik, Gary Anthony
 Graef, Stephen Robert
 Graham, Bryce Lowell
 Graham, David Lee
 Graham, Richard Keagy
 Gramprie, Gail Lynn
 Grant, George Michael
 Grasham, Michael Wayne
 Graul, Joseph Francis
 Graves, Edward Preston
 Gravitt, Patrick D.
 Greaves, Thomas William, Jr.
 Green, Albert Allen
 Green, Leon C., Jr.
 Green, Thomas James, Jr.
 Green, Everett Lewkis
 Greene, Joseph M., Jr.
 Greenlee, William E.
 Gregor, Bruce John
 Gresham, William Bacon, III
 Gretzinger, Larry Crutis
 Griffin, David C.
 Griffin, William Robert
 Griffith, Russell Lee
 Griffiths, Lee Edward
 Grimm, William R.
 Grimmer, George Kimbore
 Gronemann, Bruce W.
 Gronewold, David Allen
 Gross, Ronald Thomas
 Grossenbacher, John Joseph
 Groves, Linda Katherine
 Grubb, Francis Bunyan, Jr.
 Gruner, William K.
 Grunge, Lance C.
 Grussendorf, Mark James
 Guardiano, Jerry John
 Guarneri, James Michael
 Guertin, Stanley Douglas
 Guest, Kenneth Wayne
 Guillot, Thomas P.
 Gumkowski, Edward Michael
 Gunkel, William A.
 Gunkelman, Ralph Frank, III
 Gunn, Robert Johnstone
 Gunter, Wallace Eugene, Jr.
 Guppy, Gerald Franklin
 Gurnon, Richard Gerard
 Gutelius, Paul P.
 Guter, Donald Joseph
 Gutierrez, Pauline Dolores
 Gutridge, Wallace G.
 Haas, Frank Armen
 Habermeyer, Kent Leigh
 Hackenburg, John Ray
 Hacker, John Michael
 Hackman, Rhodric Cima
 Hagan, Charles Tilden, III
 Hageman, Nancy C.
 Hagen, Paul Wendell
 Hagerman, Jon Graham
 Haggerty, Jerry Michael
 Hagoood, James Timmons
 Hahn, Richard A.
 Haigis, John
 Hails, Alan Robert
 Haines, Frank David
 Halgren, Robert Gustaf, Jr.
 Hall, Evelyn
 Hall, Fred Martin
 Hall, Howard Robert
 Hall, Mark Glover
 Hall, William Burke, Jr.
 Halverson, George Henry
 Hamlin, Kent Williams
 Hamm, Marvin Joseph, Jr.
 Hammar, Jonathan Albert
 Hammond, Russel Edwin
 Handlers, Robert G.
 Haney, James Michael
 Hansell, William Richard, Jr.
 Hansen, Donnel E.
 Hansen, Frederick D.
 Hansen, Kirk Christian
 Hanson, Robert Thomas
 Hansson, John Noel
 Harding, Steven Leslie
 Hardy, Charles T.
 Harling, Peter Alan, Jr.
 Harkness, George C.
 Harleston, William, Jr.
 Harmon, Gerald Robert
 Harmon, Robert Louis
 Harper, John Franklin, III
 Harrell, John Peter, Jr.
 Harris, Clinton Page, II
 Harris, Dale Cooper
 Harris, Edwin Jon
 Harris, James Daniel
 Harris, John Kenneth
 Harris, Ronald Robinson
 Harrison, Bruce Rodney
 Harrison, John G., Jr.
 Harrison, Mark Morgan
 Harry, Dennis Jackson
 Harsch, Steven Merrill
 Hart, John Bernard
 Hart, Terry Curtis
 Hart, William G.
 Hartje, Lynn Allen
 Hartle, Christopher Richard
 Hartman, Jeffrey Everard
 Harvey, Frederick W., III
 Harvey, Raymond Frank
 Hasbach, Robert Raymond
 Haser, Gerald D.
 Hash, Steven Peder
 Hastings, Richard G., III
 Hatch, William Lee
 Hauck, Russell Eric
 Havey, Patrick Joseph
 Havlik, Charles Earle
 Hawkes, Nancy Jean
 Hawkins, Bruce Wayne
 Hawkins, Jeffrey Bert
 Hawkins, Stephen George
 Hayes, Jeffrey Thomas
 Hayes, Thomas Mather
 Hazelrigg, Steven Adolph
 Head, Thomas Edgar
 Healy, Robert Jay
 Hearn, Judith
 Hearn, Lawrence Paul
 Heaton, John Frederick
 Heckmueler, John Howard
 Heilman, Stephen Craig
 Heinen, Jerry Joseph
 Heinz, Stephen George
 Heitz, William Edward
 Held, John Michael
 Helfen, William
 Helin, William Gary
 Helkey, John George
 Heller, Stephen Louis
 Helm, Robert Mark
 Helmkamp, James Crum
 Henderson, Harold Allen
 Henderson, Breck Wenger
 Henry, Dean
 Henry, Douglas Davies
 Henry, Gary R.
 Henry, Joseph Gerard
 Henry, Ted Allan
 Henry, William David
 Herb, Robert Donald
 Herbert, Garry Lynn
 Herbert, Thomas George
 Herda, Raymond John, Jr.
 Herdrich, Harry Anthony, Jr.
 Hereford, Robert Butler
 Herman, Paul Irving
 Herrick, Glenn Wiley
 Herrick, John B.
 Herrman, Larry Virgil
 Hersh, Joel Randolph
 Hess, Nathan Martin
 Heustis, Robert L.
 Heyworth, Lawrence, III
 Hickman, Charles Ryan
 Higgins, James Raymond
 Higgins, Robert Arthur
 Hill, Charles Stuart
 Hill, James Herbert
 Hill, Roger Dale
 Hill, Ronald Maxwell
 Hillerman, Larry Alan

Hilton, Jarvis G.
 Hinchliffe, Gregory Ward
 Hinckley, Robert
 Hinson, Curtis Otho
 Hinson, Robert Henry, Jr.
 Hinkle, James Robert, II
 Hinman, David Arthur
 Hinson, David Eugene
 Hinton, James Reid
 Hintz, Beth M.
 Hinz, Donald Eugene
 Hitchings, William Lee
 Hitchcock, James R.
 Hoag, Trudy Lynne
 Hobbs, Harold T.
 Hobbs, Terry David
 Hoblitzell, Timothy Allen
 Hodges, James Edward
 Hoefer, Albert, III
 Hoffman, Richard Bernard
 Hogan, Daniel Timothy
 Hogan, John Edward
 Hogan, Patrick Michael
 Hokanson, Charles P.
 Hoke, Mark Allan
 Houcombe, Edwin Frank, Jr.
 Holden, Hollis W.
 Holdt, Bruce E.
 Holewa, John Gregory
 Hollenbach, Paul Douglas
 Hollenbach, James Warren
 Hollett, Kenneth J.
 Hollinger, Wayne Melvin
 Hollowell, Christopher W., I
 Holm, Dwight Patrick
 Holmes, Ronald E.
 Holsten, William Peter
 Holt, Benjamin Lewis, Jr.
 Hook, James David
 Hooper, Charles Cortland
 Hooper, James A., IV
 Hooper, James Ernest
 Hoople, Douglas D.
 Hopper, Geoffrey Victor
 Horn, Paul B., Jr.
 Horner, Richard Lee
 Horsley, Russell Dewey
 Horton, Daniel Winston
 Horvath, Anthony Arthur
 Houck, Andrew William
 Houck, Oran Lee
 Houde, Paul Leo
 Houk, William Alvah
 Houle, Normand Arthur
 House, Frederick A.
 House, Michael E.
 House, Prentice L.
 Hoverson, John D., Jr.
 Howard, John Finley
 Howard, Thomas Leslie, Jr.
 Howd, Robert F.
 Howdryshell, Walter Steven
 Howe, David P.
 Howick, James F.
 Hubbard, Van Richard
 Huddleston, Ronald Duane
 Hudgins, Thomas Eugene
 Hudspeth, Barry Edward
 Huff, Terry Richard
 Hughes, David Gerard
 Hughes, John George
 Hughes, Michael David
 Humberd, Calvin C., Jr.
 Hume, Richard L.
 Humphreys, Mary Margaret
 Hunka, John Frank
 Hunt, John Allen
 Hunter, David Tait
 Hunnter, Edward Echard
 Hunter, John Mack
 Hunter, Peter G.
 Hurd, Paul Merrill
 Hurl, Linda Lou
 Hurley, Douglas Edward
 Hussey, Anthony John, Jr.
 Hutcherson, George Irvin
 Hutchins, Albert McConnell
 Hutchison, Guy Stuart
 Huth, Douglas P.
 Hyrek, Michael Lester
 Ice, Daniel Rawley
 Ide, Warren Harper, Jr.
 Ihrig, Clyde James
 Ilgen, John Larson
 Ilgenfritz, Kenneth W.
 Infinger, Jasper Milford
 Inverso, Francis Carlo
 Iselin, Robert A.
 Jackson, Charles Patrick
 Jackson, Douglas L.
 Jackson, Gordon Campbell
 Jackson, Richard Kenneth
 Jackson, Robert Warren
 Jacobs, John Carl
 Jacobs, Roger Patrick
 Jacobson, John Frank
 Jacobson, Stephen E.
 Jacovelli, Paul Bernard
 Jacques, Harry Augustine, Jr.
 James, Jimmy Dwayne
 James, Robert A.
 James, Roger Dean
 Jamison Earl Joseph
 Jans, Jay Bennett
 Janssens, Carol Jean
 Jaques, James A., III
 Jarman, Roger C.
 Jarrell, James R., IV
 Jarrell, John A.
 Jeffcoat, John Phillip
 Jeffries, Charlie L.
 Jemison, Thomas Charles
 Jenkins, Jean Ann
 Jenkins, Walter William
 Jenkins, William Frost
 Jennings, Joseph Anthony
 Jennings, Edward Payson, II
 Jennings, Olin Henry, III
 Jensen, Jon Robert
 Jewell, Glenn Albert
 Jinks, John Bradley
 Johannessen, Per Sven
 Johanson, Donald William
 Johnson, Christopher Harry
 Johnson, David Patrick
 Johnson, Dale Raleigh
 Johnson, Donald Howard
 Johnson, Gary Fredric
 Johnson, Gary Lee
 Johnson, Gary Quentin
 Johnson, Geoffrey Nicoll
 Johnson, Gilbert Leon
 Johnson, Gregory G.
 Johnson, Ingrid Ann
 Johnson, Jack Arthur
 Johnson, Jon Robert
 Johnson, Linda Kay
 Johnson, Philip Lee
 Johnson, Richard Gray
 Johnson, Robert Alan
 Johnson, Stephen Mansell
 Johnson, Steven Willard
 Johnson, Thomas Everett, Jr.
 Johnson, Thomas Perry
 Johnson, William Roy
 Johnston, Michael McLeod
 Johnston, Paul S.
 Jones, Bobby D.
 Jones, Darrell Wayne
 Jones, Gordon Lee
 Jones, James D.
 Jones, Steven Edward, Jr.
 Jordan, James Abel, Jr.
 Judnich, Francis Andrew
 Justiss, Ronnie Lynn
 Kaahanui, Melvin
 Kacer, Joanne Alice Camille
 Kaider, Donald Keith
 Kain, George Hay, III
 Kain, Michael Richard
 Kaiser, Charles Ellis
 Kaiser, Michael John
 Kaiser, Wayne Gordon
 Kampen, Roy William
 Kane, Jerry Allen
 Kane, John Edward, II
 Kane, Mary Anthony
 Kanupka, George Joseph, III
 Kapololu, John Akahela
 Karch, George William
 Katz, Alan William
 Kauffman, Jack Emerson
 Kavale, Joseph J.
 Kaylor, Jefferson Daniel, Jr.
 Kearley, John J.
 Kearney, James Philip
 Keating, Margaret F.
 Keefer, Marc Martell
 Keefer, Thomas Brian
 Keen, James David
 Keesling, William Dale
 Kellas, John Calvin
 Keller, Joseph F.
 Keller, Terrence Kenneth
 Keller, William Joseph, Jr.
 Kelley, Archie Parmelee, Jr.
 Kelley, John David
 Keillner, David Herman
 Kemp, Bruce Raymond
 Kemp, William McIver
 Kendall, Charles Wilson
 Kengla, Donald C.
 Kennedy, John J., Jr.
 Kenney, Daniel Francis, III
 Kenney, James Bradley
 Kenney, James Francis
 Kent, Robert Harold
 Kenyon, Michael H.
 Kenyon, Ralph Edward, Jr.
 Keperling, Robert Edwin
 Kern, Charles Michael
 Kerr, Ann Elizabeth
 Kerr, George Victor
 Kestly, Daniel Ralph
 Ketrin, Michael E.
 Keymer, Kenneth Lee
 Keyser, Stephen Allen
 Kidd, John Desta
 Kidd, Raymond C.
 Kidder, John L.
 Kidder, Marvin W.
 Kidder, Paul Alfred
 Kidney, Jay Kimball
 Kilmer, Milo J., II
 Kimble, Gerald A., Jr.
 Kincheloe, Everett Vernon
 Kindstrom, Earl E.
 King, Franklin Gary
 King, Peter Charles
 King, Robert Crippen
 King, William Anderson
 Kingsbury, Robert Lee
 Kingsseed, Jeb Bernard
 Kinnie, Robert Thomas, Jr.
 Kinslow, James L.
 Kipp, Terence Lynn
 Kirby, James Edward
 Kirk, Douglas C.
 Kirk, Robert Wayne
 Kirner, Thomas Charles
 Kissinger, Robert John
 Kissmann Ronald Martin
 Kistler, Jay Ross, Jr.
 Kitzman, Jerry Matson
 Kjellander, Jon P.
 Kleehammer, Thomas
 Klein, William Carl
 Klementik, David Charles
 Kline, Bruce Gregory
 Klingelberger, Carl Ervin
 Klink, Stephen Colby
 Klotz, Stephen Paul
 Klotz, Steven Irving
 Kluxen, David Stewart, Jr.
 Knechtel, Glenn Karl
 Kniel, Guy Robert
 Kniering, John Hovell, Jr.
 Knock, Gary Lloyd
 Knoll, John Christian
 Knudsen, Michael Barry
 Knull, William Harlough, III
 Knuth, Dean Leslie
 Koch, John E.
 Koehler, David Livingston
 Koffend, Paul Francis, Jr.
 Kok, Timothy Alan
 Kokstein, Robert Glenn
 Koller, Paul Stuart
 Komelasky, Michael Charles
 Kondrick, Harry Paul
 Koneman, Norman Albert, III
 Koning, Jack A.
 Kopicko, Henry Donald

