By Mr. HEINZ:

H.R. 10567. A bill to amend title 28 of the United States Code to provide a remedy in the nature of mandamus to be applied against the Attorney General upon the application of any person to require the investigation of certain alleged criminal offenses, and for other purposes; to the Committee on the Judiciary.

By Mrs. HOLT:

H.R. 10568. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails; to the Committee on Post Office and Civil Service.

By Mr. McDADE:

H.R. 10569. A bill to amend title 10 of the United States Code to designate the Medal of Honor awarded for military heroism as the "Congressional Medal of Honor"; to the Committee on Armed Services.

By Mr. MOSS (by request):

H.R. 10570. A bill to amend the Investment Company Act of 1940 to define duties of certain persons subject to that act and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 10571. A bill to provide that the special cost-of-living increase in social security benefits enacted by Public Law 93-66 shall become effective immediately and for other purposes; to the Committee on Ways and Means.

By Mr. PEYSER (for himself, Mr. BRASCO, Mr. COHEN, Mr. CONTE, Mr. CONYERS, Mr. DERWINSKI, Mr. DICKINSON, Mr. EDWARDS of California, Mr. FISH, Mr. FINDLEY, Mr. GILMAN, Mr. HILLIS, Mr. McDADE, Mr. McKINNEY, Mr. MITCHELL of Maryland, Mr. MOLLOHAN, Mr. PODELL, Mr. RIEGLE, Mr. ROSE, Mr. RYAN, Mr. SEBELIUS, Mr. VANDER JAGT, Mr. WALSH, Mr. HELSTOSKI, and Mr. FRASER):

H.R. 10572. A bill to amend the Elementary and Secondary Education Act of 1965 to provide a program of grants to States for the development of child abuse and neglect prevention programs in the areas of treatment, training, case reporting, public education, and information gathering and referral; to the Committee on Education and Labor.

By Mr. PREYER:

H.R. 10573. A bill to establish within the executive branch an independent board to establish guidelines for experiments involving human beings; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSSELOT:

H.R. 10574. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. TALCOTT:

H.R. 10575. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes; to the Committee on Education and Labor.

By Mr. TEAGUE of Texas (for himself, Mr. MOSHER, Mr. DAVIS of Georgia, Mr. BELL, Mr. SYMINGTON, Mr. ESCH, Mr. McCORMACK, Mr. CRONIN, Mr. FUQUA, Mr. MARTIN of North Carolina, Mr. FLOWERS, Mr. COTTER, Mr. PICKLE, and Mr. BROWN of California):

H.R. 10576. A bill to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

By Mr. WIDNALL (for himself, Mr. McKINNEY, Mr. CRANE, Mr. CONLAN, Mr. FRENZEL, Mr. ROUSSELOT, Mr. GERALD R. FORD, and Mr. JOHNSON of Pennsylvania):

H.R. 10577. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. CHARLES H. WILSON of California (for himself, Mr. COUGHLIN, Mr. LEHMAN, Mr. RINALDO, Mr. SARASIN, and Mr. SARBANES):

H.R. 10578. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Commiteee on Post Office and Civil Service.

By Mr. COLLINS of Texas:

H.J. Res. 745. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in any public place or conveyance; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS:

H.J. Res. 746. Joint resolution, a national education policy; to the Committee on Education and Labor.

By Mr. WAGGONNER:

H.J. Res. 747. Joint resolution proposing an amendment to the Constitution of the United States with respect to participation in voluntary prayer or meditation in public buildings; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 748. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1974, and for other purposes; to the Committee on Appropriations.

By Mr. RAILSBACK:

H. Con. Res. 317. Concurrent resolution that all citizens should reduce the temperatures of the home and place of work by 2° during the approaching cold period in order to conserve energy; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE:

H. Con. Res. 318. Concurrent resolution providing for a joint meeting of Congress on July 4, 1976; to the Committee on Rules.

By Mr. ANDERSON of Illinois (for himself and Mr. COHEN):

H. Res. 566. Resolution providing for an investigation of charges against the Vice President; to the Committee on Rules.

By Mr. BAUMAN (for himself, Mrs. HOLT, Mr. HOGAN, Mr. GUDE, Mr. ASHBROOK, Mr. SYMMS, Mr. ROUSSELOT, Mr. GROSS, Mr. CRANE, and Mr. YOUNG of Alaska):

H. Res. 567. Resolution to authorize the creation of a select committee to investigate charges made against the Vice President; to the Committee on Rules.

By Mr. BRADEMAS:

H. Res. 568. Resolution providing for printing of additional copies of oversight hearings entitled "Vocational Rehabilitation Services"; to the Committee on House Administration.

By Mr. FINDLEY:

H. Res. 569. Resolution to provide for the appointment of a select committee of the House to recommend whether impeachment proceedings shall be undertaken against the Vice President of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HASTINGS introduced a bill (H.R. 10579) for the relief of Clifford H. Macey, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

294. By the SPEAKER: Petition of the National Association of Secretaries of State, 56th Annual Conference, Williamsburg, Va., relative to election procedures; to the Committee on House Administration.

295. Also, petition of Gordon L. Dollar, Tamal, Calif., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Wednesday, September 26, 1973*

The Senate met at 8:45 a.m. and was called to order by Hon. GAYLORD NELSON, a Senator from the State of Wisconsin.

PRAYER

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

O Lord God of history, we thank Thee that underneath all time and eternity are the everlasting arms. We thank Thee for the everlasting arms which reach out to gather us in and hold us up, which brace and strengthen us in every need. We thank Thee for the everlasting arms underneath all success and all failure which never let us down and never give us up. Encompass us with the everlasting arms of love and grace that we fail Thee not.

"To serve the present age
Our calling to fulfill
O, may it all our powers engage
To do the Master's will."

In His 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 second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 26, 1973.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tues-

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day, September 25, 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.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the calendar beginning with United Nations on page 2.

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

UNITED NATIONS

The second assistant legislative clerk read the name of Clarence Clyde Ferguson, Jr., of New Jersey, to be the representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of ambassador.

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

DEPARTMENT OF COMMERCE

The second assistant legislative clerk read the name of William W. Blunt, Jr., of the District of Columbia, to be Assistant Secretary of Commerce.

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

UNITED NATIONS

The second assistant legislative clerk proceeded to read sundry nominations in the United Nations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Kingdon Gould, Jr., of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

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

The legislative clerk read the nomination of William R. Kintner, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Thailand.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, the Senate will resume the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Michigan desire to be heard?

Mr. GRIFFIN. No, Mr. President.

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

REDUCTION OF TROOPS AND ARMAMENT

Mr. STEVENSON. Mr. President, no Member of Congress—and no citizen, for that matter—will deny that the Nation's security requires an ability to deter aggression, and if that fails, to defend our interests against attack.

We cannot be comfortable about Soviet and mainland Chinese intentions in the world; the repressive internal policies of these nations are repugnant to everything I believe in and everything our country stands for. We can hope for détente, but we cannot afford to be lulled into a false sense of security or to compromise our Nation's commitment to freedom.

I do not support the unilateral withdrawal of substantial U.S. combat forces from Western Europe with negotiations for mutual and balanced force reductions in Europe underway. I believe in national strength—and in negotiating from a position of strength.

When it comes to national survival, there simply are no "hawks" and "doves." We all agree that such sums as are necessary for our military requirements must be raised and spent.

The tragedy is that we stumble through our debates about national defense with no reliable standard for determining what is necessary. The absence of a rational and coherent foreign policy makes it impossible to arrive at a national military policy. And then in the name of strength we achieve weakness.

The notion persists that world power and influence—national security—are directly related to the size of the defense budget.

The idea that domestic problems might be solved simply by throwing dollars at them finds no advocates; yet we allow the same notion to drive us to compulsive, nearly indiscriminate expenditures for weapons, military personnel, and power.

No one argues that the United States should become a second strongest nation. But our military policies and our impulsive approach to international relations are in fact robbing us of power and influence; our headlong pursuit of national security is, ironically, driving us toward national insecurity.

Over $50 billion spent since Mr. Nixon took office to finance U.S. military efforts in Indochina can scarcely be said to have enhanced our national security and power. The instruments of war were misapplied in horribly expensive ways—because our policy was itself misguided.

Rationalizations for our involvement in Indochina for a time struck a sympathetic cord with the American people. It began as a war to protect our own shores from a Communist threat. The only continuous thread of justification was self-determination for the people of South Vietnam. But the professed war for self-determination turned out to be, in fact, a war to support autocratic regimes in Southeast Asia which could not command the support of their own peoples. Half a million troops could not win a war for General Thieu any more than B–52's could win a victory in Cambodia for Lon Nol.

Our policy in Indochina, with all its contradictions, cost the United States dearly in blood, dollars, economic vitality, self-confidence and world influence. A military adventure, undertaken in the name of the Nation's security and continued in the name of self-determination for South Vietnam, ended by protecting neither—at a fearful cost to the United States.

This experience alone should make it painfully evident that our military priorities must be geared to a realistic and coherent foreign policy, capable of sustained support by the American people.

II

It is asking too much of Congress and the military to forge a rational defense and military strategy—if they do not have a clearly defined and articulated foreign policy on which to base national strategy.

Yet we do not have such a foreign policy. What we have had, instead, in recent years, are promises, slogans, fitful and contradictory gestures, and a series of globally televised Presidential spectaculars whose results, at best, have been mixed.

An opening by the U.S. Government to the People's Republic of China, for example, was appropriate and long overdue. But the President's Peking visit was handled in a way—by clandestine arrangements and shock revelations—that demoralized our allies in Asia and undermined Mr. Nixon's position in the United Nations with respect to Taiwan. And when the U.N. accepted the logic of his action, Mr. Nixon chastised the U.N.

The President's visit last year to the Soviet Union was less damaging to relations with our foreign friends. But the visit—and the administration's continuing conduct—suggest American indifference to the repression of personal freedom in the U.S.S.R.

What the United States gained from that exercise in Presidential diplomacy, besides the strategic arms agreement limiting deployment of defensive nuclear missiles, remains to be seen. And the antiballistic missile agreement could have been achieved without Presidential participation, in view of the manifest impracticality of devising effective ABM's.

Presidential posturing, in short, is no substitute for a prudent and thoughtful worldwide policy.

Nor are slogans masquerading as policy.

The Nixon doctrine, for example, is at best a vague phrase. At worst it could be a formula for substituting increased arms shipments for the shipment of U.S. troops abroad.

This was to be the era of "negotiations rather than confrontation." But the President's rushes to the summit and his "tilt" toward Yahya Khan in the Indo-Pakistani conflict of 1971 suggest that too often we confront our friends and negotiate with out adversaries.

And what has become of the "Year of Europe"?

Now, with the year well along, we can perhaps be glad that we hear no sloganeering about the fall of Europe. But with no visible results, we are left to wonder whether the phrase, so patronizing of our Western Allies, actually referred to a policy or was merely a catchword.

The world has lost much of its faith in our capacity for international leadership. The value of the dollar proves that. The business community in the United States has lost much of its faith in the Government's capacity for economic sense. The values on the stock market prove that. The dollar and the stock market both began to sag well before Watergate. Watergate did not create weakness. It disclosed weakness—the incompetence and the corruption which were its origin.

III

Drift and weakness in foreign relations have direct and dangerous results in the field of defense policy.

Congress cannot gear military spending to the necessities of foreign policy because it cannot perceive a policy.

And the military is left to prepare for every conceivable contingency. Forced to reach too far, our national security machinery achieves too little.

The Navy, for example, cites the need for capabilities which include "control of sealanes and areas," "projections of power ashore" and "overseas presence." Few bother to ask if the United States must—or can—control the sealanes to every corner of the world.

I doubt that the sealanes, let alone their points of origin and destination, can be protected from interdiction by missiles. I doubt that it is realistic to suppose any longer that American forces must be stationed at sea around the globe for "projection of power ashore." If intervention in local disputes by our land-based forces is inappropriate to the military realities of the mid-20th century, as the Indochinese war indicates, is not the same true of sea-based forces?

Must the United States use its Navy for an overseas presence, to show its flag? The United States last tried that technique in the Bay of Bengal during the Indo-Pakistani conflict. Our ploy accomplished nothing—except to demonstrate our own futility.

Where showing the flag may be desirable, is a fourth billion-dollar nuclear carrier really necessary? Are not our 15 attack carriers already available for this purpose, and for little else?

Until we have a coherent foreign policy and some way of estimating real contingencies, we will probably continue to spread ourselves too thinly. Even if the United States were to plan defense forces for every conceivable contingency, it could do so more effectively with less money.

The functions of a billion-dollar nuclear aircraft carrier, for example, can be performed more effectively and at lower cost by a combination of other vessels, including new surface-effect vessels, and with less vulnerability. A nuclear attack carrier is a sitting duck for a nuclear attack submarine. It is wrong to say that it does not require refueling; its planes and men do require refueling.

One is almost compelled to conclude that the nuclear aircraft carrier is a sentimental throwback to the battleship—an impressive, but expensive status symbol for the Navy. No other nation has built one; the United States already has three.

Nor do the necessities of a sound strategic policy require an accelerated Trident program—or the Air Force's proposed B–1. B–52's can be updated for use in any conventional conflicts, and can still serve as part of the nuclear deterrent well through the 1980's.

The fact is that our military priorities, for whatever contingency, real or imagined, are dictated as much by habit, impulse, and the notion that money equals power, as by any rational yardstick of need.

Our military planners have no clear perception of U.S. interests or policy in the world—because their civilian leaders give them none. Agencies once vital to the foreign policy process—the CIA's Board of Estimates, or the pre-Kissinger Department of State—have been downgraded or ignored.

The contingencies the military prepares for, consequently, reflect obsolete doctrine—or mere impulses from the White House basement.

Instead of giving guidance to the military, the State Department and the Congress tend to follow a leaderless military.

So the cycle takes another turn, and we sink deeper into the morass of uncontrolled arms spending.

IV

In these circumstances, it is little wonder that our military institutions seem hidebound and demoralized; that flabbiness and cost overruns are epidemic in the Pentagon and the armed services.

It is an unhappy fashion nowadays to heap ridicule upon the military. Yet the military at times invites such contempt—with uniformed servants, helicopters serving as limousines, plushly furnished jets for generals. Military bases which resemble country clubs, scandals of unearned flight pay, excess retirement benefits and hoked-up medals and citations do not enhance faith in the military; they destroy it.

These excesses are unsettling symptoms of a self-indulgent, flabby, undisciplined military—when what we urgently require is a lean, highly disciplined and professional military force.

There are now more commissioned and noncommissioned officers than seamen and privates in the armed services. We have 2.2 million personnel in the Armed Forces. Yet the 18,138 colonels and generals, captains and admirals in May 1972, outnumbered by 1,000 the number of officers in June 1945, when the country had 14.7 million men under arms.

If this abundance of high-ranking officers reflected the requirements of sophisticated 20th-century arts of defense, no one could complain. But the Pentagon's ranks now also include about 7,200 civilian employees who earn between $27,000 and $39,000. The military is plainly topheavy. And about 66 percent of the defense budget goes into paying and supporting Defense personnel.

The Nation requires a highly professional military which knows the bounds of its authority, respects civilian control, and is perceived once again to be the honorable profession it is. It can no longer justify the draft—it has no need for a draft. Reasonable personnel levels can be met with volunteers. If the military was recognized as an honorable, worthy profession, those personnel levels would be met by highly qualified young people of all races and backgrounds. But it takes more than wages and fringe benefits to attract volunteers. The experience of the Marines over the past makes the point that an esprit de corps and pride in one's service is indispensable to the enlistment of qualified volunteers. Besides, the wars of the future, if any must be fought, do not now require hordes of half-baked, poorly motivated conscripts.

Evidently the military is incapable of putting its own house in order. It should, therefore, be compelled to restructure personnel practices and reduce personnel levels. The way to do so is to cut authorized personnel levels substantially. A cut of 156,000, as proposed by the Armed Services Committee, would be modest.

I would hope that the Congress might give personnel practices for military and civilian personnel a thorough review and for that purpose create a Defense Manpower Commission, as proposed by Senator BENTSEN and Senator BAKER. The deadwood ought to be chopped out, overall levels reduced, the number of high-ranking officers and civilian personnel cut, and the wage and fringe benefits cut to levels comparable to those on the outside.

V

These facts would be worth little mention if our resources were unlimited—or if military spending, wise and unwise, were without impact on the domestic budget and the national economy.

But it is an unhappy fact that military spending is inflationary. The economic consequences of runaway military spending—inflation and the diversion of funds from demonstrable needs—are already destructive of national security.

The dollar's weakness and our domestic inflation are partly attributable to military spending in Indochina and Europe, and on nonproductive weapons for the U.S. arsenal. Military spending increases economic demand without augmenting supply.

There is a qualitative side to Government spending which has too rarely been recognized in policymaking: Some Government spending is deflationary. Major reforms in such fields as health, housing, and education, for example, could be

adopted by the Government without the severe inflationary consequences of military spending. Domestic agricultural and energy production could be increased—in part at Government expense—to meet growing demands for food and energy at home and abroad with deflationary consequences.

It is wrong to argue, as the President argues, that inflation can be halted by cutting Federal spending in the domestic sector, but not in the defense sector of the budget.

And it is time to acknowledge that our current definition of national security is too narrow; an adequate definition must include, not just military hardware and personnel, but the confidence of the American people in their Government; the confidence of the world in our country for enlightened leadership; a sound domestic and world economy, and the conditions of a good life at home.

VI

The economic ravages of reckless military spending are but a preview of what will come, unless checked. Each down payment on a new weapons system tends to commit the Federal Government to greater payments later. An $85 billion commitment to the President's military budget for fiscal 1974 would, in all likelihood, develop into a $100 billion commitment by 1977.

Nowhere are the twin dangers of economic folly and military explosion more forbidding than in the field of strategic weapons policy.

To the extent that the United States now has any strategic policy, the policy is—quite rightly—to sustain an adequate nuclear deterrent.

Unfortunately, that policy is too often muddied by bargaining-chip theories, and by strategic arms limitations agreements which, by limiting numbers only, accelerate the qualitative arms race. The policy is also clouded at times by rank chauvinism, carefully timed leaks about real or contrived Soviet buildups, and interservice rivalry.

For all my misgivings about Soviet intentions, I find it difficult to accept the notion that the United States can decelerate the arms race by accelerating it. Yet that is what the President proposes.

The President does not argue that the United States should increase its military presence in Europe so that its bargaining position is strengthened and it has more to abandon in the mutual and balanced force reduction talks. By what logic, then, must the U.S. MIRV missiles in order to de-MIRV them?

We spend for generation after generation on nuclear arms, always finding ourselves in the same or a worse relative position. With each succeeding escalation, we move a little closer to bankruptcy—and to the flash point.

The United States took the initiative in 1962 when it unilaterally ceased the testing of nuclear weapons in the atmosphere and called for reciprocal Soviet action. That act was followed in time by the Nuclear Test Ban Treaty. We ought to follow this successful example and take similar initiatives now. We ought to embrace a comprehensive test ban treaty and go slow on the development of weapons systems of doubtful utility and extremely high cost—for example, the Trident submarine.

Other considerations aside, which makes more military sense? To invest $1,300,000,000 each in a few large new subs, their missiles, and the enormous new bases they would require, only to gain marginally greater range and silence? Or to spend less money on more Poseidon submarines?

The Trident I missile does not require the Trident submarine. The missile can be retrofitted into the Poseidon fleet, increasing the Poseidon's range from 2,400 to 4,000 miles.

To be more specific about strategic arms, our land-based Minuteman missiles are potentially vulnerable. Should we not, therefore, go slow with the further expenditures to MIRV obsolescent missiles? For its strategic deterrent the Nation can rely principally on its underseas launched missiles. With the ABM discredited and banned, we can do so confidently.

The United States has the power—with missiles capable of delivery against undefended targets—to destroy the Soviet Union. That is enough. If the SALT II talks fail, and the need arises for more offensive weapons, we can move ahead then—and the Soviets know that.

Our power to destroy any adversary is so overwhelming that it is difficult to avoid the conclusion that interservice rivalry, more than the necessities of an adequate nuclear deterrent, dictate the RB–1 for the Air Force, Minutemen for the Army and Trident for the Navy.

Our nuclear deterrent is, after all, secure for the foreseeable future. A halt to the madness must come from some-States.

The United States has time now to give SALT II a chance. It has the power to destroy its adversaries. That gives us enough time to permit at least a breathing spell during which our negotiators can be given a chance to agree with the Soviets on qualitative limitations and give other nations less of an incentive to catch up in the deadly race to join the nuclear club.

The world already spends about $230 billion a year on arms. The United States probably is the biggest spender; and certainly it is the world's foremost merchant of arms.

The administration seeks to justify indiscriminate arms sales abroad as beneficial to our economy. But our own economic distress is caused in large part by the burden of armaments. It is time to put the horse before the cart. We should not encourage developing nations to take on an arms burden they can afford far less than we.

VII

As we stagger from Vietnam and Watergate to the celebration of our 200th anniversary in 1976, it would be worthwhile to ponder what originally gave us power and influence in the world. And perhaps, before we lurch ahead once again in an undetermined direction, it would be worthwhile to ask if there is a way out of the current relentless, upward spiral of military spending.

Surely a sound military policy must be grounded in an accurate perception of the Nation's purpose and role in international politics. Too often, our purpose in the past decade seemed to be to transport the policy of containment—successful in Western Europe—to other parts of the world. The effect, quite unintentional, has been that we are now perceived as a reactionary power. We stand, ironically, in opposition to revolutionary movements that our own ideals helped set in motion.

The first requirement for the future, then, is a foreign policy—a rational, coherent, and communicable foreign policy—and one that is based not only on muscle, but upon our own best principles.

We should remember that our real power and influence among the peoples of the Earth was not won by bribing, bombing, or bullying. If others, including the Soviet Union, resort to imperialism in the name of communism or something else in a world crying for freedom, then let them be the ones to repeat the mistakes of the past. Let us instead learn from those mistakes.

The world hungers, not for Soviet navies or U.S. bombers, but for bread and hope. For a fraction of the amounts devoted to the military, the United States could be developing coal, shale, fusion power, and other domestic sources of energy.

We could be using our untapped water resources to make vast areas of the western plains fertile to provide food for ourselves and a hungry world. Gradual shifts of research and development funds from military to commercial pursuits could help us maintain the technological superiority of our exports in an increasingly competitive world market. Our interventions increasingly should be economic rather than military in this economically interdependent world.

Energy now is the classic, if belated, case in point. The Nation will either spend large sums to develop internal sources of energy or become, as it already largely is, dependent on undependable and increasingly expensive foreign sources of energy. To expend $30 billion on foreign sources of energy in 1980 will adversely affect the value of the dollar in a way that can easily be imagined.

The growing insecurity of the United States was demonstrated again recently at the Algerian conference of 76 nonalined nations. It became evident there that we have not only strained our ties in Western Europe and Japan; we have become increasingly powerless in the third world, where 70 percent of mankind lives. And yet we are increasingly dependent upon that third world for raw materials, including oil and gas.

A real commitment to national security will require expenditures to increase the production of raw materials at home and to provide development assistance abroad. The United States rushes in with humanitarian assistance in Western Africa, Bangladesh, perhaps next in North Vietnam—but too rarely with other nations to cement mutually profitable and amicable relations and self-sufficiency in the angry third world.

A real commitment to national security will require both bilateral and multilateral development assistance abroad. World prosperity, stability, and peace

simply cannot survive the gulf between the have- and have-not nations.

The Japanese now control far greater sources of raw materials in the world through economic might than they ever did through force of arms. Neither force of arms nor neocolonialist adventures will guarantee us adequate sources of raw materials. Our influence will depend on good will and our trading position. It does not require nuclear aircraft carriers or massive ground forces. To the contrary, excessive spending on such purposes can be dangerously counterproductive.

With our assistance, Japan plowed its wealth back into the creation of more wealth, not into unproductive weapons systems. So did the West Germans. And while both economies face dislocations in the future, those nations rose from the ashes of World War II to become our principal economic competitors. The dollar is weak. The yen and the deutschemark are strong.

Perhaps, as we enter a new and demanding era in our foreign relations, we can profit by the example of these two once-ruined nations.

VIII

No nation in the world is as secure militarily as the United States. Unlike the Soviet Union and the People's Republic of China, we look across our borders at countries that wish us well. We are fortunate in our friends in Europe and in Asia.

We have every reason to behave not like a frightened giant, but like the secure and well-defended Nation that we are.

Some of these suggestions will be viewed, by the pragmatists who have for so long held sway, as visionary or naive. Yet it is these very pragmatists who have served up, in the past, realistic policies that have been discredited by events. It is these pragmatists who have proven—without themselves perceiving—that a different vision of the future, and a clearer understanding of our past, are what we now most need.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the unfinished business, H.R. 9286, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation, for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces, and the military training student loads, and for other purposes.

The ACTING PRESIDENT pro tempore. The pending question is on the amendment offered by the Senator from Montana (Mr. MANSFIELD), No. 538, to amendment No. 527. There will be 2 hours of debate.

The Mansfield amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. . (a) The Secretary of Defense shall take such action as may be necessary to reduce, by not less than 50 per centum, the number of military forces of the United States assigned to duty in foreign countries on March 1, 1973. Such reduction shall be completed not later than June 30, 1976; and not less than one-fourth of the total reduction required to be made shall be completed prior to July 1, 1974, and not less than one-half of such total reduction shall be completed prior to July 1, 1975.

(b) Notwithstanding any other provision of law, no funds may be expended on or after July 1, 1974, to support or maintain military forces of the United States assigned to duty in foreign countries if the number of such forces so assigned to such duty on or after such date exceeds a number equal to the number of such forces assigned to such duty on March 1, 1973, reduced by such number as necessary to comply with the provisions of subsection (a) of this section.

(c) As used in this section, the term "military forces of the United States" shall not include personnel assigned to duty aboard naval vessels of the United States.

Mr. MANSFIELD. Mr. President, the time I yielded to the distinguished Senator from Illinois should come out of the time under the amendment.

I ask unanimous consent that there be a brief quorum call, with the time charged to both sides.

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

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

Mr. MANSFIELD. Mr. President, in my opinion, the Senate and Congress are going hog wild so far as expenditures for the Department of Defense are concerned.

Yesterday, the Senate agreed to the Cannon amendment, which will add almost a half billion dollars to the bill now under discussion.

Furthermore, the Senate adopted the Hartke recomputation amendment, which will add something on the order of $300 million this year; and by the end of the century, for under 1 million military retirees who fall within the particular category which this amendment would embrace, the figure has been estimated at $25 billion.

I wonder when we are going to wake up to the realities of the economic situation which confronts this Nation today and not be dragged in and bowed down by lobbyists from the outside who run up and down the corridors of the Senate Office Buildings—and they are lobbyists who hold the highest ranks in the armed services. They want their particular gimmicks and gadgets, and they will twist arms, and the Senate will bow down to that twisting.

I think we ought to recognize the fact—and this is reiteration—that something on the order of 60 percent of defense cost is encompassed within the area of personnel. We ought to recognize that we are spending overseas at the present time something on the order of $30 billion a year to maintain our installations, personnel, dependents, U.S. civilian employees, and foreign nationals employed by the Government at these installations.

I wonder whether we mean it when we say that we are going to undercut the President's budget request this year as we have in the past 4 years and beyond or whether we are just playing games in voting for these authorizations in the hope that the Appropriations Committee will reduce them and thereby save us some discomfort and some shame.

This is a most serious proposition which confronts the Nation today and we ought to put our money where our mouths are because the time is past when we can duck and dodge and weave away. The economic situation in this Nation is too grave. Inflation is too rampant and the potential prospects are too disastrous.

I should like to read to my colleagues on the other side of the aisle a statement made by a man I consider a real conservative. When I speak of a real conservative I mean a person who is not imbedded in his idea that everything he says or does is right but who believes in what he advocates and, at the same time is willing to look at the other side of the coin. I read from the statement:

The key to all the problems before this Congress lies in the size of our military budget.

May I say, apropos of that, that we have been told in no uncertain terms by the Secretary of Defense that the defense budget will increase for next year from $79 billion this year to $83 billion.

I continue to read:

That determines the taxes to be levied.

That is, the size of the military budget.

It is likely to determine whether we can maintain a reasonably free system and the value of our dollar or whether we are to be weakened by inflation and choked by Government Controls which inevitably tend to become more arbitrary and unreasonable . . .

We must not so extend ourselves as to threaten economic collapse or inflation, for a productive and free America, is the last bastion of liberty . . .

May I say, apropos of the quotation I am now reading, that what this man said at that time applies to this country today. Inflation, a free economic system, and the value of the dollar—those things sound awfully familiar.

I resume reading:

And finally, the policy we adopt must be approved by Congress and the people after full and free discussion. The commitment of a land army to Europe is a program never approved by Congress into which we should not drift. The policy of secret executive agreements has brought us to danger and disaster. It threatens the liberty of our people.—Senator Robert Taft, Congressional Record, January 5, 1951.

A man who was a prophet before his time, a man who had his doubts about the policies which were developing in relation to the stationing of troops in Western Europe in 1951.

Senator Hickenlooper asked the following question of Secretary Acheson:

In other words, are we going to be expected to send substantial numbers of troops over

there as a more or less permanent contribution to the development of these countries' capacity to resist?

Secretary Acheson replied:

The answer to that question, Senator, is a clear and absolute "No."

Well, may I say to my colleagues that what we are in the process of doing if we do not face up to our responsibility is establishing as policy the permanent basing of U.S. forces in Western Europe and elsewhere, and we are doing it on the basis of outmoded policies. We are doing it because we are afraid to face up to the fact that the world has changed and that we should change with it.

I am in receipt of a letter addressed to a colleague in this body, whose name I will not mention, but I will read the letter as follows:

The present administration had assured the voters that our troops would be brought home and our Allies would be asked to do more for themselves than they had in the past. Yet, 5 years and 85 billion dollars later nothing has happened. In fact, in your letter of July 18th, you take a less aggressive attitude than you expressed 5 years ago. You still justify our presence in Europe and the continuity of our forces there.

You go on to say, if we were to terminate our commitment, we could expect a drastic revision of the European attitude, with respect to trade and monetary issues as they concern the United States.

Mr. President, may I say in passing, Just what have they been doing over the past several years?

I just cannot agree with you in this conclusion.

If there is such appreciation for what we are doing in Europe, why have the French kicked our forces out of their country and forced us to establish new NATO bases at great expense elsewhere? Why are the European Allies not living up to their commitments to NATO? So far as trade and monetary matters are concerned, if it were not for our huge military expenditures in Europe and Japan and for some of our lopsided trade arrangements, we would not need their indulgence and support.

We have deteriorated our financial and economical strength greatly because of the European arrangements which has brought on two devaluations of the dollar, high interest rates and our shaky financial posture. Vietnam alone is not responsible. It is a combination of Vietnam, Tokyo and Bonn which has shaken us up so badly. It is almost incredible that the Bundesbank today holds more foreign exchange than any other central bank in the world.

Our present military arrangement has enriched the European nations, particularly Germany, and has impoverished the American taxpayer. Can you imagine what America could do with these extra billions at home?

Do we not trust our partners . . . that is Bonn and Tokyo? If we do, why not have them rebuild their own defenses and while this is done, have them pay for the forces which are protecting them. Even the 30 year war came to an end. Isn't there ever to be an end to World War II?

A figure of 17 billion dollars is being used as our annual expenditure for NATO. This does not take into consideration our enormous expenditure for our weapons research and for the nuclear umbrella which we provide for all our Allies. Why should our defense budget represent such a high percentage of our total national income when that of our Allies is only a fraction of theirs.

The position you have taken, Senator, can only bring on a further deterioration of our financial structure, more devaluation, higher national debts, higher taxes, higher interest rates, more inflation, inadequate funds for the needs of the American people. This is in contrast to the prosperity prevailing in Bonn and Tokyo who have offered to let us borrow money so we can pay for their defense.

I fail to see how we can justify our position in this matter any longer. After the war, we provided the necessary protection for our Allies. We paid for our troops. There were no negotiations. We did it all out of the goodness of our hearts. Now that the picture has changed, we must go into endless negotiations with our Allies. Even when they do not know what to do with the money they are hoarding, they will not volunteer to pick up any new expenditure without a long drawn out negotiation. Do you call this appreciation for 25 years of services rendered.

I certainly do not.

Mr. President, on yesterday the so-called Jackson-Nunn amendment was agreed to. According to the press it seems that during the debate, which unfortunately I missed, the passage of that amendment seemed to indicate an undermining of the amendment which is now before the Senate. I would like to repeat again today what I said yesterday:

The Nunn-Jackson amendment now before the Senate seeks to have the President obtain, through arrangements with the other NATO countries, payments by the other NATO countries of the balance-of-payments drain caused by the U.S. troops in Europe.

A substantial reduction of U.S. troops in Europe and elsewhere is long overdue. However, even after a substantial number have been withdrawn, I believe that any U.S. troops that remain should have any balance-of-payments drainage of the United States offset by appropriate payments by the other NATO countries.

In my opinion, the amendment is not at all inconsistent with the efforts to remove substantial U.S. troops from Europe and elsewhere, for that matter.

Mr. President, now we find, and this ties in with what the distinguished Presiding Officer had to say earlier this morning, that there is an overabundance of colonels, Navy captains, generals, and admirals to take care of 2.2 million military personnel. There are more men in those categories today than there were at the end of the Second World War when the number of military personnel was in excess of 15 million. That is something I think we should think about.

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

Mr. MANSFIELD. I yield.

Mr. AIKEN. While I think that possibly the Senator's amendment goes a little too far too fast, I believe it is headed in the right direction.

First, I would like to say we should give the administration credit for having withdrawn about 700,000 troops from overseas, largely from Vietnam within the last 2 or 3 years, and having given up about 25 percent of the military posts in foreign countries.

However, as I understand the Senator's amendment it would require 12.5 percent of our remaining overseas troops to be withdrawn before July 1974; 25 percent before July 1975; and 50 percent before the 1st of July 1976. Is that correct?

Mr. MANSFIELD. The figure would be not less than 25 percent in any 1 year.

Mr. AIKEN. Yes.

Mr. MANSFIELD. And I would point out that the Committee on Armed Services has reported a bill, the bill now pending, which calls for a reduction and discharge of 156,000 men. Any of those who were overseas would be included in the category in the amendment now pending.

Mr. AIKEN. I wanted to make sure. I have felt and I even suggested a couple of years ago that we could withdraw troops from Western Europe at the rate of about 10 percent a year. If my arithmetic is correct, the Senator's amendment would provide for withdrawing 12.5 percent the first year; that is, this fiscal year.

Mr. MANSFIELD. That is correct.

Mr. AIKEN. Next year there would be 25 percent of the total, and finally 50 percent of our overseas troops would be withdrawn.

I think I am correct but I realize it is a little difficult to figure out. I am glad the Senator graduated his amendment so that they would not all be withdrawn at the same time. It gives an opportunity for Eastern Europe and Western Europe to get together this fall to see what they can do toward reducing troop numbers in both parts of Europe.

I am inclined to vote for the amendment, but I still think it goes a little too far too fast. I assume, if approved by the Senate, it will go to conference, and undoubtedly this discrepancy between what the amendment says and what I feel will be corrected.

Mr. MANSFIELD. Yes, indeed. I appreciate the remarks of the distinguished Senator.

Mr. President, may I ask how much time is left on this side?

The PRESIDING OFFICER. The Senator has 33 minutes remaining.

Mr. MANSFIELD. Mr. President, I would like to call to the attention of the Senate the fact that the Secretary of Defense announced on August 22, a little over a month ago, that there would be more base closings and cutbacks before next year's congressional elections.

This would be the second wave of base cutbacks in about a year.

The Pentagon in April closed, reduced, or consolidated 274 installations in 32 States at a claimed savings of $3.5 billion over the next 10 years.

Sources said Schlesinger has not given the services specific guidelines in determining which bases would be closed. The number could run into the hundreds, and probably would include some overseas—probably. There are 451 major bases in the United States and 323 abroad.

Any new base closings and cutbacks probably would be announced early in 1974 when the next budget goes to Capitol Hill—that would be the $83 billion budget, and that is a bedrock figure—but would not take effect until after the voters pick their Representatives and Senators next November.

According to an article in the Allentown, Pa., Sunday Call-Chronicle, it states, under the byline of Mr. Ray Howard, that it costs $56,667 to maintain a soldier in Europe:

We are spending $56,667 for every private, corporal, sergeant, captain, colonel, and general stationed in Europe. But official budget figures say that pay and allowances average only $7,550 per man.

So what happens to the missing $49,117?

Well, there is a lot of support needed, according to the Pentagon generals. That $56,667 per man includes food, shelter, guns, tanks, ammunition, helicopters, supply dumps, and other expensive toys.

But no matter how you cut it, $56,667 soldiers don't come off as much of a bargain. By comparison, $10,000-a-year schoolteachers look cheap. And $9,500 cops look like a steal.

According to a book, supposedly a top secret, green covered book, which Defense Secretary Schlesinger gave to President Nixon—and this is under the byline of Henry J. Taylor, whom a lot of us in this body know—the following information is of some importance:

Incredibly, we have a military presence today in 38 countries.

Much of this costly presence results from 42 treaties—some as obsolete as the Queen of Sheba's camel.

Mr. Schlesinger noted to Mr. Nixon that we are spending nearly $5 billion this year on these presences and that, almost half of them are a balance-of-payments drain on the United States.

Then Schlesinger included the crusher: Only about two hundred of the citations in the 712 pages are officially listed as vital, even assuming the maintenance of five U.S. divisions in Europe to live up to our NATO commitments.

And, Mr. President, we find, insofar as foreign civilians employed by the DOD are concerned, the following: Direct hire, 60,000. Indirect hire, 109,944. There is a total of foreign civilians employed in overseas bases, for which we pay, and usually in the overvalued currency of the country in which they are stationed rather than in American dollars, almost 170,000.

And what about U.S. civilian employees of the Department of Defense outside the United States as of June 1973? 78,870. What about the military and civilian dependents outside the United States as of September 1972? 365,413.

If we add up the military, the foreign nationals employed, the U.S. civilians employed, and the dependents, we have a presence in excess of 1 million people overseas almost 30 years after the end of the Second World War, and at a cost worldwide of $30 billion a year—not just NATO, which is $17 billion, but worldwide.

There is not a continent in the world where we do not have American military personnel stationed, in one form or another, all in defense of the United States, it says. But I wonder, for example, what the defense of the United States is that calls for 1,000 Americans to be stationed, evidently permanently, in Bermuda, 2,000 Americans to be stationed in Canada, a number of American military personnel in Antarctica, the Bahamas, Bahrain on the Persian Gulf, the Leeward islands in the Caribbean, New Zealand, Norway, Saudi Arabia, South Vietnam, Australia, Cyprus, Ethiopia, Greenland, Iran, Johnston Island, Midway Island.

Well, these figures give one cause to ponder.

Now, Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator now has 27 minutes.

Mr. MANSFIELD. Mr. President, I will withhold the remainder of my time so that I may have a few more remarks to make when there are a few more Members of the Senate on the floor.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The question before us is not a liberal-conservative issue as we define philosophic differences in this country. I think that it is a question of isolationism, whether or not we are going to retreat to Fortress America, which was indeed advocated by a number of people of my own philosophic stripe a number of years ago. But I cannot think of any time in our history when a retreat into an isolationist posture would imperil the future of the United States more than today.

Now, it has been a verity for many years that when you are faced by a powerful adversary that is bent on your domination, then it is incumbent on you to keep your defense perimeter as far from your own shores as possible and as close to the adversary's shores as possible.

And this is what we are doing. We are not in Europe for some altruistic reason. We are not there just to protect the Western Europeans. We are there because the geographic and strategic realities of this world make it in the best interest of the United States for us to be there and for us to maintain a presence in various parts of this world.

Since 1968 we have reduced the American presence in foreign countries from some 1,171,000 to some 564,000. And that includes men in our naval vessels afloat. Actually if we were to subtract the men in our naval vessels from the total number of those stationed outside the United States, the number gets down in the neighborhood of about 483,000, and that is all.

Mr. President, the distinguished Senator from Montana questioned our military presence in such places as Antarctica. I might mention that the military men in Antarctica are there for scientific purposes and not for military purposes. They have not combat capability. If we want to end all sorts of research efforts and scientific efforts in all parts of the world that are designed to benefit all mankind and not just ourselves, we could withdraw those men.

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

Mr. TOWER. I yield.

Mr. MANSFIELD. Mr. President, I would be delighted to keep the 250 men stationed in Antarctica.

Mr. TOWER. Mr. President, let us go further. In the Bahamas, there are less than 250 men. And they are there for communication purposes.

In Bahrain we have very few men. They are there since apparently we do not want to produce cheap Louisiana and Texas oil but would prefer to buy oil from abroad. We feel that we should have some people there to look after our interests.

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

Mr. TOWER. I yield.

Mr. MANSFIELD. Mr. President, I happened to see a film the other day which showed marines training in the Mojave Desert in 150° heat. I hope that there is not any relationship between that film and our men stationed in the Mideast to whom the Senator refers.

Mr. TOWER. Mr. President, I think that we have shown that the Marine Corps has proven its worth. The Senator from Montana is a former Marine himself.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I must bow to the Senator from Texas, who happened to be a gunner's mate first class. I happened to be a private first class.

Mr. TOWER. Mr. President, we have no military structure in the Caribbean. In New Zealand there are less than 250 men and Saudi Arabia is the same case.

We are talking about 50 percent of our forces overseas. These would be only a drop in the bucket if we were to bring them home.

The Senator from Montana also mentioned Johnston Island and Midway Island. They belong to the United States. That is American soil.

Mr. MANSFIELD. Mr. President, if the Senator will yield, the Senator has mentioned the bits and pieces. He has not mentioned the 42,000 in Korea, the 42,000 in Thailand, and the 40,000 in Taiwan.

Mr. TOWER. I will mention those. I wanted to point out that we have less than 1,000 men in any of the places mentioned by the Senator from Montana.

The point is that this is an attempt to get us out of Western Europe, because if we call back all of our land military forces, including military attaches and every Marine guard everywhere in the world, it would only be about one-third of our total force posture overseas, and that includes Western Europe and its environs.

Why do we not say what this really is, and that is that it is an attempt to mandate the President to withdraw American forces and reduce the American presence in Western Europe at a time when we are engaged in mutual balanced force reduction talks in negotiations with the Warsaw Pact.

The thrust of the amendment is to undermine American foreign policy. It is to kill the mutual and balanced force reductions. Can one imagine the Warsaw negotiations and the negotiations to reduce forces when the United States unilaterally does so? Of course not.

I think that it would be an act of irresponsibility on the part of the Congress of the United States to say: "We will make foreign policy, and that policy first will consist of a concession to the Soviets that we will withdraw any of our military force structure that we have in Central Europe. We will pull out unilaterally, and we will become isolationists and withdraw to fortress America, because we are tired of the mantle and the cloak that fell on our shoulders after World War II. We will leave the rest of the world to the Soviets. We will come back to America and let the Soviets bully and scare the weaker nations of this world. We will make accommodations with them and ultimately not only isolate the United States from the economic

standpoint, but also from the military standpoint. We will become a second-rate Nation if we withdraw without negotiating something in return from the Soviets."

What is proposed here today is that the Congress of the United States cancel the talks on mutual and balanced force reductions. While we are engaging in the rhetoric of détente, the Soviets have been upgrading their military capability. Since 1960 while we have been reducing our presence all over the world, this is what the Soviets have been doing.

Their total forces have gone up from 3 to 3.7 million.

On the NATO front there have been made both qualitative and quantitative improvements. They have more divisions, more tanks, more rocket launchers, and more cannon artillery.

As far as their navy is concerned, its growth has been very significant. They have more ships, more ship-days, and are capable of sustained operations at sea.

In 1965 the Soviets had 6,000 ship-days on the major oceans of this world.

In 1972 they had 35,000 ship-days.

With respect to strategic weapons, they now have new long-range sea-launched ballistic missiles, a new bomb, a growing family of intercontinental ballistic missiles, and a successful test of a MIRV capability.

They have had a steady annual 3-percent growth in their military budget since 1967.

In all of this time we have been reducing the total percentage of our budget and gross national product that was expended on the military.

Mr. President, there is no substitute for the American presence in Western Europe. I think now that we are on the verge of a breakthrough and we are trying to live in an era of nonconfrontation and enter the era of negotiations—and I believe that the era of negotiation is underway—I think that a real détente on a basis that is consonant with the interests of both the United States and the Soviet Union is possible. However, I do not think that is possible if we unilaterally surrender to the Soviet Union on the matter of forces postured in Western and Central Europe.

If this amendment should become law, it would kill the mutual and balanced reduction negotiations. And I think that it would probably initially lead to the end of the strategic arms limitation talks. There are those who believe that we should unilaterally disarm. There are those who believe that we should withdraw from the rest of the world and maintain a sufficient force to defend ourselves against nuclear attack.

There are those who believe that should we unilaterally disarm, the rest of the world would bring moral pressure to bear on the Soviet Union to do likewise.

I have never seen the Soviet Union respond to moral pressure. Where was moral pressure effective against the Soviet Union in Poland and East Germany, in Hungary and Czechoslovakia?

Mr. President, we have to view the world as it is, not as we would like it to be. At a time, now, when the Russians are ready to negotiate, we must be prepared to negotiate from a position of strength; and there will never be a mutual and balanced force reduction in Europe and an accompanying reduction in tensions if we unilaterally withdraw.

Should we unilaterally withdraw, then I think NATO would come apart. It would be demoralized. I might point out that the NATO countries have increased their contributions to NATO substantially, and the West German and British defense budgets both went up this past year, both in terms of actual deutschmarks and pounds and in terms of percentage of their total national budgets. So this is no time for us to demoralize them.

In talking with people in Western Europe, they say over and over, "There is no substitute for the American presence, because otherwise you have the business of, if you withdraw, maybe we could, with German divisions, English divisions, Benelux divisions, or Italian divisions, defend ourselves, but we cannot replace the American presence, because there is something unique about the Soviets being confronted by the only other superpower in the world, rather than being confronted only by the weaker nations of Western Europe."

So our presence is essential, and I think our presence serves as a deterrent. In an age when we are trying to end the strategic arms race, when we are trying to limit nuclear weaponry, should we arrive at a nuclear stalemate, we certainly must be prepared to deter war on a conventional basis, because, facing a nuclear stalemate and removal of the threat of a nuclear war, aggressive nations might be tempted to mount military adventures on a conventional basis, if we do not have a conventional deterrent.

Therefore, Mr. President, I hope the Senate will reject this amendment. I know why the Senator from Montana has offered it, and I think there is no Member of this body who has a higher regard for the intellectual honesty of the distinguished majority leader than I do, or who admires him more as a man. But in this instance, I think he is wrong, that he is tragically wrong.

We are all tired of the burden. I remember Kipling's poem:

> Far-called, our navies melt away—
> On dune and headland sinks the fire—
> Lo, all our pomp of yesterday
> Is one with Nineveh and Tyre.

I know that we are tired of this responsibility. We are tired of the financial burden. But we are turning the corner now on balance of payments. So I think we are in pretty good shape there; and as a matter of fact the maintenance of our overseas forces accounts for less than 10 percent of our total imports into this country from overseas in terms of money spent, and that is partially offset by offset agreements.

So I think we must face up to our responsibility, recognizing that it is in our national interest to do so, that there is no substitute for the American presence in Western Europe, and negotiate from a position of strength to bring about the reduction of tensions and the recognition of mutual interests between ourselves and the other superpowers, to the extent that some day we can have peace and we can bring the boys home.

That day will come only if we maintain our current strength, so that we can successfully negotiate.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. TOWER. I yield 3 minutes to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the Senator yielding to me. I agree with much of what the distinguished Senator from Texas has said. Certainly, I support the committee bill that pertains to weaponry and the amendments that would put the country in a better position procurementwise. I believe, too, that the Soviet Union does respond to strength. We must have a national defense second to none to preserve peace in the world.

Yet I am going to support the amendment. I believe the Senator from Montana, distinguished majority leader, is reasonable in his approach of a 50-percent reduction over a period of almost 3 years—a 12½-percent reduction the first year and a 25-percent reduction by July 1, of 1976. We still have the American presence that the distinguished Senator from Texas speaks of.

We know that our former Commander in Chief and late President Dwight Eisenhower, the Commander of our Armed Services during World War II, said that the American presence was the deterrent to aggression rather than the number of troops in Europe.

We have been in Europe not only during World War II, from 1941 to 1945, but continuously since that time, to a large extent as a part of the NATO forces. We have more than borne our portion of the burden of protecting the free world. With only 6 percent of the population of the world we cannot be the police force to protect the entire free world. I believe the people of America want to do their fair share but it is time for the other nations of the world to assume their fair share of protecting the free world against aggressor nations.

I just believe that this is a reasonable amendment. I consider it is in the interest of the country. We have economic problems. We have balance-of-payments problems. I believe we need to let the rest of the world know that we will work with them; but that 6 percent of the people of the world cannot bear the burden of protecting the free world to the same extent that we have done it over the years. The results of the overbalance of our efforts in contrast with that of the remainder of the free world is evident in many facets of our life today. They need not be enumerated here.

However, I commend the distinguished majority leader for offering his amendment. I intend to support it.

Mr. TOWER. Mr. President, I yield such time as he may desire to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, for 20 years we have viewed a strong cohesive North Atlantic Treaty Organization supported by U.S. forces as essential to the fulfillment of U.S. objectives in Europe. The pending amendment, although directed at all overseas U.S. forces, is

nevertheless aimed at forcing unilateral U.S. troop reduction in NATO.

OUR PRESENT POLICY

In February 1972, the President reported to Congress our policy in this matter. These are his words:

Given the existing strategic balance and a similar effort by our allies, it is the policy of this Government to maintain and improve our forces in Europe and not reduce them except through reciprocal reductions negotiated with the Warsaw Pact. With such mutual reductions now on the agenda of East-West diplomacy, this is precisely the moment not to make unilateral cuts in our strength.

Mr. President, this is not the moment in history to make unilateral reductions. If the amendment of the distinguished Senator from Montana is adopted, what would be the use of our having meetings to try to get reductions? We would already have made a unilateral reduction. We will not get a reduction on the other side. Why take away from the President, in this moment of history, the opportunity to go into the conference and get a mutual reduction, rather than merely a reduction on our side alone? Unilateral reduction does not make sense.

Mr. President, this policy was based upon the President's careful consideration of the diplomatic, military, and economic consequences of unilateral U.S. withdrawal, in the light of the U.S. long-term interest in Western Europe.

These consequences are examined below.

THE DIPLOMATIC CONSEQUENCES

A unilateral U.S. reduction would have the following diplomatic consequences within the NATO alliance:

First. It would undermine the President's current diplomacy and directly contradict the U.S. commitment, stated by the President in his 1971 foreign policy message, and reaffirmed in February of 1972.

Second. It would confirm the fears of our allies that U.S. isolationist pressures were taking over and we were withdrawing from our role as leader of the Free World. What other conclusion could be reached if this action is taken?

Third. It would remove any incentive for the Soviets to withdraw forces from central Europe. If we are going to withdraw and not require them to withdraw, too, why would they later even consider withdrawing?

Fourth. It would weaken our Atlantic Alliance by creating doubt among our partners as to our resolve to maintain a strong bargaining position even during a period of détente.

Fifth. It would make the mutual force reduction talks a farce, as the Soviets would know we are going to reduce our troops no matter what agreement is reached.

THE MILITARY CONSEQUENCES

Twenty years ago, the United States enjoyed a nuclear monopoly and had a relatively limited need for a substantial conventional capability in Europe. Today, when we no longer have a nuclear superiority, a NATO conventional capability is needed as never before. While nuclear forces remain, the backbone of our deterrent, our willingness to defend ourselves is made most credible, in today's strategic situation, by the maintenance of strong U.S. and allied conventional forces in Europe.

If we unilaterally move to cut our overseas forces, here is what will happen:

First. The delicate troop balance in Europe, already in favor of the Warsaw Pact, would become more one sided.

Two. The NATO "flexible response" strategy, which seeks to avoid immediate resort to nuclear weapons in case of aggression by the Warsaw Pact, would be jeopardized.

Mr. President, to me, the Senate should bear in mind that the lessons of World War I and World War II showed us that our defense perimeter lies beyond our shores. Forward deployment is the chief means by which the United States prevents attack against its own territory.

Certainly the deployment of U.S. Forces in Korea has helped maintain the peace in that country. Likewise, the presence of U.S. troops in Japan, the Philippines, Okinawa, and Hawaii bring a measure of stability to the Pacific.

At present we are reducing our forces in Thailand because of the changing military situation. But, in my judgement, our overseas deployments have given strength to the mutual security treaties we have signed and have therefore helped discourage would-be aggressors.

Mr. President, a fragile peace agreement is holding together in Vietnam. We are entering mutual force reduction talks in Europe. It is my firm belief that if we give the President the power to negotiate from strength he may be able to reduce our obligations overseas.

This approach would be the responsible path to take. This approach would enhance the chances for world peace. This approach would maintain the viability of our treaties. This approach would not encourage would-be aggressors.

Therefore, Mr. President, I urge the Senate not to undercut the President in his efforts to reduce world tension through mutual force reductions overseas.

Mr. President, U.S. forces overseas are an instrument of the U.S. foreign policy. We all know that. They demonstrate our interest in world peace and support our treaty commitments. At present we are entering talks to achieve mutual force reductions. We have a new Secretary of State. It would be a mistake to preempt the President or the Secretary of State by requiring any reduction of overseas forces at this moment. Such reductions are in the making through mutual talks in Europe, or normal cuts such as reduced forces in Thailand. But let the changes be made by the President. Let him have the flexibility. Why take away from him the military muscle adequate to bring about these mutual force reductions?

We know the Communists are not going to reduce unless they have to reduce. If we have something with which to trade with them or negotiate with them, we can get reductions but if we unilaterally reduce before these talks are held, what inducement, I say, is there, to the Communists to reduce?

It would be a mistake to tie the President's hands as this amendment would do.

Yesterday the Senate addressed itself to the cost problem of our overseas forces by adopting the Jackson amendment. This amendment will require NATO reductions if our allies do not increase their share of the military costs in Western Europe. Therefore, through the Jackson amendment, we have set a limit on our NATO commitment. We have taken a big step to protect our dollar, but in so doing we have not undercut the President nor denied him the flexibility to use our overseas forces as an instrument of foreign policy.

Mr. President, we have in this country a great organization known as the American Legion. The American Legion was organized shortly after World War I. If the policies of the American Legion had been followed in this country by Congress and by this Government, we would not have had these wars.

They have advocated a state of preparedness. They have advocated military superiority. They have advocated keeping this country ready.

I want to say, Mr. President, that their position on this matter is one in accord with the thinking of the President of the United States.