Kopinitz, Seigmund G.
 Koster, Thomas Wayne
 Kovar, Michael
 Kraemer, Thomas Edward
 Kraft, Frederick W., Jr.
 Kraft, James Edwin
 Kraft, Robert Allen
 Kramer, Kevin James
 Kraska, Kenneth Wayne
 Krattli, Gene M.
 Krattli, Robert Walter
 Krause, Charles Frederick
 Krstich, Jeffrey John
 Kruger, Paul M.
 Krumbholz, Karl O.
 Krupp, Thomas Michael
 Kuhlman, Henry Fredrick, Jr.
 Kuhlmann, John Arthur
 Kuhn, Richard C.
 Kuhne, Michael David
 Kunigonis, Michael Paul
 Kuttner, Daniel Gideon
 Kyle, William Carl
 Labreche, John William
 Lachance, Norvel Wayne
 Lackey, Herman E., Jr.
 Lafleur, Timothy William
 Lagerman, Peter Michael
 Lagrone, James Marvin
 Laird, Mary Alice
 Lamartin, Douglass Hugh
 Lamb, Mark Edwin
 Lambert, William Robert
 Lamhert, John P.
 Lampert, Bruce Andrew
 Lampert, Brian John
 Lampert, Jerry Jack
 Lancaster, Emmett John II
 Land, William Bost
 Landon Philip C.
 Langdon, Bruce Arnold
 Langell, James Floyd
 Langford, William K.
 Langland, Rodger A.
 Lantz, James Scott
 Largent, Dianabeth
 Largent, William Dayton, II
 Laricks, James Richard
 Larsen, Larry Morris
 Larson, David Allyn
 Larue, James L.
 Lashbrook, Daniel Floyd
 Laska, Andrew John
 Latham, Rodney Guy, III
 Lathrop, Barbara Ann
 Launey, Scott Riordan
 Lautenschlager, Jack Allen
 Lawless, Patrick Hubert
 Lawrence, Wilfred Paul
 Lawson, Jeffrey Eugene
 Lawton, Robert C.
 Leach, Frederick John
 Leary, John James, Jr.
 Leath, Dudley Wade
 Leatherman, Kathleen Maria
 Ledwith, Ronald William, Jr.
 Lee, Robert Edward
 Lehman, Jeffrey Allen
 Lehtonen, Harold, II
 Leighty, William Eric
 Leinster, William L.
 Lelonis, Donald Andrew
 Lemrow, Craig M.
 Leopardi, William Donald
 Lessel, John Charles
 Letts, John Francis, Jr.
 Levy, James Malcolm
 Lewis, Barry Brooks
 Lewis, Charles Samuel
 Lewis, Gary L.
 Lewis, Laird William, Jr.
 Lewis, Lowell Grant
 Lewis, Robert Earl
 Libbey, Herbert Eugene
 Liberatore, Mary Ann
 Lieurance, John Robert
 Ligon, Edward Campfield, IV
 Lillendahl, Alfred S.
 Lilly, Dale R.
 Lindstedt, Russel J., II
 Lingan, James Nickey
 Lingo, Michael A.
 Linkous, Harry Abraham, III
 Lindquist, James Earl
 Lins, Roderick William
 Linsley, Pauline J.
 Linville, James Calder, Jr.
 Lipeles, David Michael
 Lipscomb, Jeffrey Ray
 Little, Robert Ernest
 Llewellyn, Jonathan Frame
 Llewellyn, Timothy W.
 Lobalbo, Benedetto R.
 Locke, Gerald Francis
 Locke, Stephen Allan
 Lofgren, Norman A.
 Logan, Kathleen V.
 Logan, Solon Eugene, Jr.
 Logan, William John
 Lohrmann, Walter Richard
 Lomax, Tarrant H.
 Long, Sandra Kay
 Longa, William Christopher
 Loomis, Karl French
 Lopez, Dello, Jr.
 Lord, Francis Buffum
 Losh, Dennis Michael
 Lounge, John M.
 Love, Jack Wilson, Jr.
 Love, Robert Creekmore, Jr.
 Lowe, Allan Ford
 Loynes, James Lewis
 Luczak, Daniel William
 Ludwig, Bruce B.
 Ludwig, Donald Ralph
 Luebecke, Donald S.
 Luhr, Monte K.
 Lummen, Michael Wyman
 Lumsden, David M.
 Lundy, Robert Franklin
 Lunghofer, Dennis Michael
 Lunsford, Hollis Eugene
 Lupton, Stephen Charles
 Lydiard, Jeffrey Robert
 Lynch, Robert F.
 Lynch, Robert Porter
 Lynch, Valentine Dillon, Jr.
 Lyon, George Henry, Jr.
 Macbain, Richard Dennis
 Macevoy, John Anthony
 Machtley, Ronald Keith
 Mack, Lawrence John, Jr.
 Mackensen, Warren John
 Mackenzie, Thomas Lyle
 Mackey, Robert Jemison
 Mackin, Patrick Charles
 Mackpherson, Glenn Eldon
 Madden, Donna M.
 Mader, Thomas Walter
 Madey, Stephen Laurance, Jr.
 Madren, Samuel T.
 Madruga, Robert Joseph
 Mady, Clemens James, Jr.
 Magaletti, Philip Joseph, Jr.
 Maggi, John Carlin
 Magnan, William James
 Magoun, Peter Robertson
 Magruder, Joseph Hull, Jr.
 Maguire, David Paul
 Magyar, David J.
 Mahon, John Francis
 Mahoney, Dennis Michael
 Mahoney, John Stanley
 Makl, Albert Stephen, Jr.
 Mallek, Robert Anthony, Jr.
 Malone, Laurence James
 Malone, Michael Dennis
 Maloney, Patrick James
 Mancini, Anthony Joseph
 Mandsager, Dennis Lee
 Manes, Ezra Earl, Jr.
 Mangapit, Conrado, Jr.
 Mangan, John Livingston
 Manis, John Jay
 Mann, Craig Raymond
 Manning, Robert James
 Manson, Terrance Lynn
 Marcell, Frederick C., Jr.
 Marino, John Theodore, Jr.
 Marlitt, Marlene
 Marsh, Michael Thomas
 Marshall, Harold E.
 Marshall, Thomas George
 Martel, Reginald Timothy
 Martell, Jeffrey Robert
 Martella, Michael Baker
 Martin, Daniel Joseph
 Martin, David Alfred
 Martin, Jay Harry
 Martin, John Thomas Oliver
 Martin, Margaret Heim
 Martin, Peter W.
 Martin, Robert Stanley
 Martin, Roy L., Jr.
 Martino, Michael Fred
 Marvin, Gary Dillon
 Maslin, George William, Jr.
 Mason, James Thomas
 Mason, John Clyde
 Mason, Melinda Ann
 Mason, Richard Edwin
 Mason, Robert D.
 Mast, Raymond Lee
 Mastrangelo, Robert Joseph
 Masucci, Ann Theresa
 Matarese, Marcia Dorothy
 Mathers, David R.
 Mathison, Neil G.
 Matthews, Robert Brodnax, Jr.
 Mattison, Dennis Lee
 Mattox, John Allen
 Mauldin, Hugh Dubose, Jr.
 Maxey, James Robert, II
 Maxwell, Clarke Alvin
 Maxwell, Stephen H.
 May, Clarke D., Jr.
 May, Michael Dale
 Mayer, Scott, H.
 Mayes, Joseph Ray
 Mayfield, Michael John
 Mayfield, Paul K.
 Mazour, Thomas Joseph
 McAfee, John David
 McAuley, Janet M.
 McCampbell, David Perry
 McCarthy, Joseph Bruce
 McCauley, Alan Roger
 McClain, Tim Scott
 McClanahan, Joseph Edward
 McClane, James Lenus
 McClave, Wilkes, III
 McClelland, Susan Irene
 McCleskey, Dale Leif
 McClure, Cecil Alan
 McClure, David Gwin
 McCombe, Ryan Joseph
 McConaughy, Steven Craig
 McCord, William Kirkland
 McCormick, Keith Joseph
 McCoy, Rex Calvin
 McCracken, James Russell
 McCreary, Steven Alfred
 McCue, Sharon Elizabeth
 McCulley, Michael James
 McCullough, Francis H., III
 McCurry, Robert A.
 McDougal, Willard Boyd
 McElroy, Oliver Robert, Jr.
 McEntee, William John
 McEwen, Gary B.
 McEwen, Randall James
 McFalls, Tommy Ray
 McFarland, Stuart Edwin
 McGaha, John Robert, Jr.
 McGahan, Michael Patrick
 McGann, Barbara Elizabeth
 McGinnis, William Perry
 McGoey, Richard John
 McGonigle, Paul W.
 McGovern, James F.
 McGovern, William J., III
 McGrane, Myles Thomas
 McGrath, Francis Dennis
 McGugin, Leonard Elte, Jr.
 McGuire, John F., Jr.
 McGurk, Michael Edward
 McHale, James William
 McHale, Robert V.
 McHugh, Donald, Jr.
 McIntosh, Richard Cameron
 McIntyre, Lewis Frank
 McKean, Thomas A.
 McKenny, Edward Russell, Jr.
 McKenzie, Donald Richard, Jr.