I hold in my hand a telegram from the national commander, Robert Eaton of the American Legion.

The wire reads:

The American Legion by action of the 1973 National Convention strongly supports defense appropriations adequate to assure the President future effectiveness of our national security. Specifically we urge appropriation of sufficient funds to expedite development and eventual procurement of the B-1, the Minuteman III, the Trident, and air superiority fighters for Air Force and Navy.

Listen to this next sentence:

Additionally, we are opposed to unilateral reduction of United States troops assigned to NATO.

That is the stand of the American Legion.

If we adopt this amendment, we will be reducing troops in NATO unilaterally. I am sure the author of the amendment would agree that that is the case.

Mr. PASTORE. Mr. President, will the Senator from South Carolina yield for a question?

Mr. THURMOND. Not on my time, but I will be pleased to yield on the Senator's time.

Mr. PASTORE. Will the Senator from Montana grant me 1 minute to ask a question?

Mr. THURMOND. I will be glad to yield to the Senator on his time.

Mr. MANSFIELD. Mr. President, I seek recognition and I yield 1 minute to the Senator from Rhode Island, and then I want to keep the floor.

Mr. PASTORE. I would like to ask the Senator a question. How many nations in NATO have lived up to their commitments apart from the United States? Not one.

Mr. THURMOND. Not very many.

Mr. PASTORE. Not one.

Mr. THURMOND. That is the reason we passed the Jackson amendment yesterday to require them to do more. They have got to do more. Now, if they do not do more, we then will have a reason to reduce our forces. But why should we, on the eve of the mutual reduction conferences act unilaterally?

Mr. MANSFIELD Not on my time now——

Mr. THURMOND. Mr. President, who has the floor?

Mr. MANSFIELD. I have the floor.

The PRESIDING OFFICER (Mr. HART). The Senator from South Carolina held the floor and yielded to the Senator from Rhode Island for 1 minute.

Mr. TOWER. Mr. President, will the Senator from South Carolina yield to me?

Mr. THURMOND. Mr. President, do I not have the floor?

The PRESIDING OFFICER. The Senator from South Carolina does have the floor.

Mr. THURMOND. I am very pleased to yield to the Senator from Texas.

Mr. TOWER. Mr. President, let me say that we are, again, in Western Europe for no altruistic reason. We are not there just to defend Western Europe. We are there in the interests of the United States. I would say that some NATO countries have, in recent months, begun to live up to their commitments—the United Kingdom and West Germany. Some have not. But, really, I do not think that is the point here.

We passed the Jackson amendment, as has been pointed out by the Senator from South Carolina, to require more of them to do so. The point is that we are there because it is incumbent upon us, when confronted by another superpower, to maintain our defense perimeter, our military capability, as close to them and as far from us as possible. We are there in the interests of the United States. Western Europe is a principal trading partner of the United States. We are dependent on them as they are dependent on us.

So it is in our interests to maintain a military force there, if it is going to deter any kind of military and political adventures on the part of the Soviet Union that would ultimately result in the political and economic isolation of the United States.

Mr. THURMOND. I thank the distinguished Senator from Texas.

Mr. President, the Senator from Texas is right. We do not have troops in Europe just to protect the Europeans. We have troops there as a part of our foreign policy, as I stated a few moments ago. It is to our advantage.

Inasmuch as we are going to have this meeting on mutual reduction of forces, why not wait until then and let the President try to bring about a reduction on the part of their forces as well as ours? Why should we unilaterally reduce our forces at this critical time, just on the eve, so to speak, of the meeting for this purpose?

Mr. President, on September 17, an article by the editor of the U.S. News & World Report was published in that great magazine, and I should like to read an excerpt from it.

Malcolm Mackintosh, consultant to the London-based International Institute for Strategic Studies, says:

"The Soviet Union is basically hostile to the United States. It would like to see a weakening of American power and influence all over the world. It would like to see America's alliance disintegrate and American resolution and determination to aid its friends fade and disappear."

In plain words: To most Americans "peaceful coexistence" signals an end to dangerous tensions and the start of a period when defense and arms spending can be downgraded. To the Communists, it means that rivalry with the U.S. will continue to be pushed—by all means short of actual war.

Their actions show this. For instance:

Soviet military power is being substantially increased, despite the end of the draft and other military cutbacks by the U.S.

Russia continues to maintain 31 divisions in Eastern Europe to keep its grip on Communist satellites when the U.S. is pulling back forces from most of the world and debating a cut in its troop strength in Western Europe.

In the nuclear field, Russia's development of a multi-targeted warhead—while not unexpected—is significant in direction.

At a time when U.S. is accepting—even encouraging—the development of Western Europe as an economic rival, Russia reserves the right to provide "fraternal assistance" to Eastern Europe. This political rhetoric means it will use military force, if that is deemed necessary, to squelch independence.

The Kremlin continues to probe for opportunities to expand its influence at America's expense—for example, by making a security treaty with India, promoting subversion in the Arabian Peninsula and encouraging the Arabs to use "oil blackmail" against us.

Police-state controls are being tightened against dissidents in Russia. Meaningful contacts with foreigners are discouraged.

In short, it is a needle in a haystack to find any evidence that Russia's masters have really changed their ways. Their determination to extend Communist rule worldwide is as firm as ever. So, if a facade of live-and-let-live helps for now, they'll use it.

The danger has been summed up this way by the British weekly, "The Economist":

"The uncomfortable truth is that democracies are bad at dealing with periods of low-tension confrontation . . . There is an almost universal human desire to believe that peace is the natural condition of man, that armies are temporary nuisances, that conflicts of interest can be dissolved by a policy of good will. None of these things is true, but people like to believe they are."

A leading European authority on Soviet affairs recently put the Russian strategy for ending the cold war in these words:

"Above all, in Russia there is the conviction that, in the long run, history is on the side of the Soviet Union. It is Brezhnev's and Kosygin's view that when opportunities present themselves and there is no danger to the security of the Soviet Union, history should be given a little nudge."

If the nudge becomes a shove, watch out.

Mr. President, here we are confronted by a great power, the Soviet Union. We want a mutual reduction in forces; they claim they want it. If we, on the eve of the talks, unilaterally reduce our forces, what incentive is there to the Soviet Union to reduce theirs later? It does not make sense. The only language the Soviets know is force and strength.

We should put in the hands of our President the military muscle, as I stated earlier, to go into those talks and try to get a mutual reduction on both sides. That is what we want. I visualize the time, if we give him the strength and the power when he goes into these talks, that we can get a sizable reduction on both sides, not just a few billions of dollars, but many billions of dollars in arms cuts and many thousands of troops. But we will have no chance to accomplish this if we unilaterally reduce our troop strength in NATO, unilaterally reduce our troop strength all over the world.

In my judgment, this is a dangerous amendment. I hope the Senate will reject it.

Mr. MANSFIELD. I yield myself such time as I may desire.

Mr. President, in my judgment, this is a long overdue amendment. It is about time the Senate faced up to its responsibility and not depend on the American Legion, the Veterans of Foreign Wars, or any other organization, because we are here to make up our own minds. Nor should we depend upon the lobbyists of the highest rank who have been patrolling and prowling around the corridors for the past week or so.

Mr. President, we have heard the old cliches: retreat into isolationism; fortress America; give the mutual reduction conference a chance. Thirteen years ago, I suggested that conference, and only now it is getting underway.

Mr. President, it is time for America to replace a policy of foreign landbased military omnipresence with a policy of discerning internationalism. The amendment I have offered will stimulate that process. Its provisions are not complex. In brief, it will——

First, require a reduction by 50 percent of the landbased military personnel stationed on foreign soil over a 3-year period;

Second, provide that at least 25 percent of the total be accomplished in each of the 3 years;

Third, permit the executive branch total discretion to determine from which countries these reductions will be made.

That should knock the NATO argument into a cocked hat.

The amendment simply recognizes that approximately 500,000 military personnel are presently stationed on foreign soil and seeks to reduce this figure to approximately 250,000 by June 30, 1976. The amendment would not affect or reduce the additional 100,000 military personnel afloat off foreign shores. Thus, under the terms of the amendment approximately 85,000 military personnel must be returned to the United States by June 30, 1974. The President would have total discretion from which countries these 85,000 could be removed.

For example, Okinawa and Thailand could account for the entire 85,000 if the President chose to return these troops home. Only foreign shore based military personnel would be included in the computation for eligibility for reduction.

And, last, the amendment remains neutral on the question of demobilization of the personnel returned. It is my belief that the pressures to maintain a standing Army in peacetime through volunteers will significantly shrink the overall size of the military force levels. In this respect this amendment would complement that forecast and complement as well the unanimous action by the Senate Armed Services Committee which recommends an overall force level reduction of 156,000 by June 30, 1974.

The enactment of this amendment would be totally consistent with the Nixon doctrine of worldwide presence manifested by other than land forces on foreign soil.

Action by the Congress is long overdue. The United States has stationed overseas more than 500,000 military personnel. In addition another 100,000 of military personnel are afloat away from our shores. Thus approximately 30 percent of our military force is stationed beyond our homeland. Not since the days of the British Empire—or, probably more truly, the Roman Empire—have so many been required to "maintain the peace" away from our shores. Many of our post-World War II military postures and weapons procurements, and those of the Soviet Union as well, have been imitative or mirrored responses to each other. When one superpower develops a missile the other responds in kind.

If only that policy of mirrored action were applied to the stationing of U.S. forces on foreign soil.

The Soviet Union has stationed outside the Soviet Union approximately 345,000 military personnel; of this total 330,000 are stationed in Eastern Europe. It is presumed that many of these Soviet military forces in Eastern Europe are there for other than an external threat from the West. But notwithstanding the comparatively restrictive military overseas policy of the Soviet Union, the United States is badly overextended abroad. The presence on foreign soil of so many U.S. military presumes a policy that heavily favors the military option. In fact it is my belief that the commitment and level of U.S. Forces abroad has determined our policy rather than our policy determining the level of U.S. Forces abroad.

It is almost beyond belief to most Americans that our country maintains over 2,000 bases and installations on foreign soil; that the Defense Department employs directly or indirectly approximately 173,000 foreign nationals at these bases and the installations to support these U.S. Forces abroad; that over 314,000 dependents are stationed overseas with these military forces. Disbelief turns to dismay when announcements are made that bases and installations are to be closed in the United States and persons put out of work all in the interest of economy. Economy is a desirable goal but it should apply to expenditures abroad as well as expenditures at home. The impoundment by this administration of $12 billion for domestic programs; the devaluaton and other weakenings of the dollar over the past two years approach 50 percent; all marshal attention to this policy of shameful overseas waste. It cannot be tolerated any longer.

The amendment now pending is directed worldwide and not specifically at Europe. The public debate over the years has focused primarily on Europe because it is there that the largest contingent of U.S. Forces is stationed. But equally forceful questions can be raised to the U.S. troops stationed in Thailand—now about 45,000; or in Okinawa—now about 40,000; or Korea—also about 40,000; or Taiwan—about 8,000; or the Philippines—about 15,000; or even Bermuda where about 1,000 men defend our national interests. In fact, this amendment could be fully carried out during the first 2 years of its operation by reductions entirely from the areas I have mentioned, Thailand, Korea, Okinawa, Taiwan, Philippines, and Bermuda, without removing one soldier from the European theater.

Where, incidentally, Mr. President, we have 134 generals and admirals stationed today, and they are not in the same category as the privates or the noncoms.

But since Europe has become the symbol and for the opponents of any troop reduction, their strongest case, it should be useful to examine the premises and view the weaknesses of this—the strongest case.

Let us look at the realities that faced this Nation in 1951 which precipitated the stationing of four divisions in Europe. Let us look at the premises upon which the Congress assented and the representations that were made about the permanence of such a commitment of manpower abroad. Then let us look at Europe and the United States today, 28 years after the war, 23 years after the initial stationing of these divisions to NATO.

EUROPE AFTER WORLD WAR II

World War II left Western Europe in ruins. The United States moved swiftly with the most massive reconstruction effort ever attempted with its Marshall plan—an effort that has proven successful beyond expectations. The institutions of Europe, political, economic as well as military, were in shambles. With these weakened conditions in Europe combined with the common perception of the threat of the hordes from the East a strong military presence in Western Europe to complement the economic effort was rational. But the North Atlantic Treaty, ratified in 1949, did not commit U.S. troops to the European Continent. The NATO Treaty did not commit U.S. troops to the European Continent.

In fact, the treaty itself made no commitment of U.S. ground troops to Europe. It was not until 1951 that the decision was made to send four land divisions to Europe and congressional assent solicited to this significant commitment of troops.

The history of proceedings before the Congress is very revealing.

Secretary Marshall claimed at that time that there was nothing magical about four divisions. The level was selected based upon a judgment of our resources and their availability. If only the same standard were to be applied today. And why should it not be applied?

But even more revealing is the exchange that Senator Hickenlooper had with Secretary Acheson when it was made clear that each signatory to the NATO Treaty would unilaterally make its own determination of its contribution of military equipment, manpower and facilities. In addition, Secretary Acheson envisioned the return of troops subsequently sent if the situation got better. And Lord, has it gotten better.

But what conditions were envisioned in 1951 that initially warranted the troops to go to Europe and what thorny questions should be resolved for us to expect their return? Senator Smith of New Jersey sought this information from General Bradley in 1951 and General Bradley felt the making of a peace treaty with Germany—get that—and the state of preparedness of the other nations of Europe—get that—as well as the aggressive intentions of the East—get that—were the chief irritants that justified U.S. action. How interesting that all of these irritants have been significantly removed.

Nineteen fifty-one was, in addition, a time when the Korean war was underway; China was an active enemy; the Soviets had come of nuclear age; the Southeast European flank was still threatened; the economies of Western Europe were just back on their feet; political instability was prevalent in most West European countries. Strong men replaced strong institutions and provided the cohesion for Western Europe. But even then the questions were raised: Should the United States commit four divisions to Europe as a deterrent to another European war at least until Europe is ready to assume its own defense?

The Congress assented to that request and the American troops returned to Europe to meet the threat that was perceived at that time.

However real the threat then, has it changed since that time?

EUROPE SINCE THE 1950'S

When U.S. troops were initially committed to the European Continent, total GNP of all European NATO countries was $46.9 billion compared to $831.9 billion for 1972. The total exports from all NATO countries to the U.S.S.R. and Eastern Europe in 1972 amounted to $9.89 billion. The imports from the U.S.S.R. and Eastern Europe to NATO countries totaled $8.67 billion. In this one area alone of trade between the blocs, the most dramatic change in climate must be recognized.

But even more significant than evaluating not only the strength of Western Europe and appreciating the strong trade flow between East and West is the great number of events since 1963 that manifest as well as significantly contribute to the lessening of tensions between East and West. I have selected 82 events I consider significant since 1963, which I ask be incorporated at the end of my remarks.

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

(See exhibit 1.)

Mr. MANSFIELD. They range from the hot line to the nuclear test ban to the consular convention to the nonproliferation treaty normalizing relations between Germany and Poland; to the Soviet-West German agreement on consulates; to the German treaties with Soviet Union; to the SALT treaty; to the signing of the treaty on relations between East and West Germany. But to many the threat of an all-out conventional war with the East remains the same. Rigidity affects not only the rhetoric but the policy. General Eisenhower, testifying in 1951 about congressional responsibility in the determination and the evolution of the level of U.S. troops in Europe, said:

I do think that Congress ought to see a respectable, reasonable approach, and the second they see anything to be, let's say, cockeyed and crazy, to get into the thing with both feet.

Well, Mr. President, I think the time has come when Congress must recognize

that in the words of General Eisenhower, something is "cockeyed" about U.S. troops stationed abroad. President Eisenhower later recognized that change was justified. He stated in 1963 that one U.S. division would be sufficient to fulfill our commitment to NATO.

It is evident from these indicia of engagement with the Soviet Union and Eastern Europe that the tension that existed in the early 1950's has changed significantly.

It is time that the United States recognized the existence of its own policy toward the East. The policy of this Government should be consistent, not one of engagement with the Soviet Union in trade and cultural exchange and confrontation in military matters. There should be but one barometer by which this Government guides its actions toward the East.

But we have many barometers that provide such different readings for the same phenomenon. This dual standard for rationalizing our policies vis-a-vis the Eastern bloc cannot withstand thoughtful focus. If our policy toward the East is predicated upon a desire to open markets and develop a mutual interdependency of East and West upon each other, that policy will yield benefits beyond the economic sphere as they have with increased cultural and educational exchanges. It is a natural evolution of the events of the past decade. But in the military sphere—in the NATO structure—what remains is a stale rigidity; a resort to old rationalizations from bygone years.

THE MBFR

Again and again over the years we have been told both by our own officials and those in Europe that some decrease in U.S. military presence should take place.

But the time is never right for such action. Two years ago the argument was the policy of detente was underway and that nothing should be done that would disrupt the process, including the U.S.-U.S.S.R. SALT negotiations and the goals envisioned by Chancellor Brandt's "Ostpolitik."

Today we find ourselves in a new situation. Success has been achieved in the first and most important round of SALT talks; the Warsaw and Moscow treaties have been concluded; the status of Berlin has been regularized; through the exchanges of visits between President Nixon and Chairman Brezhnev a new and better climate has been created which allows us to talk about the Cold War in terms of the past.

Despite this movement, we are being told that this is the "worst possible time" in which to take any action on the question of our forces in Europe. The bargaining chip is back. Negotiations on mutual force reductions are to begin on October 30 of this year.

At the outset we were told by all the experts that MBFR negotiations will be even more complicated and lengthy than the first phase of SALT. Most informed and optimistic speculations are that the outcome of such negotiations after perhaps 2 to 3 years might be a reduction of no more than 10 to 15 percent on the part of those countries involved.

Indeed, since the preliminary talks—that is, talks as to whether there should be talks—were expected to take roughly 5 weeks and took about 5 months, my skepticism has been increased rather than diminished about MBFR. I really doubt that the United States can remain immobilized on the troops question for a minimum of 2 and possibly even 4 to 5 years. So the argument to wait for MBFR really is a postponement of significant action indefinitely.

UNILATERAL ACTION

The questions of MBFR are immensely complicated even if they were undertaken in a bilateral framework. The positioning of forces, the proportionate reduction of one side as opposed to the other because of different logistical requirements will generate 19 different solutions equal to the number of participants at the conference. So the complexity of MBFR is magnified 19 times.

The wisdom of the North Atlantic Treaty which left the question of specific troop commitments in the NATO command to be decided unilaterally by each country is abandoned in MBFR. Unilateral action on such a matter is the only practical method. Any nation entering into negotiations whether bilateral or multilateral only agrees in those negotiations to what she determines unilaterally she can do or must do in her own national interest. No negotiation with the Soviet Union would cause the Soviet Union to reduce any of its troops from Eastern Europe if the Soviet Union determines that those troops are needed in the Eastern European countries for other than protection against an external threat. In like manner, if the Soviet Union senses a greater need for its troops on other frontiers, or if she desires to divert a greater proportion of her resources to non-military interests, then the appropriate reductions by the U.S.S.R. will be made—but only then.

So unilateral action on our part to reduce U.S. troops in Europe, while still maintaining our commitment with a more wisely structured but significantly reduced level of troops could very well stimulate a similar independently arrived at response on the part of the Soviet Union. This is not unprecedented in recent history. Unilateral and independent actions taken by the United States and the Soviet Union for moratoriums on nuclear tests in the atmosphere precipitated similar constructive independent responses on each side which ultimately led to the nuclear test ban treaty. So the arguments that unilateral action cannot lead to constructive responses are unwarranted.

Unilateral action on the part of the United States might produce surprising and constructive results. What people fail to realize is that the Soviet Union, ever since World War II, has not only been acting, but reacting, within its military establishment. Much of the Soviet force was created at a time when the United States had clear nuclear superiority. Most informed observers, here and in Western Europe, agree that the Soviet Union is considerably more conservative and suspicious than the United States because of its historical experiences and the character of its society.

Yet no one seems willing to make allowances for the inertia of this military conservatism in the U.S.S.R. We forget that the speeches by our NATO commanders, as well as our political leaders, regarding need for NATO strength and readiness are read in quite a different light by the Soviet leadership than we intend. It seems a simple proposition, that they trust us no more than we trust them, but we do not seem to be able to absorb this view and act upon it.

But even more significant is the European reaction to any removal of U.S. troops from the continent. It is an accepted axiom that the Europeans would follow suit and reduce their conventional forces as well.

What is the threat, then, that requires so many U.S. forces on the Continent? If there is a truly perceived threat of a conventional war from the East, would not our European allies who are closer to the "threat" then respond by an accelerated commitment of resources? But no, they would relax as well, accept the detente and devote more resources to nonmilitary ventures. Then why should we, 3,000 miles away, assume such arrogance as to perceive a greater threat to Europe than do the Europeans?

I think the question presumes a rational answer but there is none. It does highlight, however, the dominance of the military posture in Europe by the United States. Since the formation of NATO, there has never been a Supreme Allied Commander who was not an American. U.S. perceptions of the threat are tolerated by the Europeans and why not—the United States is footing the greatest share of the cost. Since it is really our nuclear response that the Europeans wish committed, their tolerance for our eccentricities—including the World War II conventional war contingency—is very high.

It baffles me why a properly structured U.S. military force of one or at the most two lean, mobile divisions, in position to move rapidly along the German frontier—and they are in the wrong area now—would not be even greater insurance against any form of pressure from the East.

It would be more realistic to the type of improbable attack that might conceivably come from the East. It would permit American forces to be engaged from the beginning, thus allaying any fears on the part of the Europeans that the United States would not be involved in the event of a quick thrust into Western Europe.

THE FINANCIAL BURDEN

Mr. President, I have not dwelled upon the question of budgetary drain and balance-of-payments costs of our troops stationed overseas. I have deliberately left this point to one side in considering these questions because I believe the United States will bear the necessary costs to fulfill its international obligations. Our history will show that. But I believe it is clear that the United States can fulfill its international obligations abroad with a significant reduction of U.S. forces on foreign soil.

I believe a focus on this issue can be gained at last because of the competition for resources at home. But these resources will be saved, not by trimming our sails on our international obligations

but by trimming the waste from years of inattention to a rational international policy.

The Senate is well aware that the overall costs of our commitment to NATO amounts to something in the neighborhood of $17 billion, including everything except strategic forces; that the direct annual operating costs for the approximately 300,000 U.S. forces actually located in Europe amounts to approximately $4 billion, and with equipment, over $7 billion; that the net balance of payments drain because of the U.S. forces in Europe is approximately $1.5 billion annually; and that these figures are growing daily because of the U.S. disadvantage because of inflation, successive devaluations of the dollar and other weakenings.

A return to rationality on the part of the United States and its forces abroad would yield a very significant savings in resources to the United States. I have deliberately not addressed myself to the issue of whether the troops that should be removed from foreign soil should be demobilized. It is my opinion that a very sound international policy for the United States could be implemented with a reduction of 50 percent of the approximately 500,000 troops stationed on foreign soil.

The return of approximately 250,000 military personnel would reflect the judgment that they were not needed to fulfill existing international and domestic obligations and therefore appropriate for demobilization. But I do not think that the question of demobilization has to be directly addressed at this time since I believe the pressures of obtaining a military armed force without the draft will to a great extent resolve the issue of demobilization.

CONCLUSION

Mr. President, the time has come to set aside the rhetoric of the cold war used to justify a status quo of military involvement around the world.

The time has come to recognize action under a cloak of multinational negotiations that could take a decade or longer to recommend less than what is justified today.

It is time now to respond to the spirit of détente, to the success of the Marshall plan and the current economic vitality of Europe, to respond to the realities of the 1970's, to respond more fully to the needs of our own people at home.

I urge the adoption of the amendment.

Mr. President, in referring to the Nunn-Jackson amendment agreed to on yesterday, for which I voted, I wish to disabuse anyone who feels that it was meant to undermine the amendment now pending. As a matter of fact, they are complementary each to the other.

Mr. President, the Nunn-Jackson amendment adopted overwhelmingly by the Senate yesterday called for reduction of U.S. forces to NATO—that that was with respect to NATO, whereas this is worldwide—in any amount necessary to offset any future amount of balance-of-payments drainage not assumed by our NATO allies.

I believe that overwhelming judgment of the Senate is necessarily predicated upon their evaluation of what the real threat of conventional war in Europe is. It has been my premise that the threat of a conventional war in Europe is very slim and in assessing national priorities there are many other threats both domestic and international that are more real and more necessary for our limited resources, and may I say our limited manpower.

It has been my premise that the United States should not trim its sails on its international obligations, that it should bear any price tag to fulfill not only its international obligations but to defend itself against any real threats.

The Senate's action yesterday on the Nunn-Jackson amendment implies an agreement with my assessment of the threat in Europe since the U.S. troops stationed in Europe would be reduced, not in evaluation of the threat from the East, but in line with some arithmetic balance sheet deduction which would have no bearing at all upon an assessment of a real threat.

Mr. President, I urge the adoption of my amendment.

EXHIBIT 1

EVENTS FROM 1963 TO 1973 WHICH SIGNIFICANTLY CONTRIBUTED TO THE LESSENING OF TENSIONS BETWEEN EAST AND WEST

1. Renewal of Franco-Soviet trade agreement. February 1973.
2. U.S.-U.S.S.R. agreement to establish an emergency communications link (hot line). June 1963.
3. Tripartite treaty banning nuclear weapons tests in the atmosphere, in outer space, and under water. October 1963.
4. Approval by President Kennedy of U.S. wheat sales to the U.S.S.R. October 1963.
5. U.S.-U.S.S.R. agreement of exchanges in the scientific, technical, educational, cultural, and other fields. February 1964. (Renewal)
6. U.S. restores MFN treatment to Yugoslavia and Poland. March 1964.
7. Renewal of U.S.-U.S.S.R. trade agreement. April 1964.
8. U.S.-Romanian trade discussions. May 1964.
9. U.S.-U.S.S.R. consular agreement. Signed June 1964. Ratified March 1967.
10. French-Soviet trade agreement. September 1964.
11. U.S.-U.S.S.R. agreement on cooperation in desalination of sea water. November 1964.
12. Warsaw Pact Political Consultative Committee approval of the Rapacki suggestion for a conference on European security. January 1965.
13. Franco-Soviet color television agreement. March 1965.
14. Italo-Soviet agreement on joint cooperation in peaceful uses of atomic energy. October 1965.
15. U.S.-U.S.S.R. consular convention. December 1965.
16. Italo-Soviet cultural agreement. February 1966.
17. Italo-Soviet economic, scientific, and technical cooperation agreement. April 1966.
18. Yugoslavia becomes full contracting party to GATT. April 1966.
19. De Gaulle's visit to the U.S.S.R. June 1966.
20. Franco-Soviet scientific, technical, and economic agreement. June 1966.
21. Franco-Soviet space research agreement. June 1966.
22. Fiat-Soviet agreement for construction of a Fiat factory in Russia. August 1966.
23. Renault and Peugeot agreements with the U.S.S.R. regarding cooperation with Soviet motor industry. October 1966.
24. Kosygin's visit to France. December 1966.
25. Franco-Soviet consular agreement. December 1966.
26. Establishment of joint Franco-Soviet permanent commission. December 1966.
27. Establishment of Joint Franco-Soviet chamber of commerce. December 1966.
28. North Atlantic Ministerial Council declaration emphasizing a willingness to explore ways of developing cooperation with the U.S.S.R. and the states of Eastern Europe. December 1966.
29. Franco-Soviet atomic energy cooperation agreement. January 1967.
30. Franco-Soviet trade agreement. January 1967.
31. Kosygin visit to the United Kingdom. February 1967.
32. Fanfani visit to Moscow. May 1967.
33. Italo-Soviet agreement on cooperation in tourism. May 1967.
34. Italo-Soviet consular convention. May 1967.
35. Poland becomes full contracting member of GATT. June 1967.
36. U.K.-U.S.S.R. establish London-Moscow teleprinter line. August 1967.
37. Harmel Report of North Atlantic Council proposes discussion of mutual and balanced force reductions in Central Europe. December 1967.
38. Announcement of plans for joint Franco-Soviet space research. January 1968.
39. Prime Minister Wilson's visit to the U.S.S.R. January 1968.
40. U.K.-U.S.S.R. scientific and technological agreement. January 1968.
41. NATO declaration calling for discussions of mutual and balanced force reductions. June 1968.
42. Signature of the non-proliferation treaty on nuclear weapons. July 1968.
43. Natural gas delivery contract consummated between the State of Bavaria and the U.S.S.R. September 1968.
44. U.K.–U.S.S.R. civil air agreement. December 1969.
45. Franco-Soviet civil air agreement. December 1969.
46. Italo-Soviet long-term agreement on the supply of Soviet natural gas to Italy. December 1969.
47. Soviet-West German agreements on supply of Soviet natural gas to West Germany. February 1970.
48. Opening in Vienna of U.S.-U.S.S.R. negotiations on strategic arms limitation (SALT). April 1970.
49. NATO declaration on mutual and balanced force reductions. May 1970.
50. Signing of non-aggression treaty between the Federal Republic of Germany and the Soviet Union. August 1970.
51. President Pompidou's visit to the U.S.S.R. October 1970.
52. Signing of Franco-Soviet protocol on Franco-Soviet political cooperation. October 1970.
53. Signing of treaty of normalization of relations between the Federal Republic of Germany and Poland. December 1970.
54. Creation of a new basis for SALT negotiations. May 1971.
55. Ouster of hard-line East German Communist leader Walter Ulbricht. May 1971.
56. Resumption of SALT negotiations. July 1971.
57. Soviet-West German agreement to open consulates in Hamburg and Leningrad. July 1971.
58. Signature of first part of quadripartite agreement on Berlin. September 1971.
59. Chancellor Brandt's visit to the U.S.S.R. September 1971.
60. U.S.–U.S.S.R. agreement on exchanging information on certain missile testing activities. September 1971.
61. U.S.-U.S.S.R. agreement on improving the "hot line" between Washington and Moscow. September 1971.
62. Secretary Brezhnev's visit to France, October 1971.
63. Franco-Soviet agreement on economic

technical and industrial cooperation. October 1971.

64. Romania becomes a full contracting party to GATT. November 1971.

65. Soviet-West German civil air agreement. November 1971.

66. Ratification by the West German parliament of the West German treaties with the Soviet Union and Poland. May 1972.

67. President Nixon's visit to Moscow. May 1972.

68. U.S.–U.S.S.R. agreement on cooperation in the exploration of outer space. May 1972.

69. U.S.–U.S.S.R. agreement on cooperation in solving problems of the environment. May 1972.

70. U.S.–U.S.S.R. agreement on joint efforts in the field of medical science and public health. May 1972.

71. U.S.–U.S.S.R. agreement on expanded cooperation in science and technology and the establishment of a joint commission for this purpose. May 1972.

72. U.S.–U.S.S.R. agreement on cooperation between the American and Soviet navies to reduce the chances of dangerous incidents. May 1972.

73. Signing of the SALT Treaty. May 1972.

74. Signing of the final quadripartite agreement on Berlin. June 1972.

75. U.S.–U.S.S.R. three-year agreement on the export of U.S. agricultural commodities (especially wheat and feed grains). July 1972.

76. Settlement of U.S.S.R. lend-lease obligations. October 1972.

77. U.S.–U.S.S.R. maritime agreement. October 1972.

78. Signing of U.S.–U.S.S.R. commercial treaty. October 1972.

79. Quadripartite declaration supporting East and West German membership in the United Nations. November 1972.

80. Signing of the basic treaty on relations between the Federal Republic of Germany and the German Democratic Republic. December 1972.

81. Opening of preparatory talks in Vienna for negotiations on mutual and balanced force reductions. January 1973.

82. Soviet-West German 10-year agreement on the development of economic, industrial, and technical cooperation, and cultural and educational exchanges. May 1973.

Mr. MANSFIELD. I now yield to the distinguished Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER. All the time available to the Senator from Montana has expired.

Mr. TOWER. Mr. President, I would be delighted to yield some of my time to the Senator from Montana. However, I do want to afford people who want to speak on our side an opportunity to talk. Therefore, if the Senator from Montana would not mind deferring at this time, I can give an opportunity to some of these people to speak.

The PRESIDING OFFICER. Twenty-four minutes remain to the Senator.

Mr. TOWER. Mr. President, I will yield to the Senator from Alabama in a moment.

The Senator from Montana said that 35 years ago he advocated mutual and balanced reduction of forces. He is now tired of waiting. They are just now working on the matter. It reminds me of a fellow who spent all night in a poker game attempting to draw to an inside straight. And when it finally came, he had thrown in his hand.

We have finally gotten to negotiations on a mutual and balanced force reduction. Why should we scuttle those talks, now that we have arrived at that point? We will certainly scuttle them if we unilaterally reduce our forces while they continue to improve their forces in various areas of the world, both quantitatively and qualitatively. This would be foolhardy.

The fact of the matter is that it is in the best interests of the United States to be there. The fact of the matter is that it is in the best interests of the United States that Western Europe not be demoralized and that we not make any accommodations with the Soviet Union that are likely in the long run to impact against the best economic interests of the United States.

Mr. President, I yield to the Senator from Alabama.

Mr. PASTORE. Mr. President, I realize that the Senator is pressed for time. However, would he yield to me for an observation or question?

Mr. TOWER. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 1 minute.

Mr. PASTORE. Mr. President, the Senator not too long ago said that we are in Europe for our own protection. In a large sense, that statement is correct. However, we have to realize that Europe needs to protect itself, too. And the argument that the Senator from Rhode Island has made time and time again is that of all of the nations in NATO—and we have about 14 nations in NATO—not a single one except the United States of America has lived up to its commitments.

It stands to reason that if the other 13 nations were to live up to their commitment, we could comfortably withdraw a certain amount of our own troops and at the same time have the same number of allied troops in Europe.

However, the fact still remains that every time we tell them about it and every time our representatives talk to them, they say that they are doing better. I will tell the Senate how well they have done. They have done so well that our dollar had to be devalued twice up to 20 percent. And even the Germans who are really under the gun have not lived up to their commitment. Is that fair to the American taxpayer?

Mr. TOWER. Mr. President, I would like to note that the European allies provide 90 percent of NATO's ground forces, 75 percent of her air forces, and 80 percent of her naval forces, and there are 10 Western Europeans under arms for every American serviceman in Europe.

I would like to say further that certainly what we spend on our troop commitments overseas is a drop in the bucket in terms of impact on the value of the dollar. I will tell you what impacts on the dollar, and that is the fact that we have to buy billions of dollars worth of oil and energy from the Middle East. That is why we have a big dollar overhang in Europe; and one way to solve that is to provide some incentives for domestic exploration for oil and gas in this country.

Now, Mr. President, I yield 7 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the Senator from Texas.

Mr. President, I commend the distinguished majority leader for his steadfastness and perseverance in seeking to obtain a reduction of American forces based overseas, and I agree with him absolutely on the goal which he seeks. What I disagree with him on is his mechanism. I do not feel that it lies within the province of Congress to control the placement throughout the world of American troops.

I do believe, however, that the effort of the distinguished majority leader will be effective in hastening the day when the goal which he seeks will be accomplished. I believe that an agreement on mutual reduction of forces will come about much sooner as a result of the efforts of the distinguished majority leader, and for that I commend him.

NO UNILATERAL WITHDRAWAL OF AMERICAN TROOPS

Mr. President, one of the greatest dangers to the security of the United States, and the free world for that matter, is the belief or hope that the United States can safely scuttle our defense alliances because there is no longer a potential enemy against whom we and our allies must defend ourselves. No enemy—therefore no reason for defensive alliances—so goes this simplistic and dangerous line of reasoning.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. I thank the Chair.

Mr. President, it seems to me that we have been swept up and carried off in a wave of emotional and unrealistic expectations associated with achieving superficial accommodations with the Soviet Union. We seem to have overlooked the hard reality that the Communist Party of the Soviet Union has never even for a moment deviated from its goal of world domination. In my judgment we will be guilty of most flagrant wishful thinking if we are persuaded to believe to the contrary.

Mr. President, I can understand why the Soviet Union promotes the idea that Western European countries need not fear any aggressive intentions on the part of the Soviet Union and can, therefore, divert defense expenditures to other purposes. I can also understand why the Soviet Union promotes the same idea in the United States. I cannot understand how the leadership of European nations and the leadership of this Nation could become mesmerized by such an obvious psychological offensive. Yet, here we are exulting in imagined glories of détente with the Soviet Union and find ourselves bending over backward to provide the Soviet Union with advanced technology, to rescue it from the effects of a severe feed and cereal grains shortage, to extend credits, and to bestow most-favored-nations trade status, and otherwise to contribute to the economic, industrial, and military potential of the Soviet Union. We are now being urged to reduce unilaterally our troop and support commitments to our NATO allies—this, at a time when we stand on the threshold of negotiations for mutual bal-

anced force reductions in Western Europe.

Mr. President, this reversal of policy did not occur overnight. We are witnessing a logical extension of foreign policies which preceded current manifestations of wishful thinking. Let us try to put current developments in perspective. We will recall that over the past few years we have been in full retreat from a position of nuclear monopoly, to nuclear superiority, to nuclear parity, to nuclear sufficiency, to a position of questionable nuclear deterrent capability. In the process we have abandoned the policy of containment of Communist aggressions—we have shied away from the responsibility for defending vital world trade routes so very necessary if we are to secure to our Nation adequate strategic resources. Now, as if to top off our flight into the world of fantasy, we are called upon to undermine, if not sabotage our NATO Alliance by demands for unilateral withdrawal of our troops in central Europe, and from camps, posts, bases, stations, and ports throughout the world, in derogation of mutual and solemn obligations.

Is it any wonder that our NATO allies may be asking if we are kidding? What possible reliance can be placed upon an ally which lacks a military capability for participating in a mutual defense and one which has also proven that its treaty commitments are worth no more than the paper on which they are written? Commonsense dictates that nations of the NATO Alliance cannot take seriously their obligation to come to the defense of the United States in the event of an attack, if we are incapable of coming to their defense or if we prove to be a poor risk in fulfilling our obligations.

Mr. President, all of us share in the hope and expectation that the United States may reduce its troop and logistic levels of support in camps, posts, ports, and stations throughout the world. But we must not stick our heads in the sand. Such reductions cannot safely be accomplished in Europe on a unilateral basis.

Our majority leader had a lot of good things to say in his speech about the benefits to be derived from unilateral withdrawal. I cannot see it that way. I do not think good will come from it.

Too, we all look forward to the time when the now economically prosperous European nations may assume a more equitable share of the cost of maintaining NATO forces in Europe. This end can be achieved by negotiations—it must not be achieved by repudiation of our treaty obligations. In this connection, it is well to remember that NATO forces, other than the United States, as the Senator from Texas stated, constitute about 90 percent of NATO's ground forces, 80 percent of its sea power, and 75 percent of its air power. Now let us relate this proportionate composition of NATO forces to the fact that we no longer offer a nuclear umbrella as a deterrent to Communist aggressions.

The best we can claim is a nuclear standoff, if that. A nuclear standoff compels all nations to rely on conventional weapons and capabilities for defense. If the United States does not carry its share of responsibility for maintaining conventional forces—why should the other nations of the alliance feel compelled to defend the United States in the event of an attack against us?

Mr. President, I will leave to others the task of outlining all of the military and economic implications of a unilateral withdrawal of our troops from Europe.

We as a nation and as a member of NATO have a right to demand that any reductions in force in central Europe be reciprocated and the amendment offered by the distinguished Senator from Montana does not make that insistence. The Soviet Union would be far more amenable to our proposals for mutual and balanced force reductions if we did not appear to be so willing to undermine the NATO Alliance before the Soviet Union has conceded anything.

Mr. President, we have much to gain and little to lose in fulfilling our obligations to our allies, and I hope the Senate will reject the amendment offered by the distinguished majority leader.

Mr. TOWER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. TOWER. Mr. President, I yield 5 minutes of my remaining time to the Senator from Montana to dispose of as he sees fit.

Mr. BIDEN. Mr. President, will the Senator yield for a question?

Mr. MANSFIELD. Yes, indeed.

Mr. BIDEN. The Senator from Montana has been suggesting for some time now that we take the action that is being proposed here this morning, and there has been a great deal of debate surrounding that issue. I have heard here this morning, as I have heard on past occasions, that the rationale for the cutback in the number of troops stationed in Europe should be based in some way on the détente that has been referred to here. The distinguished Senator from Alabama a few moments ago said that we should not be mesmerized by this new détente—in other words, leading us down the primrose lane—that we might get ourselves into trouble.

I am going to support the Senator from Montana, but not because I have any real faith in this new détente. I have yet to hear a compelling argument—and this is the question, if there is one I would like to hear it—I have yet to hear a compelling argument that would point out that our fighting ability, our ability to defend Western Europe, our ability to defend our own self-interest, that our ready force would in any way be affected by the proposal of the Senator from Montana.

I have heard a great deal about the fact that this will demoralize our allies and that people around the world will begin to question our commitment, but I have yet to hear put in concrete terms the argument that we are going to be really jeopardizing our military position either in the world or in Western Europe or the military position or safety of any of our allies that we keep referring to.

Is there any such argument?

Mr. MANSFIELD. No; I would say that General Eisenhower figured that one division would be enough to be assigned to NATO, but the NATO treaty does not call for the allocation of any U.S. troops to Europe.

Now we have got 325,000 U.S. military personnel there. We have about 220,000 dependents there now. In case of a showdown, what are the military folks going to do, face a potential enemy or look out for their dependents?

What we have is a 7th Army over there which is having trouble with drug addiction and which has, in some areas, low morale. I think it is coming up lately. I would think that it could be streamlined and that a good deal in the way of support troops could be brought home. I think also that it is a little bit ironic we take care of 300,000-odd military personnel in Western Europe and we have at the present time 134 generals and admirals. The cost is high. The imbalance of payments is against us. Our GI's have to suffer on the basis of a devalued dollar and a reevaluated Deutschmark, so far as Germany is concerned. It is quite difficult to keep up their morale on that basis. I also think that the dependents pose a problem—an understandable one.

In my opinion, a forced reduction of about one-half could produce a lean and more compact force than we have there at the present time.

Mr. BIDEN. I would be willing to increase our troop commitment if, in fact, the argument could be made substantially that that was needed for the defense of our allies in Western Europe. If that argument were made, I would vote to increase it but I have not heard the argument. The argument the Senator from Montana has made makes a great deal of sense to me and would better enhance our position and our ability to defend our allies in their present posture.

Mr. MANSFIELD. Mr. President, before I yield to the Senator from South Dakota, I yield to the Senator from Rhode Island (Mr. PASTORE).

Mr. PASTORE. Mr. President, we do not have to increase our commitment——

Mr. BIDEN. I am not suggesting that we should.

Mr. PASTORE (continuing). We have brought it up to 100 percent. We have more than 7,200 atomic weapons in Europe. Some of them are obsolete. Most of them we do not have permission to use in case of an emergency, unless we get permission from them. They tell us that psychologically those weapons are helping but the fact is, for all of that psychology, the American taxpayer is sweating it out.

All we are saying here is that if this peril is so great in Europe, why do not the Europeans themselves live up to their commitments? They do not do it. We do it, though. Every time we take out one soldier, they yell, "The Communists are coming, the Communists are coming," at the same time their money becomes very valuable and our dollar is reduced in value.

The PRESIDING OFFICER (Mr. CHILES). The time of the Senator from Montana has expired.

Mr. PASTORE. I got it all in in time. [Laughter.]

Mr. TOWER. Mr. President, I yield 1 minute to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 1 minute.

Mr. ABOUREZK. Mr. President, I wanted to ask the distinguished majority leader if it is not true that the argument previously given for maintaining our troops in Western Europe was that psychologically Europeans were afraid to allow us to pull our troops back, that they would make some kind of an arrangement with the Soviets if we did pull them back.

Mr. MANSFIELD. Mr. President, that was one of the arguments; but so many arguments are made as to "the wrong time:" There is an election coming this September; or there is a conference in October. Every time the question is brought up, the roof caves in. But as soon as the question is done away with, it is all forgotten.

Mr. ABOUREZK. Since it has been used as a primary argument, I would like to ask the Senator from Montana if it is not correct to say that a new detente brought about by the administration does away with that argument. Their own actions have done away with that argument and, therefore, it no longer exists as a reason to keep our troops in Europe.

Mr. MANSFIELD. The Senator is correct. Absolutely.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

Mr. TOWER. Mr. President, the fact is that this administration has brought about a new détente. I grant that fact is recognized here on the floor. But the administration has brought about that détente and I do not believe we should unilaterally withdraw troops from Europe. There is a tendency to place this too much in a military context and the capacity of Western Europe to defend itself with or without American troops.

I would conceive that ultimately if sufficient mobilization and funding could take place, European units could replace American units and perhaps they could be brought up to the combat effectiveness of the American units.

But, there is a political question and a psychological question involved here. What we are trying to do in the Senate is to formulate foreign policy. Military forces are a tool of diplomacy and we must recognize that fact. If we strip away from the President of the United States the ability to use that tool with some degree of flexibility, we are then undermining the foreign policy of the United States.

Now there are other things we can do in Congress, and there are many initiatives we should recapture from the executive branch of Government. We have been steadily delegating away our authority every since Franklin D. Roosevelt's time, particularly in the domestic field. But now we seem to be taking the initiative in the wrong area, in an area where traditionally it has been regarded as the presidential prerogative, and that area is in the field of the formulation and implementation of foreign policy. That is what we are talking about here.

Mark my words, if we unilaterally withdraw our Forces from Western Europe, it will be taken as a signal, and the Ostpolitik will break out everywhere.

I do not like to criticize the head of any friendly government, but Willy Brandt, in implementing the Ostpolitik, did so in an atmosphere of declining confidence in the United States.

He made a deal with the Soviets in which he got the worst of the deal. We can see that repeated over and over again. We can see nations weaker than Germany making independent accommodations with the Soviets.

Norway could—or the Norweigan sea could become a Soviet lake. Indeed it may already be one. The fact is that there is no substitute for the American presence.

The PRESIDING OFFICER. All time has now expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on page 1, line 2, the number "50" be changed to "40" so that it would read "40 per centum."

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, have the yeas and nays been ordered on the amendment?

The PRESIDING OFFICER. They have not been ordered.

Mr. TOWER. Mr. President, the Senator can modify it then.

The PRESIDING OFFICER. There has been a time agreement on it and it would require unanimous consent.

Is there objection to the request of the Senator from Montana? The Chair hears none, and the modification is so made.

U.S. GLOBAL INTERESTS

Mr. DOLE. Mr. President, we cannot lose sight of the fact that the United States is a world power with vital and far-flung interests throughout the globe. There are strong challenges to many of these interests, for they often conflict with the national interests of other countries. If we are to maintain our own interests we must have a visible and credible means available for doing so. Our overseas military forces, far from being overextended, are at their lowest level since before 1960, while our interests have expanded during those years, as our economy has been extended into new areas. It is necessary to ask ourselves quite seriously whether we really would be wise to reduce this strength even further at this time.

As a leading world power, the United States has a vital national interest in the maintenance of peace and stability throughout the world. In Europe, our interests lie with a free and autonomous Western Europe oriented toward the West, with a healthy, integrated European Community and a stable perceived balance of military strength between East and West. In the Middle East, our interests are to see peace maintained and Soviet influence contained in an area daily more crucial to our way of life by virtue of its vital oil supplies and its geographical proximity to the Mediterranean Sea. In Asia, our interests are to maintain the freedom and autonomy of Japan and our other Asian allies, to minimize to the degree possible Soviet influence in that area of the world, and to explore with due caution the degree of true relaxation of tensions that has occurred in our relations with the People's Republic of China.

The United States now has a total of 471,000 military personnel stationed ashore in foreign countries, excluding the United States, its territories, and possessions. I believe that a total of less than half a million troops is a singularly "lean" figure with which both to insure the protection of our extensive national interests and to maintain the peace and stability toward which we have labored so long and hard since World War II.

SPIRIT OF DÉTENTE

We are hopefully on the brink of a new chapter in world history. The events of the past 4½ years have increased the complexity of relationships among nations but they have also provided new opportunities to work out lasting solutions to mutual problems.

As we move into a period of lessened tensions and increased negotiations, it is vitally important that other nations as well as the American people understand our policies and goals fully and accurately. Relations among nations tend to become more complex and the issues more complicated in a period of détente. But these complexities are compatible with peaceful competition between social systems.

It would be unwise to fail to recognize the importance of the new spirit of détente, but certainly we cannot ignore the limitations of that spirit. Now, more than at any time in the past, we need to assure that our national strength is maintained.

THE IMPACT ON MBFR OF TROOP REDUCTIONS AT THIS TIME

Mutual and balanced force reductions in Central Europe is one of, if not, the most significant political-military developments on the European scene today. Preparatory talks were held earlier this year in Vienna among 19 states—12 NATO countries and 7 from the Warsaw pact—and these countries have agreed to begin actual negotiations in Vienna on October 30.

MBFR is a major initiative of the North Atlantic Alliance. The Alliance's objective in these negotiations is to achieve a more stable military balance at lower levels of forces with undiminished security. This objective can be assured only through mutual reductions on both sides in Europe.

There have been some suggestions that United States unilateral reductions would serve as an example for the U.S.S.R. to follow. This is based on wishful thinking, and there is no evidence to support such a contention that the Soviets would actually follow such an example. Indeed, a unilateral United States cut would reduce the incentive for the Soviets to reduce their forces since they would already have obtained one of their key objectives—reduction of U.S. Forces. Such action would invite the Soviets to await further unilateral unravelling of the NATO security structure.

A unilateral United States reduction, unaccompanied by a Soviet reduction, would not meet our objective of a more stable military balance at lower levels of forces with undiminished security. The level of forces would be reduced only on the NATO side and unilateral United

States reductions of any size would not leave NATO's security undiminished nor add stability to the balance.

With negotiations on MBFR set to begin October 30, this is not the time to make unilateral reductions. Such a unilateral action would destroy the chances for success in these negotiations and for obtaining the alliance's security objectives. The allies have expended considerable effort and made significant gains in bringing the Soviets to consider force reductions as an integral part of the effort to bring about greater military and political stability in Europe.

Finally, the President has pledged that given the existing strategic balance and a similar effort by our allies, the United States will maintain and improve its forces in Europe and not reduce them except through reciprocal reductions negotiated with the Warsaw Pact. A unilateral U.S. reduction would run counter to this pledge and would severely diminish our allies' confidence and trust in the United States. It would be a major setback for the alliance and would greatly weaken allied solidarity. The adverse impact of such unilateral U.S. action could be expected to carry over to a variety of our relationships with our European allies, as well as with countries of the East.

While I am opposed to the Mansfield amendment, I recognize that further reductions at the appropriate time may be desirable; therefore I supported the Jackson-Percy amendment which would reduce U.S. forces in individual countries by the amount that country is not offsetting its full share of costs in maintaining U.S. troops.

Mr. KENNEDY. Mr. President, the Senate is voting this morning on an amendment, offered by the distinguished majority leader, to require a progressive reduction of U.S. military forces based overseas. After careful consideration, I will vote against this amendment.

I believe that the changing nature of international politics now makes it possible for the United States to reduce its farflung military deployments abroad. Within the next few years, I expect that sizeable reductions will be made, and that, carried out in an orderly fashion, these reductions can help promote détente and the building of new structures of peace.

My principal concern, today, is with the future of NATO, and the manner of reducing forces on the Continent of Europe. The amendment offered this morning does not require a significant reduction in our NATO forces. Under its terms, it would be possible to make most, if not all, of the cuts elsewhere. Yet I believe that, as a practical matter, this amendment would inevitably affect the forces we have assigned to NATO. At the very least, it would raise grave doubts in the minds of our European Allies concerning the intentions of the United States.

In past years, I have voted for the Mansfield amendments and resolutions on NATO—ones requiring even deeper cuts than the amendment proposed today. And I continue to support the basic position put forward by Senator MANSFIELD—that it is time to move beyond the postwar era of confrontation, and to find ways of reducing the role of military forces in Europe. For this reason, Senator MATHIS and I are offering an amendment to the military authorization bill that will help prepare the alliance for change.

On October 30, however, important negotiations on this issue are due to begin in Vienna—negotiations designed to bring about the mutual and balanced reduction of forces in both East and West. This is a hopeful effort long supported by the Senate majority leader and many of his colleagues. It deserves our support.

I am mindful that the administration has consistently ignored concerns expressed in this Chamber about the need to work for lower levels of deployed forces in Europe. For years, it has been dilatory and obstructive. And I am mindful that there is no guarantee of success for these MBFR talks. They may, indeed, serve to delay rather than to promote a change in the structure of military confrontation in Europe. Yet I strongly believe that we in the Congress must give these talks a chance to succeed, by not legislating a reduction in U.S. Forces deployed abroad, affecting the NATO Alliance, immediately before these talks begin.

If the talks do bring about a reduction of forces in Europe, we will welcome it; if instead they serve merely to delay the process of change—and to thwart the clear will of the American people—then we must take appropriate action here in the Congress. Unless the Administration takes forthright steps to secure early agreement on troop cuts in the MBFR talks, I will strongly support legislation along the lines of the amendment we are now considering.

Let us give the administration this final chance to prove its good intentions; and let us hold it strictly accountable to the Congress and to the American people.

Mr. President, for these reasons, I will vote against this amendment at this time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from Montana (Mr. MANSFIELD).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN) and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I also announce that the Senator from Iowa (Mr. CLARK) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. TAFT) is absent on official business.

I also announce that the Senator from Kansas (Mr. PEARSON) is absent because of illness.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The result was announced—yeas 49, nays 46, as follows:

[No. 419 Leg.]

YEAS—49

Abourezk	Hathaway	Nelson
Aiken	Hollings	Packwood
Bayh	Huddleston	Pastore
Bible	Hughes	Pell
Biden	Inouye	Proxmire
Burdick	Johnston	Randolph
Byrd, Robert C.	Long	Ribicoff
Chiles	Magnuson	Schweiker
Church	Mansfield	Scott, William L.
Cranston	McClellan	Symington
Eagleton	McGovern	Talmadge
Fulbright	McIntyre	Tunney
Gravel	Metcalf	Weicker
Hart	Mondale	Williams
Hartke	Montoya	Young
Haskell	Moss	
Hatfield	Muskie	

NAYS—46

Allen	Dole	Kennedy
Baker	Domenici	Mathias
Bartlett	Dominick	McClure
Beall	Eastland	McGee
Bellmon	Ervin	Nunn
Bennett	Fannin	Percy
Brock	Fong	Roth
Brooke	Goldwater	Saxbe
Buckley	Griffin	Scott, Hugh
Byrd, Harry F., Jr.	Gurney	Sparkman
	Hansen	Stafford
Cannon	Helms	Stevens
Case	Hruska	Stevenson
Cook	Humphrey	Thurmond
Cotton	Jackson	Tower
Curtis	Javits	

NOT VOTING—5

Bentsen	Pearson	Taft
Clark	Stennis	

So Mr. MANSFIELD's amendment (No. 538) was adopted.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will now resume consideration of amendment No. 517 by the Senator from New Hampshire (Mr. MCINTYRE), on which there is to be 4 hours debate today.