McKessy, Daniel Thomas
 McKim, John Harvey, Jr.
 McLaughlin, David Earl
 McManus, Beverly A.
 McManus, Vivian Marie
 McMenamin, William Francis
 McMunn, Brock Allen
 McMurray, Michael Thomas
 McNeil, Lynn T.
 McNamara, Brian John
 McNamee, John Robert, Jr.
 McNeely, Steven Wayne
 McNeill, Oscar N., Jr.
 McPhail, Robert Bruce
 McPheeeters, James Henry, Jr.
 McPherron, Charles Arthur
 McReynolds, Michaels Joseph
 McSorley, William Joseph, II
 Meacham, George Edward, II
 Meacham, John Monroe
 Meadowcroft, Robert Allen
 Meadows, Gregory Dea
 Medford, William R.
 Melchioris, Charles J., Jr.
 Mello, Gerald Charles
 Mellott, Paul Lloyd, Jr.
 Melson, Frank Baker, Jr.
 Melson, Leslie
 Merrick, Walter Forrest, II
 Merring, Robert Louis
 Merrit, Thomas Brooks
 Messersmith, Ronald Edward
 Messier, Dorothy Leda
 Metter, Josei Jay
 Mettin, Verner Edward, Jr.
 Meyer, Gary Charles
 Meyer, Glenn Warren
 Meyer, Rober Alan
 Meyer, Stephen Dennis
 Meyers, James Vaughn
 Meyerholen, Joseph A., Jr.
 Michael, Timothy Arthur
 Michaels, James Richard
 Michelsen, Gary Anthony
 Middle, James Leonard
 Midkiff, George Neil
 Mihalcik, Joseph Andrew
 Mikusi, Frank Charles
 Milano, Patrick Daniel
 Miles, Donald James
 Miles, Wilson Ashley, Jr.
 Mlewski, Robert Francis
 Miller, Barbara Jean
 Miller, David Damien
 Miller, Donald Dean
 Miller, Hubert John
 Miller, James Phelan
 Miller, John Barrett
 Miller, Joseph Gordon
 Miller, Paul Lee
 Miller, Robert Peter, Jr.
 Miller, Robert Wesley, Jr.
 Miller, Steven W.
 Miller, Stuart James
 Miller, William Harvey
 Miller, William Garett, Jr.
 Miller, William Alan
 Milner, Daniel Dewitt
 Milner, Nora Payne
 Missimer, Jack Rutherford
 Mitchell, Billie Eugene
 Mitchell, Josephine Glenda
 Mitchell, Larry Joseph
 Mitchell, Tom Eugene
 Mitchum, Kenneth Ray
 Modzelewski, Daniel Michael
 Moe, George Lars
 Moffett, Edward Page
 Molineaux, Ian Joseph
 Moll, Kathleen Margaret
 Monaghan, Charles E.
 Montgomery, John Bernard
 Montoya, Anthony James
 Moody, Jack Owen
 Moony, David H.
 Moon, Raymond Lawrence
 Moore, Edmund Eugene
 Moore, George Elwick
 Moore, Hollis Andrew, III
 Moore, Larry Ichabod, III
 Moore, Richard Alan

Moore, Richard Stewart, Jr.
 Moore, Shirley Lee
 Moore, Thomas James, III
 Moore, Thomas R.
 Moran, Joseph John
 Moran, Matthew Francis, Jr.
 Mordaunt, Kathleen Anne
 Morgan, Newton Henry, Jr.
 Morgan, William Randall
 Morgenfeld, Robert John
 Morris, Charles Robert
 Morris, Fredricke McNeil
 Morris, Stephen G.
 Morrison, David Joseph
 Morrison, David Ian
 Morrow, Roy E.
 Morse, John Prescott
 Morton, Janice Clare
 Mosby, David Cottrell
 Mosher, John Carpenter
 Motten, Alexander Fewell
 Moulder, Edward Daniel
 Moussette, David K.
 Moye, William Michael
 Mozingo, Thomas Phillip
 Mrowczynski, Ronald M.
 Muetzel, Michael Paul
 Mugg, William Alain
 Muhlhauser, Steven
 Mulkeen, John Joseph, Jr.
 Mullen, Kathleen Ann
 Mullen, Michael Charles
 Mullin, Dale Edward
 Mulvey, David Richard
 Mulvey, Gerald Kevin
 Murchie, Gates Skiffington
 Murchison, Grover R.
 Murphy, Charles Vincent
 Murphy, Daniel Joseph, Jr.
 Murphy, Dennis George
 Murphy, Kenneth M.
 Murphy, Michael James
 Murray, Craig Harland
 Murray, Michael Thomas
 Murray, Ronald Jay
 Murray, Steven Allen
 Mussett, Gerald T.
 Myers, Albert Clinton
 Myers, Terry Ray
 Nadeau, Walter Henry, Jr.
 Nalle, Thomas C.
 Nann, Peter A.
 Napior, Dennis Arthur
 Nathan, Rooney Scott
 Nathman, John Bernard
 Nation, Arthur Raymond, Jr.
 Nation, Charles W., Jr.
 Neale, James Henry
 Needham, Lester Dow
 Neel, Frederick Heard
 Neff, Jeffrey Cannon
 Neilsen, Michael Peter
 Nelson, Christian Charles
 Nelson, Kenneth Lawrence
 Nelson, Neal James
 Nelson, Richard N.
 Nelson, Robert Terry
 Nelson, Terry Lee
 Nemeth, Bradley William
 Ness, Frank G., Jr.
 Ness, Robert William
 Neuffer, Judith Ann
 Nevins, Linda Gail
 Nevins, Michael Francis
 Neberry, John Granville
 Newberry, Scott Fletcher
 Newman, Vernon L.
 Newton, Christopher Edward
 Newton, Joseph Stanaland
 Nickens, Donnell Jerome
 Nicol, Henry Otto, III
 Niedenthal, William Jeffrey
 Nintzel, Christopher Alan
 Nisbet, Peter Allen
 Nixon, Henry, Jr.
 Nolan, James Emmett, Jr.
 Nolin, Bruce Edmund
 Noll, John Byard
 Noonan, Robert Minton
 Noonan, Thomas Francis
 Norman, Richard Michael
 Norris, Rick Joseph
 Northrop, Thomas Wright, Jr.
 Nottingham, James H., Jr.
 Novak, Michael John
 Nunlist, Mark Moora
 Nurthen, William Augustine
 Nusom, Frank Allen, Jr.
 Nute, John Packard
 Nutter, Robert W.
 Nye, Geoffrey Robert
 Nye, Richmond Roderick
 Oakes, John Reid
 O'Bannon, Kenneth Leroy
 Oberholtzer, David Beardsle
 O'Brien, William Patrick
 Ochsner, Steven Lewis
 O'Connell, Michael Alexander
 O'Connor, Theodore, John
 O'Dell, James Michael
 O'Dell, Paul, Jr.
 Offerdahl, David Carlyle
 Ogle, Russell W.
 O'Hara, Charles Gabriel
 O'Keefe, Michael J.
 Olavessen, Leonard Robert
 Oldfield, Baird Dewes
 O'Leary, Thomas Joseph
 Olin, Alan Charles
 Oliver, Michael Patrick
 Olmstead, David Edward
 O'Loughlin Joseph William
 Olsen, Charles Clifford, Jr.
 Olson, Dennis Dean
 Olson, John Stephen
 Olson, Larry Stephen
 Olson, Michael D.
 Olson, Russell Clark
 O'Neill, Harry F., Jr.
 O'Neill, Patrick Warren
 O'Neill, John Patrick, Jr.
 Onorato, James R.
 Oosterman, Carl H.
 Othic, Francis E.
 Otterbein, Thomas Gordon
 Otto, Richard A. F.
 Otto, Sheldon Carter
 Overbeck, Gary Joseph
 Overbeck, Gregg R.
 Overson, William Patrick
 Owen, Richard Lee
 Owen, Thomas Barron, Jr.
 Owens, Ricky Lynn
 Pacenta, Robert Joseph
 Pacheck, Edward Richard, Jr.
 Packard, Michael J.
 Paddock, Charles Guy
 Paddock, James Robert
 Paine, Maurice Terrell, III
 Paine, Stephen Robert
 Pairan, Craig Erik
 Palacheck, Daniel Lee
 Palla, Richard Warren
 Pallesen, David Conrad
 Palmer, James Duane
 Panico, John Russell
 Panowicz, Robert John
 Para, Alan Edward
 Pardee, James Dennis
 Pardee, William McKnight, Jr.
 Parish, Richard Joseph
 Parr, Patrick Joseph
 Parker, S. Dupree
 Parkin, Ernest Richard
 Parkin, Michael Caveney
 Parks, Steven Greg
 Parks, William Hutchinson J.
 Parra, Milton H., Jr.
 Parsons, Dennis I.
 Partin, Thomas Lawrence
 Paskeowitz, Donald Peter
 Patch, Gregory Richard
 Pate, Michael Bence
 Patrick, John Walter, Jr.
 Patrick, Peter Devalangin
 Patterson, Carol Anne
 Patterson, Donald Jay, Jr.
 Patterson, Philip Duane
 Patterson, Shonnie Jean
 Patterson, Thomas Gibson, Jr.
 Patterson, Thomas L.
 Paulk, Ralph Caldwell

Paulsen, Kent Allen
 Paulson, Lael James
 Payne, Gary E.
 Peacock, Frank Charles, Jr.
 Pearson, Robert Thomas
 Pedrotty, John Richard, Jr.
 Peltier, Virginia E.
 Pence, Daniel M.
 Penhollow, Robert Henry
 Penman, Richard Lee
 Perch, Robert Leon
 Perez, Ernest Joseph
 Perin, Steven
 Perkins, Kevin Patrick
 Perkins, Thomas Arcade, III
 Perrault, Thomas James
 Perrin, Robert Warren
 Perry, James Elmer
 Perry, James Smith
 Perry, Oliver Hazard, III
 Perry, Roger Arpad
 Peters, John Kenneth
 Peterson, Charles Cooper
 Peterson, Elden Eugene
 Peterson, William Murray
 Pfahler, David Lee
 Pfahler, Timothy G.
 Philcox, John Ellis
 Phillips, Charles D.
 Phillips, David Shelby, III
 Phillips, Kenneth K.
 Pickelsimer, Billy Murel
 Picquet, Roger T.
 Piech, Richard Frank
 Pieragostini, Karl K.
 Pierson, David Alexander
 Pietschker, Donald Alan
 Pike, Daniel Lee
 Pike, Edward Desloge, III
 Pilnick, Steven Earle
 Pinz, Bradley A.
 Pisz, Robert J.
 Pitkin, Richard Cochran
 Pittman, Alan R.
 Pittman, Charles Wesley, III
 Plank, George E.
 Plante, Kenneth Joseph
 Plunkett, John Cornelius
 Plyer, Bruce Arnold
 Poehlman, Philip James
 Pohl, John Sherman
 Pohl, William Charles
 Poirier, William Peter
 Pola, Gary Lee
 Pollock, Richard Herbert
 Pompey, Charles Stanley
 Pool, James A.
 Pope, Nicholas Albert
 Poro, Edward Kenneth
 Porter, David George
 Porzio, Raymond
 Potter, Charles Darrell
 Pounds, John William, Jr.
 Powell, David L.
 Powell, George Alva
 Powers, John M.
 Powrie, Stuart Robinson
 Prairie, John E.
 Pratt, James Wally
 Preis, Perry Stanley
 Prell, Richard Edwin
 Prescott, Leonard F., III
 Preston, Noel Gary
 Preston, Ralph William
 Prevette, Henry Slater, Jr.
 Prevost, John J.
 Price, Richard Marion
 Priester, John Allison
 Prince, Robert Erskine
 Pritchard, Kenneth Wayne
 Prucha, Robert Stephen
 Puffer, David Brackett
 Puhlman, Robert L.
 Purcell, Richard Lynn
 Purdue, Alexander William J.
 Purkrabek, David James
 Purnell, Erl G.
 Quigley, Michael D.
 Quinn, John Hartley, Jr.
 Quinn, Kathleen A.
 Rackiewicz, David William
 Radack, James Paul
 Radd, John David
 Radeackar, Randy James
 Raftery, Mary Theresa
 Raines, Thomas Steven
 Ralph, Russell Loomis
 Ralston, Gary G.
 Ramirez, Jorge Rafael
 Rammelkamp, Trudi Ratz
 Rankin, Randy Dale
 Rankin, Thomas Prater
 Ranney, Bruce William
 Rantschler, John Franklin
 Rasmussen, Sam Eric
 Rathburn, Curtis Stanley
 Rawlings, David G.
 Rawlinson, Linda Carranza
 Raymond, Terry Alan
 Read, Thomas Sears
 Reading, Leslie James
 Reager, William Reardon
 Reed, James E.
 Reed, William C.
 Reed, William Keebler
 Reed, William Scott, Jr.
 Reese, Michael James
 Reeve, Thomas Burnell, Jr.
 Regan, Francis Patrick
 Regan, William Anthony
 Regener, Donald Francis
 Register, Stephen Thomas
 Regnier, Peter Allan
 Reich, Robert William
 Reichert, Timothy Martin
 Reid, Joseph Bagley
 Reifsnyder, Frank William J.
 Reigner, Charles Buchanan H.
 Reilly, Michael Francis
 Reinhardt, Charles Barnes J.
 Reish, Margaret Ann
 Reitz, Richard Patton
 Renfroe, John M. Jr.
 Rentschler, Donald R.
 Renuart, Robert F.
 Revenaugh, John T.
 Reynerson, Donald M.
 Reynolds, Felix M.
 Reynolds, Richard B.
 Reynolds, Danny Wayne
 Rhedin, David Victor
 Rhodes, Harley Leroy
 Rhodes, Robert S.
 Ribalta, Lorraine Dubois
 Richardson, Frederick K.
 Richardson, Jack
 Richardson, Rebecca Marie
 Richmond, John Walker, III
 Richter, Paul Norman
 Rickabaugh, Frederick Lee
 Ricker, Margaret Ann
 Riddle, Andrew Spencer
 Riebe, Donald Elmer
 Riedy, John Alvin
 Riegel, Michael Glenn
 Ries, Robert Randall
 Rigg, Gary Lynn
 Rigler, Ross A.
 Riley, Benjamin Price, III
 Ringer, Charles Edward, Jr.
 Riolo, Robert Alan
 Rios, Trinidad, Jr.
 Rish, Robert David
 Rist, Donald F.
 Riva, Robert Edmund
 Rivenes, Iver John III
 Rivera, Jaime
 Robbins, Brian Arthur
 Robbins, John R.
 Robertson, William Henry, III
 Roberts, Francis A.
 Roberts, Crichton Carver
 Roberts, Karyl Kaye
 Roberts, Michael Charles
 Roberts, Peter Garety
 Robertson, Donald Joseph
 Robertson, Andrew Coxe
 Robillard, Ronald Walter
 Robinson, Charles L.
 Robinson, John Daniel, Jr.
 Robinson, John Gregory
 Robinson, Lawrence Kerr
 Robinson, Sherry Lee
 Roderick, Richard Michael
 Roddy, Charles P.
 Roeder, Paul Raymond
 Rogers, Herman A.
 Rogers, John Daniel
 Rogers, Mark Allen
 Rogers, Norman Lionel
 Rogers, Stephen England
 Rogers, Susan Elaine
 Rolek, Leo Stanley, Jr.
 Romano, Henry Schubert, Jr.
 Romberg, Wayne D.
 Roope, George Winfield, III
 Root, Stephen Lloyd
 Rose, Marilyn Ruth
 Rose, Stephen Anthony
 Rosemergy, James George
 Ross, David Charles
 Ross, Jessie Clarence, Jr.
 Ross, Michael Charles
 Rosselle, Michael Francis
 Rothrock, Ronald Lloyd
 Rothstein, Michael Philip
 Rotzler, Frederic
 Roundtree, Ronald Terrance
 Roux, Anne Pauline
 Roy, Allan Harold
 Ruedisueli, Robert Louis
 Rufner, Richard K.
 Rugen, Sanford Longstreet
 Rugg, Daniel Maltby, III
 Ruhe, Barnaby Seiger
 Rundall, David Gien
 Runnerstrom, Eric
 Runstrom, Karl J.
 Rusch, Preston Godfred
 Rusczyk, Richard Stanley
 Russell, Thomas Gordon
 Rutherford, Louise Margot
 Rutter, Richard Way
 Ryan, Dennis Leo, III
 Ryan, Dennis Michael
 Ryan, Franklin T.
 Ryan, Stephen Edward
 Saavalainen, Mark I.
 Sachon, Peter Anthony
 Salewski, Michael R.
 Saltenberger, William Mark
 Samuel, Gary Bright
 Samuels, Arthur Michael
 Sandberg, Larry A.
 Sander, Doyne Mack
 Sanders, James T.
 Sanders, John Russell
 Sanders, Penelope L.
 Sanders, Thomas William
 Sandknop, John Benjamin
 Sansom, Byron Paul
 Santile, David Michael
 Sara, George S.
 Sassen, Grant William
 Satoris, Frank K.
 Sauer, George Emery, III
 Savage, Carter Dow
 Savidge, Patrick John
 Savory, John R.
 Sawyer, David Robert
 Scamihorn, Marvin Ross
 Schack, Robert Paul
 Schaefer, Charles A.
 Schear, Larry Robert
 Scheiwe, David Arthur
 Schellhorn, Charles William
 Schempf, Peter William
 Schepman, Dennis Wayne
 Schilhaber, Larry A.
 Schilling, John Harding, Jr.
 Schimmers, John N.
 Schlosser, Helen Ann
 Schmernund, William Henry
 Schmidt, Donald Roger
 Schmidt, Dorothy Jean
 Schmidt, Edwin Alexander
 Schmidt, George Michael
 Schmidt, Hubert Francis
 Schmidt, Joseph Dunn, Jr.
 Schmidt, Robert Henry
 Schmidt, William Richard
 Schnaars, Carolyn James
 Schneider, James Eugene