May we have order in the Senate?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

Mr. CRANSTON. Mr. President, I ask unanimous consent that my amendment as modified may now be voted upon.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Sentor will state it.

Mr. HUMPHREY. Is it possible to now amend the Cranston amendment as amended?

The PRESIDING OFFICER. It would not be possible to now amend the Cranston amendment as amended.

Mr. HUMPHREY. Mr. President, when all time is used on the Cranston amendment as modified, is it possible to offer an amendment?

The PRESIDING OFFICER. It would no longer be possible to amend the Cranston amendment as modified except by unanimous consent, since the substitute therefor has been agreed to.

Is there objection to the request by the Senator from California that the Senate now vote on the Cranston amendment as modified?

Mr. GRIFFIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Is it possible if all time is yielded back?

Mr. GRIFFIN. How much time do we have?

Mr. MANSFIELD. One hour. The time is running.

The PRESIDING OFFICER. The time is now running on the Trident debate.

Mr. CRANSTON. Mr. President, I yield back all time except 5 minutes.

The PRESIDING OFFICER. Under the previous unanimous consent order the question now recurs on the Trident amendment, with debate for 4 hours, after which there will be a period of 1 hour for debate on the Cranston amendment.

Who yields time?

SEVERAL SENATORS addressed the Chair.

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

Mr. McINTYRE. Mr. President. I yield myself as much time as I may need on the amendment of the Senator from Colorado (Mr. DOMINICK) and me.

Mr. SYMINGTON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. McINTYRE. Mr. President——

Mr. MANSFIELD. Mr. President, will the Senator yield for a parlimentary inquiry?

Mr. McINTYRE. I yield.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending question is the debate on the Trident amendment for a period of 4 hours.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. ROBERT C. BYRD. Mr. President, may we have the amendment read?

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read amendments No. 517 as follows:

On page 18, line 15, strike out "$650,700,000" and insert in lieu thereof "$645,700,000".

On page 18, line 18, strike out "$3,628,700,000" and insert in lieu thereof "$2,800,900,000".

On page 19, line 12, strike out "$2,656,200,000" and insert in lieu thereof "$2,603,600,000".

Mr. McINTYRE. Mr. President, I was shocked, dismayed, angered, and I do not know what, when I received a report of remarks made by the Chief of Naval Operations in an interview to NBC television, some of which were reported on this morning's news.

I have great admiration for Admiral Zumwalt. I do not know whether it is the tremendous excitement or the desire to win that the Navy always has that motivated him. Unfortunately I do not have a verbatim report of what was said on NBC's "Today" show but I have here a rough paraphrase of the conversation between the admiral and John Cochran of NBC–TV, some of which was aired this morning.

Admiral Zumwalt was asked:

What's this about Soviet agents on the Hill lobbying against the Navy position on Trident?

Admiral Zumwalt:

Well, I think for details on that you should look at the Alsop column a few weeks back.

Admiral, you were quoted as alleging this long before the Alsop column. At a private session over breakfast with some Senate staff.

Admiral Zumwalt:

Well, what I said was the Soviets are using their people to influence the vote. That's a courtesy we allow them in this country that they don't allow us in their country.

What do you mean by their people? Embassy people?

Admiral Zumwalt:

Embassy people and others.

What do you mean by others?

Admiral Zumwalt:

Those in the news media.

What do you mean by that? The Washing-ing Post, the Times, NBC?

Admiral Zumwalt:

I mean people who work for the Soviets.

You mean TASS?

Admiral Zumwalt:

Well, yes.

He was then quoted as saying he really did not think the Soviet agents would be able to influence the votes of any Senators.

One of the difficulties that faces a lot of us who work on the Armed Services Committee, who try to get hard evidence about what is right, is the oversimplification of the problems of the military. There is a great tendency from many quarters to simplify these issues. As a consequence, the first thing I find is that, all of a sudden, a man like myself who thinks a great deal of the military and who is proud of the military finds that he is called unmilitary. That is the first thing—that I am called anti-Navy because I was a foot slogger in the Army. That is not so. The rudest thing is that all of a sudden one finds himself called un-American, unpatriotic, because once in a while he says "No" to the Army, Navy, or Air Force.

Believe me, I have an editor in my State who knows how to say that. I hate to give him any publicity at all, but he knows how to put the old red tag on you.

I think we have got to insist upon Admiral Zumwalt's coming here and saying directly what he means, because his statement is very fuzzy. I do not like to see this said about Senators who think we should not go too fast in our submarine development. I do not think they like to have this reflect on them. I think we ought to know which Soviet agents lobbied, which Senators they are calling on, and what was said.

Mr. President, this is a disturbing thing and a disturbing note on which to open our debate today, but I felt I had to report this to the Senate.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will come to order.

Mr. McINTYRE. Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of these remarks an exact, verbatim transcript of that portion of the 8:30 a.m., NBC News Report this morning which dealt with Senate consideration of the Trident submarine. Senators will note that the report contains film from my appearance on the Today program on Tuesday, as well as portions of a filmed interview reporter John Cochran had with Admiral Zumwalt, Chief of Naval Operations.

Earlier today, after my staff had an opportunity to talk with Mr. Cochran, I give the Senate a paraphrased synopsis of that portion of the interview which Mr. Cochran summarized by saying "Zumwalt says Soviet agents have lobbied on Capitol Hill against the Trident."

My staff has reconfirmed with reporter Cochran that Admiral Zumwalt did, indeed, make such an allegation during the interview.

Therefore, Mr. President, I must once again protest the unfortunate implications left by Admiral Zumwalt's remarks and once again demand an explanation from the Admiral detailing what agents he is talking about, whom they lobbied, and how they lobbied.

The NBC Report transcript referred to above follows:

TRANSCRIPT OF NBC NEWS REPORT, 8:30 A.M., WEDNESDAY, SEPTEMBER 26, 1973

Reporter JOHN COCHRAN. "Senators Dominick and McIntyre are trying to cut more than ½ of the 1.5 billion dollars the Navy wants to build the Trident submarine.

McINTYRE. "In my mind the Administration is pushing very hard for this big new submarine to impress our Russian friends at the SALT talks so that we can come up with some permanent agreement on underwater craft. To me it's not a good reason to be spending this money at the rate they want to spend it."

Reporter JOHN COCHRAN. "Adm. Elmo Zumwalt, campaigning for the Trident submarine, fears the Congress may not take the Soviet threat seriously enough. Zumwalt says Soviet agents have lobbied on Capitol Hill against the Trident."

ZUMWALT. "The Soviets have a host of ways, including the use of employees here to make a concerted effort to impact upon U.S. policy. This is a courtesy that is afforded in our Democratic way and a courtesy that they don't afford us in the Soviet Union."

Reported JOHN COCHRAN. "But Zumwalt is more concerned about Senators McIntyre and Dominick than about Soviet agents. With the vote set for tomorrow the two Senators have about 50–50 chance of pushing their amendment to slow construction of the TRIDENT submarine."

Mr. McINTYRE. Mr. President, as we all know, intensified lobbying—as the Navy says, "the giving of information"—has been going on. Yesterday the Navy made a strong point of the fact that the Navy performed very well with the Poseidon conversion program and, therefore, has demonstrated the capability to do the same with the Trident submarine. In fact, they made an allegation that about $180 million was saved in the Poseidon conversion.

The facts supporting this allegation are that while the total cost estimate to convert the entire fleet of 31 submarines to Poseidon increased by $300 million, from $4.57 billion to $4.87 billion, the increase involves only the procurement of missiles and not submarine conversion. Cost for submarine conversion actually declined by $69 million, from $928.6 million to $859.6 million.

Mr. ROBERT C. BYRD. Mr. President, the Chair has done an excellent job in trying to maintain order today. I hope he will persist in that.

The PRESIDING OFFICER. The Senate will come to order, if the Senator from New Hampshire will refrain. Will Senators please take their conversations to the cloakrooms?

Mr. McINTYRE. Mr. President, there are a few facts about the Poseidon program that we ought to put on the record. The Poseidon program failed to meet its original schedule. It slipped a year and a half.

The Poseidon program was a high priority program. The R. & D. section of the missile testing, of the first five missiles of that program, failed.

It was such a high priority program that whenever the Navy came to the Armed Services Subcommittee on Appropriations, no questions was raised. Whatever they wanted, they were given. It was a "blue plate special." As a matter of fact, during the years of that Poseidon program, the Navy was able to reprogram during the years several million dollars out of the Poseidon program and steer it into other programs because they had more than enough.

So it is very difficult, the way this has been put together, to say that the Navy really had an undercost of $180 million that they claim.

Then, I want Senators to realize that just the other day a report came to us that our Poseidon missiles had a 42 percent operational firing success. In other words, 58 percent were duds and 42 percent went off.

As we look at the two programs we are talking about here, the Trident program and also the Poseidon conversion, I would also like to make this point: There is really no comparison between those two programs. The Poseidon program involved the use of a Polaris submarine, which had already been built, and modifying it to carry a new missile, Poseidon. The basic submarine hull and machinery was not newly constructed, and had been designed, developed, and tested under the predecessor Polaris program.

The Trident submarine will be a completely new boat from the initial conceptual studies, through prototype development and fabrication, and ultimately shakedown developmental and operational tests. It has not yet been built.

The Trident submarine will be new in many other respects.

It will be about a third longer and larger in diameter than the Poseidon submarine.

It will have a new type of hull construction.

It will have incorporated hull machinery and equipment tailored to the unique requirements of the submarine.

It will have a new sonar system.

It will incorporate missile support equipment to be used with the Trident 1 (C–4) missile now under development.

Putting all of these together into an integrated weapon system that must first be tested out is a thousand times more complicated and challenging than simply converting the Polaris submarine to carry Poseidon missiles.

The Trident submarine will face the usual array of developmental problems which all new major weapons systems encounter and which will cause delays and increases in cost. There is no way to avoid this.

As I have said many times, what we have learned in the R. & D. Subcommittee is that you must not go too fast; you must not try to design and develop a submarine at the same time you are trying to produce it.

I want to give Senators a history of the Navy's part with respect to the Poseidon submarine.

In 1957, we suddenly had a missile gap and everybody got excited over the difference between what the Soviet Union and we had.

So, we started cutting the Thresher. We had the Thresher, an attack-type, killer-type submarine. We started to cut it up. The first one was at Mare Island under Roosevelt.

In the course of putting these ships together, we had something, in the Polaris program, like 10,000 change orders. There are not two Polaris submarines in our fleet as Polaris-Poseidon, as originally constructed, that are the same. The change orders involved improvements. Even under that program today, as originally constructed, the first 10 Polaris submarines built would be obsolete. That is why we are not moving to make Poseidons out of them. They are obsolete. They presently plan to dispose of them. When we figure that some of those submarines have only been around for 14 or 15 years, they are pretty young submarines.

These submarines should be good for 25 years without any trouble whatsoever.

Mr. President, I am now happy to yield to the distinguished Senator from Iowa (Mr. HUGHES) for 10 minutes.

Mr. HUGHES. Mr. President, before the distinguished chairman of the subcommittee sits down, I would like to ask a couple of questions concerning the statement contained in his opening remarks.

As I understand it, the distinguished Senator does not have a transcript of those remarks from the "Today" show. Is that correct?

Mr. McINTYRE. The Senator is correct.

Mr. HUGHES. The implication of the remarks was to the effect that Members of the Senate were being lobbied by Communist agents, Russian agents, regarding the military aspects of this country.

Mr. McINTYRE. The Senator is correct. The implication is fuzzy.

Mr. HUGHES. Mr. President, in other words by implication and innuendo, Admiral Zumwalt implied to the Nation on a nationwide television show that Members of the Senate, as yet unnamed, have been lobbied by Communist agents, as yet unnamed, which action may influence their votes on a U.S. defense system.

Mr. McINTYRE. That is correct. However, it has been reported that he said that he did not think the Soviet agents would be able to influence the votes of any Senators.

Mr. HUGHES. That is a nice by-comment after these aspersions cast on this body.

I think that as a result of those implications, the admiral should be asked to name publicly the Senators and the lobbyists, and if necessary it should be done in a secret session in this body.

Mr. McINTYRE. I agree. He should put it down in black and white as to what was said and who was contacted and who are the lobbyists running loose in the corridors of the U.S. Senate.

Mr. HUGHES. Mr. President, this is the first implication of this kind that I have ever been aware of. If Soviet agents are lobbying or are around here. I would like to be aware of who they are and what they are doing. In fact, I am appalled at this sort of statement made on nationwide television with the implication it carries without a sound basis for it and without stating publicly what the facts are, who did it, and why.

I thank the distinguished Senator from New Hampshire for calling this matter to our attention. I would hope that if a transcript of whatever happened this morning might be obtained, it may be made part of the RECORD.

Mr. McINTYRE. We are in the process of obtaining it and will make it part of the RECORD.

Mr. HUGHES. Mr. President, I am happy to join in this bipartisan effort to restore the Trident submarine program to an orderly pace. The McIntyre-Dominick amendment, which represents the carefully considered view of seven members of the Armed Services Committee, would give our taxpayers an $885 million break this year without in any way reducing the strength and survivability of our sea-based deterrent.

Under the able leadership of the Senator from New Hampshire (Mr. McINTYRE), the research and development subcommittee explored the issues on the program at great length and depth. The subcommittee developed convincing evidence, in my view, to support the reductions proposed in this amendment, and also powerful evidence to contradict the new arguments and scare tactics which we have been hearing lately.

Drawing on these extensive hearings, Mr. President, I would like to present my views on this crucial issue.

We are all agreed that the key to our strategy of deterrence is our fleet of nuclear submarines with submarine-launched ballistic missiles (SLBM's). The survival of even one Poseidon submarine, with its 160 nuclear warheads each, could inflict such devastation on an enemy population and industry that any rational planner would seriously question the wisdom of launching an attack on the United States. Our current SLBM force is invulnerable to detection and destruction, and will remain so, according to the best official estimates, at least into the 1980's.

Since there is no disagreement on the importance of SLBM's, the major issues are whether now is the time to proceed at an accelerated pace and with such great cost on the proposed program. The close division of opinion within the Armed Services Committee reflects serious doubts on these matters despite the unanimity of views on the need to preserve an invulnerable submarine force. I think this should be clear.

The threat to our existing SLBM fleet is still hypothetical. Although Soviet ASW capability is expected to improve,

we have no evidence of any major breakthrough which would threaten the survivability of our fleet. As Dr. Stephen Lukasik, the Director of the Advanced Research Projects Agency (ARPA) and the man responsible for the pursuit of the most advanced ASW technology in the Department of Defense, told the Research and Development Subcommittee on May 29:

It is unlikely that a Soviet breakthrough in ASW could negate our Polaris-Poseidon forces before 1980 . . . there is, of course, the potential for Soviet breakthroughs that could lead to deployment of an effective anti-Polaris force by the early 1980's. However, the Poseidon, with its long strike range will increase the SSBN patrol area sufficiently to pose immense additional problems for any ASW sensor that can now be conceived.

One should note that these "immense additional problems" for a potential enemy would be compounded by the placement of the Trident I missile in existing Poseidon submarines. The 4,000-mile range of this missile would at least quadruple the ocean area of the submarines now carrying Poseidon missiles, thus further enhancing the survivability of our SLBM forces. The single most important advantage promised by the Trident system could be achieved by a decision to put the new missiles on the existing submarines.

Let me be very blunt about this, Mr. President. We had very accurate predictions about what the Russians would do in submarine construction and mirving at the time that the original program was proposed in 1971. Nothing has changed in the strategic balance to justify the accelerated schedule for the Trident sub.

But if the threat really does become serious, which I do not expect, then the administration proposal condemns us to several years of reduced survivability because of its refusal to proceed as soon as possible with the conversion of Poseidon subs to Trident missile subs.

Since the threat is still uncertain, the other major argument for replacement of the current fleet is that of aging. While the SSBN's were designed for a nominal life of 20 years, the Navy admits their utility at least for 25 years. Thus, they should be serviceable a least until the 1985–1992 period, as the distinguished Senator from Colorado pointed out yesterday in the debate. And their life might be extended even beyond that for all we know at the present time, but at least that long. Furthermore, the Navy admits that it is not possible to plot the overhaul cost trend versus age. In other words, the Navy cannot prove that the subs are getting too costly to maintain.

Admiral Robert Y. Kaufman, Trident program coordinator, told the R. & D. Subcommittee that "6 to 7 years are required to design, develop, and deploy a new SSBN sub in an orderly manner." We therefore have several years before it is necessary to lock into a final design on a replacement submarine for the mid-1980's and beyond.

The ideal replacement would be a submarine with several characteristics. It should have a longer range missile, and the Trident I missile will meet that requirement. It should be less detectable, and the technology is in hand even now to reduce significantly the detectability of current submarines if we choose that course.

A replacement should also maximize our capabilities under whatever restraints are imposed by a permanent arms limitation agreement. Yet if the current numerical limitations are made permanent, the United States would be able to deploy a maximum of only 29 Trident submarines, instead of our current 41, thereby making it hypothetically easier for a hostile force to locate and destroy all SSBN's simultaneously. Instead of waiting another year for SALT II negotiations to be concluded, however, the Navy is accelerating its program, despite the admission that it will be necessary to take a good look at the Trident design after a new agreement is reached.

Mr. President, they admit that. But instead of slowing down the program in order to have a submarine which best meets our needs for the rest of this century, the Navy chose a very costly option at an accelerated schedule. I am not persuaded that the much larger Trident submarine, costing five times what Polaris submarines cost and twice as much as a new version of Poseidon, is the best way to go. Time and further tradeoff studies may suggest better alternatives.

Our choice now, however, is not between this design or some alternative, but between the Trident at an accelerated pace or the Trident at a more orderly pace. Given that choice, I strongly urge the adoption of the McIntyre-Dominick amendment.

Mr. President, I have seen absolutely no evidence presented either to the subcommittee, the full committee, or on this floor, that would make these alternatives more important today than they have been during the course of the last 2 years. It would seem to me that an orderly procedure, as required and recommended in this amendment, would be not only in the best interests of the future defense of this Nation, but also in the best interests of giving those of us in this body, who must consider and weigh the alternatives, an orderly procedure whereby to consider the latest in research and development technology, and every other thing necessary to assure us of having the best SLBM force in the world at the time that we actually need it, which, at the earliest estimate, will be in the early 1980's.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, the Senator from New Hampshire (Mr. McINTYRE) asked me to take over the allocation of the time, and I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, I congratulate the Senator from Iowa on what I though was an extremely forcible speech, very pertinent and very, I would think, influential in the process of this debate.

As can readily be seen from simply looking at the separate views which were cited in the committee report, there is nothing partisan about this committee or this amendment. These views in support of the McIntyre-Dominick amendment were, in fact, signed by Senators McINTYRE, SYMINGTON, CANNON, HARRY F. BYRD, JR., HUGHES, myself, and SAXBE.

We are not dealing with a partisan issue here. What we are dealing with, as I said yesterday and as I shall repeat, is a matter of judgment.

For at least 2 years we have been dealing with the Trident before the Research Subcommittee, on which I sit as the ranking Republican member, and for at least 2 years we have been hearing the Navy, the Defense Department, and administration witnesses trying to evaluate, as a matter of judgment, whether the proposal which came in originally in 1971 is the proposal which we should follow, or whether we should follow the accelerated program which was asked for in the fall of last year.

Some of the Senators who have joined in the separate views have been for a strong defense, and still feel that way. There are also some Senators among them—like myself, I might say—who believe that we have to take into account, in building our defense structure, the economics of this country and the ability and the extent to which we can or should spend taxpayers' funds on weapons systems.

Yesterday we were told that if we did not allow Trident by 1978, we would be facing an unbelievable threat from 1978 to 1980. We are talking, in terms of judgment, about what we can foresee for the future. The threat may be, and it may not be.

The threat might be there without the intent. That has a great deal to do with the problem. The threat may be there with the intent, and then the question is—and I think this is what we have to base our final judgment on—do we have an adequate defense against such a threat?

It is my opinion that we have a better defense and will have a better defense by 1978 to 1980 if we adopt the McIntyre amendment rather than going along with the bill as originally reported.

I think this may be the most important amendment to be proposed in this authorization bill this year. We have had debate on the issue already. Yesterday we spent 2½ hours in executive session discussing this system, and other systems, this one being the most expensive weapons system ever proposed to Congress. I want to repeat that: the most expensive weapons system ever proposed to Congress.

So I call the attention of my colleagues who are here to the points that led me to the position of siding with Senator McINTYRE for what I think is a much more orderly development of this system.

At this time in our defense posture, the Trident submarine and the Trident I missile, according to the Navy, should be due in 1978. I am convinced that the continuation of the present schedule for the missile, which would be 1978, and the readjustment of the pace for development and delivery of the first Trident submarine by 1980—which, after all, is a nuclear-powered platform for the missile to be fired from—makes sense eco-

nomically and militarily, because of the cost savings involved and the nonexistence of any threat to our Polaris-Poseidon deterrent force.

This year, if the DOD request were granted, the Navy would be authorized to spend $1.5 billion on this one system alone.

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

Mr. DOMINICK. I am happy to yield to the Senator from New Hampshire.

Mr. McINTYRE. That is what I thought yesterday. But upon further inquiry beyond the bounds of our budget, I find that over at AEC there is $200 million sitting there for the Trident system, and there is $194 million still left over from last year's appropriation, so it reaches almost $2,180,000,000 this year.

Mr. DOMINICK. I am glad the Senator brought that up, because obviously if we have more expenses for the most expensive system, then we just add to the weight of the problem that we have.

Mr. McINTYRE. If the Senator will yield for just a second further, I forgot to mention, in addition to that $200 million at AEC and $194 million left over, there is $118 million under military construction authorizations, and perhaps an appropriation for the Bangor Washington defense.

Mr. DOMINICK. So we are close to $2 billion on this, some of which is money held over from last year. Then they are asking for $2½ billion for next year, and for the following year, 1976—or a total, without counting the extras the Senator from New Hampshire just referred to, of $6½ billion to be spent in 3 years.

As I read the Navy justification for that kind of expenditure, their argument consists primarily of four points: first, the potential aging of the Polaris-Poseidon submarine; second, the SALT talks; third, the general Soviet naval development; fourth, a Soviet so-called Trident ship.

In the R. & D. Subcommittee, we spent many days in hearings on the topic of the security of our naval deterrent force. In the hearings we concluded that the present Polaris-Poseidon fleet is, in fact, secure until 1980 at a minimum. The Polaris-Poseidon began in the late 1950's and the last boat was completed in 1967.

The design life of the hull on these submarines was programed originally for about 20 years but has been increased and is now scheduled for 25 to 30 years. Therefore, it is into the beginning of 1980 that we are talking about, when age might take its toll. Add 20 years to 1967 and that would be 1987 at the minimum, so probably 1990 in order to make really any significant impact on that particular boat.

I emphasize the word "might" here, because past experiences and the conditions under which these submarines operate led to my conclusion that the hull life cited is "minimum" only; namely, 25 to 30 years.

Much has been made of the SALT limitation agreement and the numbers—44 subs and 710 missiles for the United States as opposed to 62 subs and 950 missiles for the U.S.S.R.

Merely looking at the numbers of the agreement, however, is a very superficial analysis, for there are other factors to be considered. Otherwise, we would never have signed that agreement originally.

The types of submarines we are talking about are not designed to attack each other. In other words, the Trident we are talking about here will not be attacking a U.S.S.R. Trident submarine. Rather, both sides are using this type of submarine as a deterrent force. The consideration must be what their chances of success in that function are. There was no testimony before our subcommittee to show any Soviet breakthrough in ASW warfare to jeopardize our Polaris-Poseidon fleet.

At this point, it should be kept in mind that the subcommittee and this amendment go along with the Navy in developing the Trident I missile by 1978. The deterrent is not the submarine. The deterrent is the missile, and we are not now making any change in the missile. We are in a position where, if we are successful in finishing the missile development by 1978, we will have established the 4,000-mile range deterrent that we are seeking.

Then the only question is, how are we going to fire it, if we have to?

The answer to that is very simple.

The Navy has given its testimony over and over again that it would be relatively cheap and easy to back-fit that missile into the Poseidon submarine. The Navy and the administration, however, want the Trident submarine, which is as big as 2 football fields and twice as large as any submarine we now have. It is a nuclear-powered submarine which will be faster and, supposedly, quieter, and which will be able, therefore, to roam the oceans of the world in a much freer style than even the Poseidon can. That fact is hard to contemplate when we think of what we have done with the Polaris-Poseidon already, going under the ice caps, and traveling all over the world. To develop a boat the size of the Trident is obviously not only complicated but also an enormous breakthrough.

The technology involved in our Polaris-Poseidon is superior to that of the U.S.S.R's deterrent-type of submarine. We will maintain our leadtime through the 1970's and develop a Trident missile which can be placed on the Polaris-Poseidon by 1978, or possibly sooner, thereby increasing the range from 2,500 to 4,000 miles. It will give us much more room, in an underwater force—a missile force that can be a very effective deterrent without building a submarine for the Trident at all.

Also, at the present time, our Poseidon possesses the MIRV capacity. The Russian submarines either do not or are merely starting down that road in research and experiment. When we talk about deterrence, we are talking, therefore, about the missile. When we are talking about submarines, in general layman's terms, most people think of the Polaris, or they think of the submarines of World War II, or they think of whatever we have had in the way of missile-carrying submarines since.

We have been building attack submarines whose purpose is antisubmarine warfare as well as cargo warfare. We have five in the bill alone on which we are continuing construction, in order to boost our antisubmarine warfare capability. These can be used against other naval forces including submarines or against commercial traffic. In addition, we are also in this bill authorizing the funding of antisubmarine aircraft.

So when people start talking about the threat on the other side, we are already going along with what the Navy wanted in our defense capacity against that threat.

The Trident submarine does not come in at all except as a deterrent.

As I have pointed out before, the reliance on the numbers game is a mistake. If we are to rush into Trident submarine, as the Department of Defense proposes, we inexorably will commit ourselves to the construction and design of fewer boats with more missiles. I, for one, am not prepared today to say that that procedure is the best way to go.

Let us take, for example, developing an underwater boat, the size of two football fields and twice the size of anything we have now. It seems apparent to me that the ability of the other side, whoever it may be, whatever country may have submarines or antisubmarine warfare equipment available, can track a ship of that size far more readily than they could a ship the size of Poseidon.

This is a matter of my own feeling. Whether I am right or not, the necessary result, if the SALT agreement is still in effect will necessarily mean that we will have fewer submarines in the ocean by 1980 and thereafter than we now have. To me, that seems not very thoughtful.

I would say that the Navy's procedure on Trident is erroneous. The system has been stirred up into one word: "Trident." However, the one word "Trident' 'should be broken down into two phrases—one the missile and one the launching platform for the missile. The missile, which is really the deterrent, will be ready on schedule, as requested by the Navy under the McIntyre-Dominick amendment; it is only the submarine, or the launching platform, which we are putting off for 2 years.

SALT and Soviet naval development are closely interwoven. Just because the Russians are going forward with a larger submarine—and it is not nearly as large as the so-called Trident—does not mean that we have to plunge helter-skelter through the cash register with them. Our leadtime is not in any kind of serious jeopardy, and we do have a leadtime.

None of my colleagues, I am sure, will question my background as a strong supporter of the Department of Defense and the Navy through the years I have been here. What I have always done, as I have said before, and will continue to do, is to look closely at our overall defense posture and examine the places into which each program must fit.

In this case, the question becomes one of the maintenance of our Polaris-Poseidon and the pace of development of the Trident submarine. The ASW technology of the Soviets has not shown the capacity to jeopardize the unquestioned superiority of Polaris-Poseidon. The development of the larger Soviet submarine—it has also been called a U.S.S.R.

Trident—is nowhere near comparable to the development of the Trident which we are discussing. The U.S.S.R. sub is a smaller boat, with only 12 launchers and no MIRV capacity. In our Trident, we are talking about the most expensive system proposed in any Congress, a system whose complexities have yet to be tested and whose cost demands orderly development procedures.

Let me point out, for example, that we are having trouble with the Poseidon missile, which has been available for years. It is not a very serious problem. If we are having problems with this missile at this time and the capacity to make sure that it fires correctly, then I ask what in the world are we going to do with respect to problems with a Trident submarine, which is twice as big as the Poseidon, much more complex, with a much bigger nuclear reactive power system, and with much more sophisticated devices, both for defense and for quiet running?

I want and support a strong defense establishment for this country, capable of responding to any threat. Senator JACKSON says we have to give them the word. He said it yesterday in the debate. What did we do today? We gave them the word, all right. We cut 40 percent from the overseas manpower by the Mansfield amendment. We certainly gave them the word. We gave them the word that we are going back into isolationism. That is what we did.

This amendment in fact means that we are going to give them the word because we are going to put the deterrent missile on schedule in 1978. That is what the deterrent is in the submarine force.

I cannot justify the authorization of almost $2 billion this year, leading us down the road to $2.5 billion next year and the year following. The system is such that cost overruns, in a concurrency of this nature, where we are building submarines while we are still finishing research, are inevitable. Every time we have had that, we have really had problems.

Our individual views—and I will close and yield the floor with this—should be read, on pages 181 to 183. They really summarized a great deal. On page 182 we say:

> This conversion from Polaris to Poseidon, which will continue through 1977—has been costing us over $700 million a year for the last three years—

A cost which I think was well worthwhile, and which I support—

> and this bill authorizes over $360 million for that purpose this year.

So we are continuing that type of conversion and also continuing the missile.

The other point that I think would be worthwhile to talk about is a reference which has been made to Dr. Lukasik, who is an expert on advanced ASW technology. He said that the conversion to the Poseidon missile—

> Will increase our SSBN patrol area sufficiently to pose immense additional problems for any ASW sensor that can now be conceived.

He did not say "developed." He said "conceived." So if they are going to have that much trouble in finding a Poseidon, what in the world is the rush to go on with a submarine launcher? We can do that much more readily. We can cut $885 million out of this authorization and be building two boats instead of three, assuming that we have by that time worked out all the bugs which have developed in a structure of this size and complexity.

Mr. McINTYRE. I thank the distinguished Senator from Colorado, who is a cosponsor of the amendment.

I reserve the remainder of my time.

Mr. THURMOND. Mr. President, I yield 10 minutes to the distinguished Senator from Virginia.

Mr. WILLIAM L. SCOTT. Mr. President, I appreciate the distinguished Senator from South Carolina yielding time to me. Certainly I shall not use 10 minutes, because the Senator from South Carolina will present the position of the Armed Services Committee insofar as the Trident submarine is concerned.

I was interested, however, in listening to the distinguished Senator from New Hampshire (Mr. McINTYRE) present his views on radio or television comments allegedly made by Admiral Zumwalt suggesting that there might be some Russians or some Communists who are endeavoring to pressure members of the committee or other Members of the Senate. I should think that no Member of the Senate would question the integrity and loyalty of any other Member of the Senate. I should think that if any suggestion of that nature were made, it would be a fruitless gesture, because we would reject such a suggestion overwhelmingly.

Yet I do believe that every Member of the Senate has been lobbied with regard to this submarine program. I am a junior member of the Committee on Armed Services, and have been lobbied by various individuals and groups including some of the senior members of the Armed Services Committee with regard to the position I should take. As the Senate knows the vote on this program was very close.

While I support the position of the committee, reasonable people may differ. I believe we must at all times be aware of thinking people having differences without questioning the integrity of someone whose position is different from ours. I want to hear the point of view of all sides, in order that I can make up my own mind. There is nothing basically wrong with an individual or group lobbying for his point of view.

We sometimes hear that we may be spending money unnecessarily for defense purposes; that we may be getting some missiles, some submarines, or military hardware that are too expensive or that is not needed.

When we talk about the defense of the country, about military procurement and military equipment, if we should err, I would certainly hope that the error would be on the side of caution, on the side of obtaining the necessary weaponry for the defense of the country. It would be better to have more weapons than we need than too few. I was present when the President spoke in Norfolk, Va., on Armed Services Day. He said—

> Do not send the President to the conference table as the head of the second most powerful nation in the world.

That is a most appealing statement to me that the President made, and I would urge that position on the Senate today.

Let us have an adequate defense. I believe the Trident submarine and expediting the procurement and construction of additional Tridents is a major part of the defense machinery of this country.

I intend to support the committee position, and oppose the amendment of the Senator from New Hampshire.

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

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, how much time do we have remaining on this side? I understand 2 hours was allotted today for each side.

The PRESIDING OFFICER (Mr. BIDEN). The Senator from South Carolina has 1 hour and 55 minutes remaining.

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

Mr. President, if as a Member of the Senate I were undecided about whether to expedite Trident or not I would accept the opinion of the greatest expert in the world on this subject. That man's name is Adm. Hyman G. Rickover. I would accept that opinion because he has been so farsighted in the past that it would give me confidence that he is farsighted now. I realize that he has been accused of being part of the military and that is true, and he is proud of it; and I am proud of the military and I am proud of Admiral Rickover.

I do not know of any man in our history who has contributed more to our Defense Establishment than Admiral Rickover. I wish to read to the Senate an excerpt from his testimony to the Committee on Appropriations of the House of Representatives on June 7, 1973. He said:

> SOVIET STRATEGIC IMPROVEMENTS
>
> The Russians in the last 2 to 3 years have launched a considerable number of their Yankee submarines, each of which carries 16 missiles. We estimate their missiles to have a range of 1,300 miles, but there is no reason to expect they will not be able to increase this range.
>
> The Soviet Yankee class ballistic missile submarines are ———. They have about 30 of these Yankee class submarines in the water and they are building ——— more for a total of ———.
>
> NEW RUSSIAN DELTA CLASS
>
> The Russians also have under construction a new Delta class of ballistic missile submarines that carry 12 missiles each. At least one has been launched. ———. The new missiles they carry have a range of 4,000 miles.

Mr. President, I wish to repeat that figure—4,000 miles, and these are Admiral Rickover's words. He went on to say:

> In effect, the Russians already have their equivalent of our Trident. In spite of all the talks with the Soviets, they have and are continuing to build up a force of modern, fast ballistic missile submarines, compared to our ———, aging ones which were built with 1950's technology.
>
> By the time the SALT I Agreement expires

in 1977, the Russians can have 62 modern ballistic missile submarines, of which about 30 could be about the equivalent of the Trident.

What is Admiral Rickover telling us? He is telling us that when the SALT-I agreement expires in 1977 the Russians could have 30 submarines equivalent to the Trident, and that will be even before we will have our first Trident operating.

Mr. DOMINICK. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. Mr. President, I am pleased to yield on the time of the Senator from Colorado.

Mr. McINTYRE. I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. DOMINICK. I thank the Senator. Two minutes is fine.

I would like to ask this question. Does the Senator not feel that the missile of 4,000 miles, which the Senator emphasizes, is the really important thing, and that the submarine is simply a launching platform?

Mr. THURMOND. I think both. Admiral Rickover states here that the new missiles will have a range of 4,000 miles. That is important. It is a greater range than we have today.

Mr. DOMINICK. That is exactly right, but——

Mr. THURMOND. No submarine we have in the water today has a range of 4,000 miles.

Mr. DOMINICK. That is correct, but is the Senator also aware that the Navy does not plan on having a missile of 4,000 miles until 1978? In our amendment we are backing that date and would have it by 1978. We make no change in that at all.

Mr. THURMOND. The greater range that is put into these missiles, and it is planned to do that as we go on down the road——

Mr. DOMINICK. That is exactly correct.

Mr. THURMOND. In other words, Admiral Rickover is saying the Russians already have their equivalent to our first stage Trident.

Mr. DOMINICK. The missile.

Mr. THURMOND. Yes.

Mr. DOMINICK. Of course, their submarine is nothing like what we are planning. On the missile, we may be behind but our amendment does not affect that in the slightest.

Mr. THURMOND. Also, it should be noted that the first Trident will not have the larger Trident II and III type missiles but the submarine will be so built that the larger missiles can be placed in the submarines at some later date.

Mr. DOMINICK. We have a platform for the 4,000-mile missiles now. That is the point I want to make. The deterrent force is the missile, not the submarine.

Mr. THURMOND. We feel that the statement of Admiral Rickover is a very significant statement and that it is in accord with the facts. We feel that if there is any question at all about the matter, if we are going to err one way or the other, we had better err on the side of strength and early strength rather than to be embarrassed later.

Mr. President, I have before an article that was published in the Augusta Chronicle on September 18, 1973, entitled "In Effect, Russians . . . Have Their Equivalent of Our Trident." The article refers to the testimony to which I have made reference and excerpts are quoted. I ask unanimous consent that the article may be printed in the RECORD.

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

[From the Augusta Chronicle, Sept. 18, 1973]

RICKOVER CLOSED-DOOR TESTIMONY—"IN EFFECT, RUSSIANS . . . HAVE THEIR EQUIVALENT OF OUR TRIDENT"

WASHINGTON.—Adm. Hyman G. Rickover says the Soviet Union is building a submarine that can fire 12 missiles to targets 4,000 miles distant, a version of the proposed U.S. Trident submarine.

Rickover also disclosed in closed-door testimony released by the House Defense appropriations subcommittee Monday that the Trident would be able to fire missiles thousands of miles on potential enemy targets from its proposed port in Bangor, Wash.

The firing distance of the proposed Trident missile was censored from the released transcript. But Rickover said the range would permit Tridents to hide in four times as much ocean as can the present 2,500-mile-range Poseidon.

Rickover, the chief pioneer developer of nuclear submarines, made the remarks June 19 in arguing for Congress' continued approval of the United States' program for 10 Tridents carrying 24 missiles.

"In effect the Russians already have their equivalent of our Trident," he said. "In spite of all the talks with the Soviets they have and are continuing to build up a force of modern, fast ballistic missile submarines."

By the time the first U.S.-Soviet arms limitation agreement expires in 1977, Rickover said, the Soviets could have 62 modern submarines "of which about 30 could be about the equivalent of the Trident."

Rickover said the Soviet equivalent is its Delta class, a step beyond its Yankee-class missile-firing submarine.

Nearly all of Rickover's comparisons between the Trident and Soviet submarines were censored from the transcript except for his comment that it is larger than the Yankee class vessel.

He said U.S. officials decided to put 24 missiles in each of the ten Tridents to cut costs per missile, implying by context that the 12-missile Soviet ship uses fewer missiles in more submarines.

The Navy has estimated the 10 Tridents plus the Bangor, Wash., base and all development will cost $12.7 billion.

Rickover said the longer range of the Trident's missiles will permit it to remain in U.S. coastal ports rather than sailing to and from points within the 2,500-mile firing range of Soviet and Chinese targets.

"The (censored) mile Trident missile will also allow hitting potential targets from the Trident homeport of Bangor," he said.

He did not say what targets could be fired on from Bangor or in what nation.

Mr. THURMOND. Mr. President, as I stated, if, as a Senator, I were undecided what to do on this, I would go to the greatest expert in the world, and that would be Admiral Rickover. Admiral Rickover has given his life to this work. If anybody is the father of nuclear power, I would say it is Admiral Rickover. He has made many speeches and made many points in favor of the Trident submarine—

The Soviets have built and continue to build a modern ballistic missile submarine force. They have 30 YANKEE Class submarines operational and more under construction. These submarines each have 16 missile launch tubes, similar to our POLARIS submarines. The Soviets have the largest and most modern submarine building yards in the world, which gives them several times the nuclear submarine construction capacity possessed by the United States.

Mr. THURMOND. In other words, they can build submarines three or four times faster than we can, and we may as well recognize that. The intelligence shows that.

The Soviets have tested an improved missile with a range of about 4,000 miles, just as I quoted Admiral Rickover.

They have under construction a new Delta class of submarines with 12 launch tubes capable of firing this new missile. This gives their submarines the capability to strike from points only a few days from Soviet bases. In a sense, the Soviets are already building their equivalent to our Trident submarines and missiles. These developments increase the threat to our land-based strategic forces and the reliance we must place on our sea-based strategic deterrent. Our submarines, by contrast, have a relatively long range to strategic Soviet targets and limited avenues of approach.

The Interim Agreement on Strategic Offensive Arms allows the Soviets to continue building ballistic missile submarines to a total of 950 ballistic missile launchers in submarines, and up to 62 modern ballistic missile submarines. This allows the Soviets to continue building ballistic missile submarines at a rate of about 8 per year during the 5-year term of the agreement. Even under the President's recommended fiscal year 1974 budget for the Trident program, the first Trident submarine will not become operational during the 5-year term of the interim agreement. Therefore, it is essential that the United States proceed now with Trident submarines as proposed by the President.

The Trident submarines and missiles are needed to increase the survivability of our seaborne deterrent in the 1980's and beyond, and to provide for replacement of our aging Polaris submarines.

The United States has 41 nuclear ballistic missile submarines, all built between 1958 and 1967. The oldest of these will be nearly 20 years old by the time the first Trident submarine can enter the fleet in the late 1970's, even under the administration's recommended program. The oldest Polaris submarines are wearing out. They have been operated hard, with two crews, to allow them to be on station a large portion of the time. They were built to specifications based on a 20-year life; their machinery is wearing out. It is unreasonable to expect them to operate more than 20 years without having major breakdowns.

So, after 20 years have passed, what will we have, unless we proceed with a modern submarine?

Also, the Polaris submarines were built with the technology of the 1950's. The Trident submarines are being designed with all the latest nuclear propulsion and submarine design technology. They will be much more difficult to detect and attack than our Polaris submarines, for two reasons: the new longer range Trident missiles will give

the submarine vastly more ocean area to hide in, and the new submarines will be much quieter than the Polaris submarines.

Our Polaris submarines are limited in their patrol area by the range of their missiles. This forces them to operate in close range to foreign shores, thus bringing them within range of Soviet shore based aircraft. This limited patrol area simplifies the Soviet antisubmarine problem allowing them to concentrate their sea and air forces in a much smaller area. The Soviets have been investing heavily in antisubmarine warfare research and development, and have built and continue to build improved nuclear attack submarines—one of their best ASW weapons. They have invested large resources in ASW surface ships. Also, indications are that the Soviets are attempting to establish an area antisubmarine surveillance system presumably aimed at locating our Polaris submarines. The Soviets have been working to neutralize our Polaris submarines ever since the first one went to sea 13 years ago.

The first generation Trident missile will have a range of almost twice the range of the 2,500 mile Poseidon missile. This initial Trident missile can be backfitted in the 31 Poseidon submarines and could provide a several fold increase in ocean operating area available to our ballistic missile submarines compared to the shorter range Poseidon missile.

The Trident submarines will have missile tubes which will provide growth potential for even longer range missiles. With this longer range missile, which will fit only in the Trident submarines, the ocean operating area available to our Trident submarines will again be increased several fold over the area available with the first generation Trident missile.

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

Mr. THURMOND. I shall be pleased to yield on the time of the Senator.

Mr. McINTYRE. Mr. President, I yield the Senator 2 minutes.

Mr. ABOUREZK. Is the Senator able to know at this time when the Trident II missile will be ready for operation?

Mr. THURMOND. Trident I is supposed to come in in 1978. The first submarine will go in the waters then. Trident II will come at a later date, probably a couple of years later. It depends on the development program, of course, but that is just an estimate.

Mr. ABOUREZK. But in 1980, under the McIntyre amendment, the first Trident submarine would be ready for operation.

Mr. THURMOND. Under the McIntyre amendment, the first Trident submarine will not come on until 1980. If we expedite the program, it will come in sooner, in 1978.

Mr. ABOUREZK. But the Trident I missile and the Trident submarine will be developed on approximately the same schedule.

Mr. THURMOND. That is, Trident I, but we do not have a Trident I yet. The Russians already have one equivalent to the Trident I.

Mr. ABOUREZK. However, we do have a Trident missile that we could put into the Poseidon.

Mr. THURMOND. Yes; all the Trident submarines will be accommodated to put in the Trident II.

Mr. ABOUREZK. The Trident I missile will fit into the Poseidon. Is that not correct?

Mr. THURMOND. That is correct.

Mr. ABOUREZK. The argument being made, then, is not really valid, because we do have a missile to put into the Poseidon.

Mr. THURMOND. We can put the Trident I immediately into a Poseidon. Of course, we would then be putting it into an old submarine. We could do that for awhile, but it would not have the deterrent power of the Trident I in the new, quiet, lethal Trident submarine.

We want to put in the hands of the President of the United States when he goes to these mutual and balanced talks the military muscle so that he will have enough power so that the Soviet Union will say: "Yes. We will agree to it."

We not only want to reduce troop forces and weapons and everything else, but both sides want to do so. They are spending billions and billions of dollars that they could be saving. However, if we do not give the President of the United States the power to use in these talks, he cannot be as successful in the talks as if he were to have this power.

The action taken this morning in the Senate on troop reductions will have to be decided in conference. However, if that should be agreed to, we will have unilaterally reduced the troops and will have taken muscle out of the President's hands.

If we do not expedite the Trident, that will take muscle out of the President's hands. We want to put in his hands the strength he needs to get a general reduction of troops and weapons and all facets of defense so that both sides will not have to spend as much on defense in the future. And the best way to do that is to give him that strength prior to the conference that is scheduled for October 30.

Mr. President, the longer range Trident missiles will even permit basing our ballistic missile submarines in U.S. ports. That is something that we cannot do with the Polaris and the Poseidon. The range is not good enough. We can even base the Trident submarine in one of our ports in this country where we will not even have to send it far into the ocean in order to be able to fire the missile and protect this country. What a deterrent it would be. No foreign basing would be required. This would eliminate the vulnerability of our current ballistic missile submarine force to international political action that could deny the use of one or more foreign bases, thus seriously degrading the effectiveness of the existing sea-based deterrent.

The Navy has studied over 100 different approaches to improving survivability of our ballistic submarine force. This issue has also been studied by the Department of Defense and the system analyses community. The consensus of the administration and the Department of Defense is that the Trident is the direction in which we must go at once. And I want to emphasize that. The opinion of this administration, and they are presently responsible for foreign policy, and the opinion of President Nixon, our President, the President of the American people, is that we ought to do this at once.

It is not only his opinion, but it is also the opinion of the Defense Department. They feel that we must move forward at once and expedite this system in order to provide the deterrent we need in order to put into the hands of the President the military muscle he needs in order to be successful in these talks.

Mr. President, as I stated a few moments ago, if I were a Senator in this body and was undecided on what course to take, whether to expedite this submarine or not, I would go to the greatest nuclear expert in the world. He is in this country and in this city. That is Admiral Rickover.

Then if I had any further doubts about the level of strength and where we stand, I would want to talk to the "Jane's Fighting Ships" people. They are supposed to be the most knowledgeable people in the world on naval matters.

When I learned that it was possible to get the editor of "Jane's Fighting Ships" to come before the Armed Services Committee, I made the request that it be done. He was present before the committee. His name is Mr. Norman Polmar. I ask unanimous consent that an excerpt from his testimony before the committee be printed in the RECORD at this point.

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

Senator THURMOND. Mr. Polmar, the Soviets are now deploying a Delta class sub with a missile range of 4,000 miles. This is often termed the "Soviet's Trident." What problems do you feel this new subject will pose for the United States?

Mr. POLMAR. It makes ASW, anti-Soviet operations against their missile submarine, with a missile of more than 4,000 range, virtually impossible, because they can essentially sweep the submarine area waters, their area waters, where they can easily detect and knock out any forces we may be trying to counter it with. They can target the United States without going out either to the mid-Atlantic or mid-Pacific. It is a Trident missile range, and indications are that they are going to build right up to their SALT limit with this type of submarine.

Senator THURMOND. Mr. Polmar, would you say that the same principle would apply to the Trident that we are planning to build?

Mr. POLMAR. Yes, sir, in that if we go to a missile range of 4,000 miles possibly, but definitely with 6,000 miles, in my opinion, in the foreseeable future, even the most exotic ASW systems that people are talking about, it makes it impossible, because even if it were possible to detect a submarine that far from Soviet targets, they would still have the problem of having to deploy a weapons system out there to attack this submarine.

The big problem with this is that we do not always understand when we build a weapons system what it will be vulnerable to, we do not know how the other side will react.

Mr. THURMOND. Mr. President, I will not have to go into all he said. I just want to say that Mr. Polmar said that the Trident—the weapon we are considering at the present time as to whether we are going to expedite it—frightens the Russians. He said that the Trident is beyond their comprehension. Mr. Polmar went on to tell the benefits to this country of going ahead with the Trident.

Mr. President, I will read one excerpt here. It reads as follows:

Senator THURMOND. Mr. Polmar, would you say that the same principle would apply to the Trident that we are planning to build?

Mr. POLMAR. Yes, sir, in that if we go to a missile range of 4,000 miles possibly, but definitely with 6,000 miles, in my opinion, in the foreseeable future, even the most exotic ASW systems that people are talking about, it makes it impossible, because even if it were possible to detect a submarine that far from Soviet targets, they would still have the problem of having to deploy a weapons system out there to attack this submarine.

The big problem with this is that we do not always understand when we build a weapons system what it will be vulnerable to, we do not know how the other side will react.

Mr. President, he goes on in his testimony at another point. That excerpt reads:

Senator THURMOND. You were speaking of Trident a few moments ago.

As you know, the Congress is now considering that very matter. Do you have any additional views on Trident that you would care to make at this time?

Mr. President, I did not know what his answer was going to be. I had not talked to Mr. Polmar before the hearings. Here is what he said:

Mr. POLMAR. Just let me, if I may, add to that.

[In reading Soviet literature and talking to the Soviets, in looking at submarines historically—I have written several books on submarine warfare, and I have done some analyses for various people on future submarine operations—Trident concerns the Soviets. They are very much afraid of Trident because today there is no way that they can write a scenario for tomorrow afternoon killing our strategic missile submarines.

They tell me—I can show you in their literature and I can quote some discussions with them—how they would go after our Polaris-Poseidon submarines. They think they would be effective. I have my doubts about it.

With Trident, once you go up to the 4,000-mile range, 6,000-mile range with that submarine, it is just beyond comprehension how to counter that with today's technology or predicted technology.

I have had the Soviets tell me in their literature they could kill our missiles, and how they can kill our Minuteman in a preemptive strike. They are unable to do this with submarines, because submarines are always moving.

When you mention Trident to them, it just throws them off. They cannot cope with this type of a problem.

The only additional view I would add is what I said earlier, because I think this would give us a considerable leverage on the situation, if you will.]

That was the statement of Mr. Polmar, one of the most knowledgeable men in the world on naval matters.

Mr. President, we will put a more complete statement in the RECORD.

Mr. President, in closing, I just want to say that I hope the Members of this body, if they have any doubts about this matter, will resolve it on the side of strength.

A number of Senators do not have the time to study these matters as we on the Armed Services Committee do. They have their own special fields and their own committees in which to work. However, if there is any question or doubt in their minds, it is my sincere hope that they will vote to expedite the Trident so that we may put in the hands of our President the strength he needs to go into the mutual reduction conference and bring about a reduction on the part of the Soviets as well as ourselves and not have a unilateral reduction of arms on the part of the United States which, to my mind, would be disastrous.

Mr. McINTYRE. Mr. President, I yield 10 minutes to the Senator from South Dakota.

Mr. ABOUREZK. Mr. President, first of all, I want to say that I agree with the Senator from South Carolina that we need a Trident program. I am of the opinion, as he is, that it is the best deterrent that this country could have.

However, I disagree with the Senator from South Carolina in his assumption that the McIntyre-Dominick amendment destroys the Trident program, because it does not, and that has been the error in some of the speeches I have heard in the last few days with regard to the Trident program.

It is undisputed that the Trident program is the most expensive military hardware procurement program ever seriously contemplated by the United States. It seems to me that all too often in recent years we have been finding record-breaknig authorization requests with each new weapond concept that the Defense Department submits to Congress. Before Trident, it was a billion-dollar aircraft carrier, before the carrier, it was the C–5A, and before that the ABM. This year alone, there are more than a half a dozen new weapons proposals which have been sold to Congress with the fear that without them, the United States would lose all of our bargaining chips with the Soviet Union and most likely would slip to nothing more than a second-class power.

Unfortunately, Mr. President, it appears that fear has been the guiding factor in every decision made by Congress on weapons in the past. The Defense Establishment knows how to play the game very well, and the Congress, who can do nothing but rely on their military and strategic advice year in and year out, has been at the mercy of their frightening prophecies. It was out of fear of a Soviet ABM that Congress funded an MIRV program. It was out of a fear of a Soviet breakthrough in new surface-to-surface missiles—SAM—that Congress agreed with the Air Force to build the now all but forgotten B–70, and it was fear of Soviet ASW that swiftly caused us to authorize longer ranged SLBM's—even though, after almost 10 years, that new ASW threat has yet to develop. Now again, fear is playing the dominant role in our determination of the need of a new submarine-launched ballistic-missile system. It seems more than just sheer coincidence that each time a controversial weapons system is to be debated in Congress, sudden new intelligence revelations find their way into the press. In just the short time that Trident has been under consideration this year, DOD intelligence analyists have been reaping a windfall of new information for our consumption. Supposedly by sheer coincidence Soviet MIRV's and popup missiles have been seen just as the Congress is about to take up debate on weapons procurement. We are told that Soviet breakthroughs in these fields are eminent, and that, unless we react immediately to appropriate the necessary funds for the Defense Department's new bag of weapons, we are sure to lose every remnant of superiority we have left.

Not long ago, in my own office, the Navy used its trump card of fear as a final argument for the accelerated Trident program. Although Navy witnesses time and again have stated that present ASW poses not threat whatever to Polaris/Poseidon submarines, I was told that "if the Soviet Union really had the desire, they could lock on an attack submarine to each and every ballistic missile submarine we have.

This, among other things I was told, was why we immediately needed a quieter sub with longer range.

It is the fear of a breakthrough, it is the fear of losing a bargaining chip, and it is the constant fear of losing some kind of weapons superiority that causes us to be led by the questionable wisdom of military war planners.

We are told that we dearly need the Trident, because of imminent ASW breakthroughs, and we are told that without the accelerated Trident schedule we are sure to lose an important bargaining chip, and we are constantly reminded that the Soviet Union is building newer and more capable submarines every year.

As has been said many times during this debate, it does not really matter, if Trident is the issue, how many strategic submarines the Soviet Union is building. It is the Soviet antisubmarine capacity we need to be concerned with. With regard to having a longer range missile firing submarine, there is little question that we need one, but it is the missile itself where long range comes in and we can put a 4,000-mile Trident missile in the existing Polaris-Poseidon fleet.

As the Senator from South Carolina agreed a moment ago when I questioned him, we will not have a missile to put in the Trident submarine that will not fit in the Poseidon fleet by 1980, so there is really no need to build a submarine ahead of that time.

I have another remark that I wish to make, Mr. President. On the news this morning, Admiral Zumwalt was quoted as saying or implying that Soviet agents were lobbying on Capitol Hill against the Trident submarine.

First of all, I would like to ask if Admiral Zumwalt would care to name who the Soviet agents are, and whom they have lobbied. Having asked that, I hope he will respond. I wish to make one comment with regard to Admiral Zumwalt's statement: I do not believe any U.S. Senator would allow a Soviet lobbyist in his office to try to talk about the Trident submarine. I do not believe it for a minute. It is that kind of military red-baiting, fear and emotionalism that we have seen too often in debates on defense procurement. That is something I would have hoped would have ended before now, but unfortunately, if the merits of the accellerated Trident program were as good as we are led to believe by the military, it would not be necessary for them to use that kind of fear tactic.

Mr. President, if we are to put stock

in these arguments we will be doing nothing but admitting that the rationale of fear is far more compelling than the rationale of good commonsense.

Second, the bargaining chip argument, in some ways the argument most representative of the argument of fear, seems the biggest obfuscation of all. With almost 5,000 more nuclear warheads than the Soviet Union, with a far greater bomber force, with a naval force that cannot even be compared with the Soviet Union, we are being told that the 2-year acceleration in the Trident development is essential to maintain an additional bargaining chip. It escapes all logic to attempt to argue that having the first Trident ready to float in 1978 rather than 1980, has a significant effect on disarmament talks going on in 1973.

The Russians are not stupid. They know Congress is committed to a Trident program. They know we do not want to abandon it but want to continue it in an orderly manner. In fact, whatever the date of initial operation may be, it matters little what time frame we are considering in initial deployment. What does matter is that we are deploying a new submarine and that they are to be better than the last ones. What does matter is that the Russians know that we have made a decision, that we are building a new submarine which we will deploy eventually.

With regard to the arguments raised on the hull life of the existing Polaris-Poseidon fleet, we have heard it argued a great many times in the last few days, and I have heard it specifically from Admiral Zumwalt, that Polaris-Poseidon has a 20-year life.

There was testimony in the Armed Services Committee that the submarines in our Polaris-Poseidon fleet will capably operate for at least 25 years. The 20-year argument was glossed over before the committee, where they could be questioned on it. It is now being presented in private lobbying sessions, where many Senators do not have the information available to question the arguments of the admirals.

Mr. TOWER. Mr. President, will the Senator yield at that point?

Mr. ABOUREZK. I yield.

Mr. TOWER. Would the Senator operate a 25-year-old sub at the same depth he would a 20-year-old sub?

Mr. ABOUREZK. Would I operate a 25-year-old sub at the same depth of a 20-year-old sub?

Mr. TOWER. Yes, one programed for 20 years, but has a life more than that.

Mr. ABOUREZK. Let me first respond by asking the Senator what that has to do with the Navy statements that we can easily operate a 25-year-old sub?

Mr. TOWER. When one operates a large submarine over a period of 20 years, obviously we allow for margins of safety and we build in that margin of safety. Conceivably, a submarine designed to operate for 20 years would still operate for 20 to 28 years, but a great part of its programed life depends on how such a sub is operated.

Mr. ABOUREZK. I am only relating what the Navy themselves have said on the subject.

Mr. TOWER. We run certain risks. The Navy will not operate the older subs at test depths because of the hazards involved to the men aboard, which means that the sub would have to operate closer——

Mr. ABOUREZK. Let me ask the Senator what hazards he is referring to.

The PRESIDING OFFICER (Mr. BIDEN). The time of the Senator has now expired.

Mr. TOWER. Mr. President, I yield myself 2 minutes so that I will not be encroaching on the Senator's time.

The point is, when we operate at a lower depth, of course, the hull gets tired just as an airplane fuselage gets tired with age and its structural members get tired and become more vulnerable. So we cannot operate——

Mr. ABOUREZK. Is it the cracking of the hulls which the Senator is referring to as the threat?

Mr. TOWER. If we stretch out the life of the hull we increase its vulnerability because they have to operate the ship at a shallower depth and that makes the submarine more vulnerable to attack.

Mr. ABOUREZK. I would like the Senator to clarify his concern so that I might respond to the specific question.

Mr. TOWER. The Senator has heard talk about pooh-poohing the life of these ships, that they can last from 25 to 28 years, when the fact is it means they have to operate at shallower depths, and have to operate where the margin of safety is much narrower which makes the ship more vulnerable to attack. I wanted to make those points.

Mr. ABOUREZK. If the Senator is saying the hull itself is in danger after a 20-year period, I would like to advise the Senator from Texas that yesterday, in a conversation with Admirals Zumwalt and Kaufman, I was informed, in answer to my question on this point that it was not the strength of the hull that they were concerned about. Even the Navy is not concerned about age on that score.

Mr. TOWER. The Senator says they did not talk about testing the hull?

Mr. ABOUREZK. They did not talk about that.

Mr. TOWER. They did not talk about the depth of operation of submarines?

Mr. ABOUREZK. They did not, when I asked them.

Mr. TOWER. The fact is, the closer to the surface we bring a sub the more vulnerable we make it.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. ABOUREZK. Mr. President, may I have 5 more minutes?

Mr. FULBRIGHT. Mr. President, I was told that I would follow the Senator's 10 minutes.

Mr. ABOUREZK. I have a few remaining comments to make.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. McINTYRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 59 minutes remaining.

Mr. ABOUREZK. I need 5 more minutes.

Mr. McINTYRE. I yield the Senator from South Dakota 5 more minutes and would suggest to him that any more yielding he take out of his own time. [Laughter.]

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 additional minutes.

Mr. ABOUREZK. Mr. President, the final argument—that the Soviet Navy is building SLBM's—is the hardest of all to understand in justifying building the Trident 2 years faster. Apparently the Navy is counting on the Soviet Union to use their missile-carrying submarines to ram the sides of our submarines in some new ASW effort. Why else would the rate of construction of Soviet subs be relevant in any way to the development of a follow-on to our Poseidons? These vessels do not fight one another and their numbers and rate of construction is totally irrelevant to any valid discussion of the matter. It is, however, another example of the rationale of fear. If the Soviet Union is building submarines, we have to build submarines, if for no other reason than to demonstrate that we, too, can build every last weapon of total annihilation that man is capable of imagining.

It is the realization that fear has been a motivating factor in considerations involving weapons requests in the past that we must now come to grips with in the debate on the Trident submarine construction schedule. Will we allow the peddlers of fear again to convince us that antisubmarine warfare breakthroughs are imminent, or that we lose a valuable bargaining chip in moving the Trident back to its original schedule? I sincerely hope not, Mr. President. Rather, I hope that good commonsense on this issue will prevail. The return to an orderly development of Trident would, in no way, jeopardize our position either on the seas or on the bargaining table. It would, however, allow the largest single amount for a single weapons system in this year's research and development request—a total of $642 million, which is a savings this year of $885.4 million and almost a billion dollar savings next year.

The amendment would allow construction of the first submarine to continue uninterrupted. It would help insure that the chances of waste and error, most common in accelerated development programs, are kept to an absolute minimum. And rather than diminishing our effectiveness at SALT, it enhances our position by allowing us far more flexibility to respond to future ASW and demonstrates to the Soviet Union that a time tested and reliable submarine system is now easily within our reach.

The arguments resulting from good, plain commonsense are compelling ones. They do not play on anyone's fears, they do not need to rely on some new intelligence estimate that shows the Soviet Union working on some new weapons system, and they are not above rationale of any man. Rather than the dictates of fear, these commonsense arguments quickly demonstrate a powerful case for returning to a more orderly development of a Trident system. I associate myself with those Senators expressing these sensible arguments and urge my colleagues to join in the effort to steer away from the dangerous traps of fear.

Mr. President, I urge adoption of the McIntyre-Dominick amendment.

I thank the Senator from New Hampshire for yielding me this time.

Mr. HELMS. Mr. President, the arguments of the distinguished Senator from Washington and of the distinguished Senator from South Carolina over the past few days have reinforced my conviction that the Trident program should proceed at the most rapid practical rate. While I respect the judgment of the junior Senator from New Hampshire, and his efforts to cut the burden of Government spending, I think that his amendment could put us in a very tight situation within the next 5 years.

As I understand the Senator's amendment, he would stretch out the procurement schedule of the Trident submarines over a longer period of time than the schedule approved by the Armed Services Committee. The main economic effect of this would be to spread the cost over a greater number of years.

Yet we all know what inflation has done to our defense purchasing power. In terms of constant dollars, the fiscal year 1968 budget was 50 percent higher than fiscal year 1974. The probability is that inflation will continue to eat away at the defense budget. The effect of postponing procurement of the 10 Tridents from 2 to 5 years would doubtless erase any of the proposed economic benefits.

But what is more important is that if you lay out the procurement schedule for the 10 Tridents proposed in the amendment on top of the in-serve history of the first 15 Polaris/Poseidon submarines that they will replace, you find that the amendment would bring on the new boats in the 20th and even 21st years of the old ones.

Considering that 20 years of service is maximum before wear and tear and obsolescence sets in, Senator MCINTYRE's schedule coincides perfectly with the phasing out of the old submarines. It is, in fact, a little too perfect. It presumes a perfection in human affairs that is seldom achieved, particularly in the bureaucratic process of procurement. It makes little allowance for shakedown and testing of each vessel. It also assumes that nothing is going to happen to the Polaris/Poseidon fleet that would prematurely put vessels out of commission, or that the Soviets make no breakthroughs in submarine warfare that would restrict the Polaris/Poseidon mission.

It is indeed unrealistic to expect these old submarines, marvels though they may be of modern technology, to operate efficiently for more than 20 years. We all know what happens to an automobile when it is heavily used and it gets to be 3 or 4 years old. We can keep such a car running, but it takes constant repairs, and the vehicle is out of service when it is most needed.

Admiral Rickover, whose experience in this field is unequaled, testified before the House Appropriations Committee as follows:

Admiral RICKOVER. Our Polaris and Poseidon submarines are operated hard with two crews. They have been operating far more than almost any ships in naval history. Their machinery is getting old and is wearing out after this hard usage. It is difficult to replace it because the factories no longer make the equipment and they are no longer tooled up for it and they would, in some cases, have to build new tools to make the old machinery.

When I was a young officer, our ships used to operate at sea about fifty to seventy days a year. Our Polaris submarines operate something like 240 days a year. That is a 300 to 400 per cent increase in yearly operation. These submarines have been designed well, we have trained the people, and selected them well——

Mr. SIKES. Are we wearing them out just spinning our wheels when it isn't necessary?

Admiral RICKOVER. We do not know when or if it will be necessary to use the Polaris and Poseidon submarines. We cannot tell. That is the whole point. We believe that there would be a greater chance of war if we did not have them on patrol. That is why we keep them at sea so much . . .

So far we have conducted 1,024 patrols. We have had 61,500 days of Polaris and Poseidon submarine operations. It is unreasonable to expect them to operate more than twenty years without having major breakdowns.

Mr. President, so far as I am concerned, such testimony is persuasive that the Polaris/Poseidon submarines ought not to be pushed hard in the declining period of their useful life. The committee version is prudent in allowing for an overlap in the time period between the old and new systems, and I fully support it.

Mr. President, I have also read with great interest an interview on the Trident situation conducted by the American Security Council with Dr. William Schneider. Dr. Schneider, who is on the staff of the distinguished junior Senator from New York (Mr. BUCKLEY) is well known around the Hill as one of the most knowledgeable experts on the Hill in the field of defense strategy. I ask unanimous consent that the interview be printed in the RECORD at the conclusion of my remarks.

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

INTERVIEW ON THE TRIDENT SITUATION

A warning that attempts to cut back or slow down development of America's planned "super-submarine," the Trident, could cripple U.S. efforts to deter nuclear war has been sounded by a leading authority on military technology.

Dr. William Schneider, consultant to the Hudson research institute and adviser to Senator James Buckley (R-Conn., N.Y.), said a Liberal-led effort in the Senate to slash this year's Trident budget from 1.5 billion dollars to 642 million dollars could have far-reaching consequences for the entire U.S. defense posture.

Following is the text of an interview with Dr. Schneider by the American Security Council's Washington Report:

Question. Why do you think the Trident submarine program is important to the United States?

Dr. SCHNEIDER. "The Trident program is one of the keys to our long term future. It is a means of hedging against adverse developments that would otherwise threaten not only our existing missile-firing submarine force but also our other strategic forces, namely our landbased ICBM's (inter-continental ballistic missiles), and our manned bombers, namely the B-52 and the FB-111 aircraft.

"At the present time the United States has a missile-firing submarine capability in a type called the Poseidon and a similar submarine which fires a missile known as the Polaris. These missiles have a range of 2,500 to 3,000 miles. Because many major Soviet targets are located in the central part of the Soviet Union, the area of ocean in which these vessels have to hide is relatively small. This is one of the things that has motivated the Defense Department to look for a different kind of submarine, a submarine that could stay further offshore and yet still reach inland targets. This is important also because of the possible developments of Soviet anti-submarine warfare techniques that would make the submarines with shorter missile ranges vulnerable to detection.

"Further, the Soviets have deployed large numbers of very heavy payload ballistic missiles which are capable of, under at least some circumstances, destroying our land based forces. This would mean that our only remaining forces might be those at sea. If we don't take the necessary precautions of making sure that our sea-based force can successfully evade any plausible improvement in anti-submarine warfare—it might come up in the 1980's—strategic forces—our ICBM's, our land based bombers, and our sea-based submarine force—might suddenly be vulnerable and an American President could face a political crisis in which he would have no other alternative but to back down without a shot being fired.

"The Trident program, because of the 4,000-plus mile range of its first generation of missiles, and the 6,000 mile-plus range of the second generation, would give 13 million square miles more ocean in which the submarine could roam and thus evade Soviet aircraft and naval vessels that are seeking to destroy the submarines. This gives the President an added measure of security at a time when the strategic parity that has emerged between the U.S. and the Soviet Union might otherwise be threatening."

Question. What would be the effect of the two-year slowdown if they cut the funds back and the research and development of the Trident—what would be the effect in your estimation?

Dr. SCHNEIDER. "I think there are two effects. The first effect deals with our ability to negotiate with the Soviets. At the time the first round of SALT—Strategic Arms Limitation Talks—resulted in agreement, the President advised Mr. Brezhnev that the United States would make an effort to have an alternative new strategic weapon system deployed if the strategic arms limitation talks did not achieve satisfactory results by 1977. If there is a delay of two years, this would be read by the Soviets as an indication of American unwillingness to maintain the strategic advantage it should otherwise have. As a consequence, we will be perceived as weak and will correspondingly lose in the delicate negotiations that are now in progress in Helsinki.

"A second difficulty with a two-year slowdown in the Trident system is the possibility of longer stretch-outs. The inability to procure long leave-time items that would enable you to bring the force on in 1978 might mean, because of inflation and other things, that we would have to eat into defense resources and slow down production even further. As a consequence, we might well be faced with a situation where we don't have any new submarines coming along to replace the present Polaris Force which by then would be more than 20 years old.

Question. Critics of the Trident program and of the defense budget as a whole, argue that the more that we put into our military program, the less likely the Soviet Union might be to mellow and negotiate from a standpoint of reasonableness. How do you feel about this?

Dr. SCHNEIDER. "The evidence looks the other way. I think we can go back to 1968, for example, when Congress had an extensive debate on President Johnson's proposed Sentinel anti-ballistic system. Three days after Congress authorized construction of the Sentinel anti-ballistic missile system, the Soviets responded to a three-year-old invitation to join in Strategic Arms Limitation Talks.

"It appears that there is every indication

from the evidence of Soviet behavior that Soviets tend to respond to displays of strength and determination and resolve and tend to exploit an advantage and become increasingly obstreperous. I think the Soviets have taken advantage of what they perceive as American unwillingness to challenge Soviet leadership and have taken this as an opportunity to suppress their dissidence. It seems clear to me that we will be able more effectively to achieve an understanding and a means of coexisting with the Soviets only if we maintain the determination to run the race, so to speak."

Question. You see no indication of relaxation in their military buildup?

Dr. SCHNEIDER. "No, in fact, all the evidence seems to support the advice that Mr. Brezhnev gave President Nixon in May of 1972 when he advised the President that the Soviets had every intention of pushing ahead full speed in areas that were not constrained by SALT and we've seen this in a number of ways. The Soviets have developed a new launching technique for their ICBM's which will enable them to carry heavier warheads; they have improved their guidance systems for their submarines; they have already deployed three submarines which are the equivalent of our Trident-system, namely a 4,500 mile missile. The main difference is that their submarine is so much smaller it will carry only half as many missiles. Nevertheless, they have already got a 4,500 mile missile in the water where the U.S. is, at best, three or four years away from such a system."

Question. What year would you perceive right now as being the critical year for the United States in terms of the nuclear balance?

Dr. SCHNEIDER. "In terms of quantifying things, the Soviet strategic advantage will become starkest in 1977 when the Soviets achieve their limit in their deployment of nuclear subs, namely 62 of the modern "Y class" type or Delta class submarines, while the U.S. will not have deployed a single new strategic system since 1967. We still have the Minute-man force which was deployed last in 1967, the Polaris type submarines which were last deployed in 1966 and the B–52, the most modern version of which went out of production in 1962. The Soviets, on the other hand, will have a visible force that is less than ten years old for the most part, and the force will be quantitatively superior. The unresolved question is how will they behave diplomatically in relation to their perception of quantitative superiority?"

Question. Is this why the Trident and the B–1 and our other programs are extremely important?

Dr. SCHNEIDER. "Yes, important not only for their own sake, in that they contribute to our security, but also because of the effect our willingness to continue to maintain our strength will have on future Soviet behavior."

Question. One last question: How do you answer the argument that we've already achieved "over-kill"? That word keeps popping up again and again, that it's not necessary to build any more new missiles or do any more MIRVing because we've already achieved the ability to wipe out the other side.

Dr. SCHNEIDER. "It's a very popular, and, in many ways, understandable, impulse when you count up the enormous 'kill' potential in millions of ton equivalents of TNT, but the fact that is always relevant in war is how much can you actually apply to a battlefield. When you look at this it becomes quite a different question. It's much like the statement that we have enough rope to hang every citizen in the Soviet Union several times, but the question is you cannot get the average Soviet citizen to stand still long enough for you to do that.

"Since we as a nation would not consider a first strike, we have to be in a position where we can absorb the first strike and still have enough remaining to persuade any Soviet citizen or Soviet leader that it would not be to his advantage to initiate a strike in the first place. When you have that kind of requirement, the raw megatonnage count really is not a relevant statistic. What is relevant is how much in the way of firepower you can actually apply in a real engagement."

Mr. McINTYRE. Mr. President, I yield 15 minutes to the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 15 minutes.

Mr. FULBRIGHT. Mr. President, the Members of Congress, and especially the Senate, have been subjected to an unusually vigorous and sustained lobbying campaign by the members of the Military Establishment in recent weeks. This campaign of personal, direct lobbying on the Members of Congress is backed up by a spate of news releases to the press and by comments from the puppet columnists of the Pentagon.

All of this pressure upon Congress just before we vote is an annual exercise which surely all Members will recognize for what it really is.

Recently, several articles in the press described the newly discovered "popup" missile being developed by the Russians. This is symptomatic of another well-coordinated Defense Department lobbying effort similar in intensity to the ABM campaign of 1969. For the benefit of those who may have forgotten the famous "Starbird memorandum," which was exposed by the Washington Post and which revealed the extraordinary magnitude of that earlier effort, I ask unanimous consent to have this memorandum printed in the RECORD.

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

PUBLIC AFFAIRS PLAN FOR THE SENTINEL SYSTEM

1. References:

a. Part No. 1.01, subject: Sentinel System Charter, SSMP, 3 Nov. 1967.

b. DOD Memorandum OASD(PA) 22/1, subject: Sentinel System Public Affairs Plan, 15 March 1968.

c. AR 360–11, subject: Army Information Guidance for Sentinel Program, 23 August 1968.

d. AR 1–20, subject: Administration Legislative Liaison, 26 Jan. 1967.

2. Purpose and scope:

a. This plan establishes guidelines, implements policy and assigns responsibilities for an active public affair program on a country-wide basis regarding the Sentinel System and the Sentinel deployment program; it sets forth specific DA information objectives and milestones, suggests certain techniques and delineates responsibilities for the planning, execution and evaluation thereof.

b. The provisions of this plan apply to all U.S. Army elements and to all individual industrial firms and civilian contractors participating in the production and deployment of the Sentinel System.

3. Background:

a. On September 18, 1967, the Secretary of Defense announced the decision to produce and deploy a Communist Chinese-oriented ballistic missile defense system. This system will be deployed at 15 to 20 locations in the continental United States, Alaska, and Hawaii. On November 3, 1967, the Secretary of Defense named this ballistic missile defense system the Sentinel System and announced the appointment of LTG Alfred D. Starbird as the Sentinel System Manager (SENSM). Also on November 3, 1967, the Secretary of the Army approved and issued the Sentinel System Charter which, in part, states: "The Sentinel System Manager will develop and, when so directed, assure the timely, effective deployment of the Sentinel System, and will provide a single point of contact within the Department of the Army for the coordination and direction of all activities pertaining to the Sentinel Systems. . . . The Sentinel System Manager, within instructions issued by the Chief of Staff of the Army, will exercise staff supervision over all Army Staff elements and participating organizations of the Department of the Army for planning, direction, and control of the Sentinel program. . . . The Sentinel System Manager will utilize to the maximum extent, compatible with System requirements and within guidance issued by the Chief of Staff, the functional and process oriented capabilities of the Army Staff. . . ."

b. Opposition to the Sentinel deployment decision has arisen and been publicly expressed in three sectors of public opinion: in certain segments of the U.S. Congress, in scientific circles and in citizen/public official interest groups in local communities. Congressional and scientific opposition centers around questions as the Sentinel technical and operational feasibility, cost, disarmament, the international arms race and national priorities and is national in scope. The local interest groups raise these same national questions but also base their opposition to the Sentinel deployment decision on various factors stemming directly from such actions and proposed actions as (1) site selection and validation activities, (2) real estate acquisition, (3) effects of construction on the local environment, and (4) eventual impact of the Sentinel installation and its personnel on the community. Initial adverse reaction from private citizens and local public officials has been the direct results of site validation and acquisition actions which are a necessary prelude to the initiation of construction operations, and are vital to the Sentinel program.

c. The SENSM, in coordination with OCLL and OCINFO, will conduct a public affairs program, on a country-wide basis, to accomplish the objectives established herein.

4. Objectives: The objectives of the program are:

a. To gain public understanding of the reasons for a United States ballistic missile defense (BMD) system oriented on the developing Communist Chinese offensive ICBM nuclear capability.

b. To insure that all sectors of public opinion are fully informed of Sentinel System developments, progress, effectiveness and objectives (within the bounds of national security).

c. To inform the public regarding the reasons for the Sentinel deployment decision, the rationale behind it and why it is necessary and important to obtain real estate for use as Sentinel operational sites in particular geographic areas in implementing the Sentinel deployment decision.

d. To gain the understanding of the people of affected communities by keeping them informed of Sentinel oriented activities in their area. Such information will explain the general methods of site selection and validation, the local and national importance of the site, and the impact of Sentinel-connected activities in the community.

c. To provide timely, factual, and authoritative information by:

(1) Timely release of information on activities which will affect local communities.

(2) Responding to queries for information.

(3) Providing briefings and information fact sheets to members of Congress (OCLL coordination required), local governmental leaders and officials, military audiences, sci-

entific, fraternal, and civic groups and organizations, and representatives of news media.

(4) Preparing informational or educational articles for general news and mass communication media, military, scientific and professional journals that are service-oriented.

(5) Preparing exhibits for showing before appropriate groups.

5. Concept: This program will use a gradual approach to the attainment of the objectives stated above. The thrust of the program will be directed primarily toward explaining the military requirement and strategic concepts inherent in the Sentinel deployment decision. As subordinate but related goals, the program will emphasize that the Sentinel System is specifically designed to meet a strategic defensive military requirement; that it is being deployed in an efficient and economical manner; that it is designed to provide a defense against a possible Communist Chinese nuclear ICBM attack through the late 1970's; (with the capability to continue to deny or at least substantially reduce damage from threats in later years); that it concurrently provides a limited added defensive capability over our Minuteman ICBM sites with the option of improving that defense if needed; that it provides added protection of our population against a possible accidental ICBM launch by any one of the world's nuclear powers; that it will complicate any attack on the United States by the Soviet Union; that its effectiveness in fulfilling its national missions requires the acquisition of Sentinel operational sites in certain selected areas for the emplacement of its missiles and radars.

6. Responsibilities:

a. SENSM will monitor the overall program for CofSA and will be consulted on all substantive implementing decisions or actions.

b. CINFO will:

(1) Serve as the initial DA staff level point of contact and coordinating agent on all public affairs matters pertaining to the program.

(2) Assume for the SENSM overall responsibility for coordination of all Sentinel, public affairs matters with the Army staff, other services when appropriate, applicable Unified and Specified Commands, and OASD(PA).

(3) Provide support and assistance to SENSM, as feasible and appropriate, in implementing the SENTINEL public affairs program.

(4) Arrange speaking engagements, as appropriate, for the CofSA, VCofSA, and senior members of the Army staff to provide opportunities for public explanation of the SENTINEL System.

(5) Establish within OCINFO a Sentinel Public Affairs Coordinating Committee (SENPACC) to provide for periodic review, advice and on-going coordination, development and evaluation of the Sentinel public affairs program. The membership of this committee will include, but not be limited to, representatives from the following commands and agencies: OCINFO, OCLL, Chief of Engineers, ODCSOPS, OCRD, and the Sentinel System Organization (SENSCOM 1.0). The SENPACC will meet periodically on the call of CINFO and submit appropriate analyses and recommendations to SENSM through CINFO.

c. OCLL, DA will:

(1) Provide support and assistance to SENSM as appropriate in implementing the SENTINEL Public Affairs Program.

(2) Provide a representative to SENPACC.

(3) Coordinate with OATSD(LA) as appropriate.

d. ODCSOPS, DA will:

(1) Provide support in those SENTINEL public affairs related to the military requirement and strategic concept of the SENTINEL System.

(2) Provide a representative to SENPACC.

e. OCRD, DA will:

(1) Provide support in those SENTINEL public affairs areas relating to scientific and technical matters or to the Nike-X Advanced Development Program.

(2) Provide a representative to SENPACC.

f. OCE, DA will:

(1) Provide support in those Sentinel public affairs areas relating to Sentinel Systems real estate acquisition and facilities design and construction.

(2) Provide a representative to SENPACC.

g. All elements of the Sentinel System Organization, CONARC, AMC, ARADCOM, and STRATCOM will provide support in those Sentinel public affairs areas germane to their mission and functional areas and as specifically assigned elsewhere in this plan.

h. The basic public affairs responsibilities of CINFO, SENSM, and participating organizations are included in AR 360–11. The SENSM has established as his staff agent for administration of the Sentinel Public Affairs Program the Information Officer assigned as Chief of the Information Office of the SENSCOM. The SENSCOM Information Officer will coordinate all Sentinel public affairs matters for the SENSM and will be the principal point of contract within the Sentinel System Organization on such matters.

i. Within instructions issued by the SENSM and SENSCOM Information Officer may clear and release the information described in paragraph 5.a(3), AR 360–11.

j. Time phases for the execution of the Sentinel Public Affairs Program are established in paragraph 4.a, AR 360–11. Basic responsibilities are with CG, ARADCOM during Phase I (initial briefings of public officials), the SENSCOM Information Officer acting for the SENSM during Phase II (prior to IOC) and (with CINCONAD, CINCPAC) during Phase III (subsequent to the IOC of individual sites).

k. The SENSCOM Information Officer will coordinate activities pertaining to visit to Sentinel installations, facilities or sites by representatives of news media or the public during Phase II, and will advise OCINFO directly on appropriate matters, with an information copy of all notifications furnished to the SENSM, CINCONAD and CINCPAC exercise this responsibility during Phase III.

l. Sentinel information release requests will be processed through the SENSCOM Information Officer, who will transmit his recommendations to OCINFO for staffing within the DA, and, as necessary, with appropriate Unified and Specified Commands, and OASD(PA). It will be the responsibility of OCINFO to coordinate all proposed releases with the SENSM. The following schedule will apply:

(1) News releases and photos will arrive at the SENSCOM Information Office not less than 15 working days before the intended release date.

(2) Speeches and films will arrive at the SENSCOM Information Office not less than 25 working days before the intended publication date.

(3) Briefing texts and technical papers will arrive at the SENSCOM Information Office not less than 25 working days before the intended publication date.

m. The following expands upon the statements of responsibilities contained in AR 360–11 only to the extent required to assure accomplishment of all aspects of the total public affairs program.

(1) CG, ARADCOM:

(a) Plan, supervise and execute the SENTINEL public information and public affairs responsibilities assigned in AR 360–11, and assure appropriate coordination with other participating organizations.

(b) During Phase II, submit proposed SENTINEL related public information releases, not previously cleared, to SENSCOM Information Officer for review and appropriate action.

(c) Support and assist the SENTINEL information and public affairs activities of SENSCOM, USAEDH, SENLOG, STRATCOM and SENSEA.

(2) CG, SENSCOM:

PHASES I AND II

(a) Monitor and coordinate for the SENSM overall Sentinel public affairs and public information activities.

(b) Furnish necessary data on Sentinel public information and public affairs matters as appropriate to SENSM and OCINFO, DA.

(c) Review proposed information material to include displays and obtain clearance for its use from the SENSM, OCINFO, DA; and DODOASD(PA) as appropriate.

(d) Coordinate with OCINFO, DA and SENSO proposed information actions involving other military services, i.e., Sentinel System tests requiring Navy or Air Force launched target vehicles or interface with Navy or Air Force operational systems of those under development.

(e) Review and coordinate with OCINFO, DA and SENSO, information plans prepared by major DA commands and agencies.

(f) Coordinate with OCINFO, DA and SENSO appropriate Congressional notifications through OCLL, DA concerning Sentinel information to be released.

(g) Advise SENSM and OCINFO, DA of impending developments in the Sentinel information program.

(h) Provide individuals to brief Members of Congress, public officials, news media representatives and the public as stipulated by SENSM.

PHASE I

(a) Provide CG, ARADCOM with qualified members of the Phase I initial briefing teams as authorized by SENSM.

(b) Assist other DA commands and staff agencies as appropriate.

PHASE II

(a) Conduct Sentinel Community Relations briefings as appropriate.

(b) During Phase II(a) and Phase II(b) monitor, coordinate and assist the community relations activities (AR 360–61) of the Division Engineer, USAEDH, at potential or approved Sentinel sites, as appropriate.

(c) During Phase II(c) plan, supervise and conduct community relations activities (AR 360–61) at approved Sentinel sites.

(d) Review for technical accuracy, security and consonance with SENSM policy proposed information materials submitted by all participating organizations and contractors; submit to OCINFO, DA for clearance as required by references b and c; advise originating agency and OCINFO of changes in the text of the proposed material made during the SENSCOM review.

(e) Conduct other public information and public affairs activities in consonance with the responsibilities of the SENSM as specified herein and in AR 360–11.

PHASE III

Provide such public affairs assistance as may be required to facilitate turn-over of Sentinel sites to CONAD/PACOM and to insure continuity and consistency of Sentinel site community relations activities with ongoing Phase II community relations activities at other sites.

(3) Division Engineer, USAEDH:

PHASES I AND II

(a) Coordinate and supervise the Sentinel information, public relations and community relations activities of Engineer Districts and Divisions.

(b) Submit public information releases concerning Sentinel related engineer activities which contain material or information not previously cleared for publication through the SENSCOM Information Officer for review and appropriate action.

(c) In coordination with SENSCOM conduct, as appropriate, other Sentinel public information and public affairs activities.

(d) Provide individuals to brief Members of Congress, public officials, news media representatives, and the public as stipulated by SENSM.

(e) Provide CG, ARADCOM and CG, SENSCOM with qualified members of the ARADCOM initial briefing team and subsequent SENSCOM briefing teams as required.

(f) Support and assist the Sentinel related public information and public affairs activities of CG, ARADCOM as appropriate.

(g) During Phase II(a) and Phase II(b), in coordination with CG, SENSCOM, plan, supervise and execute Sentinel public information, public affairs and community relations (AR 360–61) activities, as appropriate, in Engineer Divisions and Districts.

(h) During Phase II(c), support and assist the Sentinel public information, public affairs and community relations activities of CG, SENSCOM, as appropriate.

(4) CG, SENLOG: Support and assist the Sentinel information and public affairs activities of ARADCOM, SENSCOM, USAEDH, STRATCOM and SENSEA, as well as other participating organizations, as appropriate.

(5) CO, SENSEA: Support and assist the Sentinel information and public affairs activities of ARADCOM, SENSCOM, USAEDH, SENLOG and STRATCOM, as well as other participating organizations, as appropriate.

(6) Other Participating Organizations:

(a) Plan, supervise and execute appropriate public information and public affairs activities in consonance with DA policy as stated in AR 360–11 and this document.

(b) Support and assist the Sentinel information and public affairs activities of SENSM, ARADCOM, USAEDH and other commands and agencies as appropriate.

(c) Coordinate all SENSM identified activities through the SENSCOM Information Officer.

7. EXECUTION: The SENTINEL System public affairs program will be a responsive implementation of the policy guidance contained in references (a), (b), (c), and (d) as expanded and restated herein.

a. Information Kit. A kit will be assembled and distributed to all commands (to include applicable Unified and Specified Commands) and agencies participating in the Sentinel System Program for use in response to requests for information and to serve as background information.

(1) The SENSM will have the overall responsibility for assembling the kit and for procuring appropriate inputs to it from all commands and agencies participating in the Sentinel System Program and for processing its contents.

(2) The kit will include, but shall not be limited to, the following:

(a) Kit folder.

(b) A fact sheet on the Sentinel System which tells within the bounds of security regulations: What the Sentinel System mission is; what the functions of major Sentinel subsystems and components are; how the Sentinel System will operate; when deployed in CONUS, that Sentinel will be an operational element of CONAD; and when deployed in Hawaii, that Sentinel will be an operational element of PACOM; its defensive coverage area (schematic national footprint chart) and how operational sites are selected, validated and acquired for Sentinel radars and missiles.

(c) A chart showing all commands, agencies, contractors and subcontractors participating in the Sentinel Program together with a capsulized statement of mission or contract requirements.

(d) A listing of Sentinel information milestones as specified herein. (See Inclosure 1 hereto)

(e) Biographies and photos of key service personalities associated with the Sentinel System Program.

(f) Photos or artist-concept sketches of Sentinel missiles, radars, site lay-outs and test or training installations.

(g) Copies of all news releases of national import which have been made on the Sentinel Program.

(h) Copies of major speeches or articles pertaining to the Sentinel System considered appropriate for general distribution.

(i) Copies of major statements or testimony on the Sentinel System made by key DOD and DA personalities.

b. Press Releases.

(1) Press releases will be made when justified by newsworthy Sentinel activities executed in the public environment or by the accomplishment of a Sentinel Information Milestone (see AR 360–11 and Inclosure 1, hereto, for Sentinel Information Milestones). Such releases will normally originate with the Army element or Sentinel contractor or subcontractor having immediate responsibility for or cognizance of the event being reported. Releases will be cleared as required by AR 360–11.

(2) Requests for information about the Sentinel program received from members of the press, radio or television will be met with an affirmative response within security regulations.

c. Magazine Articles: All magazine articles and responses to queries will be processed in accordance with references b and c.

(1) Magazine articles will be prepared by Army staff members or major DA subordinate commanders having operational cognizance of the Sentinel Program for submission to military, scientific and professional journals and publications that are service sponsored or oriented.

(2) OCRD will encourage and assist in the preparation for magazine articles on the Sentinel System by civilian scientific or technical writers of national stature.

(3) There will be an affirmative response to specific requests made by representatives of civilian, military and technical magazines for information about the Sentinel System Program.

d. Interviews.

(1) Requests by representatives of national news media to interview senior DA operating officials regarding the Sentinel System will be met affirmatively.

(2) Officials granting interviews will ascertain to the extent feasible the questions that will be asked concerning the Sentinel System by the news media representatives; where questions regarding the Sentinel System are asked which are outside the context of previously cleared Sentinel material, or where an answer to a question would reveal classified information, the official being interviewed will decline to answer. Every effort will be made to anticipate the questions that will be asked by the interviewing reporter; where unclassified Sentinel information has not been previously cleared which is responsive to the anticipated questions; the anticipated question and the proposed answer will be submitted to OCINFO for review and clearance by SENSM and OASD(PA).

(3) Requests by representatives of local or regional news media to interview Army officials concerned with Sentinel activities in their circulation/broadcast area will be met affirmatively. Officials granting such interviews will be guided by paragraph 6.d(2) above, and the provisions of AR 360–5.

e. Speakers Program. An active speakers program will be established. Senior Army personnel associated with the Sentinel Program will participate in this program to the maximum extent feasible in order to explain to the American people the reasons for the Sentinel deployment decision, the strategic rationale supporting the deployment decision and why it is necessary and important to obtain real estate in particular areas for Sentinel operational sites for the System's missile, radars and supporting facilities.

(1) Speech engagements in support of this program for senior Army staff members will be coordinated by CINFO.

(2) Speech engagements in support of this program for senior Sentinel commanders and members of their staffs will be coordinated by major Command Information Officers.

(3) Every effort will be made to interest high-ranking military and civilian personnel within DOD in making public statements in support of the Sentinel, System Program and the Sentinel deployment decision.

(4) OCINFO, DA and major Command Information Officers will maintain a library of quotations and public statements about the Sentinel System and the Sentinel deployment decision for insertion in speeches made by participating personnel.

(5) A standard briefing text with appropriate slides will be prepared by the SENSM, with appropriate inputs from participating commands and agencies and cleared in advance with OASD(PA). The SENPACC will review this briefing text periodically and suggest up-date inputs as appropriate. Copies of this briefing text will be distributed to major DA commands/agencies participating in the Sentinel Program.

f. Exhibit Program. If available, mobile exhibits cleared by OASD(PA) may be used in conjunction with speeches, panels, conventions and symposiums in which the Sentinel System is discussed.

(1) CG, SENSCOM and the Division Engineer, U.S. Army Corps of Engineers Division, Huntsville (USAEDH), will coordinate and collaborate on the construction of several mobile Sentinel exhibits suitable for display at Community Relations briefings conducted in local communities in connection with Sentinel site validation, acquisition and construction activities.

(2) Requests for utilization of all exhibits in civilian sponsored fairs, expositions, conventions, etc., will be coordinated by OCINFO with the SENSM and OASD(PA) on a case-by-case basis. (Note: This does not apply to exhibits at Sentinel Site Community Relations Briefings conducted by SENSCOM or USAEDH personnel).

g. Sentinel Site Community Relations Briefings.

(1) SENSCOM and USAEDH will collaborate and prepare a Sentinel Site Community Relations Briefing Text, with supporting slides, which (after appropriate clearance by OASD(PA)) will be used by Corps of Engineers, SENSCOM and ARADCOM personnel in briefing, as appropriate, local governmental officials and citizens groups regarding Sentinel site activities underway or anticipated in local communities.

(2) These briefings will be designed to inform recipient audience groups regarding the reasons for the Sentinel deployment decision, the strategic rationale supporting the deployment and why it is necessary and important in implementing the Sentinel deployment decisions to obtain real estate in particular areas for use as operational sites for Sentinel radars, missiles and supporting facilities, and the operational roles of CINCONAD and CINCPAC after IOC. Whenever briefings are given in Unified Command areas, or in communities adjacent to military installations, the commanders concerned will be notified beforehand.

(3) The briefing text shall also include factual information identifying potential Sentinel sites in or near the local area where the briefing is given, and appropriate comments regarding site acreage requirements, site physical lay-out and functions, anticipated site population data, estimated site pay-roll data, how potential sites are validated and acquired (described entire decision-making process to include Title 10 action required by law), expected or anticipated effects of potential Sentinel sites on local property values, tax structure and payments, schools, sewers, water supply, fire protection, police protection, TV and radio reception, roads, highways, and safety to include its radiation and nuclear accident aspects.

h. Operation Understandings.

(1) CG, ARADCOM will periodically update ARADCOM's Operation Understanding Program to highlight appropriate aspects of the Sentinel decision and its supporting deployment program.

(2) Corps of Engineers Districts and Divisions participating in the Sentinel Program, and SENSCOM, will nominate appropriate citizen leaders and officials from local communities adjacent to potential Sentinel sites to ARADCOM for participation in ARADCOM's Operation Understanding.

(3) CG, ARADCOM will issue invitations to nominated citizens to participate in Operation Understanding as feasible and appropriate.

i. SENTINEL Training.

(1) CG, CONARC will develop a Sentinel Training Public Affairs Plan for implementation at the earliest feasible date.

(2) This plan will be submitted to OASD (PA) for review prior to implementation. (See AR 360–11).

j. Press Visit to National Missile Ranges.

(1) CG SENSCOM will develop, in coordination with OCINFO and OCRD, a Public Affairs Plan supporting a visit or tour by news media representatives to Kwajalein Island or to White Sands Missile Range to witness appropriate portions of Sentinel System tests.

(2) These plans will be submitted to OASD (PA) for review prior to implementation (see AR 360–11).

k. Radio/Television.

(1) A program to acquaint service personnel with salient portions of the Sentinel System and the Sentinel deployment decision through Armed Forces Radio and Television will be conducted. CG, USCONARC, in coordination with CG, ARADCOM, will develop a plan to implement this program as part of the overall DA Command Information Program.

(2) There will be an affirmative response by all commands and agencies participating in the Sentinel Program to requests by commercial radio and television for cleared Sentinel newsworthy items to include film clips of missile flights, photos and taped interviews.

l. State officials and Civilian Aides to the Secretary of the Army, state Governors, state Adjutants General of the National Guard, Civilian Aides to the Secretary of the Army and other state officials as appropriate will be kept informed by direct mail or by personal visits by senior officers regarding Sentinel plans or activities which will or may have an effect in the respective states or areas of these officials. Specific notifications or briefings of these officials will be as directed and authorized by the SENSM.

m. Local Officials. CG, SENSCOM and the Division Engineer, U.S. Army Engineer Division, Huntsville, will coordinate activities to keep local government officials informed as to activities which affect their areas. Cooperating Corps of Engineers division and district engineers will maintain liaison with public officials in affected communities to keep them informed of Sentinel-related real estate and construction activities which will impact on those officials' areas of interest.

Mr. FULBRIGHT. Mr. President, during this debate, much has been said about the views of such experts as Admirals Rickover or Zumwalt regarding the Trident.

If we had already made the decision to build the Trident, their views on how to build it would, of course, be important and relevant.

But as to the decision to build Trident on a crash basis, which involves an evaluation of the probabilities of war or of an emergency requiring the subs by 1978 rather than 1980, I cannot see that their expertise or their views are relevant.

The decision to accelerate is essentially a political decision, involving an assessment, first, of the probabilities of an emergency with the Russians occurring, and even more fundamentally, of whether or not it is in the national interest to encourage detente with the Soviet Union.

If we do not favor détente and wish to speed up the arms race, then we should build the Trident as soon as possible, as recommended by the admirals and others on this floor.

The signal we send Moscow, by speeding up the arms race, is that détente is off—off at least until the Russians give in to our demand that they change their emigration policy regarding their Jewish citizens and, as some put it, open up their society, something which is most unlikely to happen.

It is inconceivable to me why anyone is really against a détente with the Russians, but apparently there are people who believe it is either impossible or undesirable.

I believe it is very much against the interest of the United States to prevent détente and to prevent the cessation of the arms race.

Mr. President, the Senator from New Hampshire a few moments ago described the absurd but dangerous, lobbying of Admiral Zumwalt.

It is incredible to what lengths the admirals will go in their efforts to influence the Members of this Senate.

His actions, along with the recent scare tactics about popup missiles, prompts me to suggest an award be given for the most original and far-out contribution to the art of influencing Congress that has occurred this year, or in my memory.

A WORD OF PRAISE FOR THE POPUP PLANNERS AND A RECOMMENDATION FOR THE FIRST ANNUAL POPUP AWARD

Only rarely does politics ascend to the level of art. When that happens, it is appropriate for the Senate to pause in its work to acknowledge such achievement.

I refer to a phenomenon which for many years has been noted, but which has regrettably gone without proper recognition. This is the annual artistry involved in alerting the Congress and the American people to the perils, seen and unseen, which beset the Nation from abroad. Senators will recognize the phenomenon. It is a yearly occurrence: the surprise popup of a serious enemy threat which portends great danger to the Nation and which requires heavy expenditure on exotic weapons systems if we are to be saved. It always occurs shortly before the vote on defense appropriations is taken.

Some, I realize, have seen this phenomenon, but have not recognized it as an art form, thinking it only a kind of skullduggery by which gullible Congressmen, apprehensive of appearing soft on this Nation's enemies, are suckered into excessive appropriations to feed the expanding appetite of the military-industrial complex. I myself have been guilty of speaking uncharitably about these annual alerts simply because they rely upon dubious assumptions, selective disclosure of information, falsely precise estimates, misleading language, and alarmist conclusions built upon pyramids of non sequiturs. In my enthusiasm, I now recognize, I have failed to give adequate credit to the skill required to make such presentations. For truly, when one considers the adversity faced by those who orchestrate the "popup" of each year's threat, one must stand in genuine awe of their creativity and perseverance.

Once, of course, it was easier. When the Nation was subjected to the specter of Asian peasants swimming into San Francisco Bay, or Cossacks vanquishing Manhattan, or even secret Soviet missile implacements on the Moon or on the ocean floor, it was not so difficult a task to rile the Nation into a state of excitation. But that was some time ago. Now the climate in which a popup planner must operate is much more challenging, for Congress and the American people have become more sophisticated about alleged threats to the Nation. We have endured a 10-year war in Indochina based upon false assumptions. We have observed the completion of an ABM treaty, signed by the two superpowers after both sides had concluded that such a weapon probably would not work anyway. And we recognize now that with each side possessing sufficient weapons already to decimate the other, and with neither side able to defend itself from nuclear attack, the only real threat to our security arises in the possibility that either side might be irrational enough to use existing weapons—not some futuristic weapons conjured up by the popup planners.

In light of this growing scepticism of Congress and public about these annual threats, and in view of the difficult domestic burdens and tribulations of this administration, there were many who expected that this year, the administration might simply be, in the old phrase, too pooped to pop. Indeed, one sensed that they had given up and that the annual popup artform had been abandoned for a new form of suasion called the "bargaining chip" theory—which argues that we must increase the tempo of our new weapons acquisition and build new weapons so that, in the event we achieve an arms agreement, we will not have needed to build them, even though they have already been built.

But such a perception of events was ill-founded. For the popup planners were once again equal to the task. Indeed, not only have they popped again, in doing so they have created a veritable classic of the artform. For this year, the Pentagon's popup planners have popped-up at popup time with the most surprising surprise of all: The "popup," an ominous missile whose very name must surely stand as a landmark in the history of strategic threats. Some cynics, of course, may respond without appreciation to the popup missile, arguing that as a threat, it lacks cogency, that it is almost a self-parody. I ask my colleagues, however, to look momentarily beyond that deficiency—to the creativity, drive, and downright determination that must have been necessary in the planning and presentation of this newest threat. And I ask that they see the sunny side. For the apprehensions we had begun to harbor that the popup

artform had passed away can now be laid to rest. It is still with us—strong, vital, and alive.

In recognition, Mr. President, I wish to propose the first of an annual series of awards—to be granted either to a person or to an anonymous revelation which, by dramatic timing and irrepressible enthusiasm, does the most to seduce Congress into weapons expenditures beyond those which rationality might indicate.

Had such an award been in existence, it might in past years have afforded us the opportunity to pay due recognition to the revelation of that sinister Soviet ABM known as the Galosh, or to the immortal words of Mr. Melvin Laird when in 1969 he assured the Congress:

The Soviets are going for a first-strike capability, and there is no question about it.

On other occasions, it would have equipped Congress to grant appropriate homage to the bomber gap of 1955, the missile gap of 1960, the ABM gap of 1967, the heavy missile gap of 1969, and those tantalizing twin gaps of 1971—the R. & D. gap and supersonic bomber gap. On still other occasions, such an award would have allowed Congress to fete the precisely orchestrated alarm which accompanied the appearance of a Soviet ship in the Indian Ocean and the well modulated concern—initiated in 1966—that the Chinese were only 1 year away from perfection of an American-targeted ICBM. How else, but with the aplomb of practiced impresarios, could the popup planners have perpetuated that lingering threat for 7 consecutive years, when the Chinese have even yet to test an ICBM?

Mr. President, these are all examples from the past: art that has gone unrecognized. For the present, we have new examples. For one, there is the specter of a new Soviet aircraft carrier. For another, there are the awesome possibilities called to our attention by Deputy Defense Secretary Clements, who has just returned from a wide-ranging trip to alert us that South Korea, that bastion of freedom in Asia, is in grave danger from a smaller North Korean Army. But for sheer artistry, Mr. President, these current threats do not meet the standard set by the epochal surprise which I now nominate as a candidate for the First Annual Popup Award: the "Popup Missile" Scare of 1973. Other threats may follow, but they will have a high standard to meet.

Mr. President, it was only yesterday that I prepared the preceding remarks for delivery. But already there is another candidate for the First Annual Popup Award.

As I understand it, Admiral Zumwalt, has now warned that the Congress is in danger of being misled by a swarming army of Soviet agents racing through the halls of the Capitol and lobbying Members of this body. So, in all fairness, that swarming army of lobbyists, revealed to us by Admiral Zumwalt, must be given equal consideration as a candidate for the First Annual Popup Award. The "pop-missile" is good, but we must be openminded about threats which are even better.

Mr. President, if it were not so tragic, it would almost be funny: The measures to which Admiral Zumwalt and his colleagues have been resorting in this effort to stop the move to keep the Trident on the original schedule.

I resent the insinuation that Communist agents are effectively lobbying Members of the Senate. Anytime anyone exercises independent judgment on a question such as this, as to whether or not we should speed up the missile race, he is accused of playing the Russian game.

I have been exposed to the same kind of tactic over the past several years with regard to the war in Indochina, so it is not a new experience. However, it is a new experience for people such as the Senator from New Hampshire, who has labored over this program for years and who has made such a contribution in the R. & D. Subcommittee on the Armed Forces Committee by trying to bring some sensible balance into our arms program. I join him in condemning these tactics. I think such tactics are a reflection upon the Military Establishment. I should think the Joint Chiefs, as a whole, would see that it is counterproductive as well as unethical to engage in these tactics.

So I urge the Senate to follow the advice of the Senator from New Hampshire, not to engage in a speedup of this program. As the Senator from Massachusetts said yesterday, this would send a signal to Moscow that any hope of a detente, in the arms race in particular, is out. I think that is the way they would interpret this.

Of course, this is but one of a series of events which have occurred. I have referred—I will not harp on it again—to the fact that a few days ago the Congress gave new life and indefinite tenure to Radio Free Europe and Radio Liberty, which is another move in the same direction.

Finally, I should mention the reaction we have seen to the speeches of Mr. Brezhnev, which show that he is coming under attack by the people in his country who do not believe in détente, the hard-liners.

If events continue to proceed along this line, I would predict that the move toward détente started by President Nixon last year will collapse, and very likely it will result in a change in Moscow simply because of the failure of their effort to bring about better relations with this country. If that happens I think we will all suffer, and not just in this country, because there will then be a real scare, a genuine one, based on the assumption of those in office in Moscow that détente will not work. We will be back in an arms race with all that entails for our economy and the economy in Russia, and with increased competition in peripheral areas, such as the Middle East and other places.

I hope very much the Senate will follow the lead of the Senator from New Hampshire and delay the acceleration of this program.

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

Mr. FULBRIGHT. I think that would be a signal that there is hope for détente.

Mr. McINTYRE. I thank the Senator. Mr. President, I reserve the remainder of my time.

Mr. TOWER. Mr. President, I want to here and now reject the notion that anyone who supports the acceleration of Trident is opposed to détente. Nothing could be further from the truth.

The President of the United States has been given credit for initiating the détente, and the President of the United States recommends the acceleration of Trident. It seems strange to me that the man with the greatest degree of international sophistication would advocate scuttling détente.

The fact is that the Soviets with their quantitative and qualitative improvement in their armed forces do not keep that détente. We, on the other hand, I guess, are expected to disarm. I suggest that those who favor this kind of scaling down of our arms capability are those who are prepared to accept détente on someone else's terms and not on our own. I find that very difficult to swallow.

It seems that some have expressed concern that by accelerating Trident we will convince the Soviets that we are not acting in good faith. They fully expect us to make all the improvements we can in our inferior numbers we agreed to in the period before we arrive at other agreements and we are living with our commitments, even with acceleration on Trident.

Now, to suggest that the Soviets have some fear of aggressive action by the United States is to ignore history and the nature of the Soviets. That simply is not realistic. The Soviets no more fear aggression by the United States, they no more fear a first strike against them by the United States than they genuinely fear the revival of German militarism or British imperialism. They know we are people who do not want to fight, but only defend ourselves. They know we do not have a first-strike policy and they know we do not have a first-strike capability. So to suggest that they are suspicious of our motives, I think, is a rather naive suggestion.

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

Mr. TOWER. I yield.

Mr. FULBRIGHT. I take it that the Senator thinks that I am naive. I do not think that I am, but the Senator is quite at liberty to think so.

Mr. TOWER. I did not say that the Senator was naive; I said the suggestion was.

Mr. FULBRIGHT. The Senator is quite entitled to his views about that, but I can only call attention to the fact that all evidence indicates that during the past 20 years the Soviets have been exerting themselves to try to catch up with this country. Nobody, I think, denies that we have been superior in both numbers and quality of missiles, yet we have been going ahead rapidly with MIRV. The Senator from Massachusetts proposed that we put a freeze on them. The President refused; this body refused. Now we have the MIRV, which makes things much more complicated.

The Senator says the Soviets do not fear us. They would fear anybody with the kind of destruction we have caused. We have been engaged for 8 years in destroying freedom. The Senator says that we are a peace-loving people, yet

we have just come out of the longest war in our history, in an area where we had no conceivable business. I do not know how anyone could be so foolish as to think the Soviets do not fear the power of the United States.

The United States is a great power. The Senator said that yesterday in the debate. Several Senators said that. It is the greatest power in the world today.

Mr. TOWER. In response to the Senator's statement, if the Soviets fear American power, then they fear it in the sense that American power might be used to thwart their designs on the free world. We must remember that after World War II, we demobilized. I remember, I was hooked in the person of a deckhand on an amphibious gunboat. I figured up every day the number of my points which would let me go home. My mother wanted me home worse than I wanted to go home. The fact is that we did, in a massive way, begin to demobilize, but the Soviets began to rebuild their capability.