Schobert, Frederick G., Jr.
 Scholz, Harvey L.
 Schott, Jeffrey Michael
 Schrader, Frederick Denis
 Schranz, Peter A.
 Schreck, Harley Carl, Jr.
 Schreiber, Willard C., Jr.
 Schrobo, Stephen Michael
 Schrock, Joseph A.
 Schroeder, Milton David
 Schroeder, Philip Michael
 Schrot, John Robert
 Schukis, Francis J.
 Schultz, James Calvin
 Schwab, John Borden
 Schwab, Stephen Taylor
 Schwaller, Gregory Anthony
 Schwartz, Harold Wayne
 Schwartz, Robert Wendell
 Schwechten, Robert J., II
 Scott, Gary H.
 Scott, Jeff Charles
 Scott, Lawrence W.
 Scott, William Andrew
 Scott, William B., Jr.
 Scott, William R.
 Seaman, Richard Curzon, Jr.
 Sedgwick, Gordon Lee
 Seekins, Steven Selden
 Seeley, John Richard, Jr.
 Segur, Gregory Vincent
 Seitz, Thomas Alan
 Sellers, Ronald Edward
 Sellman, Robert Lee
 Seltzer, David Stephen
 Semko, Paul Scott
 Serhan, Marvin Thomas
 Serotta, Michael David
 Serwich, Thomas Gregory, II
 Seski, John Edward
 Sessler, Gregg Frederick
 Setzekorn, Robert Ray
 Sewall, Terry J.
 Seward, John Wesley, Jr.
 Sexton, James Stanley
 Sexton, Ralph John
 Shaddy, Martin Andrew, Jr.
 Shaffer, John Nevin, Jr.
 Shannon, John Timothy
 Shapiro, Alan J.
 Sharer, Kevin Woods
 Shaughnessy, Daniel
 Shaughnessy, Ruth C.
 Shaw, David Reginald
 Shaw, Robert Edward
 Shaw, William Royal
 Sheehan, Timothy O'Grady
 Sheldon, Mark Nye
 Sheller, Lawrence Edward, Jr.
 Shelton, Diana Claire
 Shelton, John R.
 Shelton, Randolph W.
 Shepard, David Bruce
 Shepard, Scott Holman
 Shepherd, Richard Dewart
 Shepherd, Wilbur French
 Sheppard, Dennis Dean
 Sher, Thomas Stewart
 Sherer, Charles Thaddeus, II
 Sherfesee, Louis, III
 Sherm, Gerald Frederick
 Shickle, David Lester
 Shields, John Thomas, III
 Shinn, Steven Craig
 Shirely, Edwin R.
 Shonk, Merwyn Roop
 Shorts, Chester Arnold
 Shoudy, Peter N.
 Shower, William A., Jr.
 Shown, Ronald Jay
 Shrock, Steven D.
 Shuff, Allen Ray
 Shultz, John A., III
 Shumaker, Karl C.
 Shumlas, Stephen Stanly
 Shutt, Michael David
 Siegel, Dan Allen
 Siemon, Douglas Henry
 Sigler, William F.
 Siler, Virgil R.
 Silverthorne, Craig William
 Simmons, Edward J.
 Simmons, John Wallace, II
 Simmons, Michael Leroy
 Simpson, Gary Michael
 Siple, Roy Crane
 Sitz, William Wynn
 Skahan, Michael William
 Skaling, Kathleen Dell
 Skerbec, Joseph Frank, Jr.
 Skiles, Rolland W.
 Skille, Alan James
 Skinner, Howard Arthur
 Skolds, Charles Richard
 Skrief, John N.
 Slaght, Kenneth Duncan
 Slaton, Steven Gregory
 Slattery, Patrick John
 Sledge, Loyd D.
 Slonecker, Michael L.
 Slowik, Robert Louis
 Smedberg, James Eric
 Smathers, James R.
 Smith, Audrey Lorraine
 Smith, Barry Lee
 Smith, Carl Chester, Jr.
 Smith, Carl Macon, Jr.
 Smith, Dallas T.
 Smith, Donald S.
 Smith, Douglas Vaughn
 Smith, Earl Ramon
 Smith, Gordon K.
 Smith, John V., Jr.
 Smith, John Walter
 Smith, Kenneth Larry
 Smith, Kenneth Warren
 Smith, Paul Donald
 Smith, Phillips Guy
 Smith, Randal E.
 Smith, Richard Charles
 Smith, Richard T.
 Smith, Robert Emmett, Jr.
 Smith, Ronald Clark
 Smith, Roy C.
 Smith, Sandra Ruth
 Smith, Stanley Harold
 Smith, Thomas Holton, Jr.
 Smith, Thomas Earl
 Smith, William G.
 Smitherman, Robert Emerson
 Smoot, Arthur Eugene, Jr.
 Snapp, Paul Thornton
 Snell, Dean Allan
 Snell, Dennis Arthur
 Sneller, Milton L.
 Snelson, Jack Alvin
 Snowden, Ernest Maynard, II
 Snyder, Ronald John
 Snyder, Thomas Frederick
 Songer, Steven Michael
 Soo, Robert L.
 Spangler, Gary Gilbert
 Sparks, Carroll Bennett
 Sparks, Mary Christine
 Spaulding, Robert Parish, Jr.
 Specht, Robert David
 Spencer Jerome F.
 Spenser, Kenneth Vaughn
 Spong, Mark Edward
 Sprague, Perry Edward
 Springer, Richard Samuel
 Sprinkles, Leonard Daniel
 Sproule, Robert Harvey
 Staeheli, Bruce W.
 Staeheli, Christopher Paul
 Stahl, Dale Edward
 Stahl, Lawrence O.
 Stampelos, John George
 Standish, Leslie Clement
 Stanfield, Kenneth R.
 Stanga, Robert D.
 Stankowski, Barbara J.
 Stanley, Jeffrey Dean
 Starnes, Kathleen Maria
 Stasi, Frank Anthony, Jr.
 Stasiowski, James Michael
 Statuto, Mark Arthur
 Staudt, Gilbert Mark
 Stolair, Kenneth Halcom, Jr.
 Stearns, Richard Charles
 Stearns, Richard A., III
 Steelman, Barry Lee
 Stefkovich, Daniel Stephen
 Steiner, Gerard Royal
 Stender, Robert G.
 Stenzl, Robert Gail
 Stephens, Ben Franklin, Jr.
 Stephens, Grant Schneider
 Stephens, William B., Jr.
 Steussy, William Howard
 Stevens, James Douglas
 Stevens, Robert Frederick
 Stevenson, Robert W.
 Stevinson, Floyd Samuel, Jr.
 Stewart, John Merlin
 Stewart, Michael McAlister
 Stiles, Gregory Allen
 Stites, Robert Thomas
 Stockhaus, Daniel Quen
 Stockho, William Louis
 Stoddard, David Victor
 Stone, John L.
 Storer, David Gene
 Stott, John Joseph
 Stout, Charles Minor
 Strait, Chester Edwin
 Stratton, Larry Rodger
 Streeter, Bruce Allen
 Stribling, Ronald Anthony
 Strickland, Leroy Hickman
 Strohaker, John G.
 Strong, David George
 Stroud, Charles Clayton
 Strzeminski, Stephan Joseph
 Stubbs, Gary W.
 Subalusky, William Thomas J.
 Suhr, James William
 Sullivan, John James, Jr.
 Sullivan, Martin Dennis
 Sullivan, Paul Francis
 Sullivan, Timothy Finbar
 Sullivan, Walter Francis
 Sullivan, William Daniel
 Sulzner, Bruce Elliott
 Summerlin, Michael Don
 Summers, Jack McConnell, Jr.
 Sutter, Ellis Dee, III
 Sutton, Harry W.
 Sutton, William Glenn
 Svoboda, John Michael
 Swah, Samuel Ryan
 Swartzell, Robert Dale
 Swenson, Carl F.
 Swigart, John Jacob
 Swofford, Mark Dudley
 Swoope, James Paige
 Symington, Donald L.
 Synowiez, Peter Mortimer
 Tabb, Henry Edmund, III
 Tabing, Mark Dana
 Talipsky, Richard William
 Tallardy, Thomas John
 Tamburini, Robert
 Tauber, Richard J.
 Taylor, Allen Griffith, Jr.
 Taylor, Arch Edward
 Taylor, Eugene Warren
 Taylor, James Langdon
 Taylor, John McClellan
 Taylor, Jonathan F.
 Taylor, Richard H.
 Tazewell, John Parks, Jr.
 Teel, Jesse E., Jr.
 Teetz, William R.
 Teller, Thomas Lee
 Tempore, Thomas Lucas
 Tenant, Douglas Melville
 Tente, Dennis Joseph
 Terrible, Joseph Anthony
 Tettelbach, Gary John
 Thacker, Richard L.
 Thaeler, Leigh MacQueen, Jr.
 Thayer, Paul Luke
 Thomas, Danny Ray
 Thomas, David William
 Thomas, Mark Alan
 Thomas, Michael Charles
 Thomas, Nauman Scott
 Thomas, Richard Howard
 Thomas, Steven Edward
 Thompson, Benny Edward
 Thompson, Charles Edward

Thompson, Clayton Herbert J.
 Thompson, Douglas Scott
 Thompson, George Albert
 Thompson, James Jay
 Thompson, Robert Bennett, Jr.
 Thompson, Richard Allen
 Thompson, Sharon Kay
 Thomson, James Stuart
 Thornhill, Arthur Nelson
 Thornhill, Daniel Bruce
 Thornton, Sydney D.
 Tierney, Glenn Patrick
 Timberlake, William Archer
 Timmester, Terry Wayne
 Todorich, Charles Martin
 Townsend, Ronald David
 Tracey, Patricia Ann
 Tracey, William Patrick
 Treichler, John Robert
 Trenka, Harold Norman
 Trenker, Gary Carl
 Tripp, Mark Steven
 Trytten, Dean Orville
 Tsaggaris, Alexis
 Tuck, James Allen
 Tucker, Benjamin William, Jr.
 Tucker, Eugene Frank
 Tucker, Malcolm Richard
 Turbeville, Anthony Michael
 Turner, Prescott K., Jr.
 Turville, William Charles J.
 Twyman, William Earl
 Tyer, Joseph E.
 Tyler, Bobby Dale
 Tyler, Gary L.
 Tyler, Robert Jeffrey
 Tyson, Robert Karl
 Uffnorde, George D.
 Ulmer, Lynne Ellen
 Unruh, Howard Kirk, Jr.
 Unser, Theresa Anne
 Urbanek, Thomas Ray
 Ustick, Theodore M., III
 Uthe, David Harley
 Utzich, Richard Michael
 Uzenoff, Ronald James
 Valdivia, Richard Stephen
 Valeche, Hal Robert
 Vanamringe, Jon Eric
 Vance, Thomas Coates
 Vanderbosch, Steven William
 Vandusen, Peter
 Vanhoften, James D. A.
 Vantassel, Paul Franklin
 Vantine, Kirk Kelso
 Vantreas, Cameron Kent
 Vaughn, David Joseph
 Vechinski, Gregory Joseph
 Venes, John William, Jr.
 Vercher, John Buford
 Vessey, Robert Douglas
 Vetsch, William Joseph
 Vine, Gary Lee
 Vines, Geran C.
 Vines, Larry Paul, Sr.
 Viney, Robert Michael
 Vining, Raymond D.
 Vinson, James W., Jr.
 Vinson, Rebecca Gurley
 Visco, Dominick Wayne
 Vitek, Michael F.
 Vizzini, Frank Alfonso, Jr.
 Vogel, Paul H.
 Voight, Thomas C.
 Volkart, Bruce Ray
 Vonlintig, Richard David
 Waddell, James Barry
 Waddle, James Michael
 Wade, James Michael
 Wahl, Frank Bernard, Jr.
 Waicker, George Joseph, III
 Waite, Lynn Lewis
 Walker, David Russell
 Walker, Jon B.
 Walker, Mary Anne
 Walkky, Kenneth James
 Wallace, David Kitts
 Wallace, Harold Boyette
 Walling, Kenneth E.
 Walmsley, Stephen Earl
 Walt, Douglas Orville
 Walters, Ronald Wayne
 Walton, Jerry Eugene
 Ward, Robert Earl Eugene
 Waterman, Marc Norris
 Watkins, John Bruce
 Watkins, Kenneth Stratte, Jr.
 Watkins, Val E.
 Watkins, William Allen
 Watson, Anthony John
 Wavle, Gordon Radford
 Weaver, Lloyd Rollin
 Webb, Stephen Eugene
 Webb, Wayne Patrick
 Webb, William Jennings, Jr.
 Webb, William Francis
 Weber, Betty J.
 Weber, Douglas E.
 Weber, William Lloyd, III
 Weborg, Gene M.
 Webster, Edward Mullender J.
 Webster, Kirwin S.
 Webster, Michael Thomas
 Weeks, John Linton, III
 Weeks, Stanley Byron
 Weeks, Stephen B.
 Weigel, Jay Ellis
 Well, Thomas Eliot, Jr.
 Weinewirth, Mary A.
 Weir, Marshall R.
 Weiscope, Carl Eugene
 Welch, Benjamin Harrison, II
 Wellborn, Richard Bowen
 Welling, Ronald L.
 Wells, Carl Stanley
 Wells, John Timothy
 Wenchel, George F.
 West, Edward M.
 West, James Clyde, Jr.
 West, John G.
 West, Linda Lou
 Westcott, Gerald Michael
 Westcott, Richard Elliott
 Westfield, Donovan Earle
 Westfall, John C.
 Wharton, Roger L.
 Wheaton, Martha Jane
 Wheeler, Harold Nelson
 Whilden, Francis Covington
 Whitaker, Charles Henry, Jr.
 Whitaker, Clayton Edmund
 White, Bradley Thomas
 White, John Thomas
 White, Oakley Francis
 White, Richard Dehaven
 White, Robert D.
 White, Stephen McConnell
 Whitman, David Robert
 Whitmire, Dewey Laland
 Whitney, Darrell Emerson
 White, Ervin Bishop, Jr.
 Whitten, George Brine, III
 Whitworth, John Burton, III
 Wick, Carl Eric
 Widener, Lynn Harbour
 Wiedeman, David Blair
 Wiens, Leonard Arnold
 Wierzbicki, Gregory Thomas
 Wiggins, Bryan Douglas, Jr.
 Wilder, Hubert Boone, III
 Wilkins, Thomas William
 Williams, Arrena Sue
 Williams, Bruce Warren
 Williams, Charles Baxter
 Williams, Charles Leroy
 Williams, David M.
 Williams, Douglas Henry
 Williams, Elmer Eugene
 Williams, Galbraith Denny J.
 Williams, James S.
 Williams, Lillian Ann
 Williams, Pharis E.
 Williamson, Edward Hughes
 Willis, Thurman Lamar
 Wilson, Bryan Paul
 Wilson, Charles Howard
 Wilson, Dennis Alan
 Wilson, Paul Abernathy
 Wilson, Phillip Robinson
 Wilson, William Burton
 Wing, Edward Grant, Jr.
 Winge, Donald E.
 Winger, Philip Gray
 Winowicz, Stanley Joseph, Jr.
 Winslow, Robert Michael
 Winston, Bruce Howard
 Winterstein, Willard J., Jr.
 Wirkkala, Richard Earl
 Wise, John Roy
 Withaker, Dwight V., III
 Witte, Thomas Michael
 Wittkamp, Thomas Michael
 Wittmann, William Warren
 Wlodarczyk, Edward
 Wojtkowiak, Daniel L.
 Wolf, Peter Thomas
 Wolf, Terry Lee
 Wolfe, Danie! Thomas
 Wolfe, Theodore Sheffer
 Wolfe, Wayne Leonard
 Wolpert, William Lee
 Woo, Robert Anthony
 Wood, Don Alan
 Wood, Nancy Elizabeth
 Wood, Stephen Murray
 Wood, Susan Crosby
 Woodall, Jonathan Hill
 Woodard, John Houghton
 Wozniak, John F.
 Wright, Brian Earle
 Wright, David Neil
 Wright, Gerrit Lee
 Wright, Herbert Rawson, III
 Wright, John Thomas
 Wright, Jon Robert
 Wright, Larry Clinton
 Wuest, Mary E.
 Wurst, Frank Leonard
 Wurzel, David Lawrence
 Yash, Charles Joseph
 Yerick, Martin Rudolph
 York, William Joe
 Young, Charles Bruce
 Young, Gregory Carl
 Young, Kerry Alan
 Young, Thomas R.
 Young, Wendell Richard
 Young, William Fielding
 Yunker, John M.
 Zaborowski, James Joseph
 Zackary, Fort Arthur, Jr.
 Zahner, Carl John
 Zambernard, Paul Anthony
 Zasadni, Veronica
 Zavadil, Stephen Wayne
 Zboyan, Roy Warren
 Zell, William Beigler, Jr.
 Zeola, John Patrick
 Zetes, John Arthur
 Zgolinski, Albert George
 Ziebel, Donald Robert
 Zielinski, Leon John
 Zielinski, Margaret Mary
 Zimmerman, Paul Lawrence
 Zimmerman, William Lee
 Zins, Michael James
 Zitzelman, Philip Wayne
 Zmich, Arlene Sharon
 Zogby, Reagan J.
 Zweerink, James E.
 Zysk, Thomas Stephen