The United States has not been an aggressor. In the last four wars we have gone into, we have gone into them only because somebody else started them.

The fact is that the Soviets are the ones who pulled the iron curtain down on the Eastern European community. It is the Soviets who have participated in all the major military adventures that have taken place since World War II.

The Soviets do not fear us from the standpoint of first-strike capability. Their intelligence is good enough to tell them that we do not have first-strike capability.

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

Mr. TOWER. No. I have yielded to the Senator on my own time. I will give him time to answer me later, if he chooses to do so. I want to take up some other matters which the Senator has mentioned.

The Senator said that our desire to build up our military strength is insatiable. If that is so, why have the military-industrial schools said that we are spending less in terms of real spending than for defense, and have done so for several years? The fact is that for several years our airplane and other military procurements have been less than they have been for 40 years. The fact is that we are spending less of our national budget and a lower percentage of our gross national product for national defense than we have since about the time of Pearl Harbor.

The insatiable appetite of the military-industrial complex and our intelligence has been mentioned. The Senator from South Dakota said that intelligence somehow magically appears at a time when we are debating the military weapons system, to try to scare us into doing something we really do not need to do. That suggestion carries with it the thought that maybe our intelligence is phony, is unreliable.

If any Senator has any evidence or proof that we are getting phony intelligence, he should bring it before us, and we had better look into it. If that is so, they probably are manufacturing it, and then we are getting onto pretty dangerous ground.

I trust our intelligence, to an extent, but history has shown, recent history has proven, that the tendency of the intelligence organizations is to underestimate, not overestimate, Soviet capabilities.

In the absence of anything else, I have to believe in the intelligence that is presented to me by our intelligence agencies. I do not know what other sources would be superior to our intelligence gathering agencies. I do not think it is right to question the credibility or validity of our intelligence unless we have something to the contrary to prove that that intelligence is wrong.

If we are going to get into that, I think we ought to go into another closed door session, because I think we can demonstrate in a closed door session that that intelligence is pretty good. It is in a pretty advanced stage of the art. But I do not foresee any closed door session.

In any event, I think it would be dangerous for us not to accept our intelligence. Based on experience of recent years, we have not known of some Soviet weapons until they had showed up in a hangar or showed up in an air show. So I think it would be wise to underestimate Soviet strength based on our intelligence rather than overestimate it based on our intelligence.

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

Mr. TOWER. The reason I took my seat was that the senior Senator from Missouri (Mr. SYMINGTON) wanted to make some remarks. So I was waiting for him t come on the floor. I shall be glad to yield after I have paid my courtesy to the Senator from Missouri.

Mr. SYMINGTON. I appreciate the Senator's position.

I am one of those who is for building a Trident submarine, but not for it on the basis of this accelerated production. Before the Senate Defense Appropriations Subcommittee, I made the following statement:

THE TRIDENT SUBMARINE

I turn now from a subject where we believe the Committee's decision was right to one where many Committee Members believe it was wrong; in fact, our position lost by the narrowest of margins, one vote.

The recent history of the Trident submarine program deserves some detailing, because it is an excellent case-study in unbusinesslike, extravagant, and wasteful military spending.

As late as September, 1971, the Defense Department had an orderly businesslike program for modernization of the Navy's underwater missile submarine fleet. As needed, the Trident I missile (formerly called Extended-Range Poseidon or EXPO) was to be developed and fitted into Poseidon submarines.

Because of its 1,500 mile greater range as compared to the Poseidon, it was estimated that the Trident would provide a significant increase in the ocean area within which United States' submarines could operate while on station. The unprecedentedly expensive Trident submarine—each costing a half billion dollars (not millions, billions) more than the previously most expensive ship in world history, the latest nuclear carrier—and the planned Trident II missile were to be delayed until the early 1980's.

Without commitment, they were to be considered as possible later replacements for the Polaris/Poseidon fleet.

Last year, however, for reasons we have never been able to fully understand, a lobbying effort, the most intense in my twenty-eight years in Government, was undertaken; and thereupon normal, businesslike, order in the Trident planned production program went out the window.

A sensible orderly Trident program was altered to combine procurement with development, apparently in order that this submarine could be operable in 1978 rather than 2 or 3 years later.

From the standpoint of good shop practice, consider the fact that under this accelerated product in program, all 10 Trident submarines will be funded and under construction before the first one is completed.

This extraordinary shift in production planning is exactly opposite to the "fly before buy" program concept this Administration once consistently emphasized would be its policy as the result of the tragic multi-billion dollar waste they found was characteristic of various ship, plane, and tank programs.

Nevertheless an effort is now being made by the Defense Department to justify this accelerated Trident program on various grounds, including the following: Tridents would eventually replace the aging Polaris/Poseidon submarines; would provide for United States basing of ballistic missile submarines; would provide an increased submarine operating area as a hedge against possible Soviet breakthroughs in anti-submarine warfare; and would support future SALT negotiations.

Taking up these assertions in order, the Defense Department itself, as well as other witnesses before the Armed Services Committee, have established that the Polaris/Poseidon submarines, with a design life of 20 years, may be suitable for operation up to 25 years (outside experts have estimated 30 years). Since the oldest submarine will not reach even 20 years of age before 1979, there is no justification whatever to accelerate this program because of aging.

Because the Trident I missile can have a range of 4,500 miles by backfitting it into Polaris/Poseidon submarines, these Polaris/Poseidon submarines, with the missile in question, could also be based in the United States.

Backfitting the Trident missile into Polaris/Poseidon submarines would provide an increase in ocean operating area because the long-range Trident I missiles are what increase the operating area, not the unprecedentedly expensive new submarines. Furthermore, the Director of Defense Advanced Research Projects Agency has testified that the patrol area would increase sufficiently with Trident I missiles to pose immediate additional problems for any ASW sensor that can now be conceived.

The previous program would constitute practical and imposing evidence to the Soviets that the United States was developing an orderly replacement for the Polaris/Poseidon fleet. We do not add to our "bargaining chips" by pursuing a hurried and therefore premature schedule which ultimately could well bring damage to the entire submarine replacement program.

* * * * *

A thorough study of this proposed acceleration was undertaken last year by the Research and Development Subcommittee of the Committee on Armed Services (the only detailed study made by any Committee of the Senate).

For the reasons given, the facts uncovered by their investigation supported the logic of an orderly program similar to the September, 1971, Defense Department position.

This orderly program, however, was rejected by the full Committee, as the result of a tie vote.

This year, the Research and Development Subcommittee recommended by a unanimous vote of the Senators present, going back to a program similar to the September, 1971, DoD Trident schedule, at a saving this year of $885.4 million; and on the first vote last August 1, the position of the Subcommittee was supported by the full Committee, 8 to 7.

Later I was informed a Senator had changed his mind; therefore the vote on Trident should not be considered final. Accordingly, still later, the Committee voted 8 to 7 against the Subcommittee recommendation, and approved both the acceleration and the total amount of money that had been requested by the Department of Defense.

The Subcommittee had recommended $642 million for this Trident program for FY 1974, but the full Committee voted the full request of the Defense Department, $1,527.4 million.

It is our understanding that the Chairman of the Subcommittee, Senator McIntyre, plans to introduce an amendment to reduce this $1,527.4 million to the Subcommittee's position of $642 million.

This amendment would delay the initial operating date for the lead submarine from 1978 to 1980. Such a revised funding level would also permit a speed-up in the program to fit Poseidon submarines with the Trident missile.

That valuable and relatively inexpensive hedge against Soviet anti-submarine warfare improvements was deliberately slowed down by the Defense Department, at the same time the far more expensive new submarine, Trident, was accelerated.

I believe the position of the Research and Development Subcommittee—again, the only Senate Committee to study the matter in depth—is a sensible and prudent alternative to the wasteful, hurried, concurrent program successfully lobbied for by the Department of Defense after the Subcommittee had made its report.

In the interest of sound business management, I urge adoption of the McIntyre amendment.

Mr. President, let me mention again how close this vote was in the committee itself, after being unanimous against this acceleration in the subcommittee.

Another matter is the nature and degree of the lobbying. My colleague from New Hampshire, chairman of the subcommittee, has already presented in able fashion, major arguments in favor of not accelerating the Trident program, and therefore I will not discuss in any detail the points he has effectively raised.

The overriding factor to be considered about this proposed accelerated program is the fact that such a hurried approach would mean all 10 Trident submarines would be funded and under construction before the lead ship the first, is either completed or tested. From the standpoint of good shop practice, any one with manufacturing experience knows this to be unsound, because it could result in more multibillion dollar waste in defense procurement.

Moreover, such production planning is total abandonment of the "fly before buy" principle, which this administration has emphasized time and time again with respect to its policy of the procurement of weapons.

In addition, and of particular concern, is the manner in which the Congress and the American people have been and are being lobbied with respect to this rushed program.

You have just heard the latest—a member of the Joint Chiefs of Staff talking about Communist agents working against the Trident here on the Hill. More on that later.

For the past 2 years the Research and Development Subcommittee of the Senate Armed Services Committee has reviewed the Trident submarine program in greater detail than any other committee of Congress.

Twice that subcommittee has recommended the development of the Trident on an orderly, nonaccelerated basis; but twice that subcommittee recommendation has been overturned by the full Armed Services Committee each time by a single vote—and each time by a switch in the position of one member of the subcommittee, apparently due to heavy outside pressure from Navy and Defense officials.

Such lobbying continues to mount. It is the most intense witnessed in my over 28 years in Government.

An article last week in the New Republic stated:

Since Congress reconvened early this month admirals have become as familiar in the corridors of the Senate's office buildings as Senate pages. Admiral Elmo Zumwalt, the Chief of Naval Operations, and Vice Admiral Hyman Rickover, Deputy Commander for Nuclear Propulsion, have been leading the shoeleather brigade. The admirals have been talking to their usual allies, and they have even been visiting Senate doves, trying without apparent success to convince them of the wisdom of speeding up Trident. So desperate has the Navy become that Zumwalt charged that "Soviet agents" were on Capitol Hill lobbing against the new submarine.

That is the end of the quotation from the article. That was published last week; and the admiral should be asked, "what Soviet agents?"

Although I did not hear the television program this morning, based on what the distinguished Senator from New Hampshire stated, Admiral Zumwalt apparently repeated this charge on national television just prior to a vote on this matter.

It seems unfortunate we must have such lobbying, but I am not too surprised. In my hands is a memorandum from the Navy written a little over a year ago. It announces four sites that might be used for a Trident base. In that way the interest of four States become involved.

I had hoped that this year Congress would examine the case of Trident acceleration on its merits, not reach a conclusion based on all these pressures.

Comparable instances of this intense lobbying on this issue are numerous. Many of my colleagues have told me of interesting experiences in that connection.

As mentioned, last year Defense requested funds to begin construction on one of two bases for the Trident, one on the east coast and one on the west coast, but would never advise the Congress as to just where the bases would be located. They gave us four sites, the Military Construction Subcommittee, but with the full support of Chairman STENNIS of the full committee, I refused to authorize any base until the locations had been determined.

One of these bases the Navy said was to be in South Carolina, or Georgia, or Florida, or the State of Washington. We refused to give them the money on that basis; and no funds were authorized for the military construction bill for fiscal 1973.

As my colleagues are well aware, earlier this year a decision was made to build one Trident base, in Bangor, Wash.

At the time this decision was announced, the committee staff were briefed on the details of said new base. During that briefing the Navy stated that even if the Trident program were to go to 20 submarines, they would all be homeported in Bangor, Wash., and operate exclusively in the Pacific Ocean. The Polaris-Poseidon fleet would operate in the Atlantic Ocean. Thus, the original plan of two bases, one on each coast, had apparently been scrapped.

Later this year, however, during discussion of the Trident program in the Senate Armed Services Committee, the question arose as to whether the Navy had future plans for a second Trident base in addition to the one in Bangor. Several members were apparently under the impression that there would be 2 bases if the program went beyond the initial 10 submarines; and a check with Navy officials revealed that they were in fact now saying that it was conceivable that a second Trident base would be constructed under such circumstances.

This later position is complete reversal of that presented to the staff some 6 months earlier. It would appear that once again the carrot is being dangled to obtain Trident support on the possibility the base for that submarine might be located in their State.

In citing above illustrations, I do not mean to imply that it is improper for a particular service to defend its position on specific weapons system, but I do seriously question the tactics that have been used by the Navy in its lobbying for the accelerated program.

To the best of my knowledge, everyone who opposes the accelerated Trident program is for handling it on an efficient businesslike basis. They know, however, of the great waste that has been characteristic of many military weapons because of all this rushing, and invariably bad shop practice.

It is my fervent hope that the vote on the acceleration of Trident tomorrow morning will be decided on the basis of the facts presented here today, and not on the basis of this intensive lobbying by the Navy and the Defense Department.

The chairman of the Research and Development Subcommittee, the Senator from New Hampshire (Mr. MCINTYRE) and his staff have devoted considerable time and effort in analyzing this unprecedentedly expensive program, and I would hope that a majority of the Members of this body would support his amendment for an orderly production schedule on Trident.

Mr. President, I yield the floor.

Mr. JACKSON. Mr. President, I yield such time to the Senator from Rhode Island as the distinguished Senator may require at this time.

Mr. PASTORE. Mr. President, I want to say at the outset that those who are for the 1978 date and those who are for the 1980 date are equally sincere in their convictions. It is a question of how we want to look at this. It is a question, too, of how much we have been interested in the progress of the underwater Navy we have in this country today.

Mr. President, no one in the Senate, to

my knowledge, has ever built a nuclear submarine. And no one in the Senate to my knowledge has the expertise to say whether this is right or that is wrong. It is a question of what one's judgment happens to be. I can be wrong and, on the other hand, I can be right. And those who differ with me could be right and, on the other hand, they could as well be wrong.

What does a man do when he does not feel well? Does he go down to the street corner and ask a man what he should do about his illness? The first thing he does is to go to the best doctor he knows to find out what is wrong. He does not go to someone on the street corner who, for the moment, does not happen to like doctors.

So, in this area, when we get down to a matter that concerns technology, when it has so much to do with research and development, we have to go to those people whom we consider to be experts in that field.

I want to say to the Senators, regardless of how anyone feels about it, that in my humble opinion Adm. Hyman Rickover, who is the father of our nuclear Navy, is the world's greatest expert without a question in nuclear submarines. One can question him on this and one can question him on that. However, when the chips are down, there is no man in the United States of America, there is no man in the Soviet Union, there is no man in Red China, and there is no man in all the world who knows more about a nuclear submarine and how to build one and what it should be and how much it will take and how much it will cost than Admiral Rickover.

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

Mr. PASTORE. I yield.

Mr. RIBICOFF. Mr. President, is it not true that this program has been under the guidance of Admiral Rickover and that Admiral Rickover has had experience for almost a quarter of a century in building and designing 101 nuclear submarines and other naval ships?

Mr. PASTORE. Every single nuclear submarine, every nuclear aircraft carrier—the *Long Beach*, the *Bainbridge*—every nuclear ship that was ever built by this country, Admiral Rickover has had supervision over it. He has been on them. I do not know how many Members of the Senate have ever been on a nuclear submarine. I have been.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. PASTORE. I would be glad to yield at this time, if the Senator prefers. I thought I would like to get up some steam.

Mr. FULBRIGHT. Mr. President, I have a conference with the House.

Mr. PASTORE. In that event, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the Senator mentioned the fact that if a man is ill he does not go to someone on the street corner. I do not think that is the question involved here.

Mr. PASTORE. But I am going to refer to the letter that he wrote to me today in response to my letter. He is going to give the doctor's advice.

Mr. FULBRIGHT. Mr. President, may I suggest that the doctor's advice on how to build a submarine is not the question. It is whether or not we should expand the initiative of the President for a détente and for a control of the arms race.

The real issue is the political issue—as to how we would proceed in the process of achieving better relations with Russia in order that both of us can save huge sums on weapons.

I do not question the expertise of Admiral Rickover in building a submarine.

I simply question his judgment on the political question as to whether or not it is in the best interests of this country to seek a détente with Russia or the Chinese.

Mr. PASTORE. I am not bringing Admiral Rickover in on that element at all.

Mr. FULBRIGHT. That is quite beyond his expertise.

Mr. PASTORE. I have my own opinion on that and I shall answer that on my own time. That is a matter on which, of course, we have to look to other people within the Government. We have to look to the feelings of Members of the Senate. I shall cover the matter of détente.

As a matter of fact, it was I who introduced the resolution that led to the nonproliferation agreement, and that was passed by a unanimous vote. The Senator knows I stood by his side on the Nuclear Test Ban Treaty. PASTORE is no war-monger. PASTORE wants détente.

I am just speaking here today on the question as to whether or not the Trident, which we all agree should be built, I have been told—the only question before this body here today is, should we do it by 1978 or should we do it by 1980?

Arguments have been made here that we cannot do it, we will waste the money, and if we go to 1980 we can do it and we will save money. I am going to dispel that argument. That is why I went to Admiral Rickover, to get his opinion.

I realize there are some people in the Senate who sincerely feel we should not build the Trident at all. They are going to use any means and method, and God bless them, to try to weaken it if they can.

All I am talking about here is this: If we are going to engage ourselves in building the Trident, the big question is, should we do it by 1978 or should we do it by 1980, and why cannot we do it by 1978, or why should we wait until 1980—that is the argument I am seeking to answer here this afternoon. This is why the first thing I did when I got up this morning was call up Admiral Rickover.

I said, "Admiral, I am going to ask you some questions, and I want you to answer them."

I made sure with the Parliamentarian that I was not divulging or in any way violating the confidentiality of the meeting yesterday. I did not mention that at all to Admiral Rickover. I did not associate my inquiry with the executive meeting we had here yesterday. I merely asked him questions, and these are the questions I asked.

I said, "Now, you take your pencil and write it down, Admiral."

Apart from political and shipbuilding considerations connected with the SALT I agreement, but including economic considerations:

In other words, I did not want to get into the argument that we have to have Trident because we can make a better deal at SALT. I am discarding that, because it is an imponderable, and anyone's guess is as good as anyone else. And I am not going to get into political questions, because there again, there are some people who still think we have a threat and others who do not think we have a threat, so you can argue that one way or the other. What I am addressing myself to is this argument that 1978 means a waste, and 1980 does not. That is the question I asked him:

What is the advantage of proceeding with the Trident program approved last year to complete the first submarine in 1978 in lieu of 1980?

Mr. McCLELLAN. What is the what, now?

Mr. PASTORE. What is the advantage of proceeding in 1978 as against 1980?

It is stated that by postponing to 1980 we can reduce the fiscal year 1974 defense budget by $885.4 million. In the long run would this delay to 1980 cost more or less?

That is a simple question.

By adhering to 1978 instead of 1980 are we engaging in a project which will be uncertain?

I asked that because the argument was made here that we do not know enough about it.

R. & D. to justify 1978? How far have we gone in?

That was the argument that was made by the Senator from Colorado.

Is 1978 an orderly business schedule?

That was the argument that was raised here by certain former industrialists who seem to feel they have a corner on everything the Senate needs to know about business. And the last question is:

On what experience do you justify recommending we proceed with construction of the lead ship this year?

Those are the questions I asked Admiral Rickover.

I realize his reply is quite involved, and as I read it, Senators cannot follow it too easily, so I had mimeographed copies of the letter made and they are on every desk in the Senate Chamber, so that Senators can follow me if they wish.

These are Admiral Rickover's answers to my questions:

Last year Congress appropriated funds to procure long lead components for the first Trident submarines based on the lead ship starting operation in 1978. For the past year all Trident work has been proceeding on this schedule. To continue with this program on an orderly basis, construction of the lead Trident submarine needs to be authorized and funded this year. If the Congress now reverses its decision of last year by deferring the lead ship and stretching out the procurement of the follow ships, the program underway for the last year will be disrupted. If ten Trident submarines are bought on the delayed schedule contemplated by the amendment offered by Senators McINTYRE and DOMINICK, the Navy estimates that the cost of the program will increase by more than one billion dollars.

One billion dollars; that is what it is going to cost you more in the long run.

The Deputy Secretary of Defense in a letter dated May 14, 1973 to the Chairman of the Research and Development Subcommittee of the Senate Armed Services Committee noted that this cost increase would result from breaks in the production lines, delay and disruption, and decreased annual quantity procurements, as well as from inflation occurring during the delay period.

I have been a Member of the Senate now for 23 years. I have been in public life continuously for 38 years. I was Governor of my State for 6 years. And if I learned one lesson, it was this: Every year that passes by, the cost goes up.

Here I am being told today that if we waited until 1980, it would be cheaper than doing it by 1978. Mr. President, that is in violation of every rule I have ever learned.

Mr. McINTYRE. Mr. President, will the Senator yield on my time for a question?

Mr. PASTORE. I will yield on my own time.

Mr. McINTYRE. What is the date of the letter the Senator has from Admiral Rickover?

Mr. PASTORE. This morning. Today. And you know why I got it? Because I was told yesterday that he was not called before the Senate committee to testify. He is the best expert in the world on this subject, and he did not appear before that committee. He was not even asked to appear before the committee. I do not call that prudent.

Mr. McINTYRE. Will the Senator yield for a statement, on my time?

Mr. PASTORE. I yield.

Mr. McINTYRE. Mr. President, I have here a letter dated May 14, 1973, before this controversy arose, when I wrote a letter to the Deputy Secretary of Defense in which I said:

Will you tell me, on the various alternatives, what the cost will be if we go the basic route or if we go the route that McIntyre and Dominick suggest?

I received back a letter of that date, May 14, which enclosed an official Navy document, before the controversy arose.

Now, in the letter that Senator PASTORE is talking about, I understand it is estimated that $1 billion will be lost. Is it not peculiar that before the controversy arose, the estimated inflationary extra cost for this program would be somewhere in the vicinity of $475 million?

But, Mr. President, the R. & D. Subcommittee has tried to tell people, not only in their Senate offices but here on the Senate floor, that the one thing that we have learned in R. & D. is that if we want to go ahead and build submarines and develop them at the same time, let me give you a word picture of what is going to happen here:

You have 10 submarines. The first one has not passed the planning stage. I am looking down the line. The department wishes to buy the first one, that has not even entered the fleet, and nine others are in various stages of production. If that is not concurrency and asking for trouble, the answer is the distinguished admiral gives that we in the Polaris-Poseidon program never make any mistakes, that we are absolutely "non pareil."

R. & D. says that the $475 million that it will cost under the McIntyre-Dominick amendment is money well spent if we can get a better and more orderly submarine that will not have to be back-fitted and all of that.

Mr. PASTORE. That is what the Senator is saying. What I am saying is, Why did not my good friend from New Hampshire call in Admiral Rickover? Why have we left out the best expert there is in the world to give his judgment? I do not care about your Secretary of Defense. He is a civilian. He does not know any more about nuclear submarines than you do. As I told you before, no one in the Senate ever built one and there is no one in the Senate that can build one. But Admiral Rickover can build one. He gave us 124 of them—124. Today, our first line of defense is our underwater Navy. And who is responsible? That little man that is buffeted around even by your Secretaries of Defense, by your Navy.

Mr. McINTYRE. My Navy?

Mr. PASTORE. One man. Yes; the Secretary of Defense. Admiral Rickover is the one man that has stood up and said what he pleased.

I notice, when I let all you fellows come in and ask your questions, you do not do that for me. You do not do that for us. That is all right. But, let us get a little spirit generated around here so that we can get the truth on the table.

Mr. DOMINICK. Mr. President, will the Senator from Rhode Island yield?

Mr. McINTYRE. Will the Senator yield me just 10 seconds?

Mr. PASTORE. The other Senator asked first. The Senator asked for a whole 10 seconds. I will give him 1 whole minute after the Senator from Colorado.

Mr. DOMINICK. Mr. President, the Senator from Rhode Island, in this system we are talking about, knows that there are two separate phases. One is building the missile, which is due for 1978, and which, under our amendment, is still due for 1978 and we have not changed that in the slightest, the amount of money, or anything else, but the deterrent is there.

Mr. PASTORE. All right.

Mr. DOMINICK. The launching platform is the nuclear propulsion thing in which Admiral Rickover is a qualified guy.

Mr. PASTORE. All right, but I am going to go into that. But the answer to that is——

Mr. DOMINICK. I have just read the letter.

Mr. PASTORE. All right. You look at the fourth paragraph on page 2. He answers that.

Now, Mr. President, I yield to the distinguished Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. President, I congratulate the able Senator from Rhode Island for his extraordinary oratorical efforts and his able comments. I would say to him that all you would have to is dot an "i" and change a "t" or two and this is exactly the same talk he made last year when the Trident came before the Senate.

Mr. PASTORE. And who won?

Mr. SYMINGTON. You won.

Mr. PASTORE. And who won?

Mr. SYMINGTON. It was all on the basis of what thoughts Admiral Rickover had and said and did. That debate is in the RECORD. I also have some respect for Senators who do their best to understand and have no axes to grind, when in a subcommittee they work for months.

It was a fine speech, beautiful to listen to. The Senator from Rhode Island could have just taken his speech of last year and put it in the RECORD, without changing a word.

Mr. PASTORE. If I have the same success I had last year, then God bless us all.

Mr. SYMINGTON. Right.

Mr. PASTORE. God bless us all.

Several Senators addressed the Chair.

Mr. McINTYRE. Will the Senator from Rhode Island yield to me for one question?

Mr. PASTORE. I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, the excellent question put by the Senator from Rhode Island has not been answered. I am puzzled as to why Admiral Rickover was never called before the committee to give his views on the Trident. I am still waiting for that answer.

Mr. PASTORE. You will not get that.

Mr. RIBICOFF. I think we deserve that answer because I agree that Admiral Rickover is "the" authority in the world on nuclear submarines and I am curious as to why he was not called.

Mr. PASTORE. I am, too. I do not know whether we will ever get an answer to that question. In due time we will ask it again. I have already asked it twice.

I now yield to the Senator from Washington (Mr. JACKSON).

Mr. JACKSON. Mr. President, is it not a fact that he was called before the committee? Is that not true?

Mr. PASTORE. He was, but I do not want to make too much of that. I repeat, people are sincere who are opposed to this, but I am merely saying here, whether they did or did not, the fact still remains that I am bringing to the Senate the judgment of a man who is an expert, and I will leave it up to this body to vote their own consciences.

I am just giving my own feelings, my ideas, and my thoughts on this very important subject. I know that I am dealing with $885 million. I know it looks beautiful to be able to go home and say, "Oh, I cut that defense budget by $885 million."

It is like the man who would not paint his house. He kept telling his family, "Look at the money I save," until the house fell down. Then he regretted it.

My mother used to tell a little story and, of course, it was a fable but they liked to tell stories like this in the old days.

A man had a donkey. It was a working animal. He used to feed the donkey three times a day. Then he said to himself, "Look, why should I feed him three times a day? So he fed him twice a day and he did that for 2 or 3 months and he got away with it.

Because he got away with it, he said to himself, "Look, I used to feed him

three times a day and now I feed him only twice a day. Maybe I can go to once a day." So he started to feed the donkey only once a day. He got away with it for 2 or 3 months.

Then one day he said to himself, "Why not feed him only once a week?" And that is what he did.

Do you know what happened? The donkey died.

So, Mr. President, it is all right here to prophesy that we do not need this or that. But what if we are wrong? What if we have another Cuban crisis? Can another John Kennedy stand up and say to another Khrushchev, "You cannot bring those atomic weapons in or I will blow up your ships." At the time he said that every strategic American plane was in the air. America was ready for nuclear war.

Khrushchev backed away because he knew that John Kennedy had the power behind what he was saying.

In this day and age, that is what we must have in order to back up our words with these bullies in Moscow and Peking.

Can we back this up with power?

That is what we are talking about here.

Mr. McINTYRE. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. RIBICOFF. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield to the Senator from Connecticut.

Mr. RIBICOFF. In listening to the colloquy between the distinguished Senator from Rhode Island and the distinguished Senator from New Hampshire, it is apparent that we really are not talking about a net saving of $885 million——

Mr. PASTORE. No, but that is what they say.

Mr. RIBICOFF. That is right. In any event, whether we take the figure cited by the Senator from New Hampshire or the figures of Admiral Rickover, in the long run, it is going to cost millions of dollars more if we defer this program another 2 years.

Mr. PASTORE. The Senator was a Governor of Connecticut before he came to the Senate.

Mr. RIBICOFF. That is right.

Mr. PASTORE. I remember a long time ago they cited half a billion dollars against my figure of $1 billion. Everyone knows that costs are going up every day. That is the trouble. We have been present on this floor time and time again and listened to the castigation of the administration because of inflation. Everyone knows the price of everything is going up and that the longer we wait, the more everything is going to cost.

But I am saying now: What is the use of building half a bridge if, when you walk over the half you drown?

That is not the policy of this Senate, I hope.

All I am saying here is I believe the time has come, because we have given our assent to the building of the Trident, it is important for us to find out how fast we can do it, how much money we can save, and what it means to the security of our country.

Mr. McINTYRE. Mr. President, will the Senator from Rhode Island yield for a question?

Mr. PASTORE. I yield.

Mr. McINTYRE. Does the Senator from Rhode Island know why Admiral Rickover was not brought before the subcommittee on R. & D. on the Trident program?

Mr. PASTORE. No, I do not know.

Mr. McINTYRE. Because he is not in charge of it.

The Navy makes the presentation to the Senate. The Navy does not want to bring him in. They bring over their own best men. Admiral Rickover is up at the Schenectady nuclear propulsion plant.

Mr. PASTORE. Senator, let me tell you something. When the pressure is on and there is any question about the makeup of the submarine, who do you think supervises it? Admiral Rickover. It is not true that all he has is authority over the nuclear reactor. He has authority over everything connected with this submarine.

Mr. McINTYRE. He is not in charge of it.

Mr. PASTORE. I do not care whether he is in charge of it or not; he is an expert. Why did the Senator not call him?

Mr. McINTYRE. Why did not the Senator from Rhode Island go to the Secretary of Defense and complain? We had 85 hours down there of listening to various testimony.

Mr. PASTORE. I am not complaining to anybody. You people are complaining. I am just saying that we should follow the committee here. The committee has voted on this. How is it that the Senator's committee did not agree with his position?

Mr. McINTYRE. They came pretty close.

Mr. PASTORE. But close does not count.

Mr. McINTYRE. The first time they voted 8 to 7 on my position, and then a distinguished Senator of this body found that his proxy had been incorrectly cast, and the vote was reversed.

Mr. PASTORE. So what? There is no cheating there, is there?

Mr. McINTYRE. I am telling the Senator how close it was.

Mr. PASTORE. Of course it was close, and this is going to be close, and it may be by one vote. The name of the game is to win.

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

Mr. PASTORE. I yield.

Mr. LONG. It seems to me that that is the name of the problem here. If war breaks out sometime this year, while waiting for this weapon, it is of no use.

Mr. PASTORE. They keep talking about the Trident I missile. That is the C-4. They have not developed it yet. They do not even have a warhead for it. The remarkable thing about it is that if you put it in the Poseidon, you have to take some of the warheads off, because it cannot carry as many warheads. You can put as many as 12 warheads on the Trident II, and you can shoot them over 6,000 miles.

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

Mr. PASTORE. Yesterday, the Senator from Minnesota said this is a launching pad. Of course, it is. The Russians are not worried about our land-based missiles. They have a 25-megaton SS-9 targeted on every missile we have. If a surprise attack comes, they can blow it up, because our silos are not hardened. But they are afraid of one thing. They are afraid of the mobile launching pad that they cannot find to hit. That is why we are interested in it.

Do Senators realize what this means? You can put the Trident 500 miles off the shore of the United States of America, and you can hit Moscow, and the Trident can move up and down so they do not know where it is.

That is the deterrent. All I am interested in here is deterrence. I am not interested in who is going to win the next nuclear war. Nobody is going to win the next nuclear war. We are all going to come out of our cellars like monkeys if it ever comes, and God forbid.

The thing that is necessary in our day and age is to do what needs to be done, to do what will not allow the other side even to dare to move. John Kennedy proved that in October 1962 in the Cuban crisis. That is how they averted that crisis.

I do not know how much time this side has.

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

Mr. PASTORE. Why does not the Senator wait until I get through with my discussion? Not that I am reluctant to yield. The Senator has made a speech. Now I am making my speech. Let me finish it, and then I will stay here until doomsday to answer the questions.

So I urge my colleagues to read this letter very carefully. It is all covered here. Listen to what this man has to say. A copy of the letter is on the desk of each Senator.

I am confident that we have the technical capability in hand to proceed now with the construction of the lead ship rather than waiting. This confidence is based on my experience over the past quarter of a century of designing and building 101 nuclear submarines and 4 nuclear surface ships now in the fleet.

Why do Senators think Admiral Rickover is called the father of the nuclear Navy? Imagine, the father of the nuclear Navy not being asked to come before this committee before it made an important decision, on the ground that perhaps some admiral or some Secretary of Defense did not want to bring him down. What difference does that make? Admiral Rickover comes before our Joint Committee on Atomic Energy. I have dealt with him since 1952.

I think he is a blessing to America. I do not know where we would be today if it had not been for Admiral Rickover. As a matter of fact, he has stunned the Russians; he has stunned the Red Chinese. Here is a man who is so devoted that he makes it his business to supervise contracts to make sure that the Government gets a dollar of value for every dollar it spends. He is not reluctant to criticize even the members of his own agency, the Navy, or the Defense Department.

This is what he says in his letter:

The cumulative distance steamed by all of our nuclear-powered ships has surpassed 23 million miles.

One of our nuclear subs was under the icecap at the North Pole 30 days, and it did not surface. That is the sub he built. Do not tell me that he does not know anything about the Trident. Twenty-three million miles—the Russians wish they had him.

I continue reading from the letter:

Our fleet of Polaris/Poseidon nuclear-powered submarines has completed 1,024 patrols, which amounts to 61,500 days of submerged operation—

Not above water, but submerged operation—"or over 165 years under water."

There you are. That is the man who speaks on this subject. Do not tell me that anybody in this Chamber is qualified to discredit this man. You can disagree with him, but nobody can discredit Admiral Rickover.

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

Mr. PASTORE. I yield.

Mr. JACKSON. Is it not a fact that Admiral Rickover was born in Poland, which is now a part of Russia and was a part of Russia, and came here at the age of 4 or 5?

I know of no one who understands this problem better than Admiral Rickover I have had the privilege of working with him since 1949, when I became a member of the House Atomic Energy Committee, the joint House-Senate committee, as a Member of the House.

The able Senator from Rhode Island has put his finger right on the problem. When you get into the kind of question that is before the Senate, whether we ought to delay for 2 years or whether we ought to start now, so that we can have the submarines available, the first one, in 1978, I know of no one in the world today who knows more about that particular point than Admiral Rickover. As the Senator from Rhode Island has pointed out, the Soviet Union would love to have him. His parents had to leave because of persecution. Thank God they came to the United States of America.

Mr. PASTORE. One of the most beautiful speeches I have ever heard was the speech made by Henry Kissinger at the time he was sworn in as Secretary of State, when he told the American public that he knew from personal experience what oppression and hatred can do, and he knows that threat.

I do not want to take the position here that this should become a glorification of Admiral Rickover. I am merely presenting him as my expert witness. I have tried hundreds of cases in court, and every time I needed an expert witness, I knew that I had an obligation to qualify him. Admiral Rickover meets every qualification.

I regret very much that the members of that committee did not have an opportunity to listen to this man. Just to listen to him is to have respect and admiration for him. He does not indulge in excesses; he does not exaggerate. He is a fine American, and he does a fine job. He is loved by the people who work with him. He is hated by some people who disagree with him because he is outspoken. He calls a spade a spade. Admiral Rickover would die before he would write anything in this letter that is not true or that he did not believe in.

That is his conviction. He is not a demagog. He is not the kind of man who writes a letter for the sake of writing a letter just to win a point. If he did not believe in the Trident he would stand up and tell us. The remarkable thing is that this letter comes under the heading of the Atomic Energy Commission. I talk to him year in and year out. We have to authorize the money, in the joint committee for the nuclear reactor for the ship, and then it goes to the Committee on Armed Services for the whole ship. But the fact is that here we have the statement of a man who is an expert in this field.

Mr. President, you do not have to accept 1978 if you do not want to; you can even chuck the Trident if you want, but when it is argued on the floor of the Senate that by going to 1978 you waste money and by going to 1980 you save money, nobody is going to believe that. That argument was made on this floor, and I cannot believe it. I know as surely as God made little green apples that if you stretch out this program it is bound to cost more. That has been our experience all along.

I have heard this idea that we are saving $885 million so often. You are just postponing the $885 million; when you get to the end of the line the costs will be a lot more. As Admiral Rickover has said, it may be $1 billion. I know this is expensive, but we need a new family of submarines.

It is strange that Senators rise on the floor and vote for the F–14 saying that we have to have, and vote for something else that we have to have, and the argument is made, that if we do not get it now, the cost is going to go up; yet, when we get to the Trident, the argument is that the cost is going to go down if we stretch it out. The argument is inconsistent.

Mr. President, I ask unanimous consent to have printed in the RECORD the full letter from Admiral Rickover, to which I have referred.

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., September 26, 1973.

Hon. JOHN O. PASTORE,
U.S. *Senate.*

DEAR SENATOR PASTORE: In our telephone conversation this morning you requested that I furnish you my answers to the following questions concerning the TRIDENT submarine program:

"Apart from political and shipbuilding considerations connected with the SALT I agreement, but including economic considerations: What is the advantage of proceeding with the TRIDENT program approved last year to complete the first submarine in 1978 in lieu of 1980? It is stated that by postponing to 1980 we can reduce the Fiscal Year 1974 defense budget by $885.4 million. In the long run would this delay to 1980 cost more or less? By adhering to 1978 instead of 1980 are we engaging in a project which will be uncertain? How far have we gone in R. & D. to justify 1978? Is 1978 an orderly business schedule? On what experience do you justify recommending we proceed with construction of the lead ship this year?"

Last year Congress appropriated funds to procure long lead components for the first Trident submarines based on the lead ship starting operation in 1978. For the past year all Trident work has been proceeding on this schedule. To continue with this program on an orderly basis, construction of the lead Trident submarine needs to be authorized and funded this year. If the Congress now reverses its decision of last year by deferring the lead ship and stretching out the procurement of the follow ships, the program underway for the last year will be disrupted. If ten Trident submarines are bought on the delayed schedule contemplated by the amendment offered by Senators McIntyre and Dominick, the Navy estimates that the cost of the program will *increase* by more than one billion dollars. The Deputy Secretary of Defense in a letter dated May 14, 1973 to the Chairman of the Research and Development Subcommittee of the Senate Armed Services Committee noted that this cost increase would result from breaks in the production lines, delay and disruption, and decreased annual quantity procurements, as well as from inflation occurring during the delay period. Thus, deferring authorization of Trident submarine funds this year will not save money—in the long run it will cost much more.

The technical feasibility of building the Trident submarine has been established. The Navy and the Atomic Energy Commission have been working on the design and development of the Trident submarine and propulsion plant for over four years. Over 100 different configurations for the Trident submarine were studied before establishing the present configuration. This issue has also been studied by the Department of Defense and the systems analysis community. The concensus of the Administration and the Secretary of Defense is that the present Trident configuration is the one we should build.

The Trident submarine is following the approach that has been used successfully to design, build, and deploy all our nuclear ships since the Nautilus.

A full size mockup of the entire Trident propulsion plant has been built to demonstrate that the layout of systems and components is satisfactory for operation, maintenance, and repair. The basic design of the nuclear reactor has been proven by tests.

Full size mockups of the Trident missile tubes, control room, sonar room, radio room, and other operating spaces have also been built to demonstrate satisfactory layouts. Equipments for critical systems such as sonar, communications, ship control, atmosphere control, navigation, and missile support systems have been tested.

The nuclear propulsion plant and other submarine systems are based on designs proven at sea using existing technology. There is no basis for assuming that delay of the lead Trident submarine by two years would result in new breakthroughs in technology which would result in changing the design of the submarine.

Some have questioned the wisdom of proceeding with construction of the lead ship while research and development is still being done on the missile and submarine. But programs of the magnitude of Trident make it necessary to proceed with procurement and construction in some areas while other areas are in the resarch and development stage. For example, in developing a new missile the long lead time is in research and development with a relatively short production span of one and one half to two years required to build the missiles themselves, which are not needed until the ship is finished. In contrast, the production span time on major ship components is up to five years under the most favorable

conditions. Further, large components must be installed in the early stages of ship construction. The Navy has already done the development work necessary to define what is needed to order the long lead ship components and these are now being manufactured. Delivery of these components will control the construction schedules for the Trident submarines. It is therefore necessary to manufacture them and start building the submarines while the missile work is still in the research and development stage. Detailed design of the submarine and its components and systems must proceed in the research and development program while the hull and long lead time major equipments are being manufactured. This scheduling of detail ship and component design, concurrent with procurement of long lead time components and start of ship construction, has proven successful time and again in the past in every nuclear powered warship program.

The Administration's Trident program provides an orderly business schedule. Design and construction of the submarines are *not* on a hasty accelerated program which could lead to waste and added cost. In fact, more time has been allowed for the development and construction of the Trident submarine than was used for previous classes of ballistic missile submarines.

I am confident that we have the technical capability in hand to proceed now with the construction of the lead ship rather than waiting. This confidence is based on my experience over the past quarter of a century of designing and building 101 nuclear submarines and 4 nuclear surface ships now in the fleet. These ships have required development of over a dozen different design nuclear propulsion plants.

The cumulative distance steamed by all of our nuclear powered ships has surpassed 23 million miles, including 1,960,000 miles steamed by the four nuclear powered surface ships. Our fleet of Polaris/Poseidon nuclear powered submarines has completed 1,024 patrols which amount to 61,500 days of submerged operation or over 165 years underwater. The naval nuclear propulsion program has 123 atomic reactors in operation, which represent an accumulated total of over 1,075 years of operational experience. This is far more than the experience amassed by all the commercial atomic powerplants in the United States combined. The Navy has never had a single radiation casualty and has never had to abort a mission.

I can assure you that I do not take my responsibility lightly when I say I am confident we can proceed with the construction of the Trident submarine now rather than waiting. That confidence is based on my personal knowledge of what we have to do and what we have already done.

Sincerely yours,

H. G. RICKOVER.

Mr. PASTORE. Mr. President, I wish to thank the Senators for listening to me. If anyone wishes to ask me to yield, I am glad to do so. If anyone wants to speak on his own time, I will yield the floor.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Washington has 30 minutes remaining. The Senator from New Hampshire has 38 minutes remaining.

Who yields time?

Mr. JACKSON. Mr. President, I yield 10 minutes to the Senator from Connecticut.

First, Mr. President, how much time do we have tomorrow?

The PRESIDING OFFICER. One-half hour to a side.

Mr. JACKSON. Mr. President, I yield 10 minutes to the distinguished Senator from Connecticut, and then I shall yield to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. RIBICOFF. Mr. President, I am pleased to join with my distinguished colleagues Chairman STENNIS, Senator JACKSON, and Senator PASTORE in support of full funding of the Trident program. In the past we have sometimes differed on the amounts of money which should be spent on specific weapons systems, but there is no disagreement between us on this issue because the Trident program is vital to the future of this country and to world peace.

The Trident is one military program that surely makes sense both strategically and economically. It is a program which builds on the great success of the Polaris program—one of the most cost-effective and reliable weapons systems our country has ever produced.

It is true that the Polaris/Poseidon force we have deployed today is an awesome sea-based deterrent. The completion of the Poseidon conversion program will provide us with an even larger number of warheads. However, numbers in themselves mean little unless survivability is attached to those numbers. Our present submarines, built with the technology of the 1950's, possess weaknesses which could be fatal in the 1980's. The exact moment of vulnerability, of course, is not precise, but Soviet technology has been moving with increasing speed.

Complacency in light of the Soviet progress does not seem warranted. We originally built the Polaris system in a relatively makeshift manner, modifying a planned attack submarine into a strategic one. The result was most beautifully done and at a most opportune time. We moved forward with a progression of improved missiles up to the present time when we have a very flexible and survivable Poseidon. But when a nation is dealing in strategic deterrence, it is necessary to keep ahead of the competition. The Trident will enable us to stay ahead during an era when manned strategic bombers will be obsolete, and land-based missiles will be much more vulnerable.

We are having full discussion and debate of the wisdom of going ahead with Trident program. I am convinced, on the basis of the facts presented by both sides, that the Navy must proceed now to modernize its ballistic missile submarine deterrent.

A few basic considerations are most compelling. First, the Soviets have built and continue to build a modern ballistic missile submarine force with the largest and most modern submarine building yards in the world. They are already building their equivalent of our Trident submarines and missiles, and a number of them are already in the water. These developments increase the threat to other elements of our strategic forces and underscores the reliance we must place on our sea-based strategic deterrent. Frankly, I feel this is the safest and best deterrent force we have, with planes and missiles diminishing in importance.

Second, the Trident would reduce the vulnerability of our sea-based deterrent to any possible Soviet breakthrough in antisubmarine warfare. A Trident submarine with its arsenal of 24 Trident I missiles could hit Moscow from a range of 4,000 miles. This increase in missile range would open up additional areas of ocean in which American submarines would have to be hunted down and destroyed, making the job that much harder for the Rusians. The program also calls for a follow-on missile, Trident II, which would increase the range to 6,000 miles.

Trident is also needed to prevent obsolescence of our aging submarines. All 41 of our present Polaris subs were deployed within a 7-year period, and by 1980 the oldest of them will have been operational for 20 years, their nominal design life.

There is also merit in the argument that approval of the Trident program will provide this country with the bargaining power that is necessary for the success of the second phase of the SALT talks.

Finally, when we view the Soviets' awesome and increasing military capability coupled with Moscow's lack of respect for human détente, we would be remiss in our national security obligations if we did not act resolutely.

No one should be considered an alarmist if he states that we still live in a very dangerous world. Men still fight and die all over the globe, and the potential for conflict remains high in a number of areas.

There has been much talk of détente between ourselves, the Soviet Union, and China. I am certainly for it. Who can be against a relaxation of tensions and greater harmony between East and West? But mere words of peaceful intent must be measured against reality. Détente today, unfortunately, is more fragile than some would have us believe.

Wishful thinking on our part will not hasten the day when we can begin beating our swords into plowshares.

The leaders of the Soviet Union may—when they coldly calculate it to be in their interest—pay lipservice to the concept of world peace. In fact, the United States has given them valuable incentives to do so—one-quarter of our wheat crop last year, the promise of American technology, lavish credits, and development of their natural resources. But at the same time, the Soviets have been building up both their conventional and nuclear armaments at a much more rapid rate than we have. Americans are paying higher prices for bread, poultry, and meat today so that Russia can pursue this policy.

Much has been said about a new era in relations with the Soviet Union. Increased trade is cited as a prime example. But does the Soviet Union look upon increased trade ties with the United States as paving the way for closer contacts and cooperation?

Not when Russia buys U.S. wheat at bargain prices and resells it abroad.

Not when the Soviet Union agrees to pay its lend lease debt at only 6 cents on the dollar, while demanding MFN treatment and cheap credits in return.

Not when Russia is seeking the latest American technology and proposing to repay the United States by permitting us to invest billions in developing their own natural gas reserves—for which we will then have to pay premium prices.

We must ask ourselves whether true détente with the Soviet Union can be bought.

We must also ask ourselves whether our current détente policies are really furthering the cause of human freedom, and moving Soviet society in this direction. The record of performance is unfortunately most dismal. More than 50 years after the Russian revolution Soviet leaders still display the most cynical contempt not only for human rights, but for the truth. The continued use of police state methods to implement both domestic and foreign policies should give us pause to consider. And certainly the Soviet Union's rapid military buildup should not be taken lightly in this atmosphere of repression.

Andrei Sakharov recently made this point most eloquently:

> Détente without democratization, would be very dangerous . . . that would be cultivation and encouragement of closed countries, where everything that happens goes unseen by foreign eyes behind a mask that hides its real face. No one should dream of having such a neighbor, and especially if this neighbor is armed to the teeth.

At a time when we are unsure of Soviet intentions, the Congress must insure the credibility of our overall defense posture and of our nuclear deterrent.

We must ask ourselves what signals we wish to send to the Kremlin leadership at this time. How will Soviet leaders interpret any lack of resolve to take practical steps to ensure the survivability of our strategic forces?

It is not enough to hope that a certain number of submarines or B–52's or Minuteman missiles will be sufficient. We must be dead certain of the strength and survivability of our nuclear deterrent. This takes more than a review of the numbers of missiles and megatonnage; it takes an analysis of what we can sense about the mood of the Soviet leadership.

Lavish toasts to peace are not very reliable guidelines. We must seek evidence that shows, for example, whether the Soviet Union is reconciled to the prospect of exchanging ideas and people with the West. But what do we actually find? A Valery Panov is not permitted to dance; Soviet newspapers are mockeries of the truth; and sane men are locked in insane asylums for speaking out against injustice.

It has taken leading Russian figures to remind us in recent days of the paranoia and heavy handedness of the Soviet system.

The people of the United States and the Congress owe a debt of gratitude to Nobel laureate, Alexander Solzhenitzyn, and to Andrei Sakharov for reminding us of the kind of people we are "détenting" with. We should thank them for explaining why real progress in building a safer world is impossible so long as human freedom is negated.

It is time for those in this country who yearn so desperately for peace and an end to the arms race to realize that both sides must want peace equally. Deep and genuine desires for international harmony must be tempered by an understanding of the harsh realities of the situation.

We all want to eliminate wasteful defense spending. We all would like to see a greater portion of our Government's resources devoted to our schools, the elderly, and the disadvantaged. But unless we are prepared to demonstrate our determination to retain a strong defense posture, world peace and stability could be seriously threatened in the years ahead.

It gives me little joy to seek support for a defense program which will cost more than $1.5 billion this year. But we will be getting a system that is already proving itself and which will provide even greater dividends in terms of peace and stability.

To delay now would create uncertainty as to the strength of our resolve to resist pressures from those who appreciate strength so much.

I urge my colleagues to consider all the arguments carefully, and join me in supporting the committee's recommendation for full funding of the Trident program.

Mr. JACKSON. Mr. President, I wish to commend the able and distinguished Senator from Connecticut for an excellent statement, particularly on the issue alluded to by the Senator from Arkansas (Mr. FULBRIGHT)—détente.

Mr. RIBICOFF. I am quite unable to understand why détente always has to come from the United States and why we always have to lean over backward to prove our peaceful intentions. It seems that no request or demand is ever made for the Soviet Union to prove their own good intentions.

Mr. JACKSON. I could not agree more, yet the Senator from Arkansas was saying that if we go ahead with a program which will launch one submarine in 1978, we will be placing détente in jeopardy.

It is a fact that under the interim agreement the Soviets are permitted 62 submarines, and we are allowed a maximum of 44; they are permitted a total of 950 missile launchers aboard their submarines, and we are allowed 710.

Yet the Senator from Arkansas (Mr. FULBRIGHT), in effect, is saying that we ought not to have our full quota of 710, but he says not a word about the Russians building up to the full 950 submarine-based missile launchers allowed them.

I would point out to the Senate that the Soviets now have, operational or under construction, 50 nuclear-powered missile-firing submarines.

Mr. RIBICOFF. And they also have in the water today the equivalent of the submarine we are trying to put in the water beginning in 1978.

Mr. JACKSON. The Senator is correct. They now have in the water five Trident-type submarines that can fire missiles over 4,000 miles—4,200 miles, to be exact. This is something we cannot do today.

They already have five. They have 12 under construction, for a total of 17.

The Senator from Arkansas and those who argue that it is the United States which threatens détente, for some reason never say anything about what the Russians are doing under the interim agreement. What the Russians are doing is permitted, to be sure, but the Senator from Arkansas does not want the United States to have even one of the three additional submarines we are permitted to have under the SALT I interim agreement. Is that not a one-sided détente?

Mr. RIBICOFF. It certainly is, and does not the history of modern times demonstrate that the Russians always respect strength and show contempt for weakness? If we really want genuine arms limitation agreements we can only get them if we are equally as strong as the Soviet Union.

Mr. JACKSON. The Senator is absolutely right. Perhaps more of our colleagues should listen to two towering men in the Soviet Union, men who stand at the summit of their professions. I refer to Andrei Sakharov, the world-famous physicist, and father of the Soviet hydrogen bomb, and Alexander Solzhenitsyn, the Nobel Prize winner in literature. These men are warning us not to be naive. That is what they are saying, as they speak from Moscow with great courage, as they speak out in behalf of those who have been denied freedom. They say to the U.S. Congress, in support of my East-West trade and freedom of emigration amendment: It is high time for the United States to stop being naive.

If we are going to work effectively for the cause of world peace, America has to be strong. If there is any doubt about it, just ask these Soviet intellectuals. And anyone who is a student of this subject would also say, "Ask the Chinese, ask the Chinese"——

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

Mr. JACKSON. Mr. President, I yield myself 1 additional minute.

It is a fact that, today, the Chinese are terribly concerned over whether the United States is going to maintain a credible deterrent. The only reason the President of the United States was able to go to Peking and to talk with the Chinese, was that the Chinese wanted to talk with us. They know the terrible threat, the Soviet Union, under the Brezhnev doctrine, poses to their country.

The Chinese speak out openly about the possibility of Russian aggression against their country, and the only nation that can use its power in talking to the Russians effectively is the United States of America.

Mr. RIBICOFF. So for SALT II to be successful, the United States must go into those talks with both determination and strength, or it will be a one-sided deal all the way down the line.

Mr. JACKSON. The Senator is absolutely correct, and I compliment him most highly for pointing out the dangers of a one-sided détente and addressing himself

so effectively to that question. It has been extremely useful.

Mr. President, I yield 10 minutes to the distinguished Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, I am prouder each day of my vote against the ABM Treaty, limiting our country to one offensive site, and also my vote against the Arms Limitation Agreement that gave the Russians a 3-to-2 advantage over the United States in offensive nuclear weapons.

Yet we see the Russians developing their technology and improving their submarines. We see that this advantage that was built in for the Russians, based on the advanced technology of our equipment, has resulted from a mirage, because they are developing their equipment and getting it onto a par with ours. The United States needs superiority for its own good, if we are to maintain our defensive position.

Mr. President, the RECORD has been filled with page after page of authoritative articles from news media throughout the world attesting to the fact that despite SALT I, the Moscow Agreements' and a whole host of other forms of International negotiations, the arms race still goes on. But, Mr. President, it is a one-sided arms race with the Soviet Union showing no signs of slowing down its drive to gain absolute military supremacy over the United States. Once the military supremacy has been established, what will stand in the way of Communist political supremacy?