SUPPLY CORPS

Anastasi, Richard
 Andrew, Michael R.
 Asselin, Andre S.
 Beckett, John C.
 Bishop, Weller Stephen
 Bleier, Frederick Leo
 Blood, Roger John
 Bohannon, Donald Clyde
 Boilman, Terry Lee
 Bolt, Steven Douglas
 Bradley, Richard Edward
 Brian, James Sanford
 Brooks, Ted Edward
 Brunderle, Peter Patrick
 Burdett, James Randall
 Burgess, Roy H.
 Burke, Dennis P.
 Bush, Stephen Alan
 Byard, Robert D.

Camp, Robert Thomas
 Campbell, Thomas A.
 Cardinalli, Henry Albert, Jr.
 Carlson, Cary Paul
 Carlson, James Henry
 Carter, David Maxon
 Cascone, Carl Vincent
 Casey, Michael Wayne
 Chitty, Frederick C.
 Conklin, Michael Douglas
 Cook, David Michael
 Cornelison, Gary Alan
 Cote, James Raymond
 Cotton, Robert Lee
 Davis, Peter McCoy
 Davis, Thomas, III
 Denning, Steven Aaron
 Dickey, Thomas Edward
 Dickson, Robert Monroe
 DiFranco, Steven Joseph
 Elder, Jeffrey J.
 English, David Floyd
 Evanoff, Richard A.
 Faubell, Paul David
 Faucher, David Paul
 Felle, Robert Eugene
 Ferris, William Michael
 Finnell, John Kinsella
 Fitzsimmons, Joseph James
 Flanagan, John Edward, Jr.
 Flick, Arthur B.
 Foerster, John Michael
 Frary, Charles Marmon
 Fulton, Daniel Stuart
 Gaither, Roderick
 Gallagher, Stephen B.
 Garner, Darrell William
 Gilbert, Gordon J.
 Gilbert, Dale Alton
 Gillette, Robert Corcoran
 Gillum, Virgil David
 Greene, Alan Robert
 Griffin, James Howard, III
 Gronifein, Jerome Bruce
 Grove, Jerome Paul
 Hanson, Ryan Lewis
 Harder, Larry D.
 Harris, Richard A., Jr.
 Hartman, John M.
 Hassenplug, John Keith
 Hauxhurst, Jack M.
 Hawkins, Paul Russell
 Helmich, Ralph Edward
 Hemmy, Victor H. J.
 Hinson, Kenneth Earl
 Hirsch, Arthur F.
 Hodges, James V.
 Hodgkins, Henry A., Jr.
 Holbach, James Henry
 Huber, David Lee
 Hudock, Steven A.
 Huefner, James Howard
 Jackson, William Andrew
 Jenkins, Michael Lynn
 Johnson, Earl Winslow, Jr.
 Johnson, Jay Carter
 Johnson, Mark Scott
 Johnson, Terrence Bateman
 Jones, Samuel Lynn
 Jordan, Larry J.
 Joyce, Robert Joseph
 Kamel, Mohsen
 Kawakami, Clarke Kiyoshi
 Kelley, Kevin P.
 Kimmel, Charles Bryan, Jr.
 Klase, Kenneth Allen
 Krey, Russell Warren
 Kwiatkowski, William, Jr.
 Lafauci, Roger John
 Lamb, James H.
 Law, Robert F.
 Lawton, James Patrick
 Lee, Burton J.
 Leenstra, Richard B.
 Lombardi, John Ray
 Lydolph, Paul Newcomb
 Lynch, John Francis
 Lyness, James Douglas
 Machado, Bruce Mervin
 Madaio, Paul Frank
 March, Earle Bovell, Jr.

Marchetti, Ronald Andrew
 Marini, Michael Adair
 Marquex, Ernest B., II
 Martin, Walter Francis, Jr.
 Masters, Merlyn M.
 McCarthy, Justin D.
 McCray, James Elburn, II
 McCulloch, John William
 McDermott, Thomas Ward
 McGowan, James Hewitt
 McNaughton, Paul Thomas
 McQueen, Thomas W.
 Meredith, Clarke Henry
 Merrell, Thomas Orin
 Merritt, Karl William
 Miner, Kenneth Harold, Jr.
 Mitchell, Colonus, Jr.
 Moeller, William Griswold
 Morgan, David
 Morgan, Steven Robert
 Morrell, Dennis Lee
 Morton, George Henry E., III
 Mumma, Donald Charles
 Murphy, Robert Emmet
 Murray, William M.
 Noble, Mark Raftrey
 Nolan, Richard T.
 Nyland, Stephen Carel
 Paul, Robert
 Pearce, John Frederick, III
 Peck, Robert Winsby
 Pendarvis, Daniel, III
 Perry, Keith M.
 Peterson, Carl Raymond, Jr.
 Pew, Curtis Ernst
 Phelps, Richard P.
 Pilcher, James Robert
 Pollock, William J.
 Pope, Michael Stanley
 Post, Stephen Edward
 Price, Samuel Russell Dow
 Pulliam, Stephen C.
 Purdy, Kenneth Coburn
 Ramsey, Phillip Grayson
 Randall, Thomas Edward
 Reese, James M.
 Reisinger, Steven Andres
 Reutemann, Edward Charles J.
 Rich, Lyle Vernon
 Rinaldo, John Charles
 Robinson, Scott
 Rodenbarger, Syd W.
 Ryan, Robert Joseph
 Schimpf, Barry J.
 Schneider, Larry James
 Schreiber, Thomas Joseph
 Scott, Douglas Thompson, Jr.
 Sellers, Benjamin R.
 Shaw, Mark C.
 Shelton, Billy R.
 Shock, Richard William
 Simmers, Walter William
 Smith, Charles S.
 Smith, Emmett Wilson
 Smith, Kerry Jon
 Smith, Robert Coleman
 Snyder, Michael John
 Spratlen, Nicholas Lynn
 Stanger, Thomas Joseph
 Stankeivicz, David F.
 Stephens, Jan Braven
 Stokes, David Vose
 Strolle, John Richard
 Tarver, James Edward
 Sugermeier, Robert Storck
 Tempesta, Edward Carlo
 Thomas, Michael
 Thorpe, Grant William
 Tinker, William M.
 Tissier, Robert Joseph
 Trainor, Michael B.
 Treado, Leroy Michael
 Turpie, James Alasair G.
 Vogelsang, James Edwin
 Walker, Allen Warren
 Walsh, Robert Arthur, II
 Walsh, Thomas Michael
 Warner, Paul G.
 Watkinson, Lyle Patrick
 Webb, James Arrington, III

Wells, Robert Stanley
 Wleczorek, Richard Joseph
 Wilhite, Bernard Lee
 Willis, Roger Allen
 Wilson, Richmond D.
 Winslow, Dennis Maurice
 Wood, Stephen Joseph
 Young, Jeffrey A.
 Young, Robert Wright

CIVIL ENGINEER CORPS

Bleakley, Robert Lockwood J.
 Borowski, Casimir Jan, Jr.
 Braddock, Robert L.
 Burke, William F., III
 Bussey, Dennis R.
 Butler, Jerry B.
 Cahill, Patrick Joseph
 Cambron, George Keith
 Carpenter, Ronald Gary
 Ching, Clayton Y. K.
 Christensen, Thomas Holm
 Collins, John P.
 Congdon, Douglas E.
 Corsano, Arthur
 Crouch, Charles Edgar
 Dalton, Howard Griffin
 Deluca, John, Jr.
 Delunas, Leonard James
 Erickson, Stephen F.
 Ferch, Robert Edmund
 Ferguson, John Owens
 Filson, James V.
 Fincher, Thomas O.
 Gnerlich, Robert Russell
 Green, Gerald L.
 Gregory, Ronnie Rae
 Hanley, John Timothy
 Johnson, Michael Ray
 Key, Thomas Scott
 MacCaffery, Don A.
 Marsh, Donald Robert
 Mondoux, William Joseph, III
 Nettlesheim, Richard David
 Newton, Willis Gerald
 Pille, Joseph Maurice, Jr.
 Rabold, Bernard Louis, Jr.
 Rockwood, Thomson Whitin
 Rowett, Henry Matthew
 Samuelson, Gene Roy
 Schramer, Mathias C., III
 Shern, John William
 Smith, Earl Lee, Jr.
 Smith, Louis M.
 Spore, James Sutherland, III
 St. Peter, Harold Bruce
 Teater, Richard Michael
 Thomas, Kenneth Wilson, Jr.
 Thompson, Stephen Ray
 Tomiak, Walter W.
 Vogt, John Fredric
 Wade, Richard Louis
 Walley, James Marvin, Jr.
 Walsh, David Frank
 Wenck, Stanley Erlin
 Williams, James Randolph
 Wright, James Christopher
 Yankoupe, George W.

JUDGE ADVOCATE GENERAL'S CORPS

Martin, Thomas L.
 Wells, Lisalee Anne

MEDICAL SERVICE CORPS

Arnold, Anthony Ray
 Bowman, Jeffry Stephen
 Crafton, Lonnie Dale
 Dotto, Kenneth Michael
 Fendler, Kermit James
 Girod, Walter Allen
 Grimes, Thomas Abner
 Hanrahan, James Edward
 Lamar, Steven R.
 Lobaugh, Larry Gene
 McClintock, Thomas W., Jr.
 Mitchell, Michael L.
 Mitchell, Troy Gene
 Seible, Lawrence George
 Smith, Richard Lee
 Spillane, Dennis
 Swales, George Aloysius
 VanRollins, Michael
 Yacovissi, Robert

NURSE CORPS

Ames, Ervin Lyle
 Breeding, Patricia Ann
 Brown, Donald William
 Carey, Susan Ann
 Chick, Carole L.
 Cox, Robert Leroy, Jr.
 Derney, Ann M.
 Devries, Christine Ruth
 Fitzsimmons, James W., III
 Garrison, Richard Allen
 Guy, Bruce David
 Head, Walter Weller, Jr.
 Hohon, Henry Pete
 Jung, James Wyland
 Lefort, David Michael
 Mainous, Paul David
 Marostica, Marilyn K.
 McBurney, Richard Ellwood
 McPherson, Robert Carter
 Monahan, Jeanne S.
 Peske, Lorelei Sue
 Phillips, Martha Marshall
 Pickens, Connie Lynn

The following named Naval Reserve officers for permanent promotion to the grade of captain in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Allen, Alfred H.
 Arndt, Edward K.
 Aydelotte, Charles W., Jr.
 Belleville, Robert C., IV
 Blake, Robert H.
 Boydston, Edward A.
 Bub, Laurence M., Jr.
 Cohen, Harvey R.
 Cook, John F.
 Cucullu, Irwin L.
 Dangler, Edward
 Dotson, Bennie F.
 Dunbar, Bruce R.
 Ehrlich, Clarence L.
 Eldemiller, Donald I.
 Fellows, Dean R.
 Fernandez, Joseph
 Francis, George H.
 Friel, James T.
 Gerdes, Ronald M.
 Giusini, Arnold V.
 Gray, James W., Jr.
 Gregg, William Alford, IV
 Hamlin, Charles R.
 Hepp, Donald Frederick
 Hoppe, Harold W.
 Howery, Norman K.
 Hubacker, Earle F.
 Jackson, Franklin P.
 Jones, Talmadge C.
 Kelly, Joseph T.
 Laidlaw, William Robert
 Lamere, James R.
 Long, James D.
 Ludi, Leroy H.
 Maloy, William L.
 Marsh, Albert B.
 McNamara, Richard W.
 Meyer, Robert H.
 Miller, Everett L.
 Miller, Robert D.
 Milleson, William W.
 Montgomery, John D.
 Muller, Richard F., Jr.
 Niesse, John E.
 Oprea, George W., Jr.
 Palmatier, Philip F.
 Peacock, Charles A.
 Pechulis, John J.
 Powell, Samuel Franklin, III
 Reticker, Edward D.
 Roop, Howard
 Russell, Edgar F., Jr.
 Stout, Harry R.
 Swenson, Eric H., Jr.
 Udovin, Bertram A. C.
 Walsh, Thomas Raymond
 Wiedmaler, Harry O.

MEDICAL CORPS

Bailey, William T., Jr.
 Barsoum, Adib Hanna
 Brooks, Benjy F.
 Curreri, Gino Anthony
 Duncan, Richard G.
 Farrell, George R.
 Fountain, Freeman Percival
 Griggs, Walter C.
 Kirk, Thomas A., Jr.
 Lawton, Alton Clinton, Jr.
 Mitchell, Shelby W.
 Murphy, Stephen Paul
 Perry, Harold O.
 Ryskamp, James Jay, Jr.
 Rosborough, James Fears, Jr.
 Savarese, Charles Joseph, Jr.
 Spratt, John S., Jr.
 Weeth, John B.
 York, Elihu

SUPPLY CORPS

Bleck, Robert G.
 Edson, Bruce W.
 Harper, Robert A.
 Hogan, John E.
 Kemper, John G.
 Kopotic, Robert P.
 Negri, Robert J.
 Waffle, Gareth R.

CHAPLAIN CORPS

Cansler, James O.
 Collin, Thomas L. H.
 Kuhn, Gerald E.

CIVIL ENGINEER CORPS

Brockway, George R.
 Costello, Robert B.
 Jones, Paul H.
 Weinberg, Norbert W.

JUDGE ADVOCATE GENERAL'S CORPS

Foster, Robert Watson
 Mur, Raphael
 Schlegel, E. Bernard

DENTAL CORPS

Anderson, Frank H.
 Bailey, Robert M.
 Friedenberg, Frederick Floyd
 Geiges, Charles K.
 Kovacs, William Beriti
 Lamermayer, Richard Nickolas
 Lawrence, Vernie Clyde, Jr.
 Lewandowski, Anthony
 Trowbridge, Henry O.

MEDICAL SERVICE CORPS

Gibbs, Clarence J., Jr.
 Lang, Gideon L., Jr.

The following-named Naval Reserve officers for permanent promotion to the grade of commander in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Allen, Alfred H.
 Arndt, Edward K.
 Aydelotte, Charles W., Jr.
 Belleville, Robert C., IV
 Blake, Robert H.
 Boydston, Edward A.
 Bub, Laurence M., Jr.
 Cohen, Harvey R.
 Cucullu, Irwin L.
 Dangler, Edward
 Dotson, Bennie F.
 Dunbar, Bruce R.
 Ehrlich, Clarence L.
 Eldemiller, Donald I.
 Fellows, Dean R.
 Fernandez, Joseph
 Francis, George H.
 Gerdes, Ronald M.
 Gregg, William Alford, IV
 Gray, James W., Jr.
 Hepp, Donald Fredrick
 Howery, Norman K.
 Hubacker, Earle F.
 Jackson, Franklin P.

MEDICAL CORPS

Jones, Talmadge C.
 Kelly, Joseph T.
 Lamere, James R.
 Long, James D.
 Ludi, Leroy H.
 Maloy, William L.
 Marsh, Albert B.
 Miller, Everett L.
 Miller, Robert D.
 Milleson, William W.
 Montgomery, John D.
 Niesse, John E.
 Oprea, George W., Jr.
 Palmatier, Philip F.
 Peacock, Charles A.
 Pechulis, John J.
 Powell, Samuel Franklin, III
 Reticker, Edward D.
 Roop, Howard
 Stout, Harry R.
 Swenson, Eric H., Jr.
 Udovin, Bertram A. C.
 Walsh, Thomas Raymond
 Wiedmaler, Harry O.

MEDICAL CORPS

Duncan, Richard G.
 Fountain, Freeman Percival
 Griggs, Walter C.
 Mitchell, Shelby W.
 Spratt, John S., Jr.
 Weeth, John B.

SUPPLY CORPS

Edson, Bruce W.
 Hogan, John E.
 Negri, Robert J.
 Waffle, Gareth R.

CHAPLAIN CORPS

Cansler, James O.
 Collin, Thomas L. H.

CIVIL ENGINEER CORPS

Brockway, George R.
 Weinberg, Norbert W.

JUDGE ADVOCATE GENERAL'S CORPS

Schlegel, E. Bernard

DENTAL CORPS

Anderson, Frank H.
 Geiges, Charles K.
 Lamermayer, Richard Nickolas
 Lewandowski, Anthony
 Trowbridge, Henry O.

MEDICAL SERVICE CORPS

Gibbs, Clarence J., Jr.
 Lang, Gideon L., Jr.

The following named officers of the U.S. Navy for temporary promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Ahlers, Norbert Anthony
 Akins, Olen Charles
 Anderson, J. Quinton
 Arion, Ellsworth Eugene
 Ashworth, Robert Arthur
 Aversano, Anthony Joseph
 Bailey, Defort
 Baldwin, Robert Lee
 Barclay, Ray Franklin, Jr.
 Barker, Harvey Ward
 Bartholomew, David Lynn
 Bartke, Harrold Lincoln
 Benning, Vale Jean
 Billick, Dan Richard
 Binion, John Isaac, Jr.
 Black, James Douglas
 Blanchard, Gary Franklin
 Bobo, Harold
 Bobo, Billy Joe
 Bobo, Jerry Lyn
 Boon, John Edward
 Borgmann, Frederick William
 Boyle, David John
 Braswell, Wallace Edwin
 Brattain, Herbert Keith
 Brooks, Edgar Tearl

Brown, Richard Arnold
 Brown, Robert Edward
 Butler, Robert Edmund
 Campbell, Donald Leo
 Carey, John Dale
 Caton, Robert Nelson
 Chandler, Frank Lee
 Chitwood, Orvis Hugh, Jr.
 Clabaugh, Ronald Stephen
 Cloutier, Lawrence Paul, Jr.
 Cooper, William Jackson
 Crain, Robert Levan, Jr.
 Crowder, James Dunn
 Cudia, David Timothy
 Daniel, Jess Michael
 Davis, Robert Lee
 Deinhardt, John Joseph
 Dekart, Donald Frank
 Delancey, James Douglas
 Delaney, Donald James
 Deutsch, Joseph King
 Doebring, Robert Franklin
 Donnellan, David Francis
 Dougherty, Thomas James
 Drier, Melvin Franklin
 Driscoll, Richard Francis
 Driver, John Edward
 Edwards, Bernard Darrel
 Edwards, Raymond Lewis
 Emswiler, Robert Byers
 Enevoldsen, Jack
 Eney, Neilson, Eugene, Jr.
 Etten, Gary Albert
 Fetter, Norman Leonard
 Fisher, Glen Andrew
 Foss, Harry Carson, Jr.
 Fridell, Robert Allen
 Fuller, Emil Andrew
 Gates, Richard Wesley
 Gepford, Richard Donald
 Germany, Charles Joseph
 Goerg, Frederick Clarence
 Gordon, Harold Leroy
 Goss, Marlin Earl
 Graff, Clinton George, Jr.
 Gregory, Thomas
 Grimes, David Allen
 Haffner, Guy Allen
 Hagensick, John Richard
 Hale, Douglas Alma
 Hall, Richard Wendell
 Haller, Bernard Joseph
 Hambley, James Gilbert
 Harris, Thomas Eugene
 Harry, Robert Meade
 Haupt, Lloyd
 Havenstein, Gene Leon
 Held, Rene
 Heuchert, Richard Herman
 Hill, Robert Wallace
 Hine, Jerry Gordon
 Hobbs, Hursell Benton, Jr.
 Hollon, Maurice Calvin
 Horsfall, William Edward
 Howard, Donald Reed
 Howard, James Elijah, Jr.
 Hoyt, William Henry
 Huffman, Karl Howard
 Husted, George Gerald
 Irby, Eldon Elmore
 Jackson, Robert Burns
 James, Bobby Campbell
 Jensen, Gordon Mark
 John Paul Maret
 Johnson, Thomas Scott, Jr.
 Johnston, Darrell Edwin
 Johnston, James Edward
 Johnston, Wilford Paul
 Jones, Carlos
 Jordan, Boykin Bristow
 Kellum, William Clayton Jr.
 Kenyon, Larry Lee
 Lawrence, James Ross
 Lechtenberg, Richard Clem
 Lentz, Joe Blane
 Lighthart, Lloyd William
 Locke, Gary Winfred, Jr.
 Long, Homer Richard
 Lopez, Clyde Cecil
 Loranger, Richard George
 Lormor, Eugene Harold
 Lovejoy, Jay Edward
 Lowe, Walter Robert