Even while Senators demand that we scuttle some of our major new weapons system as a peace offering to the Communist leaders, we face the inevitable fact that the Soviet Union has surpassed the United States in actual numbers of strategic missile launchers. Last year we agreed to permit Russia to maintain 62 nuclear submarines—most of which are now of the latest design—while we limited ourselves to 44 nuclear submarines, most of which are aging and in need of expensive modifications just to keep them current.

Mr. President, while the Senate is debating whether to fund the Trident submarine, which would serve as a replacement of our Polaris- and Poseidon-armed submarines, the Russians are already building their equivalent to the Trident. These developments increase the threat to our land-based strategic forces and the reliance we must place on our sea-based strategic deterrent.

The Soviets are continuing to build modern submarines at the rate of eight a year while we build nothing.

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

Mr. ALLEN. I am happy to yield to the Senator from Washington.

Mr. JACKSON. Mr. President, the best information we have now is that the Russians are building 12 submarines a year—1 a month. This seems to be their present capability.

Mr. ALLEN. I am glad to get this information. I was aware that the Russians are building at the rate of 12 submarines a year, but I was using a more conservative figure in my argument.

Even if the present request for Trident authorizations were approved, the first Trident would not become operational until after the Russians had filled their full complement of modern submarines and were ready to replace them with even more advanced systems than our own. So we would have lost any hope or opportunity to regain or maintain a status quo.

Mr. President, I do not want to see an escalating arms race. I would certainly prefer that we might beat our swords into plowshares and devote ourselves and our resources completely to peaceful pursuits. But we must be realistic and face the fact that the Communists are not slowing down their efforts to attain absolute military superiority over the United States.

I firmly believe that national defense must be our No. 1 priority and that Congress must approve the development and purchase of the finest possible weapons systems so that our Armed Forces can deter any potential attacks against us. This includes full support for the Defense Department's request for the Trident submarine.

I hope that this program will not be extended, that it will not be delayed, that it will not carry over into 1980, but will be allowed to be completed in 1978. Let us not slow down the Trident project. It ought to be full-speed ahead for the project. And that is what it must be if we are to maintain an adequate defense against the Russian submarine threat and if we are to overcome the numerical superiority that the Russians have.

Mr. President, the U.S. News & World Report in its issue of September 17, 1973, published an interesting article, entitled "Despite Arms Pact, the Race Goes On," based on an authoritative study of the continuing Russian drive to attain new nuclear weapons. The Washington Post in its Friday, September 14, 1973, issue published an article by Joseph Alsop which deals with this same subject. I ask unanimous consent that both articles be placed in the RECORD.

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

[From the U.S. News & World Report, Sept. 17, 1973]

DESPITE ARMS PACT, THE RACE GOES ON

LONDON.—An authoritative analysis of global military developments, just issued here, provides a sober warning.

If Americans are counting on Washington's new relationship with Moscow to produce an automatic slowdown in the costly arms race, they are in for a disappointment.

The situation is this—

Fifteen months after the signing of the Moscow agreements that were expected to dampen the weapons build-up by the two superpowers, the competition between Russia and the U.S. is continuing virtually unchecked.

In only one field—the deployment of anti-missile missiles—is there evidence that the agreements signed in May, 1972, have applied a real brake to spending for sophisticated arms.

In all other fields, and especially in the missiles, the analysis made public by the International Institute for Strategic Studies indicates that no spending slowdown is in sight.

Russian push. The institute, in its annual report on the "military balance," puts it like this:

"The year after the interim agreement on offensive missiles provided little evidence of superpower restraint in this field."

The Soviet Union, the institute points out, is rushing to build the maximum number of long-range missiles permitted under the agreement—a total of 2,359. This will give Russia a considerable advantage over the U.S., which is limited by the five-year interim agreement to 1,710 offensive missiles.

These are the main Soviet advances in the arms race cited by the study:

Three new types of long-range, land-based missiles are being developed and apparently a fourth is in the works. Two of these reportedly are designed to carry MIRV—multiple, independently targeted re-entry vehicles—which the Russians recently tested for the first time.

The Soviets are moving to reach the limit in land-based intercontinental-range missiles permitted under the interim agreement. They now have 1,527 of them operational—nearly 500 more than the U.S.—and appear ready to install missiles in 91 still uncompleted silos.

Thirty-one submarines comparable to the U.S. Polaris have been launched, each with 16 missiles. In addition, three new and more advanced submarines have come off the ways. All are equipped with 12 missiles having a range of about 4,600 miles.

The Soviets appear determined to build all of the 62 nuclear-powered, missile-carrying submarines allowed under the first strategic-arms-limitation talks (SALT) agreement. That would give them a substantial numerical advantage over the U.S., which is limited to 41 such submarines.

Widening gap. Over all, the study shows the Soviet Union well ahead of the U.S. in long-range missiles—with a total of 2,155 presently operational against 1,710 land-based and sea-based missiles for the U.S. And the gap continues to widen as the Russians expand to the limits permitted by their agreement with the U.S.

In other directions, however, the U.S. is forging ahead. The emphasis in Washington is on increasing America's qualitative advantage in order to offset Russia's numerical superiority in missile strength.

The London-based institute cites these factors—

The U.S. has deployed 35 new Minuteman missiles equipped with MIRV and will deploy a total of 550 by 1975. Each is capable of hitting three separate targets with its multiple warheads.

Twenty of America's 41 offensive submarines have been converted to carry Poseidon missiles that can fire between 10 and 14 individually targeted warheads. By 1975 or 1976, an additional 11 submarines will be converted.

Under development is a new Trident submarine-based missile system which could be operational in 1978. The submarines would be armed with 24 missiles having a range of 4,600 miles. Each would carry between 10 and 14 individually targeted warheds.

U.S. advantage. Everything included, the British study reveals, the U.S. at present outdistances the Soviets by more than 2 to 1 in the number of warheads that it can launch against individual targets in an enemy country—roughly 5,000 to approximately 2,200.

And the U.S. could expand this figure to "well over 8,000 warheads" by 1978 if it goes ahead with the construction of three Trident submarines permitted by the interim agreement.

Looking ahead, experts are asking this question:

Will the Soviet Union now try to close this "warhead gap" by marrying its newly tested multiple warhead to its more numerous and more powerful land-based missiles?

If it does, the result could be a major escalation of the superpower arms race with the U.S. speeding up its program to construct Trident submarines and also taking other action to prevent the Russians from gaining over-all strategic superiority.

Critical talks. Should such an escalation take place, the second round of the SALT talks in Geneva will assume critical importance.

Failure there to hammer out a new U.S.-Soviet agreement to avert a dangerous acceleration of the arms race would jeopardize the new political and economic relationship developing between Washington and Moscow.

One hopeful development in the arms race cited in the British study involved antimissile missiles, or ABM's In contrast to the continued rapid build-up of offensive strategic forces, Russia and the U.S. have shown no signs that either is determined to construct ABM systems up to the limit allowed by the treaty signed in Moscow.

That treaty limits the deployment of these defensive antimissile missiles to two sites which may be equipped with 100 launchers each.

But, says the institute's new study, there is no evidence that either nation is going beyond the construction of a single site.

[From the Washington Post, Sept. 14, 1973]

THE NUCLEAR BALANCE

(By Joseph Alsop)

If you want to know where this country now stands both politically and strategically, you will learn much from the story of the Trident program in the Senate Armed Services Committee. Trident, aimed to provide the U.S. with a new sea-launched missile force, is first new-generation strategic weapons system that the Pentagon has requested in many years.

In the absence of the committee chairman, Sen. John Stennis of Mississippi, the man charged with piloting Trident through the Armed Services Committee was Sen. Henry S. Jackson of Washington. Senator Jackson held the proxy ballot of Senator Stennis. Even so, Jackson barely managed to keep the Trident program in the defense budget, by a vote of eight to seven; and he had to resort to a drastic measure to get his majority of one.

The measure was arranging to have the central intelligence agency's principal technical expert in this area, Carl Duckett, give the senators the kind of harshly truthful briefing that has become downright dangerous in Washington nowadays. What Duckett said, in effect, was that the Soviets would rather soon achieve really overwhelming strategic superiority.

Anyone who has followed the doings of this town's increasingly powerful anti-defense lobby, knows how these people have stressed the utter impossibility of this kind of Soviet superiority. First, they have said the U.S. had MIRV's—multiple warheads, in fact—whereas the Soviets did not. Second they have said the U.S. with its MIRV's, further had a number of nuclear missile warheads vastly superior to the Soviets' warhead total.

With customary dishonesty, the anti-defense lobbyists further pooh-poohed the Soviets' powerful advantage in other strategically important areas, such as numbers of missiles deployed. But the Soviets quite recently tested a new system for MIRVing their missiles. That knocked out one of the two above-summarized arguments, leaving only the warhead numbers story. And that story must now be abandoned too!

In brief, the Senate Armed Services Committee was warned that in a few years, the Soviets would have 7,000 to 8,000 nuclear missile warheads in the megaton range, as against about half that number of U.S. warheads in the kiloton range. A warhead in the megaton range, of course, can be used as a first strike or "counter-force" weapon if carried by a missile of reasonable accuracy. No such use is foreseeable for the U.S. kiloton-range warheads; for a kiloton has only one one-thousandth of the destructive power of a megaton.

In short, the future actually holds a large Soviet lead in warhead numbers, combined with a really vast Soviet lead in the killing-power of their strategic weapons. This will be attained, one must add, by other crucial new developments besides the new Soviet system for MIRVing nuclear missiles.

The most important of these other new developments is what is called the "pop-up" system. This system has already been successfully tested for the new generation Soviet missile that will replace the existing SS11S. The SS–11S are comparable to the U.S. Minuteman missiles; and the Soviets have about 1,000 SS–11S deployed.

The "pop-up" system is so important because of the terms of the first SALT agreement. SALT essentially forbids only two developments by the signatories. They cannot increase the numbers of missiles already deployed; and they cannot increase the size of the silos, or holes, containing the missiles.

Unhappily, the size and power of a missile in a given hole can be very greatly increased, if the missile can only be arranged to ignite outside the hole. This avoids the need to waste much of the space inside the hole on arrangements to handle the dreadful rush of gas when ignition occurs. The pop-up system, as its name implies, permits the new generation Soviet missiles of SS–11 type to be ignited outside their holes, thus the system will vastly increase the power of the most numerous class of Soviet missiles.

The pop-up system must be added to the MIRV system, of course, since the number and explosive strength of warheads a MIRVed missile can carry are directly proportional to its power. You can see, then, why it was so exceptionally tactful of the Soviets to wait until after the safe signing of the SALT agreement to test this new system, plus their unexpectedly long range new sea-launched missile.

As to timing, if you take the most pessimistic forecast, the Soviets will have their strategic overwhelming lead in 1978–79, but a bit after 1980 is more conservative. Either way, the time is short for corrective action.

Mr. JACKSON. Mr. President, I compliment the Senator from Alabama for his clear, cogent, and logical explanation of this aspect of America's strategic problems.

I have noticed that, since the Senator from Alabama came to the Senate, he has been very effective in presenting matters that are essential to the security of a nation.

I commend him for his forthrightness and for his clear presentation on an issue which is vital to the survival of individual liberty and everything else we hold dear.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Washington. I am pleased to follow the leadership of the able and distinguished Senator from Washington on the matter of national defense and the need for a strong national defense with which to protect this country and the people of this country.

I do appreciate very much the Senator's remarks.

Mr. JACKSON. Mr. President, I reserve the remainder of my time.

Mr. McINTYRE. Mr. President, I am very pleased to yield at this time to the distinguished Senator from Utah.

Mr. MOSS. Mr. President, I thank the Senator from New Hampshire for yielding to me. I have listened carefully to the speeches made by the Senator from New Hampshire, the Senator from Alabama, and the Senator from Rhode Island.

Mr. President, I rise to support the amendment of the distinguished Senators from New Hampshire and Colorado that would go to cut back on the funds that would go toward accelerated development of the Trident submarine. At a time when the Federal budget is extremely tight, and when skyrocketing inflation is our No. 1 domestic problem, this amendment would save $885.4 million in this year's Federal budget. At the same time, the return to a nonaccelerated rate of development for the Trident would not reduce in the least the capability of the United States to defend itself. When the President is calling for cuts in spending, let us cut where we can without harm to our military strength.

The case for a rapid development of the Trident has never been convincing. The United States presently has a fleet of 41 nuclear-powered Polaris submarines that will provide us with a sound and economical deterrent for some time into the future. We already have begun to install the potent Poseidon missile on 31 of these submarines. By 1976, the Polaris-Poseidon system will carry 5,120 independently targetable warheads, giving the United States far and away the most awesome submarine-launched missile system in the world.

Those who advocate the rapid development of the Trident base their arguments on the possibility that the Soviet Union might achieve some sort of breakthrough in antisubmarine warfare at some point in the indefinite future. They argue that the accelerated development would afford us a system of submarines which would not be as readily detectable as those of our present Polaris-Poseidon fleet. However, if the Soviet Union were to achieve a breakthrough in antisubmarine warfare, it is probable that the accelerated Trident would be just as vulnerable to that new development as the submarines of our present fleet.

Advocates of the Trident also insist that it would have a greater survivability than other submarines if we were to become engaged in a major conflict consisting of naval battles. This naval battle argument is an 18th-century position which cannot be defended in this day of missiles and atomic weapons. Any future naval battle which would result in detection and destruction of our submarine fleet would out of necessity either be negotiated to a speedy conclusion or would result in a quick and devastating exchange of nuclear weapons.

Our present Polaris-Poseidon fleet affords an ample supply of viable missiles capable of reaching targets as efficiently and powerfully. Indeed, the McIntyre-Dominici amendment would not affect the development schedule of the Trident I, or C–4 Trident missile system which can be refitted into our present submarine fleet. The essential importance of the

Trident system is not the physical existence of the submarine, but the potential strike force which its missiles carry. It is this essential force—the Trident missile—which can be utilized on our present Poseidon-Polaris fleet, thus giving our submarines a striking distance even greater than the already awesome potential we now possess.

It is argued that the Trident sub has greater invulnerability to attack, because it is faster and quieter. These attributes are clearly advantages, but they must be weighed against two obvious disadvantages. First, the Trident is larger than the Polaris and in this sense easier to detect. Second, under the SALT Agreement of 1972, the United States would be limited to far fewer Trident subs as opposed to Polaris-Poseidon subs, because the latter carry a smaller load of missiles. Thus, with the Trident we would lose some of the advantages of dispersion. In a phrase, we would be placing more of our eggs in fewer baskets.

Mr. President, I believe that this debate on the Trident illustrates one of the dilemmas presented by our advanced technology. It often seems that the advance of our technology creates the almost obligatory feeling that since we are technologically capable of producing a system, it is therefore necessary that we do so. And once we make this fateful decision to utilize potential technology, we are then pressured to increase the speed with which we develop the new system.

But is it not possible to accelerate development too rapidly? Certainly the most powerful bargaining tool we can possess in our negotiations with other countries is not a submarine system that was developed too quickly to keep pace with technological advances. Instead, it is a system that has been developed within the bounds of technological reason, a system that has wisely utilized to the fullest extent any new developments in technology.

The compulsion with which some advocate the rushed development of this mammoth submarine might be compared with the obsession with which Captain Ahab pursued the great white whale Moby Dick. Though Ahab eventually did sight and chase the monster, in the end he was destroyed by it. Let us, in our deliberation of this issue, remember the example of Ahab and avoid the irrational desire to follow a rash or hasty development of this submarine system. Let us pursue our national defense with reason and consideration so that we might avoid the building of—not a great white whale, but a white elephant—a project that becomes ill-conceived as a result of our desire to pursue the very latest technology simply for its own sake.

It seems to me that with the Polaris-Poseidon submarine now in operation and with the ability to refit the Trident missile into the submarine, we certainly retain all the deterrent power we need while we negotiate further with the Soviet Union in the SALT agreement to see if we cannot further cut back on the pile up of weapons in the two countries and the continuing struggle that goes on with the Soviet Union.

Mr. President, I thank the Senator from New Hampshire for yielding to me for these few remarks.

Mr. McINTYRE. Mr. President, I commend the distinguished Senator from Utah for his important support of the McIntyre-Dominick amendment. I am pleased to have it.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 32 minutes remaining. The other side has 20 minutes remaining.

Mr. McINTYRE. Mr. President, I yield myself such time as I may require.

I think it is most important that while we debate the pace of development of the Trident submarine we do not lose sight of the fact that this year's military procurement bill provides a significant amount of money for Navy programs.

To anyone who says we are weakening our naval forces, or who claims that we are sending a signal of weakness to the Soviets, I say, "let us look at the record."

The Navy this year will be receiving about $6 billion in hardware—procurement, and research and development—with almost half that sum being spent on submarine programs. We have approved five new attack subs—that is the killer sub—at a cost of $868 million, and that is not a puny sum. Along with that, we will be doing two Poseidon sub conversions costing $166 million.

One of the reasons we are only doing two, as the Senator from Colorado knows, is that the shipyards are so chockablock full we can only do two of them during this fiscal year.

In addition, we plan to buy $215 million worth of Poseidon missiles for our submarine fleet. The new antisubmarine aircraft for the carrier fleet, known as the S–3A, will carry a total cost of $455 million for this year's batch of 45 planes.

This is the antisubmarine warfare plane that we fly, in most instances, off the carriers. If we include the $1.5 billion request for the accelerated Trident program, we would be spending well over $3 billion for submarine warfare. Even with the reduction which would be effected by my amendment, the Navy would still receive more than $2 billion for underwater programs.

But, of course, that is not the whole story of the Navy budget. We should not forget the $657 million in the bill for a nuclear carrier. With the passage of the amendment of my colleague, the distinguished Senator from Nevada, we will provide in excess of $700 million for the F–14 fighter, the plane we will be flying off the carrier. Also approved were seven new destroyers at a total cost of $586 million.

These are the major aspects of a $6 billion Navy hardware budget for fiscal year 1974. All these expenditures, aside from the accelerated Trident request, had my full support.

I have spelled out these figures in detail, because I feel they offer convincing evidence of the intention of Congress to provide our Nation with the strongest, best equipped Navy in the world. No foe should underestimate our dedication to this proposition, and our willingness to translate intention into action.

But let us at the same time send another message to our enemies. We will continue an active, ongoing assessment of any threats to our security, and take any and all necessary steps to preserve that security. However, we will not be rushed into helter-skelter crash development programs that end up wasting money and delaying the deployment of weapons through design and construction errors.

Mr. President, I could stand here and enumerate some of the mistakes. Take the Cheyenne helicopter. Take the problem we have with the B–1 bomber right now. Take the question of the main battle tank that we had here 2 or 3 years ago. With the gold plating that was being added to that tank, it was approaching a cost of $1 million per tank.

The R. & D. Subcommittee has learned that excessive concurrency is asking for trouble.

IS OUR FLEET THREATENED?

Mr. President, a very strong element in the position the R. & D. subcommittee took with the full committee was on this question that we put to the Navy admirals, the vice admirals, the commanders of the ocean sea.

We said, "You want this new Trident submarine and missile system, and we do, too. But why do we have to go so fast? What is the threat?"

Mr. President, I am sure we have all heard it said over and over again in the debate that we need the Trident as fast as possible to protect against the threat of Soviet antisubmarine warfare.

I would like to take a moment to explore this argument made by the proponents of the accelerated Trident program because I am convinced that the evidence does not support their contentions. The words and actions of the best experts in the Department of Defense serve only to reinforce my conviction that the best way to build the Trident is on an orderly schedule which will serve the double purpose of saving the taxpayer money and assuring a credible and reliable sea-based deterrent.

What, then, do the DOD experts say about a possible threat to our existing Polaris/Poseidon submarine fleet?

My colleagues and I on the R. & D. Subcommittee were fortunate to have the opportunity to hear the testimony of Dr. Stephen J. Lukasik. Dr. Lukasik is the Director of ARPA, the Defense Advanced Research Projects Agency. That is a group that studies beyond the horizon in R. & D., and the ways in which R. & D. might change the name of the game. Dr. Lukasik is well-known, and holds high rank in his profession. In that capacity, he has become perhaps the most well informed man in the Nation on antisubmarine warfare technology—whether it be the projects on which our country is working, or intelligence data on Soviet efforts. On May 29, when Dr. Lukasik testified, the following question was asked:

Since your primary emphasis in maintenance of the U. S. strategic deterrent is on the undersea deterrent, what is your assess-

ment of the likelihood that the Soviets could make a technological breakthrough in ASW and capitalize on it in time to field an operational force of sufficient size to negate our Polaris/Poseidon force before 1980?

Dr. Lukasik submitted the following answer through the DOD:

It is unlikely that a Soviet breakthrough in ASW could negate our Polaris/Poseidon force before 1980. We know the Soviets are investigating some unconventional ASW technology, and of course, we are too.

There is, of course, the potential for Soviet breakthroughs that could lead to deployment of an effective anti-Polaris force by the early 1980's. However, the Poseidon, with its long strike range will increase the SSBN patrol area sufficiently to pose immense additional problems for any ASW sensor that can now be conceived.

Note that Dr. Lukasik uses the word "conceived"—not "developed," but what is even over the horizon—that can be conceived?

But Dr. Lukasik's response is not the only evidence on this question. We also have the statement of Dr. John Foster, the former Director of Defense Research and Engineering. Dr. Foster, who needs no introduction to anyone familiar with Defense technology, presented the DOD research and development program to our subcommittee this spring. In response to a question of mine on April 17, 1973, Dr. Foster admitted the "relative invulnerability" of the Poseidon fleet through the decade. He stated we cannot be "absolutely certain" that our subs would be invulnerable within the limited operating area determined by the range of our present missiles. But Dr. Foster then went on to outline the greatly increased operating capabilities afforded our Poseidon fleet by using our option which calls for backfitting the Trident I missile on the Poseidon submarine.

Again, the invulnerability of our Polaris/Poseidon fleet was confirmed by the Navy in a written response submitted to the R. & D. Subcommittee on May 22, 1973. The Department of the Navy, in response of a written question of Senator Hughes, said:

There is no postulated ASW threat in this study (a study by the Threat Assessment section of the Defense Research & Engineering Office) that is not considerably blunted by the increase in operating area provided by the long range of the Trident missile, deployed either in Poseidon or Trident submarines.

Mr. President, there is no Senator in this Chamber who feels more strongly than I about the importance of preserving our security. And I agree with the many experts who believe that the sea-based leg of our defensive Triad offers the most secure and viable deterrent. I will, therefore, be the first to demand that our submarine-missile force remain invulnerable. Accordingly I asked these questions about possible threats to the Polaris/Poseidon fleet and was most interested in the experts' answers.

Those answers give us a crystal clear message—our existing submarine fleet is secure and invulnerable through the decade. Again, this is not my conclusion—it is the position of those persons in the Pentagon most closely associated with the problem.

I stated earlier that it was the words and actions of the DOD that reinforce my conviction. You have heard their words—now let us take a look at their actions.

After studying the Trident system and its alternatives for most of the past year, the R. & D. Subcommittee concluded that acceleration was unnecessary. But we decided to press ahead full steam on the development of the Trident I missile. This course would give us an effective option in the unlikely event of an unforeseen Soviet breakthrough in ASW technology. By developing the Trident I missile by 1978, we would be able to fit this longer range missile into the existing Poseidon boats. The result would be to quadruple the ocean area the Poseidon fleet could use while remaining in range of their targets. Any Soviet ASW advance would thereby be negated.

This "backfit" option is not complex nor expensive and would achieve the sought for result of insuring the viability of our sea-based deterrent.

However, the DOD, in pushing their accelerated Trident submarine program, has decided to delay the backfit option. Citing "fiscal constraints," they plan to deemphasize the missile development and deployment on the Poseidon fleet. One can only wonder why, if a Soviet threat exists, has the DOD chosen such a course of action. The only sensible conclusion is that DOD recognizes the improbability of any threat to our Polaris/Poseidon fleet.

Given this improbability, and since we have available to us a cheaper, quicker, and more reliable option, commonsense dictates that we reject this attempt to provide a crash program of Trident development. Let us return to sound management practices and to a rational, orderly response to our future defense needs.

Mr. President, earlier this afternoon, when the Senator from Rhode Island (Mr. PASTORE) was here, he was beating me over the head, because we had not talked to the distinguished Admiral Rickover.

I think the RECORD should show that if Admiral Rickover did not come over to press his case for the Trident missile and the Trident submarine system, that was no fault of the Navy. They sent over the team that could make the best case for them.

So far as I am concerned, I am delighted to hear from Admiral Rickover or anyone else. The Navy is in charge of the Trident submarine, not Admiral Rickover—and not me. So if they did not send him over it was because they felt he would not help their case.

Mr. President, what time is left to me?

The PRESIDING OFFICER (Mr. BARTLETT). Nineteen minutes. The other side has 20 minutes remaining.

Mr. McINTYRE. I thank the Chair. I yield 5 minutes to the Senator from Colorado (Mr. DOMINICK).

Mr. DOMINICK. Mr. President, I appreciate that and am happy to be with the Senator from New Hampshire on this amendment. I do not really think we will be changing anyone's mind but, for the RECORD, we should set out a few points here.

I listened to the speeches of the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Alabama (Mr. ALLEN), all of whom are estimable and very fine individuals.

The Senator from Rhode Island gave his usual impassioned speech. It was a very good one. It reminded me of the time I was trying to change the silver policy of this country and he was opposing it. He was speaking for the user association and he accused me of downgrading the brides of America. That is the same kind of thing I heard today.

Of course, Admiral Rickover is a fine man. Of course, he is doing a very good job in the nuclear reactor field. No man is perfect. All we have to go back to is the early days of aircraft, and we have been building them since not too long after Kitty Hawk, I believe since 1911. We still have got the F–111 which cannot land on the deck of a carrier yet. I killed that in committee myself after we had spent something like $600 million—I cannot vouch for the accuracy of that figure—to fix it up.

We also had trouble, as the Senator from New Hampshire said, with the Cheyenne, and we have been building helicopters for a long time, too.

If we start building 10 massive nuclear reactor launching pads for a missile, we will have trouble when we have not even figured out the R. & D. Whether it is Admiral Rickover or anyone else, we cannot take these things out of the frying pan like cookies. We will have some trouble and we know it. That is what we are trying to avoid.

The Senator from Alabama (Mr. ALLEN) referred to the deterrence capability, and one might think we were not doing anything for the defense of our country. However, we are doing an enormous amount. The real deterrence in the Trident system is the missile, and we are going along with the Navy and the administration, as requested. That will be built by 1978, assuming that we do not get any more problems with it. Then if we do have any kind of problems between 1978 and 1980, we have always got the Poseidon that we can put this in and let the missile be used at that launching pad instead of this new big massive submarine.

We are not trying to kill the new massive submarine. We are providing for it here, with the first one to be in the IOC—initial operating capability—by 1980.

We are talking about 2 years difference. We are not talking about letting down our defenses. We are not talking about not having a signal in SALT. We are not talking about any of those things. We adopted the Mansfield amendment a few hours ago and that is a signal, the 40-percent mandatory cut of all troops we have overseas. That will be a pretty good indicator that we are not about to meet our commitments over there—if it ever holds up in conference—and I say flat out that I hope it does not.

My problem is to try to get people to understand that there are two parts of

the system. One is the missile and one is the launching platform.

The distinguished Senator from Minnesota (Mr. HUMPHREY) pointed that out very clearly in yesterday's session. He did a real good job on it and I hope that more people were listening then than are listening now. I can say without any doubt at all, that although I thoroughly enjoyed the speech of the Senator from Rhode Island in his tribute to Admiral Rickover, which is well deserved, we have probably flown aircraft longer than we have ever had a submarine. We are still having problems with airplanes and making sure that they work at least the first time around.

The other point that I think is worthwhile is this: The ones the Soviets are building, which everyone is getting excited about in the process of this debate, are partly, just partly, missile-carrying submarines. The rest are attack submarines, just like ours. We are building five in this bill. We have got it going now. We are not trying to reduce our submarine fleet in any way whatever.

What we are trying to do by this amendment is to say, let us proceed with development of a system by which we know what we have in the configuration we want when the technical details are worked out in the manner that the Defense and Navy Departments think best. Let us not build 10 all at once before we finish the R. & D.

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

Mr. JACKSON. Mr. President, a parliamentary inquiry. How much time do I have?

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. JACKSON. Mr. President, I yield 5 minutes to the Senator from Texas (Mr. TOWER).

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. TOWER. Mr. President, the fact is, we are taking risks when we delay the IOC of the Trident submarine. I do not think anyone could validly maintain that it would be detrimental to our defense effort to put the IOC over into 1978. I do not see how it could be maintained that the committee position is, somehow, detrimental to the strategic posture of the United States. I think we can only conclude that getting the Trident, this great weapons system, into the inventory earlier, advances us in terms of staying apace with the Soviets in military technology.

It is argued that we will have the missile IOC'd by 1978 and if we have some problems we can simply retrofit the Poseidon and put it in there. That is an uneconomical way to do business.

Let me state another aspect of the cost. You cannot tell me, Mr. President, it is not going to cost us more if we string this out 2 more years, because the value of the dollar in terms of buying power is going to continue to decline. So it appears to me that we can get it perhaps a billion dollars cheaper by accelerating it. We will be in a much safer position vis-a-vis that of the Soviet Union.

The fact is that in the Strategic Arms Limitation Agreement, when we allowed certain quantitative superiority on the part of the Soviet Union, we did so because we felt that we would and could be making qualitative improvements that would not relegate us to a position of measurable inferiority to the posture of the Soviet Union. But the Soviet Union also has been working on making qualitative improvements, and more rapidly than we originally suspected. We are aware now how quickly and how far the Soviets have advanced in terms of MIRV technology and MIRV capability. This has to be taken into consideration.

Why we would now, at this time, commit ourselves to what may be a very dangerous gap 6 years hence, I cannot understand. It seems to me that if we are going to make a mistake, we should make a mistake on the side of safety. Why string this thing out? Why have it cost more? Why should we have a potentially dangerous gap just for the sake of stringing it out? I think that would be more difficult to explain to the American people than the hundreds of millions of dollars that will be added to the budget by virtue of the fact that we included it this year.

Mr. President, much has been said about the extended life of our existing Polaris/Poseidon sub. But the Navy says they are programed for 20 years. We all know that you always try to incorporate a safety margin. This means that they probably are good for a substantially longer period of time. But the fact is that the older those boats become, the more shallow depths they are going to be operated at, and the more vulnerable they are going to be. So what we are doing is downgrading our capability in that 2-year period if we are going to rely wholly on Poseidons. Incidentally, by 1980, the oldest will have reached its 20-year lifespan.

The year 1990 is constantly being cited. That is when the first one built will be 30 years old. Are we going to risk the lives of crews in a 30-year-old boat that is programed for 20 years? I certainly do not want to make a decision to do that, for economic reasons or any other reasons.

Also, it is pointed out sometimes that it will be 1987 before the newest one is 20 years old; but, of course, after that, that system should be very obsolescent indeed, and that is the last one in the inventory.

We had better have this program ongoing. Accelerating it can do nothing to damage the strategic posture of the United States. It is calculatd to enhance the strategic posture of the United States, just at a time when we are going to be negotiating further agreements on strategic arms limitations. So the timing is critical. It will be less costly if we accelerate.

Therefore, I see no argument that convinces me that we should not proceed to accept the committee's position.

Mr. McINTYRE. Mr. President, will the Senator yield for a brief question?

Mr. TOWER. I will yield to the Senator on his time.

Mr. McINTYRE. I ask the distinguished Senator from Texas this question: In January and February of 1971, when the Navy came in with their descriptive summary of programs and outlined their program, the ULMS program, the underseas long-range missile program, they had an IOC date of their submarine on the books at 1980.

Nobody was complaining about how old and obsolescent the ships were going to be, and that is exactly what we are proposing now. Why does the Senator say our program is obsolete, when in January 1971 the Navy's program was fine with the Senator?

Mr. TOWER. It has been a long time since January 1971. That was more than 2½ years ago. That was before SALT, before we had knowledge of the extent to which the Soviets had advanced in MIRV technology. We have to revise our thinking on defense systems and weapons systems. We cannot bind ourselves down to some doctrine that might have seemed valid 18 months ago. This is a rapidly changing world.

Mr. McINTYRE. It is still the same date—1980.

Mr. TOWER. But they have accelerated for a very good reason, as times change, as the Senator from Montana was wont to say this morning on another matter.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JACKSON. How much time remains?

The PRESIDING OFFICER. Fourteen minutes.

Mr. JACKSON. I yield myself 5 minutes.

Mr. President, when the debate started this morning, the Senator from New Hampshire referred to a statement supposed to have been made by Admiral Zumwalt about Russian activity, allegedly in connection with the Trident. I have not been able to secure a verbatim transcript of that statement. We should get it; and then I think we can talk more intelligently about it.

But I do want to make this one brief observation—something I know to be a fact. The Soviet Embassy does have a staff assigned to the Hill. They come in and out of my subcommittee office, getting material and literature. If any Senator is so naive as to think that the Soviets are not active up here, he is just not keeping up with what is going on. I do not object to their coming up here.

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

Mr. JACKSON. I yield.

Mr. TOWER. As a matter of fact, they get to be very familiar faces at some of our open hearings.

Mr. JACKSON. That is right.

Mr. TOWER. We do not get to go to the Russian hearings in Moscow.

Mr. JACKSON. During our SALT I Armed Services Committee hearings in 1972, they had one of their top arms control specialists there.

If any Senators have the idea that representatives of the Soviet embassy and of Soviet research institutes—such as Arbatov's U.S.A. Institute—are not active on the Hill, I say they just do not know what is going on.

Mr. President, I do not object to these Soviet representatives coming up here. But let us keep the record straight. For example, one man—I will give his name in a moment—assigned to the Hill, is in touch with congressional staff. I personally have never been lobbied by the Russians, except on my Freedom of Emigration amendment to the trade legislation, by high Russian officials. They have come in and argued against this amendment which would make it possible for people to leave the Soviet Union. Gregory Rapota, from the Soviet Embassy, is one person assigned to the Hill. He talks to Senate staff members.

I just want to say this for the record: I think it creates a false impression to maintain that the Russians do not send representatives to the Hill. But how many representatives of the American Embassy can visit the Supreme Soviet, their so-called parliament?

So we ought not to react as though there was something startling about the situation Admiral Zumwalt referred to.

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

Mr. JACKSON. I yield.

Mr. McINTYRE. The difficulty with the statement by the Chief of Naval Operations is that we have a very close contest here. I think we have a well-founded, well-reasoned plan as an alternative to the committee position. I know that the distinguished Senator from Washington does not agree with that. In the midst of that debate, for the chief man in our Navy to imply that perhaps I or the people in my position, who want to delay this acceleration, have been reached by Soviet influence—

Mr. McINTYRE. This is the trouble.

Mr. JACKSON. The Senator from New Hampshire is a good lawyer, and I know he wants to be fair.

I have been trying to get a verbatim transcript of the comments of Admiral Zumwalt. What I have is incomplete. I can only read the part that was given to me. As I understand it the Senator did not put in the RECORD the verbatim transcript.

However, based on what I have seen this is what Admiral Zumwalt said on the "Today Show," September 26:

Admiral ZUMWALT. The Soviets, in a host of ways, including the use of employees here, do make a concerted effort to impact upon U.S. policy. This is a courtesy that is afforded in our democratic way and a courtesy that they don't afford us in the Soviet Union.

That seems to be all he said. I called the Navy and I asked for the transcript, which they had to get from NBC. I would like a full and complete text.

I am not commenting at all on the Trident issue. I am only pointing out that Soviet representatives are active on Capitol Hill. As I said I do not necessarily object to that. But I would also point out that we cannot have similar contacts with the Supreme Soviet.

Mr. McINTYRE. I hope the Senator understands I do not demean what he is trying to say. But the difficulty is that the statement is made in an intensive debate over the Trident, and the implication is there, and I do not like it.

Mr. JACKSON. Let me ask the Senator if he has ever heard about the activities of Soviet representatives on Capitol Hill.

Mr. McINTYRE. I may have heard of it some time, but I never took it seriously. Nobody from the Soviet Union influences me or anyone on my staff.

Mr. JACKSON. Well, I talk to them often. They come in and they see me—and they lobby me, but not on the Trident. But I must say, they have really lobbied me on my freedom of emigration amendment.

Mr. McINTYRE. I can understand the Senator has an amendment that directly involved the Soviet Union and the domestic policy of that country.

Mr. JACKSON. Does the Senator think it involves domestic——

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

Mr. McINTYRE. Mr. President——

Mr. JACKSON. Mr. President, I have the floor. I am giving him time.

Mr. McINTYRE. I understand why Embassy officials might want to come down and state their case opposed to your amendment but it is quite a different thing to say they are lobbying for my amendment to delay the Trident submarine.

Mr. JACKSON. I ask my friend: Did I say that?

Mr. McINTYRE. That is the inference of the things the admiral said.

Mr. JACKSON. I read the quotation from the report I received and it did not say that. I know the Senator wants to be fair. This is what Admiral Zumwalt said in the broadcast. I will read it again and ask where he finds Trident.

The Soviets, in a host of ways, including the use of employees here, do make a concerted effort to impact upon U.S. policy. This is a courtesy that is afforded in our democratic way and a courtesy that they don't afford us in the Soviet Union.

Where does he mention the Trident?

Mr. McINTYRE. Read the first paragraph. What did the reporter say to him?

Mr. JACKSON. The reporter——

Mr. McINTYRE. Said?

Mr. JACKSON. But that is not Admiral Zumwalt.

Mr. McINTYRE. But the reply is in that context.

Mr. JACKSON. It seems it was the reporter who used the phrases "Soviet agent" and "Trident." The reporter's statement reads:

JOHN COCHRAN, NBC. Admiral Elmo Zumwalt, campaigning for the Trident submarine, fears that Congress may not take the Soviet threat seriously enough. Zumwalt says Soviet agents have lobbied on Capitol Hill against the Trident.

But, in his statement Admiral Zumwalt does not use those phrases. The Senator from New Hempshire is a good lawyer and knows he did not use them. We ought to have the complete transcript. That is what I am asking for.

Mr. McINTYRE. It was the Trident, and the implication that a host of Soviet agents——

Mr. JACKSON. That is an innuendo. I do not think it is right to say that Admiral Zumwalt said something that does not appear in the transcript. That is all I am saying.

Mr. McINTYRE. If the Senator from Washington cannot find it, it is because he does not want to find it.

Mr. JACKSON. Then put the whole statement in the RECORD. I have quoted directly from the transcript of Admiral Zumwalt's remarks. In fairness we should keep the record straight.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes remaining.

Mr. HUMPHREY. Mr. President, I want to make this observation.

The PRESIDING OFFICER. The Senator from New Hampshire has 9 minutes remaining.

Mr. HUMPHREY. I listened to the "Today Show," and the implication, of course, was that the admiral had said the Soviet people, as they put it, were working on Capitol Hill. I do not know about that. I do know this. My assistant in the field of international relations was asked by the admiral, "Have the Soviet people been lobbying on Capitol Hill?" That was a man in my office who is on this floor now. I think that is unbelievable. I have not seen any Soviet agents up here. I do not think any Soviet agents are working the floor.

Mr. JACKSON. May I say to my good friend, I did not mention "Soviet agents." I said that representatives of the Soviet Embassy are active on Capitol Hill.

Mr. HUMPHREY. I deny they have been close to me; and everybody else on God's green Earth has been.

Mr. JACKSON. I mentioned that they have been to my office.

Mr. HUMPHREY. They have been to the wrong place. That is how stupid they are. [Laughter.]

Mr. ROBERT C. BYRD. Mr. President, will the Chair ask that the galleries be in order. Would the Chair enforce the rules of the Senate? Would the Chair ask Senators to refrain from referring to one another in the second person?

The PRESIDING OFFICER. The Chair asks that Senators refer to each other in the third person.

The Senator from Washington is recognized.

Mr. JACKSON. I just want to add that representatives of the Soviet Embassy have been up lobbying against my freedom of emigration amendment.

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

Mr. JACKSON. I yield myself 1 additional minute. My good friend is a cosponsor and a strong voice for my amendment. I do not think the Senator wishes to imply that the Soviets are never active on matters before the Senate.

Mr. HUMPHREY. No, I did not say that. I said insofar as the Trident is concerned.

Mr. JACKSON. I never raised that issue.

Mr. HUMPHREY. That is what the admiral referred to.

Mr. JACKSON. I am assuming the Senator is aware of representatives of the Soviet Embassy being active on the Hill in many areas.

Mr. HUMPHREY. No, I am not, to be frank. I know what their attitude is

about the Jackson amendment, of which I am proud to be a cosponsor. But we were talking about Admiral Zumwalt.

Mr. JACKSON. The Soviets have been particularly active on the Hill on my freedom of emigration amendment.

Mr. HUMPHREY. That is not what this is about. We are not debating the trade bill.

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

Mr. JACKSON. Mr. President, I want to emphasize the fundamental issue before this body and that is whether or not we are going to follow the best professional advice that has been given to us by those who have dedicated their lives to the problem of trying to design the best weapons system possible in the shortest possible time. I know of no one who is more astute and more effective in this area than Admiral Rickover.

Now, those who advocate delay say they favor a policy of "fly before buy." Yet, they favor going ahead with the missile, but wish to postpone the submarine. This is a major inconsistency in the argument of those who favor postponement.

Our challenge is whether we are going to have an effective, survivable, and credible seaborne strategic system in the late 1970's. Simply put, the Trident submarine will do two things Polaris cannot do. It will be faster by several knots, and it will be quieter by a considerable margin. Those two factors go directly to the survivability of the deterrent.

These are among the points that I now want to develop in greater detail.

I am persuaded, after careful study of all facets of the issue, that it would be dangerous and shortsighted for the Senate to delay the Trident program. In particular, the scope and magnitude and pace of the Soviet strategic development program lead to the conclusion that a delay in Trident now could leave us in an irreparably dangerous position in 1978 or 1980.

It does not surprise me, Mr. President, to hear some Senators argue that the recent Soviet developments—particularly their having obtained a MIRV capability—come as no surprise; on the contrary, they say, the Soviets were long overdue in the acquisition of a MIRV capability. To this I would respond: We knew that the Soviet Union was pregnant with MIRV, but the doctors never warned us that she would give birth to triplets.

Yet this is precisely what has happened. What surprises us is not that the Soviets have acquired a MIRV capability, but that they have developed MIRV's for three—perhaps four—separate missile systems; that they have simultaneously introduced two different sorts of MIRV device—we have only one—that they have dramatically moved to increase the throw weight of their missile force despite the fact that it was already much larger than ours; that they have almost certainly tested a land-mobile ICBM; and that they have introduced a whole range of technological improvements to their missile forces including improved boosters, new launch techniques, increased hardening and other improvements. That these developments should surface in about the time it takes to give birth—over the last 9 months or so—is a fact that requires the most serious and deliberate consideration of the Senate.

Many of these recent Soviet weapons developments were foreshadowed by the positions that the Soviets took during the negotiations on the SALT interim agreement. In those talks they vigorously resisted any inclusion of limits on land-mobile ICBM's, for example, despite our insistence that the deployment of land-mobile ICBM's ought to be banned. I felt at the time that if the Soviets were taking this position, it would not be long before we would discover that they were then developing, and had every intention of deploying, a land-mobile ICBM. And there, Mr. President, it is: a Soviet land-mobile ICBM almost certainly—which, under the terms of the interim agreement, they are free to deploy in whatever quantity they choose. We have nothing comparable.

In my judgment, the development of the bigger and more capable SS–17 and SS–19—Soviet replacement missiles for their SS–11—was also foreshadowed by a position they took in the SALT talks. They refused to agree to a definition of the term "heavy missile" in connection with the article that prohibits either side from converting light missiles into heavy ones. We tried very hard to get such an agreed upon definition because it was our purpose to assure that the Soviets would not be able greatly to increase the throw weight of their light missile force by replacing it with larger, heavier missiles. We should have known that their refusal to go along with a definition suggested that they had every intention of doing precisely that. And there it is, Mr. President: the Soviet SS–17, with twice the throw weight of the SS–11 that it is intended to replace. Had we obtained the agreement we sought, this development of the SS–17 as a replacement for the smaller SS–11 would have been prohibited. But we came away from the SALT I negotiations without an agreed upon limit on the size of so-called light missiles. Instead we settled for a most pathetic and imploring unilateral statement in which we express the hope that the Soviets will "give due account to the consideration that the United States" believes that any significant increase in the volume of a light missile converts it into a heavy missile.

I choose these two examples—and there are others—because it is essential that the Congress, in deciding now on the shape of our strategic deterrent forces 7 years from now, should understand how recent Soviet strategic force developments and their negotiating positions fit together in one ominous direction.

I refer to the shape of our strategic deterrent 7 years from now—that is, in 1980 and beyond—because the decisions we make in connection with this defense procurement bill now will determine the security of the United States in the future. If we fail to make wise judgments today we will be unable to reverse those judgments tomorrow. If our strategic deterrent proves to be inadequate in the decade of the 1980's it will be because we failed to assure its adequacy in the 1970's. It will be too late then if we fail to act now.

Mr. President, it is worth recalling that under the SALT interim agreement the Soviet Union is permitted more land-based ballistic missiles, more sea-based ballistic missiles, more missile-firing submarines, and greater throw weight than the United States. In fact they enjoy, under the terms of the interim agreement, a 50-percent margin in numbers of missiles, land and sea based, and a much greater margin in throw weight. Now, it has been the position of the Government of the United States, repeated again and again—not least of all in defense of the interim agreement—that this quantitative advantage conferred upon the Soviets for a 5-year period, until 1977, is unacceptable as the basis for a permanent agreement. Moreover, it has been the position of the administration that the U.S. strategic deficiency in numbers and throw weight over the next 5 years is acceptable for that period only because we have MIRV and the Soviets do not.

Well, Mr. President, it is clear that the conditions that were said to make numerical inferiority acceptable for 5 years are rapidly changing; and the ability of the United States to refuse lopsided numbers and throw weight in a permanent agreement is being undermined by the current Soviet buildup that will leave our negotiators with very little leverage as we approach the expiration of the interim agreement. That, in my judgment, is the heart of the problem we are considering today: How can the United States achieve a permanent arms limitation agreement that provides equality in a period when the Soviets are engaged in a potentially massive buildup of their strategic forces and we are limiting our own efforts largely to modernization of existing forces? One thing is certain: we cannot hope to obtain a permanent SALT agreement that is better than the existing interim agreement if the Soviet strategic advantage in 1977 is even greater than it was in 1972 when the interim agreement was signed. I emphasize the importance of obtaining an agreement providing for equality because I cannot help but be concerned at the implications for our security if the potential imbalance implied by recent Soviet developments is permitted to develop.

Let me say at once that as I view the current momentum of the Soviet buildup there is a very great danger that in the 1980's the Soviets will be in a position to destroy virtually all of our land-based missile-force and much of our land-based bomber force. They could easily have more than enough large, megaton-range warheads to reduce the Minuteman missile force to a mere handful of surviving weapons. This would leave the United States with only its submarine force—and I want to be absolutely certain that the submarine force of the 1980's is the best that we are capable of building and putting to sea in a timely fashion. The hard fact is, Mr. President, that as we approach the

1980's—and today's decisions determine where we will be then—we may no longer have the crucial advantage of three independent deterrent systems, each of which is capable of surviving a Soviet strike. We may well find ourselves with only one survivable deterrent system. And I for one do not want to face that eventuality with a submarine force designed in the 1950's, however reliable it may appear to be today.

Some people have become accustomed to asking: What difference does it make if the Soviets have 10 percent more or 25 percent more or even 100 percent more strategic weapons than we have since we will always be in a position to destroy the Soviet Union if they should ever be so foolish as to strike the United States? I want to take a moment to deal with this question because inherent in it is an expression of the doubt some people feel about the need for the United States to maintain a strong deterrent.

For many years our strategic planners assumed that we could deter a Soviet attack on the United States by possessing a strategic force adequate first to survive an all-out strike; and then to inflict very high levels of destruction on Soviet cities. We believed that so long as we maintained such a deterrent, known as a "second strike capability," no rational Soviet leader would launch an attack against us—or even make a credible threat to do so. But the remarkable, rapid growth of the Soviet strategic force in recent years has changed the underlying foundation of such a strategy.

Consider for a moment the position of the President of the United States in the 1980's, assuming a continuation of the current Soviet buildup. The Soviets will have just completed the strategic buildup that was taking shape in 1973. They would then possess a strategic missile force sufficient to destroy virtually all of our land-based missiles and most of our land-based bombers. And they could accomplish this using their force of 990 MIRV'ed, "light" missiles—their SS–17 or SS–19 missiles—which, as I indicated earlier, are apparently intended to replace the SS–11. By using only their "light" missiles, they could keep their heavy missile force in reserve—a reserve force that could easily number some 2,000 or more megaton-range warheads.

It is true that in the event of a Soviet light missile attack that destroyed Minuteman and much of the bomber force, the President would still have much of the submarine force available for retaliation. And, according to the theory of deterrence, he would order the submarines to attack Soviet cities. That, after all, is the terrible "second strike," the mere threat of which is sufficient to deter the Soviets in the first place. There is only one thing wrong with the theory. The Soviets would still have a reserve force of 2,000 warheads, any one of which could destroy New York or Chicago or Washington or any other U.S. city. The President thus would face an impossible situation: if he retaliates against Soviet cities he must assume that the Soviets will use their reserve forces to attack American cities. Indeed, the Soviets would be on the hotline with precisely that message: "If you strike against our civilian population, we shall destroy your civilian population." In such a situation no rational American President would actually order the submarines to fire. And I might add that no strategy that requires the mass destruction of innocent civilians can ever guarantee our security.

What troubles me, Mr. President, is not that such a war is likely to take place. But if we allow the strategic balance to develop as it is now tending, we could well face a situation in the 1980's where an American President would know that if he got into a crisis he could face a Soviet strategic force big enough to destroy our land-based deterrent with a Soviet reserve force adequate to discourage him from retaliating. In such a strategic environment, I am concerned that the President will not have the strength to stand up politically and diplomatically to protect American interests in the world. In 1962 the Soviet Union blinked in Cuba. I want to be certain that an American President is not forced to blink in 1982, whether it be in Europe or the Middle East or the Western Hemisphere. It is the political and diplomatic effect of American strategic inferiority that troubles me, not the mechanistic figures of a military exchange.

I want to be certain, Mr. President, that the Commander in Chief in 1980, whoever he might be, has some options in a crisis. Given the direction the Soviets have taken, and the speed with which they are moving, I fear that the President will find himself in 1980 with only one option—retaliation against cities—and that option will no longer be credible. The rules of deterrence were written when the United States had clear strategic superiority. We did not envision then a day in which the Soviets would be able to launch a strike and then deter us from retaliating. Now we can envision such a day; and we had better rewrite the rule book.

I am confident, Mr. President, that the Senate will decide not to delay the Trident program. If we choose the prudent course—to proceed without delay with the Trident program—we can at least be certain that we will have done what we can to support the effort of our negotiators to obtain an equitable SALT agreement if we can—and to protect our national security if we cannot.

I would emphasize the following points:

First. It is wholly unwise, from a strategic point of view, to delay Trident. Trident is the only means we have of "going to sea" if the Minuteman force becomes vulnerable to a Soviet disarming counterforce strike.

Implicit in the failure of SALT I to constrain Soviet technological momentum was the conclusion that, sooner or later, the Soviets would at least duplicate our MIRV achievements.

They are now moving fast to do this—and they have the advantages allowed them in the SALT I interim agreement—their larger numbers of land-based missiles with greater throw-weight.

It is clear that as soon as the Soviets acquire the requisite number of MIRVed missiles, tipped with warheads of sufficient accuracy and yield, the Minuteman land-based deterrent force will be at risk—especially since, under the terms of the SALT I ABM treaty, a meaningful defense of Minuteman cannot be deployed.

We cannot predict with certainty when the Soviets will solve all the technical problems associated with achieving this sort of devastating counterforce capability against Minuteman. But the grave threat is evident. We know the Soviets have underway an impressive MIRV testing program on at least three new ICBM's.

It is none too soon to take decisive steps to hedge against the possibility of a vulnerable Minuteman force—and the only effective hedge available to us is the Trident, without delay.

Second. A 2-year delay on the first Trident boat would call in question a survivable and effective submarine-based deterrent in the period ahead.

The Soviets have five of their Tridents in the water—their so-called Delta-class submarines, equipped to carry a missile with a range of 4,200-nautical miles, equivalent in range to our Trident I. One of their Trident boats is already operational, with missiles installed. An additional 12 Delta-class submarines are under construction at this moment.

As for the status of our own Polaris-Poseidon fleet, we must remember this: our 41 nuclear ballistic missile submarines were all built in the decade between 1958 and 1967. We have not deployed a single Polaris-type submarine since then. The Soviets, on the other hand, floated their first submarine of this type in 1968. This means that, when the interim SALT agreement expires in 1977, the oldest Soviet nuclear ballistic missile submarine will be about 10 years old, but the oldest elements of our fleet will be about 20 years old. This balance in the relative ages of the two submarine forces is a powerful argument against delay—the delay built into Senator McIntyre's amendment.

Trident is, moreover, our sole hedge against any possible breakthrough in the area of antisubmarine warfare—ASW. The Trident submarine will incorporate the latest advances in technology to enhance submarine invulnerability. Trident will be faster and quieter. It will represent significant improvements over Polaris in this regard, since Polaris is based on essentially 1950's and early 1960's technology.

Third. A 2-year delay in the first Trident boat will undermine a credible U.S. posture in the SALT II negotiations on submarine-based missiles.

My colleagues are aware of the 3-to-2 advantage afforded the Soviets in Polaris-type submarines and in submarine-based missile launchers in the interim SALT I agreement.

When the interim agreement expires in mid-1977, the Soviets will almost certainly have their allotted 62 submarines at sea—and a sizable number "under construction" not yet "at sea" or "opera-

tional," and therefore not constrained by the provisions of the interim agreement.

On the other hand, when the interim agreement expires, if the proponents of delaying Trident until 1980 have their way, we will still have only the 41 submarines of the 44 allowed us under the interim agreement—and no prospect that we will have any others for 3 years. I ask every Senator to ponder this situation. Without the first Trident on station in 1978, the Soviets will know that, after the expiration of the interim agreement, we will have no submarine available for 3 years, while the momentum of the Soviet submarine construction program continues unchecked. Under these circumstances, do the Soviets have any incentive to reach a permanent agreement on submarine-based missiles—especially if they envision the missile submarine balance around 1980 of about 90 for them and the same 41 for us?

I think the answer is obvious.

Fourth. The slogans "fly before you buy" and "danger of concurrency" have become substitutes for a basic understanding of how all the significant U.S. strategic systems have been realized.

The fact is that there has been "concurrency" in research and development and production in every significant U.S. strategic system—from the first ICBM's, through the initial Polaris deployments, and the Minuteman missile force.