Lucero, Seferino
 Lyon, Scott Roier
 Majchrowicz, Edward John
 Malone, Robert Grant
 Markle, Donald Franklin
 Marsh, Robert Dean
 Marshall, Leo Roy
 Masetti, Ennio
 Mathews, Carl Leon
 McCleer, James Lawrence
 McElroy, Fred Carl
 McGuire, David Nelson
 Michelson, Dennis Clark
 Miller, Paul Howard
 Miller, Roy Allan
 Milligan, Donald Ray
 Mitchell, Elmer Ray
 Nassar, Albert Nicholas
 Nechvatal, Charles James
 Neste, Carl Alfred
 New, Melvin Roger
 Nichols, Paul Malcolm
 Oehler, James Christ
 Olsen, Frederick Lee
 Olson, John Theodore, Jr.
 Page, Alfred Leonard
 Palmer, Charles Frank
 Parker, James Arren
 Parsons, James Franklin
 Partesius, John Scott
 Pelletier, Ronald Wilbrod
 Peters, John Wesley
 Phillips, William Joseph, Jr.
 Puhl, Matthew John
 Popikas, Charles Frederick
 Rakfeldt, Harry Ottomar
 Rand, Verl Allen
 Rawls, Robert Sherwood
 Reed, Frank Guy
 Reindahl, Phillip Wells
 Richardson, Billy Earl
 Robertson, Bernard Lee, III
 Robinson, Frank Jeffrey
 Rodgers, Carl Todd
 Rogge, John Arthur
 Ross, Albert James, Jr.
 Rudden, Francis Arthur
 Ruth, Herbert Merton
 Salter, Jesse Earl
 Schaffer, Lawrence Carl, Jr.
 Scheierman, Robert Leroy
 Scheine, Murray
 Scherzer, James David
 Schmidt, Curtis John
 Shaul, Michael C.
 Skipper, John William
 Smith, Herbert Merrill
 Smith, Kenneth Flesco
 Smith, Kenton Leroy
 Smith, Robert Emmet
 Snyder, Ralph Oscar
 Sparks, Howard Frank
 Spear, Earl Jay
 Spears, Tommie Edward
 Speh, Warren Glenn
 Spronce, Frank Thomas
 Stanek, David Monroe
 Stewart, Lowell Thomas
 Stiffler, James William
 Strong, Franklin Eugene
 Stuck, James Roland
 Swanson, Raymond Peter
 Talbot, Ronald Eugene
 Tanner, William Earl
 Tarter, Arlan Gilmore
 Terry, Robert Joseph
 Thomason, William Rex
 Thompson, Robert Miller
 Tibbs, John William
 Treadway, Alton Glen
 Tudor, Tommy Neal
 Tuttle, Donald Eugene
 Uptegrove, Edwin Wayne
 Vanhee, Richard Charles
 Vanhoose, Ronald
 Vettese, Anthony
 Vick, Don Allen
 Villemaire, Albert Joseph
 Vsetecka, Leonard John
 Walker, Arthur Thomas
 Watson, Donald Reed, Jr.
 Weaver, Sterrie Leon, Jr.
 Weeks, Bill Frank

Welch, Leslie Corley, Jr.
 Wenter, Gary Earl
 Wertz, Bruce Neal
 Whalen, Regis Emmett
 Whiteley, William Burton
 Will, George Frederick
 Williams, Thomas Yeaman
 Wilson, James Orville
 Wood, Ronald Dewey
 Woods, Gerald Bishop
 Wyatt, Thomas Verden
 Zoglmann, Paul Samuel

SUPPLY CORPS

Black, James Leroy
 Bothe, James John
 Burbridge, Robert Lee
 Coats, Daniel Michael
 Cormier, Edward Norris, Jr.
 Cubbedge, Carlton Eugene
 Dowell, Billy Ray
 Farlow, Roger Kent
 Flahiff, Daniel Edward
 Loney, James Eldredge
 Lowdermilk, Richard Francis
 Pearrell, Larry William
 Ritzel, Charles James
 Siemers, Uwe
 Walter, Frederick Sebastian
 White, John Philip

CIVIL ENGINEER CORPS

Becker, Raymond Herbert
 Headrick, Jay Clark
 Hisey, Howard Alan
 Martin, Norman Richard
 Schraud, Henry Frank

MEDICAL SERVICE CORPS

Berkley, Roy Lee
 Criscitello, Joseph John
 Donohue, Edwin Allen
 Dumais, Gary Wayne
 Dunaway, Floyd James
 Enright, Charles Allen
 Ferda, Robert
 Hardy, Frederick Charles
 Hora, Charles Donald
 Kraft, John Edward
 Marolf, Walter Keithley
 Mitchell, Michael Lenard
 Mumford, William Maxwell
 Surratt, Colonel Ogburn
 Terry, Lynn Marion
 Williams, Ralph Thomas

The following-named women Naval Reserve officers for permanent promotion to the grade of captain in the line subject to qualification therefor as provided by law:

Grant, Margaret E.
 Holmes, Melanie A.
 Holmes, Peggy R.
 Jewett, Ann E.
 McCabe, Ellen C.

The following-named Naval Reserve officers for temporary promotion to the grade of captain in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS
 Dollinger, Armand L.
 Haslup, Allen L.
 Heggie, Alfred Dineley, Jr.
 Jofko, John
 Kleh, Thomas Robert
 Lesock, William John
 Mauroner, Norman Lee
 Moore, Charles Leslie
 Oleinick, Samuel R.
 Parkinson, Leonard Spencer C.
 Scott, Daniel Joyner, Jr.
 Smith, Gardner W.
 Tierney, Ralph Charles
 Vanorden, Lucas S.
 Wintrich, Herman Peter

SUPPLY CORPS

Broz, John J.
 Butler, William B.
 Carney, Thomas R.
 Cunningham, Joseph C.
 Dawkins, Samuel D., Jr.
 Fogle, Grover D.
 Haidet, Walter R.

Jones, Maximilian B.
Nardi, Francesco P.
Paden, David L.
Potts, William E.
Ranieri, Walter R.
Snipes, Wilson C.
Sullivan, Gerald C.
Whiteman, Ralph E.
Winslow, John A.

CHAPLAIN CORPS

Angus, Robert C.
Bergsma, Derke P.
Cooper, William David
Floyd, Emmett Owen
Kloner, William

CIVIL ENGINEER CORPS

Barber, Ralph Edward, Jr.
Bentley, Donald R.
Hickey, Leo Alfred, Jr.
Johnson, Wendell P.
Maddock, Thomas S.
Martin, Arthur H.
Nutter, John M.

JUDGE ADVOCATE GENERAL'S CORPS

Banks, Myron C.
Benjamin, Julian R.
Chazen, Bernard
Cristol, A. Jay
Jones, Robert E.
Kennedy, William H.
Kenney, William J.
Kitchlings, Atley Asher, Jr.
Lamere, Robert K.
Law, John M.
Redd, Gordon L.
Sams, Marion A.
Stich, Frank J., Jr.

DENTAL CORPS

Armen, George Krikor, Jr.
Jackson, Clyde Raymond
Kornblue, Edwin B.
Miller, Barry G.
Perlitz, Max Joseph
Vanort, David Paul
Williams, Claude R.
Yamanouchi, Haruto W.

MEDICAL SERVICE CORPS

Brownson, Robert Henry
Capps, Daniel William

NURSE CORPS

Shanks, Mary D.

The following named Naval Reserve officers for temporary promotion to the grade of commander in the staff corps, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Boyd, Gerald E.
Downing, John Edward
Duren, Craddock Paul
Ewing, Charles William
Felscoory, Attila
France, Thomas Douglas
Gansa, Alexander Nicholas
Gondring, William Henry, III
Greene, Charles Abraham
Holder, James Bartley, III
Kayne, Paul Thomas
Kendall, Harry Ovid
Klenk, Eugene Leslie
Mitchell, James C., III
Robinson, Ralph Gaylord
Rowe, Stephen W.
Stewart, Edgar B.

Swan, David Stephen
Thomas, Jerry Lynn
Tucker, Samuel Hopper

SUPPLY CORPS

Birnbaum, Leonard G.
Doddridge, Benjamin F.
Farmer, David R.
Russell, Sanford H.
Soine, Jon C.
Uhlhorn, Carl W.

CHAPLAIN CORPS

Dwyer, Martin James
Pickrell, John W.

CIVIL ENGINEER CORPS

Gaal, Philip L.
Harris, John R.
Hensgen, Oscar Eugene
Meisner, Walter Theodore, Jr.
Papineau, Daniel Armand
Paradies, Gilbert Ernst

JUDGE ADVOCATE GENERAL'S CORPS

Began, William D.
Carnes, Conrad Dew
Erit, Bartholomew
Falbo, Gerald Anthony
Hoge, William R., Jr.

DENTAL CORPS

Bass, Ernest Brevard, Jr.
Belinski, Edward J.
Brown, Will M.
Cunningham, Peter Richard II.
Donoho, Donald Hugh
Eng, Wellington Raymond L.
Foley, James Patrick
George, Chester Leroy
Girolami, John James, Jr.
Hall, Daniel Lee
Hera, James David
Hohlt, William Frederick
Marsalek, Daniel E.
Morrison, George Clement
Nickelsen, Dale Charles
Niebuhr, Robert M.
O'Malley, George Charles
Ronning, George Arnold
Stende, Gregory W.
Thomas, John Phillip
Trifftyshauser, Roger Wayne
Uveges, Alfred Charles
Williams, Terry Charles

MEDICAL SERVICE CORPS

Ginn, Robert William
Knisely, Ralph F.

NURSE CORPS

Stevens, Peggy J.
Wolford, Helen Gurley

Comdr. Wilma H. Bangert, Supply Corps, U.S. Naval Reserve, for permanent promotion to the grade of captain in the Supply Corps subject to qualification therefor as provided by law.

Comdr. John A. Looby, Jr., Judge Advocate General's Corps, U.S. Naval Reserve for permanent promotion to the grade of commander in the Judge Advocate General's Corps subject to qualification therefor as provided by law.

Comdr. Stephen L. Maxwell, U.S. Naval Reserve for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of commander.

Comdr. David F. Fitzgerald, U.S. Naval Reserve for transfer to and appointment in the

Judge Advocate General's Corps in the temporary grade of commander.

Lt. Comdr. George A. Lussier, Medical Corps, U.S. Naval Reserve for temporary promotion to the grade of commander in the Medical Corps subject to qualification therefor as provided by law.

Lt. Comdr. Nancy H. Baker, U.S. Naval Reserve for permanent promotion to the grade of commander subject to qualification therefor as provided by law.

Lts. Robert L. Chenery and Hazen C. Russell, U.S. Navy for temporary promotion to the grade of lieutenant subject to qualification therefor as provided by law.

Lt. Comdr. James F. Harris, Chaplain Corps, U.S. Navy for transfer to and appointment in the line of the Navy in the permanent grade of lieutenant commander.

The following named officers of the U.S. Navy for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade) and the temporary grade of lieutenant:

Riedel, Charles T.
Shea, John P., III

Ensign Henry J. Turowski, U.S. Navy for transfer to and appointment in the Civil Engineer Corps in the permanent grade of ensign.

The following named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of ensign:

Bent, Randal T.
Johnson, Jack A.

The following named officers of the U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of lieutenant:

Hargrove, James E.
Miller, David L.

The following named officers of the Judge Advocate General's Corps of the Navy for transfer to and appointment in the line in the permanent grade of ensign:

Martin, Thomas L.
Mattson, Michael V.
Wells, Lisalee A.

Joseph R. Headricks, Supply Corps, U.S. Navy for transfer to and appointment in the line of the Navy in the permanent grade of ensign.

The following named officers of the U.S. Navy for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Francis, Robert M. Marvin, Richard B.
Gardner, Daniel E. Merkl, Richard L.
Hallenbeck, Amos E. Muller, David G., Jr.
Jr. Oehler, Michael W.
Jackson, Timothy H. Wood, Nancy E.

SUPPLY CORPS

Robertson, James M., III

CIVIL ENGINEER CORPS

Micheau, Terry W.

Benedetto R. Lobalbo, U.S. Navy, for temporary promotion to the grade of lieutenant subject to qualification therefor as provided by law.

HOUSE OF REPRESENTATIVES—Tuesday, May 1, 1973

The House met at 12 o'clock noon.
The Reverend David A. Winslow, Trinity United Methodist Church, Jersey City, N.J., offered the following prayer:

Isaiah wrote these treasured words:
"Listen to Me, My people, and give ear to Me, My nation; for a law will go forth

from Me, and My justice for a light to the peoples."—Isaiah 51: 4.

Almighty God, You have taught us through example to love one another as You have already loved us. You have entrusted to us not only the ethics of perfection, but also the ethic of responsibility. Inform our minds, through Your love,

so that we can engage in enlightened debate which yields statutes relevant to our needs.

Heavenly Father, bless these Members of the House of Representatives who labor for the welfare of the Nation. Draw them in faith to Your eternal design.