In regard to seaborne strategic systems, we have a history we can examine, and a sound comparison we can make between the successful Polaris program and its Trident successor. The Polaris was a brilliantly successful program, and the Trident has even more built-in prospects for similar success. For example, in the Polaris program, the period from the completion of the final design until the date the first boat became operational was 3½ years. In the Trident program, the comparable period will be 5 years. As for the missiles, there was a 4-year period between design and operational capability for the Polaris A–3; for Poseidon, the comparable period was 6 years. But for the Trident I missile, that period will be 7 years. In short, greater care is being taken in the Trident program than was taken with the already proven Polaris/Poseidon program.

This great care in structuring the Trident program reflects, I think, the caution of an experienced organization. Indeed, the experience the Navy has gained through the multiyear Polaris/Poseidon program should weigh heavily in this discussion. The advocates of delaying the Trident program seek to convey the impression that Trident is a technological novelty, fraught with the possibility of major cost overruns. But I would emphasize that the Navy is not operating in the realm of the unknown.

Though the first Trident cannot go on station until 1978, almost all the advanced technology associated with the system is either being tested or is already on hand. For example, the missile motors, the computers, and guidance systems will soon be flight tested. The reactor that will power the Trident is an upgraded version of a reactor already operational on an attack submarine. The Trident's sonar is also being tested in an operational submarine at this very moment.

So against the presumed danger of "concurrency," we have the experience gained in deploying Polaris/Poseidon, and the extra care being taken with Trident. And I would add this important point. Admiral Rickover and his production team which made the Polaris an outstanding success still exist. I have great confidence in Admiral Rickover and his people, a confidence he has earned during more than 20 years in the business of producing efficient and reliable seaborne strategic systems.

Moreover, we must remember that a decision to have the first Trident operational by 1978 does not preclude the opportunity to control the rate at which the boats become operational after that date. It may well be that we will wish to—for SALT, or some other purpose—delay the completion of the full Trident complement. But I would reiterate that what we are deciding in our vote on this amendment is when the first group of boats become operational, not when all of them will. A decision to delay the first boat, if made this year, is irreversible; it cannot be recalled. On the other hand, a decision to go ahead and have the first boat on station in 1978 will still allow us sufficient flexibility for the future.

Fifth. Senator McINTYRE's amendment misconstrues the basic economics of the Trident program. For, in fact, the Trident program recommended by the full Armed Services Committee will actually save us money—not cost us money—in acquiring the 10-boat Trident fleet.

The advocates of delay of the first Trident until 1980 tell us how many hundreds of millions of dollars we will save in each of the next 3 fiscal years. Obviously, if you are not working on constructing the submarines, then you are not spending the money to build it. The crucial point is how much money this delay will save us with respect to constructing all 10 of the submarines—and even those who advocate delay, I would emphasize, are in favor of all 10 boats. And here, the proposed savings evaporate. By advocating that we take 6 years to build the 10 boats, rather than the 4 years, the savings of the first 3 years of the construction program will simply be put back into the program in the last 3 years.

And, most significantly, if the program is stretched out for an additional 2 years, as Senator McINTYRE advocates, the total cost for all 10 boats will almost certainly increase. Given what we know about inflation alone, if we follow the McIntyre amendment the cost of a 10-boat Trident fleet will rise perhaps by as much as a billion dollars.

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

Mr. McINTYRE. Mr. President, I would take issue with my distinguished friend from Washington. The Trident missile is a "fly-before-you-buy" approach. It will be tested to a considerable extent before 1977 and we will have plenty of time to know it is a good missile before we make sizable purchases of it. It is a "fly-before-you-buy" concept.

POPUPS IN PERSPECTIVE

Mr. President, the newspapers have recently carried word of a new Soviet development—the so-called popup missile launching technique. It is the time of the year, of course, when we are deluged with reports of Soviet breakthroughs and new threats, and therefore I was not surprised to see this news. However, it is important to place this development in perspective in terms of its significance for our defense posture.

I do not intend to underestimate the importance of any Russian technological advance. But I do wish to make clear just what such an advance means and what types of response it requires.

The pop-up technique, simply put, is a method whereby a missile is ejected, or "popped up" from its silo by use of compressed gas. After the missile clears the silo, the engines are ignited to provide the normal propulsion. In the conventional launching methods, where the missiles' engines are ignited within the silo to provide the initial propulsion, extra room has to be left around the missile to allow for the escape of the hot engine exhausts. Thus, by using the popup, the need for extra silo room is eliminated.

It is the use of this extra space which is of greatest significance. As a recent article in the Washington Post, entitled "Russians Seen Launching New Missile Plan," points out, this extra space—

> Can be used for putting larger missiles or warheads into existing silos, or it can be used to make room for shock absorbers and thicker concrete and steel linings for the silo walls to protect the missile from a nearby nuclear blast.

So that is what the popup is all about. But how new is this newest Russian "breakthrough?" The answer is—not so new at all.

We have been using the pop-up technique to launch our Polaris missiles for some years now. As a matter of fact, if we had wanted to, we could have employed the method on our Minuteman force a long time ago. Indeed, we could have used pop-ups to greater advantage than the Soviets.

But our experts decided that it was not worth the effort. To be sure, we would have been able to obtain an increase in payload by employing this technique. But the most important factor in an offensive capability is accuracy. Thus the popup technology, which does not increase accuracy, is not of overwhelming significance. To imply, as some have done, that this so-called breakthrough poses a great new threat to our Minuteman force is simply not true.

The article by Michael Getler that I mentioned earlier contains a somewhat different analysis of the development. Getler cites "highly placed U.S. officials" and "senior defense planners" who believe, on the basis of new intelligence data, that the Soviets are using pop-up in order to reinforce the strength of their existing missile silos.

This new intelligence information indicates that the Russians are beginning to add more protection to some of their missile silos, and that new silos under

construction contain thicker protective linings.

If this interpretation is correct, it would indicate that the soviets are more concerned with maintaining their deterrent capability than with increasing their first-strike strength. This indeed would be a "hopeful sign" as Getler terms it. It would mean that progress toward meaningful offensive arms limitations may be possible. It would mean that we might well see the end of exorbitant and ever-increasing spending on weapons of destruction.

Mr. President, I ask unanimous consent that the article by Michael Getler, entitled "Russians Seen Launching new Missile Plan," from the September 22 Washington Post be inserted in the RECORD at this point.

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

RUSSIANS SEEN LAUNCHING NEW MISSILE PLAN

(By Michael Getler)

Senior U.S. officials say there are new indications that the Russians are beginning a major program to strengthen their underground missile silos against any would-be nuclear attack.

These officials think the Russians may be planning to use a new "pop-up" missile launching technique as part of this effort.

But Sen. Henry M. Jackson (D-Wash.), who is leading the fight on Capitol Hill for a tougher U.S. negotiating position with the Russians in future nuclear arms limitation talks, does not share the view that the new technique is part of a Soviet effort to better protect their missiles.

Jackson believes the pop-up launch method may be aimed—along with other Soviet developments—at making Russian missiles still more powerful and threatening to the U.S.

The senator's office has indicated that Jackson will call attention to the new launch method during debate on this year's defense budget, which now faces a crucial test on the Senate floor. Thus, the interpretation of what the new launch technique means could be significant.

The normal technique for launching a missile is to ignite its rocket engines in the silo. The pop-up method—which the Russians have been testing for about a year—involves first ejecting the missile from its silo by using compressed gas and then igniting the engines. U.S. Polaris missiles have been launched from submarines in this manner for years

Because much of the space in a missile silo is used simply to allow hot exhaust gases from the rocket engines to escape, the use of the pop-up technique can create extra room in a silo.

This extra space can be used for putting larger missiles or warheads into existing silos, or it can be used to make room for shock absorbers and thicker concrete and steel linings for the silo walls to protect the missile from a nearby nuclear blast. It could also be used for a combination of these objectives.

Highly-placed U.S. officials, however, say the most widely held view is that the pop-up technique seems primarily related to a budding Russian effort to add more protection to their new and existing silos.

They base this tentative judgment on new intelligence information which indicates that the Soviets are just beginning to add more protection to some of the existing silos for their 1,000 small SS–11 ICBMs and 288 large SS–9 ICBMs.

Furthermore, it appears that 91 new silos being built in Russia for newer models of these missiles—the SS–17 and SS–18—also have thicker protective linings than their predecessors. Some officials believe these new silos are serving as models for the improvement of the older ones.

It has also been estimated recently that the new large SS–18 missile is roughly the same size as the SS–9 and thus probably can fit into the existing silos—with some modifications—even using existing launch techniques.

This estimate, in combination with the early indications of improvements being made to the older silos, leads some analysts to believe that the Russians are planning to use the pop-up launch technique to save space for the additional protection.

Less is known about the SS–17 missile. Officials estimate this new weapon is probably slightly larger than the existing SS–11, but that it could probably fit in the older silos, with the pop-up technique again used to make room for better protection.

If the Russians decide to install pop-up launch systems in all their missile silos, it would be a long and massive job, taking perhaps a year to remodel each silo.

Senior defense planners say they are neither surprised nor overly concerned specifically about the pop-up launch technique.

They acknowledge Jackson's contention that the technique would allow the Soviets eventually to put still larger missiles in existing silos without technically breaking the SALT agreement not to "significantly increase" the size of silos. It could also allow putting bigger warheads on existing missiles.

But these officials say the old and new Russian missiles are already powerful enough using conventional launch methods, to threaten the U.S., and the principal concern is whether the Russians will attempt to convert much or all of their missile force to carry the highly accurate type of multiple warhead known as MIRV.

The two new missiles are being flight tested with MIRV. Technically, the Russians would be allowed to modernize their force by replacing old missiles with the new MIRVed versions. However, such a massive replacement with MIRVed missiles would undoubtedly rupture any chances for a permanent agreement limiting offensive arms and set off a new spiral in the arms race.

If the judgment that the Russians are seeking protection for their missiles rather than still more weight-lifting power is correct, it could be a hopeful sign.

Mr. McINTYRE. Mr. President, I also have a sanitized, declassified version of the detailed analysis and report of the Subcommittee on Research and Development to the full Armed Services Committee, recommending that we proceed to build the Trident submarine system on an orderly and careful basis, avoiding what we consider excessive concurrency. This report includes the facts and figures which are the heart of my amendment 517 and outlines in detail just what the McIntyre-Dominick amendment would do.

I ask unanimous consent to have it printed in the RECORD.

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

Report of the Military Research and Development Subcommittee to the Armed Services Committee

[In millions of dollars]

Trident program:	
Request	1,527.4
Recommend	642.0
Change	—885.4

Recommendation

The Subcommittee recommends authorization of $642.0 million to continue development and provide for long lead-time procurement of the Trident Submarine Launched Strategic Missile System. This is $885.4 million less than the amount requested. The reduction delays construction of the lead and follow-on submarines, but does not affect the program proposed for development of the Trident I (C–4) missile.

Of the $642.0 million recommended for this program, $602.0 million applies to the RDT&E appropriation and $40.0 million to the Shipbuilding and Conversion appropriation.

The request for $1,527.4 million, together with the Subcommittee recommendations, is presented by appropriation in the following table:

[In millions of dollars]

	Fiscal year 1973	Fiscal year 1974 Requested	Fiscal year 1974 Recommend	Change
R.D.T. & E.:				
Trident I missile	348.4	529.0	498	−31.0
Trident submarine	122.0	125.6	104	−21.6
Trident II missile				
Total R.D.T. & E.	470.4	654.6	602	−52.6
Procurement:				
Ship construction (SCN)	311.0	867.8	40	−827.8
Weapons procurement (WPN)		5.0		−5.0
Total procurement	311.0	872.8	40	−832.8
Total authorization request	781.4	1,527.4	642	−885.4

DESCRIPTION OF PROGRAM

The Trident weapon system will provide a replacement for the Polaris/Poseidon fleet and will upgrade one leg of the Triad of strategic deterrence, the other two being the Minuteman land-based ICBM, and the B–52G and H strategic intercontinental bomber. The Air Force budget provides for continued development of the advanced B–1 bomber which is planned to replace the B–52 force and for continued improvement of Minuteman.

Trident consists of two major subsystems, the primary strategic missile system called the Trident I or C–4, and the submarine system. Both will incorporate the latest advances in technology and be designed to increase employment flexibility, significantly reduce submarine vulnerability, enhance survivability of payload delivered, and greatly expand the dimensions of the U.S. counterstrike force.

The Trident submarine will be nuclear powered, faster and quieter than the Polaris/Poseidon submarine, capable of carrying up to 24 C–4 missiles (range up to 4,000 miles) initially, but designed to accommodate the larger diameter and longer range Trident II or D–5 missile (range up to —— miles) if and when developed.

The C–4 missile, with payload and accuracy equivalent to the Poseidon missile, will be capable of being backfitted on the existing 31 Poseidon submarines, thus increasing their capability. It will be equipped with an improved ballistic reentry vehicle.

Development of the D–5 follow-missile has not been proposed for fiscal year 1974.

BACKGROUND

The Trident program has been subjected to a series of major changes as indicated in the following table, which also presents the Subcommittee recommendations:

	IOC dates			
	Sept. 1971 program	Dec. 1971 acceleration	Sept. 1972 revision	Subcommittee recommendation
Trident submarine	(1)	1978	1978	[2] 1980
Trident I (C–4) missile	[2] 1977–79	1977	1978	1978
Trident II (D–5) missile	None	None		
Trident I (C–4) missile backfit	[2] 1977–79	1977		1978

[1] Early 1980's.
[2] Calendar year.

The significance of each of these changes is explained and summarized below. The Subcommittee recommendation differs from the Defense proposal only in that it delays the Trident submarine program. It retains the C–4 missile schedule so that even if the need arises in the late 1970's to improve our SSBN fleet the Poseidon submarines can be backfitted with C–4 missiles. The Subcommittee recommendations, in effect, returns the program to the Administration plan prior to the acceleration.

EXPLANATION OF PROGRAM CHANGES

In December 1971, OSD accelerated development of the Trident weapon system and requested an additional $35 million of FY 1973 funds to provide for:

1. Trident submarine IOC in 1978, three to four years earlier than before.

2. Trident I (C–4) missile IOC in 1977 with the potential for backfit into the Poseidon submarine.

3. Trident II (D–5) missile with no specified IOC date. (No funds in FY 1973.)

Acceleration was justified as needed: (a) to eventually replace the aging Polaris/Poseidon fleet; (b) to provide for U.S. basing of ballistic missile submarines; (3) to increase the submarine operating area as a hedge against a breakthrough in the expanding Soviet ASW capability;

Following the SALT I agreement, rationale for acceleration rested on the need to continue an aggressive modernization program under the constraints of the agreement.

The need for acceleration was debated at length by the Armed Services Committee and was approved by a tie 8 to 8 vote. It was approved by the Congress after passage by an 8 vote margin in the Senate.

In September 1972, it became apparent that the early IOC (1977) of the C–4 missile and large construction costs of the submarine would require prohibitively large dollar amounts in excess of $2.6 billion each in fiscal years 1974. The program therefore was revised "for fiscal reasons" by:

1. Slipping C–4 missile IOC 10 months to 1978 to coincide with the Trident submarine IOC (rather than being available earlier for potential backfit into Poseidon submarines.)

2. Establishing an IOC date of calendar year for the D–5 missile where no IOC date previously had been prescribed. However, no FY 1974 funding is required for development.

3. Delaying the C–4 backfit option for Poseidon to coincide with the D–5 missile IOC. At that time, as D–5 missiles were installed, they would replace C–4 missiles which then, if needed, could be backfit into Poseidon submarines.

This revision, which is the basis for the FY 1974 budget request, did not change the Trident submarine IOC date of 1978. It did, however, require very large budgets of $2.6 billion.

SUBCOMMITTEE INVESTIGATION

Because of the concern regarding large near-term costs of the program, the high degree of concurrency in submarine development and construction, and the lack of clear justification for acceleration, the Subcommittee by letter dated April 16, 1973, to the Secretary of Defense, proposed six separate alternative 10 Trident weapon system program schedules to be priced out and submitted with statements of specific impacts on our strategic posture in relation to the projected threat, and including the implications of the ABM treaty. SALT I interim agreement and SALT II negotiations. This was answered by letter dated May 14, 1973. Copies of both letters and attachments including priced out estimates are available in Subcommittee files. One statement in the OSD reply has particular significance and reads as follows:

"It is important to note that at their present building rate (SSBNs) the Soviets will not quite reach their limitations (in number of SSBN launchers) by the time the interim agreement expires (May 1977). Should a new agreement not be achieved, they will have no difficulty in continuing or accelerating their production rates. I consider it most prudent, if not vital, that we have a vigorous construction program well underway prior to the expiration of the interim agreement."

This statement strongly emphasizes the relative size of the U. S. and Soviet SSBN fleets and the building rates when the five year interim agreement runs out. It reflects that "worst case" philosophy, since it assumes that the interim agreement will lapse, that there will be no follow-on agreement, and, therefore, that the strategic arms race will resume.

The June 21, 1973, agreement and other agreements and understandings reached between Nixon and Brezhnev, including the announced joint objective of realizing a new permanent agreement in 1974 to include both qualitative and quantitative limitations on strategic nuclear weapons does not bear out the "worst case" assumption of the Department of Defense. Rather, it calls for a more orderly and deliberate, if not restrained pace of Trident submarine deployment. It should be remembered that while Safeguard played an important part in persuading the Soviets to agree on the ABM treaty, it cost the U. S. $500 million to reduce the number of sites. We can ill afford to waste further substantial amounts.

The statement in the Defense letter that "the best way to quickly provide additional ballistic missile launchers at sea was to accelerate the Trident submarine program," now appears to have little significance. It has even less significance considering the statement on Soviet ASW technology made before the Subcommittee on May 29, 1973, by the Director of the Advanced Research Projects Agency (ARPA). At that time Dr. Lukasik was asked:

"What is your assessment of the likelihood that the Soviets could make a technological breakthrough in ASW and capitalize on it in time to field an operational force of sufficient size to negate our Polaris/Poseidon force (without C-4) before 1980?"

The answer by Dr. Lukasik, who is responsible for the pursuit of the most advanced ASW technology in the Department of Defense, and who, therefore, is perhaps more knowledgeable than anyone else in this field, was very significant. He stated:

"It is unlikely that a Soviet breakthrough in ASW could negate our Polaris/Poseidon force before 1980. . . . There is, of course, the potential for Soviet breakthroughs that could lead to deployment of an effective anti-POLARIS force by the early 1980's. However, the Poseidon, with its long strike range will increase the SSBN patrol area sufficiently to pose immense additional problems for any ASW sensor that can now be conceived." *

* Dr. Foster, former Director of Defense Research and Engineering in response to a question by Senator Hughes on April 17, 1973, confirmed this statement.

The Defense letter addresses the problem of aging of the Polaris/Poseidon fleet but admits to their utility for 25 years rather than the 20 year design life. The letter states, "Safety of our personnel who man these ships will not permit us to consider continuing operation beyond 25 years of age." The Subcommittee recommendation is consistent with this statement and would permit a later increase in construction rates if needed.

The obvious conclusions that can be drawn from these authoritative statements are:

1. The Polaris/Poseidon fleet will be adequate *at least* until the early 1980's.

2. There is no urgent requirement for the C–4 missile or Trident submarines.

3. There may be no need for a D–5 missile.

CONCLUSIONS

The Subcommittee concludes, based upon its findings, that:

1. The Trident submarine is not required to be operational by 1978 and may be delayed until 1980 or later. The need for quickly providing additional launchers at sea has not been justified.

2. Development of the C–4 missile, which is well under way and is planned for an IOC date of 1978, should be continued as an orderly development program as proposed.

The cost estimates submitted by the Department for the six alternative programs were qualified with the request that they be used for comparative purposes only because of the short period available to prepare them. They also are qualified with numerous variables. On this basis, the difference in total development and acquisition cost between the program proposed by the Department and that recommended by the Subcommittee is less than 4 percent if backfit is included in both. It is some 7 percent if backfit is excluded only from the Defense proposed program. The Subcommittee considers that these variations in estimate are nominal and that the program recommended by the Subcommittee may prove to be even lower in cost because:

a. Further agreements with the Soviets may result in cutback in strategic forces, including the SSBN fleets of both nations. Should this occur, we would be able to avoid the sunk costs for those submarines which otherwise would have been built under the earlier construction plan of DOD.

b. If the Soviet ASW threat does not develop by the early 1980's to the point that a Trident submarine is required, we may further delay the replacement of our Polaris/Poseidon fleet due to aging, particularly if this fleet proves to last much longer than the design life of 20 years.

c. By proceeding more slowly on Trident submarine development, we can incorporate later technology and thereby have a more capable ship as well as avoiding costly modification programs to incorporate these improvements after the submarines are built.

Aside from cost considerations, there are other reasons why the Subcommittee recommended program has merit. These are as follows:

a. By delaying the submarine IOC date, more time is available to develop the C–4 missile if it should encounter any significant technical problems, and if the need for backfit of Poseidon by that time has not been established.

b. Delay of the construction program and building submarines at the rate of —— per year instead of the —— per year, as recommended by Defense for the initial 10, will significantly reduce annual budget requirements in the next 3 years and make such funds available for other important needs.

c. The decision for the annual rate of submarine construction for the first 10 does not have to be made now, under the Subcommittee recommendation. However, when it is made it would be more efficient to establish the work force and facilities to support a

sustaining rate of —— per year. Under the Defense plan, after the first 10 were built at —— per year, follow-on quantities would be built at the reduced rate of —— per year. This could require the disruptive firing of people and idling of facilities.

SPECIFIC EFFECT OF SUBCOMMITTEE RECOMMENDATIONS

Implications and explanations of the reductions recommended by the Subcommittee to the FY 1974 request are as indicated below and should be stated in the Committee report on the bill as guidance to the Department of Defense.

RDT & E APPROPRIATIONS

Trident I (C–4) Missile—The reduction of $31 million relates to submarine installed missile system equipment, the development of which may be deferred consistent with the delay in development of the Trident submarine.

Trident Submarine—The reduction of $21.6 million consists of $17.6 million identified by the Department as not being required if development is slowed. The remaining $4 million represents the amount identified by the Navy as being in excess of requirements for design support work to be performed during FY 1974 by Newport News Shipbuilding Corp. as subcontractor to General Electric Corp. in the development of the submarine propulsion system.

SHIP CONSTRUCTION (SCN) APPROPRIATION

The reduction of $827.8 million was identified by the Department as the amount which would not be required in FY 1974 if the submarine IOC was delayed from October 1978 to calendar year 1980. This eliminates the requirement for full funding of the lead submarine and for advance procurement for the three follow-submarines each in fiscal years 1975 and 1976.

PROCUREMENT OF MISSILES (PAMN) APPROPRIATION

The $5 million requested is denied as premature under this appropriation. Commitment to procurement of missiles would be appropriate in FY 1975. If any engineering services are required in FY 1974 to provide technical support for missile facilities planning, they may be accommodated under the RDT&E appropriation for the C–4 missile.

MATTERS FOR FUTURE CONSIDERATION

Last year the Committee report questioned the plan to build the Trident submarine with 24 launch tubes because, under SALT I, it would reduce the number of submarines that could be built to replace the present 16 tube fleet. The Committee encouraged the Department to weigh this matter carefully.

The current plan is for a 24 tube submarine and the decision on the number will be required for the lead submarine by the fall of 1973. However, the decision on the number of tubes for follow-on submarines may be deferred until next year when the matter will again be considered in conjunction with the FY 1975 request.

If the operational life of the Polaris/Poseidon submarine proves by experience to be not much longer than the 20 year design life by the late 1970's or early 1980's, Trident submarine construction could be accelerated to a rate of ——— per year, if required.

Mr. McINTYRE. Mr. President, I yield 2 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. I do not need 2 minutes. All I wanted was to say, in support of the Senator's position, that I have not been approached by any representative of the Soviet Government embassy or anywhere else with regard to the Trident submarine. As a matter of fact, I have not been approached with regard to any subject, including the trade bill, in the last several months. The only time that was mentioned to me was at the time of the Brezhnev visit, at a well-publicized meeting between the committee and Mr. Brezhnev. Then, of course, that matter was talked about.

I have not seen, nor have I heard from any member of my committee or my staff, of any lobbying on the part of the Soviets on Trident at any time. I think this insinuation is most unfortunate and creates a very bad implication with regard to all of us who support the Senator from New Hampshire's position.

Mr. McINTYRE. I tend to agree with the distinguished Senator from Arkansas. I would like to carry that thought beyond this particular issue into the bigger question of the attitude some people take to those of us who work on the Armed Services Committee. As I said this morning, if we oppose a certain aircraft or if we want an alternative to the B–1, in case the B–1 does not work, we suddenly find ourselves with our backs to the wall and find ourselves being told we are antiaircraft. If I push further, I am unpatriotic and un-American. I will tell you one thing—if I find any Soviet agents around my office or anywhere near it, I will kick them you know where.

Mr. FULBRIGHT. But the Senator has not found any.

Mr. McINTYRE. No; but I guess I have to be on the lookout; as the Senator from Washington said, they are around.

Mr. FULBRIGHT. They assume anything they propose is in the national interest. This goes with regard to the deification of Admiral Rickover. Nobody is questioning his ability to build submarines, but I object to the assumption that, because he knows how to build submarines, he also is the last word on our political relationships and diplomatic relationships with the rest of the world—in this case, Russia.

I do not see how his expertise with regard to building submarines gives him any credence on the policy question of whether or not we should have a détente with Russia, or whether or not we should proceed with the arms race at increased speed, or whether or not we should abandon the whole prospect of an effective SALT talk. I think that is quite beyond his jurisdiction and that he should not be persuasive in the Senate as to whether we should speed up the arms race.

Mr. McINTYRE. I think all of us here agree that Admiral Rickover has a great record, particularly in the nuclear propulsion field. At the Research and Development Subcommittee, we said to the Navy, "All right, you have a Trident program. You have a request for $1.5 billion more. Come over and give your case. Bring your team and explain to the subcommittee what you want to do." The Navy did not elect to send Admiral Rickover; they sent their team. It was not my fault. If it was anybody's fault that we did not have Admiral Rickover, it was the Navy's fault. Some of us think they are at fault by going too fast and—I hope not—getting us in trouble.

Mr. FULBRIGHT. This is the same kind of argument made to this body when they advanced the C–5A. I remember the distinguished Senator from Arizona saying [illegible] one it was; it was one of the greatest. Now we see what happened to the C–5A.

This is the nautical counterpart of the C–5A. It is going to be the biggest and best that has ever been built. It arises from the urge to build something bigger than anyone else. It will end up as a monument to Admiral Rickover and to our impatience to build something bigger than anybody else has ever built before. Whether it will be sound is another question. The Senator's argument that we should build it in an orderly way is sound, and I think is quite justified by experience with the C–5A. In those days, Lockheed was considered to be the outstanding company in the field, and look what happened. That is the exact counterpart of this proposal, which is for a submarine twice as large as anything anybody has ever built.

Mr. McINTYRE. Mr. President, in conclusion, I want to reiterate that we should all understand that the Research and Development Subcommittee of the Armed Services Committee wants an ongoing new submarine program. So we are in agreement on that. I agree with my friend, the Senator from South Carolina on that. But the disagreement comes on how fast the pace and how fast the rate. This is where our experience has proven that when you go too fast you get into real troubles with cost overruns and the taxpayers have to pick up the tab.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 5 minutes left.

Mr. TOWER. Mr. President, I will be very brief. We have ranged pretty well over all of the arguments on the Trident. I think that we have ranged over some arguments that should not have been a part of the debate. The simple issue is not whether Soviet agents have been lobbying or the personalities of Admiral Zumwalt or Admiral Rickover or the arguments of those lobbying for the Navy establishment.

The real question is on the merits of accelerating the Trident to an operational capacity in 1978 or 1980. And that is the only basis on which the issue should be decided.

There are good arguments on both sides. I think that we should not get buried in irrelevancies or trivia and that we should not lose sight of the central issue simply because we do not like what someone said or the way in which they said it or the fact that someone has lobbied.

The fact is that it is in the best interests of the United States to advance its technology as quickly as possible and at as low a cost as possible. And that is what the case seems to be with the Trident.

Mr. HOLLINGS. Mr. President, I believe we must move full speed ahead with the deployment of the Trident weapons system. Failure to do so will have disastrous effects on the national security position of the United States. Standing still now will guarantee American military inferiority in the years ahead. Standing still now will make negligible any chance for realistic arms reduction agreements to replace the ill-conceived

concepts which underlay the SALT I agreement on offensive weaponry.

Mr. President, just 1 year ago, this Chamber was engaged in debating the wisdom of that SALT I agreement. At that time, I spoke out as strongly as I could against the agreement. I was one of two Senators who voted against confirming it. Today, 12 months later, I think that events have justified my vote.

The net effect of the SALT accord was to give the Soviets 5 years to build and to dare them to make the most of that time. The intervening months have demonstrated the Soviet intention to do just that. While we palaver, debate, and forgo, the Soviets research, build, and deploy. They triple our research efforts. They outbuild us in the shipyards. They leap forward in missiles. Their intent is clear—it is written in every ruble they spend and action they take—the Soviets are going for No. 1. And the way things are going, they may very well end up being No. 1. They are not far from it now, and given the terms of the SALT I Agreement on Offensive Weaponry, the initiative is all theirs.

Let us review for just a minute what the SALT I Agreement actually did:

	U.S.	*U.S.S.R.*
ICBM's	1,054	1,618
Ballistic missile submarines	44	62
SLBM launch tubes	710	950
Heavy ICBM's	0	313

In other words, we, first, froze our ICBM's at the same level it had been at for half a decade;

Second. Relegated ourselves to utter inferiority beneath the seas;

Third. Pledged not even to get into the area of the heavy ICBM's, while giving the Soviets the green light to deploy 313 of these monster-sized killers; and

Fourth. Accorded the Soviets a 400-percent advantage in the total destructive weight their missiles can carry.

So anxious were our negotiators for an agreement—any agreement—that we abandoned prudence and caution. I recall the late James F. Byrnes talking about negotiating strategy many years ago, and he said at the time that there is too much of a propensity on the part of free world negotiators to get an agreement signed.

Regardless of terms, said Byrnes, our negotiators too often have the feeling that when you agree with the Soviets, this by itself is a laudable accomplishment. Now—after a year of living with the SALT I Agreement and watching the Soviets spurt ahead on all fronts, we ought to be a little more wary, a little more cautious. And for those who are slow to learn how easy it is to be taken in by the Soviets, ask any American housewife how our side came out on the Soviet wheat deal.

At the time of the debate last year, we were told not to worry, that because of our advantages in MIRV technology, we would not fall behind in number of warheads during the life of that agreement. The Soviets were so far behind us, the official line went, that there was nothing to worry about. That was last year. Now we know that they have tested a highly sophisticated MIRV of their own, and they will be installing these on their missiles far in advance of what our "experts" thought possible.

Soviet researchers and builders have confounded our estimates before. We were wrong in thinking the Soviets could not build an atomic bomb so quickly as they did. We were wrong on their hydrogen bomb. We were wrong on Sputnik. We were wrong on their ICBM. We were wrong on their nuclear submarine. We were wrong on the ABM. And now we have erred again, this time on the MIRV—the one area wherein we thought we would have a reasonably long-term advantage.

Since SALT I, the Soviets developed the MIRV capability.

Since SALT I, four new land-based Soviet ICBM's have appeared, and there is the strong possibility that one of them is the precursor of a mobile ICBM.

And since SALT I, Mr. President, the Soviets have built a sea-launched ICBM tested at a range of 4,200 nautical miles.

This last point should be enough for us to stand up and be counted in favor of Trident without another minute's debate.

It means that the Soviets already have Trident. In fact they have at least four Tridents, which they call their Delta class submarine. They are in the water right now.

And right now we are debating whether or not it might be a good idea to have a Trident capability by 1978, because that is when the first Trident would become operational.

The need for Trident is clear. Our present generation of nuclear submarines has served us well, and they will continue to perform a vital mission in the years ahead. But they cannot last forever, and we must take advantage of the many engineering and technical breakthroughs which have occured since the Polaris was launched in 1958.

There can be no doubt that our present strategic submarines have performed splendidly—even beyond our expectations. But now, some of these ships are beginning to show their age. Maintenance efforts both in materials and man-hours expended are increasing at a rate that cannot be overlooked. Although many improvements have been made, limited only by weight and space, these ships still retain the basic characteristics of the era when they were designed—the 1950's. The *George Washington*, our first SSBN, was literally constructed by cutting a smaller attack submarine in half to allow insertion of a missile compartment.

As of today, these older ships retain the nondetectability they have enjoyed since they were originally sent to sea. But there is no doubt that the Soviets are making every effort in antisubmarine warfare. They are working around the clock to neutralize our strategic submarine capability. Development of such systems as the MOSKVA helicopter-equipped ships, submarine and surface sonars, and marked advances in the Soviet air arm are all indicative of an all-out Soviet effort to develop their anti-submarine warfare potential. They are making research and development efforts in both basic ASW and supporting oceanographic studies that pose a definite threat to our Polaris/Poseidon fleet.

The Trident is a much more difficult ship to detect. It is quieter, faster, and better equipped. It has markedly improved sonar equipment and many other features which will improve its survivability. And with its 4,000-mile range missile, we will be gaining almost three times as much ocean to hide our submarines in. That additional range of operation compounds by many times the difficulty an adversary will have in detecting the whereabouts of our vessels, and then in trying to neutralize the threat.

Because of its wider range and enhanced ease of maintenance and operation, the Trident submarine will spend a greater percentage of its time on patrol—the patrols will be of longer duration—and there will be shorter intervals between patrols. All of this adds up to making the Trident as much as 2.7 times as cost-effective as the current generation of Polaris/Poseidon submarines.

Mr. President, we ought to be deploying replacements for Polaris no later than 1978. The Polaris was designed in the 1950's for a 20 year life span, and the George Washington was at sea by 1958. To delay until 1980 and beyond, as some have suggested, is to play fast and loose with America's security. If there is one area wherein we must keep abreast of new technology and the most up-to-date engineering advances, it is in this critical sector of missile-launching submarines. This is not the usual sort of budgetary thing. I think 100 Senators would agree that this is our first line of defense. We can argue over carriers, the best kind of rifles, helicopters, what kind of Army best fits our needs, and on and on down the line. But the missile-launching submarine is the backbone of our military posture as we enter the crucial last quarter of the 20th century. It is the one system which we can hopefully keep invulnerable over these treacherous years. And I am for invulnerability no matter what the budgetary cost. If the Soviets make progress on antisubmarine warfare comparable to what they have done on MIRV and every other area I outlined earlier, our aging Polaris subs could become sitting ducks to the Soviet armada. That is the kind of gamble that I, for one, am unwilling to take. There is just no reasonable alternative to deploying the Trident submarine by 1978.

Mr. President, we are having to play catchup football. Due to a bad SALT Agreement—and because of the Soviets' all-out thrust in weapons development—we must do everything possible to insure that we are not caught in a potentially fatal hiatus before the Trident is at sea. That is why I believe we should also fit the Trident I missile onto our Polaris submarines as soon as possible. This would give the Polaris added clout, wider range of operation, and therefore a greater degree of invulnerability during those crucial years when the Trident submarines are being launched one by one.

Fitting the Trident missile onto the Polaris would make it crystal clear to

the masters of the Kremlin that America is determined to do what is necessary to maintain its security. And it would mean that in 1977—when the SALT I Agreement expires—we would be better able to count on invulnerability for our strategic submarine force. That would put us in the position of being able to bargain toughly with the Soviets on future arms limitation agreements. That is the only way we will ever have a meaningful agreement. That is the only way we can avoid another SALT I debacle.

Mr. President, no one is more anxious for genuine arms reduction and for authentic détente than I am. Far better to cultivate the art of peace than to sow the seeds of discord and war. But we must look at the world as it is, and the world I see around us is not one which suffers those who risk needlessly.

Let us be frank. We do not know what the military intentions of the Soviet leaders are. It is certainly not beyond the realm of possibility that they are hellbent on achieving a first-strike capability against the United States. Perhaps they hope to build so awesome and overpowering a military machine that they can have their way in the world simply by bluster, intimidation, and default. Whatever their motivation, we are certainly in an environment which demands that we leave nothing undone in keeping our military forces up to date and at peak strength and efficiency. If we demonstrate our willingness to match the Soviets—if we show them that we are not about to forgo all the latest developments, then perhaps one day they will appreciate the desirability of meaningful arms limitation talks. Talks wherein each side gives and both sides gain.

But for the present, the Soviets understand one thing best of all—power. That was the case in the days of Josef Stalin, and it continues to be the case today. We will not bring the days of arms reduction closer by voting to delay Trident. Quite the contrary, we will only postpone that day when the Soviets realize that their aims are not going to be achieved through military muscle or intimidation, and that their interests are best served by moving toward genuine agreements with the peace-loving nations of the world.

I think we would do well also, Mr. President, to heed the wise counsel of those who warn about the inadvisability of propping up the Soviet economy at a time when the Soviets themselves are responsible for unbalancing it through their huge military expenditures. It is their own military spending which is sapping the other sectors of the Soviet economy. Why we should pull their chestnuts out of the fire—at the same time they are striving for the ability at least to intimidate, and possibly to destroy, us—is far beyond my power to understand.

Let us go forward with Trident. Let us do so without delay and without doubt. Certainly it is not an expense we are delighted to make. We all know the sacrifices that this expensive project will entail. I have looked for ways to cut the cost of the program, and I proposed an $840 million saving which would have utilized existing basing facilities on the east coast rather than building new ones. Now the decision has been made to deploy initially on the west coast. But when the time comes to base some of the Tridents on the east coast, I will again propose the utilization of existing bases. This would represent a sensible economy. But delaying the program for 2 or more years would be a blunder of possibly fatal proportions.

And so we must bear the burden. We are confronted with a threat and we must live with that threat. The great Calhoun said on the Senate floor:

> Those who would enjoy the blessings of liberty must undergo the hardships of sustaining it.

Throughout our history Americans have lived up to Calhoun's injunction. It has seen us through 200 years of independence and freedom. Now is not the time to cut and run from that principle. We will better serve the cause of peace—real peace—by holding firm. And we will best demonstrate our intent to hold firm by going ahead with the accelerated Trident program.

Mr. CANNON. Mr. President, I wish to comment on the Trident program because in my view here is an area where a substantial reduction in fiscal year 1974 procurement authorization can be made.

I am not opposed to the Trident program. I think it is an essential weapon system which our country needs. I am only opposed to its acceleration and see no need to hurriedly program for 1978 when a more orderly production by 1980 makes more sense.

Specifically, I favor authorizing $642 million for the Trident program for fiscal year 1974 and feel that the DOD request for $1.5 billion—$1,527.4—is not necessary at this time. The recent history of the Trident submarine program deserves some review.

As late as September 1971, the Defense Department had an orderly businesslike program for modernization of the Navy's underwater missile submarine fleet. As needed, the Trident I missile, formerly called extended-range Poseidon or EXPO, was to be developed and fitted into Poseidon submarines.

Because of its greater range as compared to the Poseidon, it was estimated that the Trident would provide a significant increase in the ocean area within which U.S. submarines could operate while on station. The unprecedentedly expensive Trident submarine—each costing a half billion dollars more than the latest nuclear carrier—and the planned Trident II missile were to be delayed until the early 1980's.

Without commitment, they were to be considered as a later replacement for the Polaris/Poseidon fleet.

Last year, however, for reasons we have never been able to fully understand, a sensible orderly Trident program was altered to combine procurement with development, apparently in order that this submarine could be operable in 1978 rather than 2 or 3 years later.

From the standpoint of good practice, consider the fact that under this accelerated program, all 10 Trident submarines will be funded and under construction before the first one is completed.

This extraordinary shift in production planning is exactly opposite to the "fly before buy" program concept this administration only recently emphasized.

Nevertheless an effort is now being made by the Defense Department to justify an accelerated Trident program on various grounds, including that Tridents would eventually replace the aging Polaris/Poseidon submarines; it would provide an increased submarine operating area as a hedge against possible Soviet breakthroughs in antisubmarine warfare; and would support future SALT negotiations.

Taking up these assertions in order, the Defense Department itself, as well as other witnesses before the Armed Services Committee, have established that the Polaris/Poseidon submarines, with a design life of 20 years, may be suitable for operation up to 25 years. Since the oldest submarine will not reach even 20 years of age before 1979, there is no justification whatever to accelerate this program because of aging.

Because the Trident I missile can have a range of 4,500 miles by backfitting it into Polaris/Poseidon submarines, these Polaris/Poseidon submarines, with the missile in question, could also be based in the United States.

Backfitting the Trident missile into Polaris/Poseidon submarines would provide an increase in ocean operating area because the long-range Trident I missiles are what increase the operating area, not the unprecedentedly expensive new submarines. Furthermore, the patrol area would increase sufficiently with Trident I missiles to pose immediate additional problems for any ASW sensor that can now be conceived.

The previous program would constitute practical and imposing evidence to the Soviets that the United States was developing an orderly replacement for the Polaris/Poseidon fleet. We do not add to our "bargaining chips" by pursuing a hurried and premature schedule which ultimately could well bring damage to the entire submarine replacement program.

Purely technical considerations, such as objections to putting all our nuclear eggs in a relatively very few underwater baskets, would dictate the production of submarines designed more on the order of the latest Soviet submarines. The latter have 12 launchers, as against 16 for the Poseidon and 24 for the Trident.

For national security, which do we want: a few large submarines, each with many launchers, or more smaller submarines, each with fewer launchers?

A thorough study of this proposed acceleration was undertaken last year by the Research and Development Subcommittee of the Committee on Armed Services.

For the reasons given, the facts uncovered by their investigation supported the logic of an orderly program similar to the September 1971 Defense Department position.

This year, the Research and Develop-

ment Subcommittee of Armed Services recommended by a unanimous vote, going back to a program similar to the September 1971, DOD Trident schedule, at a saving this year of $885.4 million. A savings of this magnitude could have a significant impact upon our economy and accordingly I most urgently endorse it.

The PRESIDING OFFICER. All time has expired on the McIntyre-Dominick amendment.

COMMENDATION OF THE SENATE TO THE SKYLAB II CREW FOR THEIR SUCCESSFUL MISSION—SENATE RESOLUTION 175

Mr. MOSS. Mr. President, I send to the desk a resolution on behalf of the Senator from Arizona (Mr. GOLDWATER) and myself and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated by title.

The title was stated, as follows:

To provide the commendation of the Senate to the Skylab III crew, for their successful mission, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and it is so ordered.

Mr. MOSS. Mr. President, I ask unanimous consent that the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of the resolution.

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

Mr. MOSS. Mr. President, the Senator from Arizona (Mr. GOLDWATER) and I are submitting to the Senate a sense-of-the-Senate resolution offering our commendation to the crew of Skylab II on the successful completion of the longest voyage in history.

The strong bipartisan support of the Congress of the space program for the last 15 years is manifest in the success of this, our latest national space achievement.

Missions of great significance for the future will stem from this great effort.

The high potential value of the experiments conducted by these brave men will long be remembered.

The Congress and the American people are grateful for the effort being made in space toward a better tomorrow.

This is a most significant mission. I think that the Senate should go on record as commending the crew of Skylab II.

Mr. President, I am pleased to yield to the Senator from Arizona, the ranking minority member of the Committee on Aeronautical and Space Sciences.

Mr. GOLDWATER. Mr. President, I wish to compliment the distinguished chairman of the Aeronautical and Space Sciences Committee for his statement. I agree entirely.

Yesterday at 6:20 p.m., eastern daylight time, Skylab II ended its historic and recordmaking voyage with a splashdown in the Pacific.

The gallant crew, Capt. Alan L. Bean of the Navy, Maj. Jack R. Lousma of the Marines, and Dr. Owen K. Garriott, a civilian scientist, established a new record for the longest voyage in recorded history. Moreover, they more than doubled man's previous stay in space.

They proved beyond a shadow of a doubt that man can perform useful work over extended periods of time above the Earth's atmosphere.

I believe that the crew of Skylab II, the support teams, and all those involved both in Government and industry deserve the heartfelt thanks of a grateful Nation.

Mr. MOSS. Mr. President, I move the adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 175) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Whereas the crew of Skylab III completed on September 25, 1973, the longest voyage in recorded history; and

Whereas their 59-day flight was more than twice the length of any previous manned space flight mission; and

Whereas this flight demonstrated man's ability to execute invaluable scientific and technical missions over extended periods in space: Now, therefore, be it

Resolved, That it is the sense of the Senate that the mission of the Skylab III astronauts, Captain Alan L. Bean (U.S. Navy) Commander, Major Jack R. Lousma (U.S. Marine Corps.), pilot and Dr. Owen K. Garriott, and their support teams on the ground, ending successfully man's longest stay in space, deserve the heartfelt thanks of all mankind.

Mr. GOLDWATER. I thank the Senator from Utah for presenting the resolution.

DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1974

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7645.

The Senator from Vermont (Mr. AIKEN) is familiar with the conference report on the State Department authorization bill.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes.

Mr. FULBRIGHT. Mr. President, I move that the Seante concur in the amendment of the House to the Senate amendment with an amendment, which I send to the desk.

The amendment is as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendment insert the following:

That this Act may be cited as the "Department of State Appropriations Authorization Act of 1973".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated for the Department of State for the fiscal year 1974, to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for the "Administration of Foreign Affairs", $282,565,000;

(2) for "International Organizations and Conferences, $21,279,000;

(3) for "International Commissions", $15,568,000;

(4) for "Educational Exchange", $59,800,000; and

(5) for "Migration and Refuge Assistance", $8,800,000.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated for the Department of State for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $9,328,000 for increases in salary, pay, retirement, or other employee benefits authorized by law;

(2) not to exceed $12,307,000 for additional overseas costs resulting from the devaluation of the dollar; and

(3) not to exceed $1,165,000 for the establishment of a liaison office in the People's Republic of China.

(c) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Department of State $40,000,000 for protection of personnel and facilities from threats or acts of terrorism.

(d) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Secretary of State for the fiscal year 1974 not to exceed $36,500,000 to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972, relating to Russian refugee assistance.

(e) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Department of State for the fiscal year 1974 not to exceed $4,500,000 for payment by the United States of its share of the expenses of the International Commission of Control and Supervision as provided in article 14 of the Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the International Commission of Control and Supervision, dated January 27, 1973.

(f) Appropriations made under subsections (a), (b), and (c) of this section are authorized to remain available until expended.

INTERPARLIAMENTARY UNION

SEC. 3. The first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276), is amended—

(1) by striking out "$102,000" and inserting in lieu thereof "$120,000"; and

(2) by striking out "$57,000" and inserting in lieu thereof "$75,000".

STUDY COMMISSION RELATING TO FOREIGN POLICY

SEC. 4. Section 603(b) of the Foreign Relations Authorization Act of 1972 (22 U.S.C. 2823(b)), relating to the reporting date for the Commission on the Organization of the Government for the Conduct of Foreign Policy, is amended by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1975".

USE OF FOREIGN CURRENCY

SEC. 5. Subsection (b) of section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1754) is amended—

(1) by striking out "$50" in the first sentence of such subsection and inserting in lieu thereof "$75";

(2) by inserting immediately before "appropriate committees" the following: "Members and employees of"; and

(3) by striking out the colon and all that follows thereafter in such subsection and inserting in lieu thereof a period and the fol-

lowing: "Within the first ninety calendar days that Congress is in session in each calendar year, the Department of State shall submit to the chairman of each such committee a report showing the amounts and dollar equivalent values of each such foreign currency expended during the preceding year by each Member and employee with respect to travel outside the United States. Such reports of that committee shall be available for public inspection in the offices of such committee."

AMBASSADORS AND MINISTERS

SEC. 6. From and after the date of enactment of this Act, each person appointed by the President as ambassador or minister shall, at the time of his nomination, file with the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report of contributions made by such person and by members of his immediate family during the period beginning on the first day of the fourth calendar year preceding the calendar year of his nomination and ending on the date of his nomination, which report shall be verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. As used in this section, the term "contribution" has the same meaning given such term by section 301(e) of the Federal Election Campaign Act of 1971, and the term "immediate family" means a person's spouse, and any child, parent, grandparent, brother, or sister of such person and the spouses of any of them.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SEC. 7. (a) Section 2(2) of the Act of September 19, 1966 (80 Stat. 808; 22 U.S.C. 277d–31), is amended by striking out "$20,000" and inserting in lieu thereof "$25,000".

(b) Section 3 of the Act of August 10, 1964 (78 Stat. 386; 22 U.S.C. 277d–28), is amended by striking out "$20,000" and inserting in lieu thereof "$30,000".

(c) The last paragraph of the Act of September 18, 1964 (78 Stat. 956; 22 U.S.C. 277d–29), is amended by striking out "$23,000" and inserting in lieu thereof "$50,000".

EXTENSION OF PUBLIC LAW 92–14

SEC. 8. Section 2 of the Act entitled "An Act to authorize the United States Postal Service to receive the fee of $2 for execution of an application for a passport", approved May 14, 1971 (85 Stat. 38; Public Law 92–14), is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

SEC. 9. There is established within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs. In addition to the positions provided under the first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), there shall be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, appointed by the President, by and with the advice and consent of the Senate, who shall be head of the Bureau and who shall have responsibility for matters relating to oceans, environmental, scientific, fisheries, wildlife, and conservation affairs.

CERTAIN FOREIGN MILITARY BASE AGREEMENTS

SEC. 10. The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, is further amended by adding at the end thereof the following new section:

"SEC. 16. No funds may be obligated or expended to carry out any agreement entered into, on or after the date of enactment of this Act, between the United States Government and the government of any foreign country (1) providing for the establishment of a military installation in that country at which units of the Armed Forces of the United States are to be assigned to duty, or (2) revising or extending the provisions of any such agreement, if—

"(A) the Department of State or any of its officers or employees participates in the negotiations with respect to such agreement;

"(B) funds made available to the Department are obligated with respect to such negotiations; or

"(C) funds made available to the Department are to be obligated with respect to such agreement;

unless such agreement is approved by concurrent resolution of the Congress or is submitted to the Senate for its advice and consent and the Senate gives its advice and consent to such agreement."

FOREIGN SERVICE PROMOTIONS

SEC. 11. Section 623 of the Foreign Service Act of 1946 (22 U.S.C. 996) is amended to read as follows:

"RECOMMENDATIONS FOR PROMOTIONS

"SEC. 623. (a) The Secretary shall establish with the advice of the Board of the Foreign Service, selection boards to evaluate the performance of Foreign Service officers; and upon the basis of their findings, which, except for career ambassadors and career ministers, shall be submitted to the Secretary in rank order by class or in rank order by specialization within a class, the Secretary shall make recommendations in accordance with the findings to the President for the promotion of Foreign Service officers. No person assigned to serve on any such board shall serve in such capacity for any two consecutive years. In special circumstances, however, which shall be set forth by regulations, the Secretary shall have the authority to remove individual names from the rank order list submitted by the selection boards or to delay the inclusion of individual names until a subsequent list of nominations is transmitted to the President.

"(b) The Secretary may, pursuant to a recommendation of a duly constituted grievance board or panel or an equal employment opportunity appeals examiner—

"(1) recommend to the President the promotion of a Foreign Service officer;

"(2) promote Foreign Service Staff personnel and Foreign Service Reserve officers with limited or unlimited tenure; and

"(3) grant to Foreign Service personnel additional step increases in salary, within the salary range established for the class in which an officer or employee is serving.

"(c) The Secretary may, in special circumstances which shall be set forth in regulations, make retroactive promotions and additional increases in salary within class made or granted under the authority of this section.".

REIMBURSEMENT FOR DETAILED STATE DEPARTMENT PERSONNEL

SEC. 12. (a) An Executive agency to which any officer or employee of the Department of State is detailed, assigned, or otherwise made available, shall reimburse the Department for the salary and allowances of each such officer or employee for the period the officer or employee is so detailed, assigned, or otherwise made available. However, if the Department of State has an agreement with an Executive agency or agencies providing for the detailing, assigning, or otherwise making available, of substantially the same numbers of officers and employees between the Department and the Executive agency or agencies, and such numbers with respect to a fiscal year are so detailed, assigned, or otherwise made available, or if the period for which the officer or employee is so detailed, assigned, or otherwise made available does not exceed ninety days, no reimbursement shall be required to be made under this section.

(b) For purposes of this section, "Executive agency" has the same meaning given that term by section 105 of title 5, United States Code.

ACCESS TO INFORMATION

SEC. 13. (a) After the expiration of any thirty-five-day period which begins on the date the Committee on Foreign Relations of the Senate or the Committee on Foreign Affairs of the House of Representatives has delivered to the office of the Secretary of State a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report or other material in its custody or control relating to the Department of State, none of the funds made available to such department shall be obligated unless and until there has been furnished to the committee making the request the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested.

(b) The provisions of subsection (a) of this section shall not apply to any communication that is directed by the President to a particular officer or employee of such department or to any communication that is directed by any such officer or employee to the President.

OVERSEAS KINDERGARTEN EDUCATION ALLOWANCE

SEC. 14. Section 5924(4)(A) of title 5, United States Code, is amended by inserting immediately before "elementary" the following: "kindergarten,".

REQUIREMENT FOR CONGRESSIONAL AUTHORIZATION FOR THE INVOLVEMENT OF AMERICAN FORCES IN FURTHER HOSTILITIES IN INDOCHINA, AND FOR EXTENDING ASSISTANCE TO NORTH VIETNAM

SEC. 15. Notwithstanding any other provision of law, on and after August 15, 1973, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

LIMITATION ON PUBLICITY AND PROPAGANDA PURPOSES

SEC. 16. No appropriation made available under this Act shall be used—

(1) for publicity or propaganda purposes designed to support or defeat legislation pending before Congress; or

(2) to influence in any way the outcome of a political election.

HOUSING SUPPLEMENT FOR CERTAIN EMPLOYEES ASSIGNED TO THE UNITED STATES MISSION TO THE UNITED NATIONS

SEC. 17. The United Nations Participation Act of 1945 (22 U.S.C. 287) is amended by adding the following new section at the end thereof:

"SEC. 9. The President may, under such regulations as he shall prescribe, and notwithstanding section 3648 of the Revised Statutes (31 U.S.C. 529) and section 5536 of title 5, United States Code—

"(1) grant any employee of the staff of the United States Mission to the United Nations designated by the Secretary of State who is required because of important representational responsibilities to live in the extraordinarily high-rent area immediately surrounding the headquarters of the United Nations in New York, New York, an allowance to compensate for the portion of expenses necessarily incurred by the employee for quarters and utilities which exceed the average of such expenses incurred by typical, permanent residents of the Metropolitan

New York, New York, area with comparable salary and family size who are not compelled by reason of their employment to live in such high-rent area; and

"(2) provide such allowance as the President considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses incurred by him with respect to attending any such session.

Not more than forty-five employees shall be receiving an allowance under paragraph (1) of this section at any one time.".

MUTUAL RESTRAINT ON MILITARY EXPENDITURES

SEC. 18. It is the sense of the Congress that the United States and the Union of Soviet Socialist Republics should, on an urgent basis and in their mutual interests, seek agreement on specific mutual reductions in their respective expenditures for military purposes so that both nations can devote a greater proportion of their available resources to the domestic needs of their respective peoples; and the President of the United States is requested to seek such agreements for the mutual reduction of armament and other military expenditures in the course of all discussions and negotiations in extending guaranties, credits, or other forms of direct or indirect assistance to the Soviet Union.

EXPRESSION OF INDIVIDUAL VIEWS TO CONGRESS

SEC. 19. Section 502 of the Foreign Relations Authorization Act of 1972 (2 U.S.C. 194a) is amended by striking out "appointed by the President, by and with the advice and consent of the Senate, to a position in" and inserting in lieu thereof "or employee of".

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

Mr. FULBRIGHT. Mr. President, by way of explanation, this report has resulted from an informal conference that was had with Members of the House. The Senator from Vermont and the Senator from New Jersey (Mr. CASE) were present. This particular amendment that was in issue had been proposed by the Senator from New Jersey, and it has been agreed to by him. The effect will simply be to send the report back to conference with the House.

I move that the Senate insist on its amendment and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on behalf of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. CHURCH, Mr. PELL, Mr. AIKEN, Mr. CASE, and Mr. JAVITS conferees on the part of the Senate.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BIDEN) laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawing the nomination of William Hinton Fribley, of Kansas, to be Federal Cochairman of the Ozarks Regional Commission, which were referred to the appropriate committees.

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

ORDER FOR CONSIDERATION OF SENATE RESOLUTION 171—DISAPPROVING ALTERNATIVE PLAN FOR PAY ADJUSTMENTS FOR FEDERAL EMPLOYEES

Mr. ROBERT C. BYRD. Mr. President, Senate Resolution 171, a resolution disapproving of alternative plans for pay adjustments for Federal employees, is on the calendar.

Under the law, a request to call up this resolution is highly privileged. It is not debatable.

Also under the law, 2 hours are allotted for debate on the resolution—not more than 2 hours; hence, any Senator can, at any time, seek to get recognition and call up the resolution, except in a situation such as we are in at the moment whereby we have certain amendments locked in, to be considered in sequence.

Once we pass the order of sequence and the last amendment has been considered, any Senator can call up that resolution.

Therefore, having cleared this with the leadership on both sides of the aisle, the resolution having been reported from the committee unanimously, at the request of the Senator from Wyoming (Mr. MCGEE) the chairman of the committee, and the ranking minority member, the Senator from Hawaii (Mr. FONG), I ask unanimous consent that on Friday next, immediately after the two leaders or their designees have been recognized under the standing order, which will be at 9 a.m. that day, the Senate proceed to the consideration of Senate Resolution 171.

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

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974

The Senate continued with the consideration of the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation, for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

AMENDMENT NO. 527

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of amendment No. 527 by the Senator from California, on which there is 1 hour for debate, the time to be equally divided.

Mr. CRANSTON. Mr. President, I should like, briefly, to summarize the amendment and also to praise the leadership in this effort. This leadership has finally resulted, today, in the first victory in the efforts to cut back on extravagant overseas military spending, to reestablish the role of Congress under the Constitution, and to participate in the decisionmaking process relating to overseas troops.

The main arguments in behalf of the Mansfield amendment are, first, that the total direct and indirect costs of maintaining overseas troops—including backup, logistics, and so forth—is roughly $30 billion a year. The balance of payments deficit attributable to military spending overseas is roughly $4.9 billion a year, thus eroding the dollar and contributing to inflation. Altogether, some 464,000 land-based U.S. troops are stationed in foreign countries, not counting the U.S. fleets and not counting troops in U.S. territories and possessions. They man 1,963 bases in 34 countries.

In general, this pattern of massive overseas deployment became established during the cold war, at a time when our allies were poor and relatively defenseless. Vast U.S. military and economic aid programs, plus general détente, makes deployment on such a massive scale obsolete. The purpose of overseas deployment was originally to permit allies to develop their own economy and defense under U.S. protection; deployment was never intended to be permanent.

Although I mentioned the cold war, I do not believe we should make our decisions solely on the assumption that détente is here to stay. I hope it is, but we should also make plans in the event that it is not.

It is the belief of those who have proposed and supported this amendment that even if détente is not here to stay, the implementation of this amendment would nonetheless permit us to be fully prepared to defend ourselves under the worst possible circumstances. We would actually be stronger, not weaker, because we would eliminate waste and extravagance, and strengthen our economy in the process.

Second the Defense Department directly or indirectly employs some 167,000 foreign nationals to support these overseas forces. Meanwhile the Pentagon continues to fire American citizens employed at bases that are closed at home, instead of closing bases overseas.

Third, cuts could be made in support forces rather than primarily in combat strength. The U.S. "tooth-to-tail" ratio is heavily imbalanced. If necessary, our allies could fulfill more support functions.

Fourth, bases often cause political frictions and anti-American sentiment in the host countries. The presence of U.S. troops favors military rather than diplomatic options whenever hostilities break out near our troops overseas.

Fifth, there *is no threat* in Asia that justifies maintaining, for example, 60,000 troops in Japan and Okinawa; 40,000 in Thailand; 40,000 in Korea; 15,000 in the Philippines; and 6,000 in Taiwan.

In those examples I am referring to troops outside of NATO. I recognize there are many Senators and others who are particularly concerned about the effect of this amendment on NATO. The fact is that it would have absolutely minimal effect on NATO. There would be no significant withdrawal in the next year or two. Furthermore, the geographic allocation of the withdrawals is left to the Department of Defense under the terms of the amendment.

Sixth, the greater transport and mobile force capacity of U.S. forces permits rapid response to crisis. Forward-based deployment is unnecessary in many cases.

Seventh, the amendment is fully consistent with the manpower cut authorized by the Senate Armed Services Committee. But the amendment does not call for the automatic deactivation of all returning troops. Because of projected shortfalls in recruitment for the volunteer services, the question of deactivation is likely to take care of itself.

Eighth, President Nixon is correct in charging that Congress is presently running $6 billion above his $268.7 billion budget ceiling. Cuts are needed in the defense budget to protect funding for vital domestic programs neglected through the Vietnam years, as well as for sound programs in the defense budget.

Let one add some long-range points in favor of the Mansfield amendment. I have already mentioned the cold war. It is often said that the relaxation of cold war tensions justifies an overseas pullback. But this is much too general a statement. After all, countries like the Soviet Union and the People's Republic of China are powerful in their different ways, with interests diverging sharply from our own. An outright attack from either of them on us or on our allies is always possible. But as the record of the last 20 years shows, violence is more likely to break out in local theaters—the Middle East, Southeast Asia, the Indian subcontinent, or the Congo—than on a global scale among the big powers.

Unfortunately, we still live in a violent world, and both our foreign policy and our defense policy must take that reality into account. We must be prepared to defend ourselves and to meet our treaty commitments.

But although international violence is old, there is much that is new.

A very important change that has taken place in the last quarter of a century is economic. It has been U.S. policy to help promote the economic development of our allies, and here we can register an outstanding success.

When postwar U.S. troops were initially committed to Europe on a large scale, in 1951, the combined GNP for European NATO members was $46.9 billion. Now it is $831.9 billion.

In 1950, Japan's GNP was only $11 billion. Now it is the third largest in the world—$856 billion.

The United States helped to promote this kind of phenomenal growth through a generous economic aid program. For the developed countries, U.S. economic programs from 1946 to 1972 totalled $28,411,700,000. For less developed countries for the same period, these programs amounted to $80,103,000,000.

At the same time, the United States carried out a worldwide effort to build up the military capabilities of non-Communist countries. Military programs to Europe from 1946 to 1972 came to $14,393,600,000, and for the less developed countries the figure was $40,963,000,000.

And, particularly in recent years, the traffic in conventional arms has grown to spectacular levels. In fiscal year 1973, U.S. arms sales on a government-to-government basis reached nearly $4 billion. That figure is roughly double the figure for fiscal year 1971—$2.07 billion—and guadruple the figure for fiscal year 1970—$914 million.

All of these aid programs and sales have led to a world of large armies and highly sophisticated arsenals. We should realize that our allies are far, far more capable of defending themselves now than they were at the close of World War II.

Take South Korea, for example.

South Korea's Army numbers 600,000 men, as compared with North Korea's 360,000. Eight South Korean divisions and a Marine brigade, many of whose soldiers have Vietnam combat experience, are stationed at the DMZ. The prestigious Institute for Strategic Studies in London has concluded that the South Korean Army is amply prepared to defeat any invasion from the north.

Yet the United States maintains 40,000 troops in South Korea at an annual cost of $584 million. We have an entire division at the DMZ. Our soldiers man 32 major military installations.

Nor is this all, in fiscal year 1973 the military assistance advisory group assigned to South Korea numbered no less than 406. Military grant aid in the same year totaled $134 million, not counting loans, military sales, ship loans, and transfers of excess property. And under a recent agreement, the United States will further modernize South Korea's armed forces to the tune of $1.5 billion over 5 years, including supplying the sophisticated F–5E fighter.

There is much evidence that our manpower efficiency in South Korea is not what it should be. Our contingent there includes 18 generals and admirals. No less than 1,113 men staff the Eighth Army Headquarters, including 12 generals.

Whereas normally a field army headquarters controls four divisions, this one controls only one. And among that division, numbering 13,000 men, only 7,000 are in combat-related duties. As an enlisted man told the Washington Post:

> There are too many men and too little to do.

Out of the 13,000 in the Army's 2d Infantry Division, there were 11,600 cases of venereal disease reported last year.

As former Secretary of Defense Melvin Laird stated to the House Armed Services Committee:

> A large-scale conventional attack on South Korea is not likely in the future.

In June of this year, South Korea finally agreed to dual U.N. membership for the two Koreas. Talks between the two are currently underway. A topheavy and costly American military presence 20 years after the end of the Korean war seems increasingly obsolete.

But I am not suggesting we should rely entirely on North Korea's good intentions, or on a lessened likelihood of war. I am saying that a realistic look at South Korea's strength in the context of the current situation practically demands a substantial U.S. withdrawal.

This is a country for which the United States sacrificed 33,625 American lives. U.S. taxpayers have given it $8.4 billion in military and economic aid over the years. It is an area of vital interest to Japan as well, and we must be sure to consult with her before any withdrawal takes place. Unfortunately, it became a dictatorship last fall, with hardly a murmur from the United States. But like it or not, South Korea is not a country we would abandon, nor am I suggesting that as an alternative.

I suggest that this is a country where in peacetime, a token U.S. force would suffice.

Japan is another example.

Japan's so-called self-defense forces number a quarter of a million men. Her arsenal already contains T–2 supersonic trainers, C–1 jet transports, diesel-powered submarines, helicopter-carrying destroyers, and antisubmarine aircraft. Her army includes 610 tanks and 130 Hawk missiles, her navy 40 destroyers and 13 submarines, and her air force 490 fighters. Her fourth 5-year defense plan, launched in October 1972, entails an outlay totaling $15 billion.

Yet out of 169,000 U.S. troops stationed in Asian countries—not counting the 7th Fleet—roughly 60,000 are found in Japan and her territory of Okinawa.

On Japan's main islands, there are 125 U.S. military installations, of which 32 are considered major. These include six airfields, two naval bases, two bombing ranges, and six ammunition depots. It is a country where 103 million people live in an area slightly smaller than the State of California and where roughly 80 percent of the land cannot be inhabited or cultivated, American bases take up roughly 1 percent of the total area. As of 1970, roughly 70 percent of the U.S. bases, and 77 percent of the American personnel were located within 60 miles of Tokyo, especially in the densely populated Kanto plain. Anyone who has been to Japan recently knows that in the Tokyo area the housing squeeze is appalling and that land prices have skyrocketed beyond belief. Sadly, American bases are also associated with drugs, a fact that greatly worries local authorities.

On Okinawa, where the drug problem is also worrisome, almost 25 percent of the total land area is taken up with American bases, 40 percent of which are in densely populated areas. A recent poll showed that 77.8 percent of Okinawans felt that U.S. bases should be eliminated or reduced. As Don Oberdorfer put it in the New York Times, Okinawans living in cramped quarters can see American officers strolling on spacious lawns and golf courses.

Meanwhile, Japan is carrying out her own military buildup in Okinawa. She has sent at least 3,100 airmen, including pilots for a squadron of 21 F–104J jet interceptors plus 1,500 soldiers and 500 sailors.

When a member of my staff visited Japan last month, two high-ranking Foreign Ministry officials told her privately that it would be better for both countries for the United States to cut the size of its force level. The Nixon-Tanaka joint communique of August 2 states that the two leaders "concurred on the desirability of further steps to realine and consolidate the facilities and areas of U.S. forces in Japan."

Japan is an important and loyal ally whose interests are closely bound up with ours. Before affecting cuts we should make every effort to consult with her and to reassure her about the strength of our defense commitment. But it is ridiculous to keep 60,000 troops in a nation with the third largest GNP in the world. Since 1946, the United States has given or lent Japan over $5 billion in military and economic aid. It is high time we recognized that this investment has yielded a strong and increasingly self-confident ally.

The two countries I have just discussed, South Korea and Japan, account for approximately 100,000 troops. Roughly 50,000 more are located in Taiwan and Thailand.

Here we are beginning to see some encouraging signs from the administration.

Just last week, the U.S. Pacific Command announced that the 274th Tactical Airlift Wing, constituting about one-third of the 9,000 U.S. troops in Taiwan, would be brought home. This reduction marks a long-awaited first step toward the fulfillment of the Shanghai communique, in which the United States "affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan" and pledges to begin that task in the interim "as the tension in the area diminishes."

Taiwan's Armed Forces are the seventh largest in the world, with over half a million men under arms. For the last 10 years or so she has been spending 9 or 10 percent of her GNP on defense—a figure even higher than ours. Since 1949, U.S. military and economic aid programs to Taiwan have amounted to $5.2 billion. It just does not make sense to keep on spending $90 million a year there when it is now our public policy to withdraw our troops.

Thailand, of course, has been a major staging area for our massive bombing attacks on Indochina. It was to Thailand, near the Laotian border, that President Kennedy sent the first sizable U.S. military unit—4,000 Marines to fight in Indochina. The U.S. force level grew to 9,000 in 1964, 36,000 in 1966, and 45,000 by 1973.

In Thailand today there is a larger concentration of American airpower than in any country outside of the United States.

As announced last week, about 3,550 American military men and 100 aircraft are being withdrawn, leaving at least 40,000 men and 500 aircraft behind them. For now, the B–52 fleet remains intact, an ominous reminder that the renewal of bombing is still a possibility.

Thailand and Taiwan are "safe" illustrations of my point that withdrawing troops makes military sense because the intention to withdraw has already been announced. But there is no sound military reason why this same spirit should not be extended elsewhere.

I might add, Mr. President, that it is the stated policy of the Department of Defense to reduce the U.S. military presence abroad. In a letter to me dated August 9, 1973, the Deputy Assistant Secretary of Defense for Installations and Housing, Edward J. Sheridan, wrote that—

> In summary the overall thrust of DOD policy is a streamlining of organizations and reduction of military activities overseas.

But except for Thailand and Taiwan, I have seen little to indicate that this policy is being implemented to any significant degree.

I have already cited examples of countries where U.S. troop levels seem excessive. Meanwhile, these countries and other allies have been building up formidable arsenals through international weapons sales. Foreign orders for the new international fighter, the F–5E, are expected to top 1,000; Brazil has already ordered 48. Iran has placed orders with more than $2 billion for helicopters, F–4 fighter-bombers, C–130 transport planes, F–5E, and 707's fitted as aerial refuelers. In fact, Iran will have more sophisticated and up-to-date helicopters than we will.

Saudi Arabia is buying $1 billion worth of arms, including F–4's, and is also interested in surplus destroyers and frigates. Deals with Kuwait total half a billion dollars and will include F–8 Crusader jet fighters. Spain is buying 8 vertical take-off jets from Great Britain. France has been busy selling her Mirage jets to Latin America. A South Vietnamese Air Force officer recently told the Washington Post:

> If we have a good supply from the U.S. we can fight this war forever. Even without B–52s, we can do everything, and with precision, if we get enough equipment. Instead of one B–52, we can use 10 or 20 A–37s. It will take more time, but we will get the same results.

And so it goes. With the general exception of Africa, the world is armed to the teeth.

So far I have been talking about new military and economic realities. Arguments about numbers of U.S. troops overseas must also include a question which is political and psychological as well: For any given country, can a U.S. defense commitment be relied on?

Pressure from Congress for overseas cutbacks often evokes fear on the part of other governments that a troop withdrawal would signify the end of a meaningful American commitment. In their view, American troops are a human tripwire guaranteeing American military involvement should hostilities break out. Rational calculations that might keep us out of a given war will supposedly be swept aside by the sight of American boys bleeding on the battlefield. There is a corresponding conviction that without such a heart-rending stimulus we would selfishly abandon an ally to an enemy's attack.

I do not believe that the tripwire theory is valid. After all, Americans began to die in Indochina from 1961 on, but the decisive escalation did not take place until 1965. We sent troops to the Dominican Republic in 1965 not because American boys were dying, but because we believed—rightly or wrongly—that the survival of the government of Juan Bosch was contrary to U.S. interests.

Nor is the tripwire theory a wise foundation on which to base a decision to go to war. If a conflict breaks out overseas, there may be many good reasons for getting involved, most notably defending an ally from external aggression. But whatever our judgment, it should not be made on the basis of revenge.

But suppose the tripwire theory is valid after all. In that case, since in most countries existing U.S. force levels are not sufficient to meet a full-scale attack, a token force would serve the same purpose. If Japan were the victim of a massive conventional attack, for example, 60,000 troops would hardly be adequate. And in a nuclear attack they wouldn't be of much use either. From the point of view of the tripwire theorist, all we would need is a token force to get shot at.

Mr. President, an important question remains: What criterion should we use to plan an overseas deployment in the long run? Given enough time to work out the diplomatic difficulties associated with a substantial withdrawal, what should be our final goal?

I have already suggested that if the presence of U.S. troops is largely symbolic, signifying to an ally the reality of an American commitment, for many countries then a token force would do just as well. I am thinking particularly of Asia, where involvement in another major war seems unwise as well as unlikely.

But before deciding where to post token forces, where to withdraw troops completely, or where under exceptional circumstances, to keep a sizable force, I think we in the Congress should ask ourselves the following question:

"If we had no troops overseas, where would we want to send them, and how many would we want to send?"

Some clear thinking here could provide a long-overdue initiative on redefining our foreign policy goals and interests, and reshaping our overseas defense policy accordingly. I think this reappraisal should include a hard look at all our present allies, for we may well want to keep our distance from some of the more corrupt and dictatorial among them. We should guard against intervening in civil wars on behalf of unpopular governments. We should continue to uphold the freedom of the seas. And so on.

I have no hard and fast answers to my question. But I do have some broad suggestions.

Generally speaking, in planning for the future, I think that whatever overseas military deployment we do maintain should reflect the new flexibility of

today's international politics. For the most part, the structured, ideological, bipolar world view of the 1950's has given way to an interdependent international system.

Seyom Brown, a senior fellow at the Brookings Institution, described this new world forcefully when he wrote in Foreign Affairs that increasingly, alinements over specific issues, rather than highly elaborated military alliances, will be the order of the day; coalition partners on one issue may be opponents on another; and military deployments will have little if any utility as bargaining chips for most of the issues among countries, private groups, and political movements.

Helping to reinforce these tendencies, he wrote, is what American foreign policy should be all about at this juncture of world history.

Mr. President, one lesson to be drawn from the new flexibility in international politics is an even greater need for military mobility. I was interested to see that on August 30, Secretary of Defense James Schlesinger told a group of newsmen that he was "damned interested in mobility." At present, the United States has 79 C–5A's, 13 squadrons of C–141's, and a civil reserve air fleet of some 300 planes. But Dr. Schlesinger indicated that in the event of a major war, these forces would be inadequate to move heavy equipment quickly.

Before recommending new appropriations aimed at expending our transport capacity, I would take a hard look at the mobile forces we have already, including our naval fleets. Even more important, I would try to redefine our interests and to see how many of our alliances actually correspond with those interests. I would take into account the expanded rapid deployment capability that we have already developed. As a distinguished member of the Senate Armed Services Committee, Senator HUGHES, has pointed out:

> Just four of our giant C–5 planes can carry as much as our entire military airlift command flew to Korea to respond to the outbreak of war there in 1950.

Finally, I would try to estimate the likelihood of war in each geographic theater. Only then would I decide whether or not a troop cutback from overseas required a new investment in mobility.

Finally, our force planners, together with Congress, should take a look at contemporary warfare, including Vietnam, and reassess our overseas ground troops accordingly. There seems to be widespread consensus, for example, that the United States should not get involved in another major land war in Asia. Surely the bombing that we carried out for 8 years was sufficiently devastating; the Nixon doctrine even implies that others should do the ground fighting.

If I am correct, then we should severely prune our ground forces in Asia and reexamine their usefulness elsewhere in the world as well.

Finally, Mr. President, I would like to quote from the report of the Subcommittee on Security Arrangements and Commitments Abroad, chaired by the distinguished Senator from Missouri, Senator SYMINGTON. The report, dated December 21, 1970, observes:

> Once an American overseas base is established, it takes on a life of its own. Original missions may become outdated, but new missions are developed, not only with the intent of keeping the facility going, but often to actually enlarge it.
>
> Within the government departments most directly concerned—State and Defense—we found little initiative to reduce or eliminate any of these overseas facilities.
>
> In recent years outside pressures, primarily domestic budget cuts, have normally preceded any reduction in United States military presence abroad. Such reductions were often resisted on the grounds that they would appear to be a withdrawal from a commitment, and a lessening of will on the part of the United States—conclusions which do not necessarily follow.
>
> In the past, to put it mildly, State and Defense have made but limited effort to study the worldwide base situation. It is only to be expected that those in embassies abroad, and also at overseas military facilities, would seek to justify continued operations in their particular areas; otherwise they recommend a reduction in their own position.
>
> Arguments can always be raised to justify keeping almost any facility open. To the military, a contingency use can always be found. To the diplomat, a base closing or reduction can always be at the wrong time in terms of relations with the host country and other Nations.
>
> The Subcommittee has come to the conclusion, therefore, that only reviews directed by the White House, or limitations on funds imposed by the Congress, can force reduction decisions.
>
> The communications facilities at Rota [Spain] were expanded in 1963 so as to take on the activities in Morocco bases that we were being required to vacate. But when later the United States was permitted to continue operating from Moroccan facilities, the new Rota station was also continued.
>
> In March, 1969, when the Subcommittee staff visited Rota, questions were asked about duplication with communication facilities in Morocco. The staff was reassured that both facilities were needed, with the growth of the Soviet Mediterranean fleet cited as a key reason. One year later, however in March 1970, when the staff visited communications facilities in Morocco, they were told that the comparable facilities in Spain had been taken off the air.

In conclusion, Mr. President, I strongly urge the adoption of the Mansfield amendment; namely, a 40-percent cut in land-leased U.S. troops stationed in foreign countries over the next 3 years.

Mr. President, I turn back whatever time I have remaining, so that others may speak.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield the Senator from Colorado such time as he may require.

Mr. DOMINICK. Mr. President, I have not spoken on this measure before, except in the process of the debate on the Trident, but I think I should.

I cannot conceive of an amendment which, at least theoretically, could do us more damage than this one if it passes, and I say that with great conviction.

We have commitments, most of which have been entered into by the Foreign Relations Committee, with a number of allies around the world.

Under this amendment as it is worded, it means that unless we have a 10-percent cutback in military forces by July 1, 1974, they are not going to get any money for those purposes at all.

I would ask the Senator from California and the Senator from Montana, what do we do about places such as the small number of people that we have in the middle of the Indian Ocean as a listening post for the Soviet navy, which is going all through the Indian Ocean? What do we do about meeting our commitments with the United Nations on our Korean situation?

Sure, we can take them down, but who is going to fill that gap? South Korea in that case, but who will fill it on Diego Garcia, in the middle of the Indian Ocean? Who will fill it in terms of what we need to fulfill our responsibility in terms of the commitments which have been made and approved by the Foreign Relations Committee in so many areas around the world?

I think we are taking a move here which is a direct reflection on whether this country is going to revert to isolationism, or whether we will be maintaining our international position in the world.

Mr. President, I vote for the latter.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Mr. President, who has control of the opposition time on this measure?

The PRESIDING OFFICER. The Senator from Missouri, unless he is in favor of the proposal. Then it would go to the majority leader or his designee.

Mr. TOWER. Mr. President, could the Senator from Texas inquire as to whether or not the Senator from Missouri is in favor of the amendment?

Mr. CRANSTON. Mr. President, the Senator from Missouri was in favor of the amendment this morning.

Mr. TOWER. Then the opposition time would devolve on the Senator from South Carolina?

The PRESIDING OFFICER. The Senator is correct.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, the proposed amendment stipulates that the United States must decrease its land-based deployments overseas by 40 percent over the next 3 years. I oppose this amendment because I consider it based upon an overly hopeful assessment of recent trends in our relations with the Soviet Union and because I regard it as potentially injurious to this Nation's security interests.

The amendment seems to be based upon the premise that the level of our overseas military deployment is too high. I would challenge that particular premise by examining the supposedly excessive level of our overseas deployments. As of March 31, 1973, there was a total of 606,000 U.S. military personnel stationed outside the United States. However, sometimes improper use is made of this figure when it is asserted that there

are 606,000 troops outside our territories and possessions. Rather, 42,000 of these troops are located in our territories and possessions, that is, Guam, so forth, and that, therefore, leaves a total of 564,000 troops in foreign areas. But of these, 93,000 are troops afloat, to which the amendment does not apply. Therefore, that leaves a total of 471,000 on shore in foreign countries. It must be emphasized these are not all combat forces. It seems to me that this is not an excessive number for a major power as ourselves in light of our far-ranging and widely varied interests and commitments.

Mr. President, let me add here that I firmly believe the supporters of this amendments are just as concerned for the security of our country as I am.

However, it would appear that they believe that the world has become so much safer a place of late that the United States no longer needs to maintain an adequate and credible military presence overseas. I cannot agree with this outlook. Certainly, the style of our relationship with the Soviet Union has changed in recent years—we have not had a Berlin- or Cuba-type crisis. However, that does not necessarily mean that our basic national interests are any more consonant with those of the Soviet Union than ever before, or that the Soviet military challenge has been diminished to any significant degree. To assume so would be a most perilous self-deception on our part. We still confront the Soviets at close and potentially dangerous quarters in Berlin, central Europe, and in the Mediterranean not to mention our conflicting interests in the Middle East and Asia.

So, it seems to me that it would be wise to ask for concrete proof that the world is in fact safer before we go on to act as if it were. In this regard, it does not seem that the Soviet military challenge has been reduced to any meaningful extent. I would like to give a few examples that the Soviet military challenge has, in fact, not lessened.

Soviet defense budgets have increased at a rate of approximately 3 percent yearly since 1960.

Soviet military strength has risen from 3 to 3.7 million men since 1960. At the same time, U.S. forces have fallen to 2.2 million, the lowest level since 1950.

Soviet capabilities in Europe have been improved both qualitatively and quantitatively. They have committed more divisions, tanks, rocket launchers, and cannon artillery to the central European front. In the meantime, we have lowered the number of our forces in Europe from 380,000 before the Berlin buildup to 319,000 today, which are not all combat forces.

The expanded Soviet naval forces now have a capability for sustained operations at sea and a force presence worldwide.

Soviet technology has given them a new long-range sea-launched ballistic missile, a new long-range bomber, an increasing group of ICBM's, and of late, they have achieved a successful test of MIRV capability.

It seems to me that actions like that on the part of the Soviet Union are not conducive to a real détente situation. The Soviets talk détente, but at the same time they are improving significantly their military war-making capacity. It would appear that détente with the Soviet Union could be mostly a public relations affair that may include some wishful thinking on our part. This attitude has possibly been brought on by our rejection of our Vietnam involvement and the desire to extend that rejection to all overseas involvements.

Whatever tragedies and errors were enacted in Southeast Asia, they are absolutely not a fitting foundation upon which to base an attack upon our involvements everywhere else in the world, even in those places where our national interests are obviously and basically at issue. This is most clearly true, of course, in Western Europe, and it requires emphasis here that there is no way in which the pending amendment might be executed without making large reductions in our European troop deployments. We must, therefore, stop and consider very seriously whether that is in fact the direction we wish to pursue.

Is our interest in the continued security and autonomy of Western Europe any less fundamental than ever? I assert that it remains as vital to this Nation as ever. Is it legitimate to assume that the Soviet challenge has markedly diminished in Europe? I maintain that the facts listed previously as to the uninterrupted rise in Soviet military capability point clearly to the conclusion that the Soviet challenge is as formidable as ever. Shall we, therefore, believe ourselves wise to require a large-scale, unilateral reduction of our military deployments abroad? The realities of the case appear to indicate rather conclusively that we would be ill-advised indeed to engage in any such excess of self-indulgence. It is certainly self-indulgence to maintain in the face of all unpleasant realities that the world is what we want it to be rather than what the facts insist it is. Self-indulgence is a perilous foundation for a nation's foreign policy.

I do not believe that we who oppose this amendment would argue that we must retain our present level of deployment sacrosanct for all future time. However, we would argue that this is not the right time to engage in large reductions on a unilateral basis when after many years of inconclusive maneuvering, the Warsaw Pact nations have finally agreed to join in serious negotiations aimed at reducing the level of military confrontation in Europe. Should we now proceed to make such large unilateral reductions as the present amendment demands, we would effectively rob the MBFR negotiations of all meaning by giving away "for free" everything that we would otherwise agree to grant only on a mutual, reciprocal basis.

I have covered that point previously here today on a more elaborate basis.

These negotiations will take time, of course. It would be foolishly unrealistic not to expect that since they deal with affairs that are sensitive and vitally important to all the parties involved, they will also be very complicated negotiations, far more than even the strategic arms talks were. But if we wish to bring about any real reduction in the Soviet challenge on the continent, we can only do so by bargaining something in return. Not only would the present proposal amount to giving away our bargaining counters for nothing; it would amount to an increase in the Soviets' military power relative to a weakened NATO.

So I believe that we here must consider very carefully whether we may wisely assume that the Soviet Union's military power relative to the Western World has lessened; whether we are in fact ready to scuttle MBFR before it even begins by giving away our concessions before we start; and finally, whether in the light of these considerations the present proposal is a realistic and responsible one that this Senate ought to endorse. I do not believe the pending amendment is in our best interest, and I urge its rejection.

Mr. DOMINICK. Mr. President, will the Senator yield for some questions?

Mr. THURMOND. Mr. President, I am very pleased to yield to the able and distinguished Senator from Colorado.

Mr. DOMINICK. As I read this amendment, it would apply to all military forces. Therefore, I presume it would also attach to military attachés in the embassies. What in the world are we going to do about that? If you have one military attaché, how are you going to cut him 10 percent by July 1?

Mr. THURMOND. Of course, the Senator has propounded a question that would have to be determined at a later date. Perhaps a fraction could be figured out in one place with a fraction in another place, and possibly a decision could be reached on that basis.

Mr. MANSFIELD. Mr. President, will the Senator yield, so that the Senate can turn to the practical from the ridiculous?

Mr. DOMINICK. I will be happy to turn to the practical from the ridiculous.

Mr. MANSFIELD. The discretion is up to the President, and I cannot see the President cutting 1 man in 10 just to achieve a 10-percent reduction without concern of their theater of operation.

Mr. DOMINICK. I cannot, either, but that is what the wording of the amendment says.

I have another question for the Senator from South Carolina. Is it not true that the Armed Services Committee has already cut the manpower level by 7 percent and over the period of the last 2 years has cut it by more than a million people?

Mr. THURMOND. That is correct. And this year alone, the Armed Services Committee reduced the personnel by 156,000 in addition. At a cost of $10,000 each, that would amount to more than $1.5 billion in personnel, if it should stand, in addition to the other amounts in the procurement bill. The amount in the procurement bill requested by the Defense Department was $22 billion, and the Armed Services Committee reported a bill in the amount of $20.5 billion. That is a reduction of $1.5 billion, making a total reduction in weapons and personnel of approximately $3 billion.

Mr. DOMINICK. The only reason I brought up the question is that it seems

to me that the Armed Services Committee has been taking cognizance of the fact that a great deal of our economic strength, in terms of weaponry, goes into manpower; that we have been reducing manpower on an orderly basis, and we have every intention of continuing to do so where it is possible.

Mr. THURMOND. The distinguished Senator is correct. It has been reduced. It has been reduced in an orderly manner.

As I stated a few moments ago, we have reduced our forces to approximately 2.2 million men, and the Soviet military strength has risen from 3 million to 3.7 million men. That shows how the Soviets have been going up while we have been going down.

It seems unrealistic to make any further reduction at this particular time. We are on the eve of the mutual reduction talks, and for us to make a reduction now would provide no incentive to the Soviets to bring about a mutual reduction when these talks take place.

THE CHIEF OF NAVAL OPERATIONS AND THE SOVIET AGENTS

Mr. SYMINGTON. Mr. President, I appreciate the typical courtesy of the Senator from South Carolina.

Mr. President, I ask unanimous consent that the short telegram I will now read may appear in the RECORD.

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

Mr. SYMINGTON. Mr. President, this is the telegram, dated today, which I have sent to Admiral Zumwalt:

Adm. ELMO R. ZUMWALT, JR.,
Chief of Naval Operations, The Pentagon, Washington, D.C.:

Based on what we know here, if your evaluation of the Soviet threat on Capitol Hill is comparable to your evaluation of that same threat as justification for acceleration of the Trident, this can only be another reason for opposing that acceleration.

In any case, prior to the vote tomorrow at 11:00 a.m., please supply the names of the Soviet "agents" to which you refer and also the names of the Senators they visited.

STUART SYMINGTON.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield such time as he may require to the distinguished Senator from Massachusetts.

Mr. BROOKE. I thank the distinguished Senator from South Carolina.

Mr. President, this morning the Senate voted favorably, for the first time, to require a unilateral and extensive decrease in the number of U.S. forces deployed overseas. To some, this vote represented a justified attempt to lower the military profile of the United States overseas. To me, however, it was an indication that the weariness in this country concerning international involvement is now threatening to change our need for a period of self-evaluation into a more prolonged and dangerous slide into unilateral abrogation of world responsibilities.

The decision the Senate made this morning, if it is confirmed by a positive vote on the pending Cranston amendment, would be unfortunate in several ways:

First. It would be an indication of extreme myopia on the part of the Senate regarding the bargaining dynamics of superpower negotiations. Unilateral initiatives such as the ones suggested here, coming at a time when our superpower adversary is both increasing and modernizing its military capabilities, is a peculiar way to effect desired mutual agreements with the Soviet Union.

Second. The precipitate reductions here contemplated would increase the possibilities that the Soviet Union may begin to put added pressures on certain areas of vital concern to the United States. One need only look at Soviet interest in the Persian Gulf area and the geopolitical and psychological implications of an increased Soviet ability to pressure Iran and Turkey, to understand, in general terms, some of the potential negative effects of the pending amendment.

Third. The Western negotiating position in such forums as the Conference on Security and Cooperation in Europe will be eroded by the contemplated initiative. If it becomes apparent that the West's position there is not buttressed by a strong and durable Atlantic Alliance—and make no mistake of the fact that the amendment, if passed, can do nothing but weaken our ties with Europe—our call for greater freedom of exchange of peoples and ideas between East and West will be "sound and fury signifying nothing" to the Soviet Union.

Fourth. Political integration in Europe is at a delicate phase in its history. This unilateral initiative to reduce U.S. troops overseas and its implications would tend to thwart West European unification and to cause each of the separate West European countries to make individual accommodations to the changed realities. The likely accommodations would not be in the best interests of the United States.

Fifth. Whether we like it or not, the United States is the only country in the free world capable of exerting leadership on a par with the Soviet Union. Through the present amendment, we would be abrogating unilaterally our leadership responsibility. I can only marvel at reasoning that believes some semblance of world peace would be achieved through our doing so.

I have focused here on some of the implications for Europe of this initiative. Many more arguments could be made against it in reference to its potentially disastrous consequences for U.S. interests. Time does not permit me to do so. I believe my colleagues are well aware of the fact that the reductions contemplated by the present amendment would necessitate an almost total reduction of our troops "on the ground" in parts of the world other than Europe if extensive unilateral cuts were to be avoided in the latter area. It does not take much imagination to comprehend what that would mean regarding U.S. ability to influence developments in the world.

In closing, I entreat my colleagues to think carefully about the debilitating possibilities that would face this country and our allies if this initiative was passed. As they do so, I firmly believe that they will vote to defeat this initiative.

Mr. THURMOND. Mr. President, I yield such time as he may require to the distinguished Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I suppose this is an issue which divides people not along ideological grounds but because of very profound views as to the outlook for the security of our Nation and the world.

I am fully cognizant of the long and tortured road to conference and signature by the President, and so forth, which this amendment, if it is adopted, must go through. However, I deeply believe that adoption by the Senate of this amendment is an adverse development in terms of our country's and the world's security. Thus, notwithstanding my enormous affection and regard for both authors of the amendment, I must oppose it.

Mr. President, in speaking before the Senate, I would like to testify as a witness, because in this regard I do claim that status. For 2 years, I have presided over a committee called the Committee of Nine, established by the North Atlantic Assembly to review the future of the Atlantic Alliance. This committee has had enormous research capability.

It numbers and has numbered among its members former Secretary General Brosio, the former president of the Common Market, Lester Pearson, who was one of the most eminent leaders for peace in the world before he died and Max van der Stoel who was just appointed Prime Minister to the Netherlands. It is a very distinguished group, indeed.

I think I have a good view of the situation in Europe. I would like to report that to the Senate because I think it bears very importantly on the adoption of this amendment by the Senate.

This amendment would be a signal to Europe, no matter how we slice it. That is the way they would look at it. We lawyers have a saying that it is not what the facts are, it is what the judge thinks they are. Europe is looking at the Senate, which confirms nominees for high diplomatic posts and voted recently on the confirmation of Dr. Henry Kissinger. They understand it well. They understand that the Senate ratifies treaties, such as the arms treaty. They understand that it is the body concerned with foreign policy.

They will look upon the adoption of this measure as a declaration of policy by the Senate, which to them is a most important body related to Europe and the alliance. They will regard our action as directly aimed at our status in the alliance in Europe, because it is easy to determine that cuts will take place in Europe because the United States will not take all troops out of every place in the world to leave Europe intact.

This is going to fall very heavily on Europe. I have tried to specify that in statements to the press today by saying this move is heavily dictated by the desire for a conference on force reductions rather than any shakiness respecting the European relationship in terms of security. I feel that, Mr. President. But I would be less than honest with the Senate if I did not tell you that I do not know whether Europeans will feel that way.

I rather doubt they will. My experience with them induces me to believe they will take it as a direct move to lessen our commitment to the security of Europe in terms of its being the threshold and border of the United States.

What are the consequences of that? It may as many think, result in Europeans filling in with more troops, more preparations, more alarm, a greater alertness respecting NATO. However, there may be a drawdown by Europe and a new leaning toward the Soviet Union. In that connection, regarding the Pakistan-India affair, there was one phrase that was used: A tilt toward Pakistan. That is what may happen in Europe. They will take this as a signal that if the United States is going to begin to lessen its commitment and pull out, then it is time for everyone to take steps to accommodate to the other overwhelming world power.

That is only human, and I believe it could be very much in the cards as far as Europe is concerned. We do not know that this will happen but if this amendment is adopted we certainly increase the risk that it may happen. We are all very anxious to avoid any nuclear confrontation. There is already grave doubt in Europe whether any defense of Europe is possible with the use of tactical nuclear weapons. It is a very critical discussion in Europe. It is only brought nearer by shaking their confidence in the American commitment. Inevitably that is what we would be doing.

Mr. President, again I point out that there is the danger, the real danger, that Europe will seek some type of accommodation with the Soviet Union which could greatly affect the security and freedom in the whole world.

The second part of that issue is that it brings us much closer to the nuclear threshold. It is a matter of most profound importance. The Mansfield amendment has been discussed in Europe for several years. I am constantly asked: Will it carry? Is this the sentiment of the Senate? I do not believe it is.

My remarks are addressed to certain Senators who may have voted for the Mansfield amendment. I cannot hope to influence those who disagree with me about European security and its essentiality to our country, or which way the Europeans are likely to move in the event there is a feeling we will pull out of the nuclear weapons issue. But I hope very much to have some influence in these remarks with Senators who may have been voting this way as an economy move.

The PRESIDING OFFICER. All time of the minority has expired.

Mr. TOWER. Mr. President, will the Senator from California yield? Our time has expired.

Mr. CRANSTON. I yield 1 minute.

Mr. JAVITS. It is my feeling that those Senators who may be voting for this because they know we have to cut down on troop strength and who might think this is an effective way to do it because it affects forces overseas, I appeal to them to think three or four times with respect to what I consider to be the ultimate consequences of this highly dangerous and very prejudicial move.

I thank the Senator from California and the Senator from South Carolina for yielding.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes with the approval of the Senator from California.

Mr. CRANSTON. I yield.

Mr. MANSFIELD. Mr. President, there has been a lot of emotion dredged up in defending the interests of Europeans and a lot of sympathy expressed for them. In my opinion, too little has been expressed for our own people. It is not so much a sentiment in the Congress, as the Senator from New York indicated, it is the sentiment of the American people.

May I point out that just as the admirals were roaming the corridors this morning, so have the Secretaries of Defense been over here this afternoon; and I also understand that General Goodpaster, the American Supreme Commander of NATO forces, and others, have been calling up Senators and urging them to overturn the action which the Senate undertook this morning. They may well be successful, but the Senate by a vote of 49 to 46 this morning expressed its opinion. I would point out that as far as the upcoming situation is concerned, normally when an amendment is offered and an amendment to that amendment is agreed to, it is a pro forma proceeding to accept the amended amendment, the Cranston amendment in this instance.

I would point out the fact that the 40-percent cut means only 190,000 of those who are overseas. Of these 160,000 to 165,000 can easily come out of Asia and other areas. Of course, we would not disturb the military, the defense attachés, in their jobs, because in some places, even though they are pretty overpopulated I think we could stand that sort of overabundance. But that would mean only 25,000 would come out of Europe the last of the 3 years, and none before that time.

The Senate Armed Services Committee recommends, in the committee report before us, that 14,000 are certainly eligible for a cut in Europe this year. Thus, only 11,000 would be cut from Europe in addition over the next 3 years.

So what we are up against is a power play. Either Senators will stand up and assert their independent judgment or they will not, and what each Senator does will, of course, be his own responsibility. But I recall serving in this body with a great Senator, one of the great conservative Senators, one of the truly great conservative Senators I have ever known, a man who could always, despite his intense and deep convictions, see the other side of the coin. I read what he said:

> The key to all the problems before this Congress lies in the size of our military budget—
>
> Almost 60 percent of the defense budget is in manpower costs—
>
> That determines the taxes to be levied. It is likely to determine whether we can maintain a reasonably free system and the value of our dollar or whether we are going to be weakened by inflation and choked by government controls which inevitably tend to become more arbitrary and unreasonable...

Those words were uttered by Senator Robert Taft on January 5, 1951.

Mr. President, the amendment remains neutral on the question of demobilization of the personnel returned. It is my belief that the pressures to maintain a standing army in peacetime through volunteers will significantly shrink the overall size of the military force levels. In this respect this amendment would complement that forecast and complement as well the unanimous-consent action by the Senate Armed Services Committee which recommends an overall force level reduction of 156,000 by June 30, 1974.

The enactment of this amendment would be totally consistent with the Nixon doctrine of worldwide presence manifested by other than land forces on foreign soil.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. May I have 2 minutes?

Mr. CRANSTON. I yield 2 minutes to the Senator from Montana.

Mr. MANSFIELD. Not since the days of the British Empire—or probably more truly, the Roman Empire—have so many been required to "maintain the peace" away from our shores. Many of our post-World War II military postures and weapons procurements, and those of the Soviet Union as well, have been imitative or mirrored responses to each other. When one superpower develops a missile, the other responds in kind.

The presence on foreign soil of so many U.S. military presumes a policy that heavily favors the military option. In fact, it is my belief that the commitment and level of U.S. forces abroad has determined our foreign policy, rather than our policy determining the level of U.S. forces abroad.

It is almost beyond belief to most Americans that our country maintains over 2,000 bases and installations on foreign soil; that the Defense Department employs directly or indirectly approximately 173,000 foreign nationals—not to mention 73,000 U.S. nationals—at these bases and the installations to support these U.S. forces abroad; that over 314,000 dependents are stationed overseas with these military forces. Disbelief turns to dismay when announcements are made that bases and installations are to be closed in the United States—and we have been served notice to that effect—and persons put out of work all in the interest of economy. Economy is a desirable goal, but it should apply to expenditures abroad as well as expenditures at home.

I thank the Senator for yielding.

UNILATERAL TROOP REDUCTION

Mr. DOLE. Mr. President, anyone who has ever engaged in negotiations of any sort knows that you cannot yield your own position in advance and then expect the other side to make any important concessions voluntarily. Yet that is exactly the mistake that the Senate will be making if it attempts to force a unilateral withdrawal of American troops from Europe in advance of any mutual force reduction agreement with the Soviet bloc.

You cannot play poker if you toss all of your chips into the other player's lap before the game has started.

It is not a question of numbers so much as impact. Ten thousand troops for instance, are, in the abstract, a small number. But the impact of their withdrawal, and the chain reaction it would set in motion with both our allies and our adversaries would be immense.

Our allies have been repeatedly assured that the United States intends to stand by its NATO Treaty commitments. A unilateral reduction now would seriously injure our credibility at a time when we cannot afford such injury. It would seem to our European friends to confirm all of the alarmist stories about American neoisolationism they hear so frequently. It would convince them that, after the first small troop withdrawal, others would inevitably follow and that America was "phasing out" of NATO.

That could mean only one thing. The crippling of NATO and the fragmentation of the western alliance that has kept America at peace in Europe for over a generation.

From a short-term military point of view, any cut in American troop strength would also weaken NATO's conventional deterrent. This would mean that, in the event of a confrontation, the West would have no alternative to the deadly gamble of nuclear brinkmanship. In the meantime, western Europeans frightened by this prospect, or unconvinced of the credibility of our commitment to meet aggression with nuclear force if necessary, would be sorely tempted to make separate deals with the Soviet bloc. Western unity would be finished.

Make no mistake. This debate is being closely followed by leaders in Moscow and every free capital of Europe. Whatever the confusion about the issue at home, there is no doubt in their minds about what is at stake.

If we act unilaterally now to cut back American troops, the Soviets can only draw one conclusion—America is not interested in a mutual lessening of tensions or a mutual reduction of forces in Europe; America is only interested in lowering its own profile without regard to the consequences.

Every Member of the Senate who is committed to lasting stability in Europe and stronger incentives for peaceful cooperation between the Free World and the Soviet bloc should oppose any measure that would undercut that commitment. And any measure taken by us now that would force a one-sided pullback of American troops falls into this category.

Our allies spent almost $25 billion on defense in fiscal year 1972. The maintenance of United States forces in Europe costs about $3 billion annually. Our allies, by comparison, have recently agreed to spend more than that amount per year on new equipment alone.

The peacetime active military strength of our NATO allies is slightly more than 3 million men. Our total United States military forces are about 2.3 million of which only about 300,000 are serving in Europe.

No one enjoys the idea of stationing a large number of Americans in Europe and paying the bills involved, although this cost represents only 5 percent of U.S. purchases abroad. When you look at the facts you have to realize that, at this time, the alternative is worse.

The way to reduce tensions in Europe and eventually lighten the defense burdens of America, our allies and the Soviet Union is to reach a durable agreement on mutual force reductions.

Mr. CRANSTON. Mr. President, I yield back the time under my control.

Mr. THURMOND. Mr. President, my time is yielded back.

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

Mr. GURNEY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll, and the following Senators answered to their names:

[No. 420 Leg.]

Abourezk	Gurney	Muskie
Aiken	Hartke	Nelson
Allen	Hathaway	Nunn
Bartlett	Hruska	Pastore
Bennett	Huddleston	Proxmire
Bible	Hughes	Schweiker
Biden	Humphrey	Scott,
Byrd, Robert C.	Jackson	William L.
Cannon	Johnston	Stennis
Clark	Kennedy	Stevenson
Cranston	Mansfield	Symington
Curtis	Metcalf	Thurmond
Dominick	Mondale	Tower
Goldwater	Montoya	
Griffin	Moss	

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Baker	Eastland	McGee
Bayh	Ervin	McGovern
Beall	Fannin	McIntyre
Bellmon	Fong	Packwood
Bentsen	Fulbright	Pell
Brock	Gravel	Percy
Brooke	Hansen	Randolph
Buckley	Hart	Ribicoff
Burdick	Haskell	Roth
Byrd,	Hatfield	Scott, Hugh
Harry F., Jr.	Helms	Sparkman
Case	Hollings	Stafford
Chiles	Inouye	Stevens
Church	Javits	Talmadge
Cook	Long	Tunney
Cotton	Magnuson	Williams
Dole	Mathias	Young
Domenici	McClellan	
Eagleton	McClure	

The PRESIDING OFFICER. A quorum is present.

The question occurs on the amendment of the Senator from California, as amended. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PACKWOOD. On this vote I have a live pair with the Senator from Ohio (Mr. SAXBE). If he were at liberty to vote, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent on official business.

I also announce that the Senator from Kansas (Mr. PEARSON) is absent because of illness.

I further announce that the Senator from Connecticut (Mr. WEICKER) is detained on official business.

I further announce that the pair of the Senator from Ohio (Mr. SAXBE) has been previously announced.

If present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The result was announced—yeas 44, nays 51, as follows:

[No. 421 Leg.]

YEAS—44

Abourezk	Haskell	Moss
Bayh	Hatfield	Muskie
Bible	Hathaway	Nelson
Biden	Hollings	Pastore
Burdick	Huddleston	Pell
Byrd, Robert C.	Hughes	Proxmire
Chiles	Inouye	Randolph
Church	Long	Ribicoff
Clark	Mansfield	Schweiker
Cranston	McClellan	Scott,
Eagleton	McGovern	William L.
Fulbright	McIntyre	Symington
Gravel	Metcalf	Talmadge
Hart	Mondale	Tunney
Hartke	Montoya	Williams

NAYS—51

Aiken	Dole	Magnuson
Allen	Domenici	Mathias
Baker	Dominick	McClure
Bartlett	Eastland	McGee
Beall	Ervin	Nunn
Bellmon	Fannin	Percy
Bennett	Fong	Roth
Bentsen	Goldwater	Scott, Hugh
Brock	Griffin	Sparkman
Brooke	Gurney	Stafford
Buckley	Hansen	Stennis
Byrd,	Helms	Stevens
Harry F., Jr.	Hruska	Stevenson
Cannon	Humphrey	Thurmond
Case	Jackson	Tower
Cook	Javits	Young
Cotton	Johnston	
Curtis	Kennedy	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Packwood, for.

NOT VOTING—4

Pearson	Taft	Weicker
Saxbe		

So Mr. CRANSTON's amendment was rejected.

Mr. THURMOND. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. TOWER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SAM-D—CRUCIAL MISSILE DEVELOPMENT

Mr. McINTYRE. Mr. President, as I stated yesterday, the Senate later this week will be debating an amendment to

delete the funds recommended by the Armed Services Committee for the SAM–D missile system.

The Research and Development Subcommittee of the Senate Armed Services Committee, which I chair, has spent many hours in a thorough review of all aspects of SAM–D. Our subcommittee has unanimously concluded that SAM–D is the only air defense weapon that can offer our forces the protection necessary to maintain their combat effectiveness.

The SAM–D concept and much of its hardware have been rigorously proved through an advanced development program to insure a minimum risk effort.

The reduced maintenance and manpower requirements and increased rate of firepower, even with fewer units, make SAM–D the cheapest solution to the air-defense threat to our troops. It is vital to our future success on the battlefield.

I want my colleagues to be aware of an excellent article on SAM–D in the June 1973 issue of Army magazine. Mr. President, I ask that this article by Eugene Fox, "Sam–D—Air Defense for the 1980's," be included in the RECORD at this time.

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

SAM–D—AIR DEFENSE FOR THE 1980's

The Army sees the SAM–D air-defense system as its most crucial missile development, designed for cover from the attacks of sophisticated air forces which could turn the tide of battle in the first few, critical days.

The nature of conventional warfare today is highly dependent on control of the air space over the battle area. Air-space control will permit the tactical movement of troops and equipment on the ground and will enable decisive engagements to be fought at a time and place of our choosing. Air defense, not critical in Korea and Vietnam, could be the most crucial element in achieving this goal in a war against a nation with a capable air force.

Today's air threat to U.S. forces consists of large numbers of high-performance aircraft in the hands of potential enemies, their satellites and their client states. These aircraft are improving their means of suppressing defensive measures, and this threatens to neutralize our air-defense units now in the field. We must have an air-defense system that can inflict heavy losses in the face of highly refined electronic countermeasures (ECM), tactical formations and tactical maneuvers.

The late hostilities in Southeast Asia are not typical of conditions faced by a field army. The density of targets was quite small compared to our previous experiences. Historically, each air combat sortie had killed at least one tactical target in a battle of field armies. Thus, in light of what we know, the effectiveness of air defense can mean the difference between a successful operation and a swift defeat.

Today there are five systems in our family of ground-based air defense. The Nike-Hercules has high altitude and long range. The improved Hawk has low-to-medium altitude and intermediate range. The Chaparral missile and the Vulcan automatic gun provide short-range, low-altitude coverage at key locations. Finally, the Redeye man-portable system provides self-defense for individual combat units. Together they are a composite air-defense group of weapons which complement each other in establishing the protection necessary for our field forces.

We must measure the capabilities of our current air-defense weapons under realistic conditions in which the attacking aircraft use all available techniques to defeat our defenses. This must be done, of course, by 1980.

The Nike-Hercules and Hawk were built with the technology of the 1950s. They have been improved through the years and are still useful and capable weapons. By 1980, however, they will be very old and maintenance costs will be extremely high. Their ability to operate when the enemy's defensive measures are highly refined will be severely hampered. Essentially, the enemy will make these systems electronically "sightless" by using a wide range of electronic countermeasures and tactical maneuvers.

Even were these systems to be further improved, there are four critical requirements which cannot be met at reasonable cost and constant strengths: increased rate of firepower; increased effectiveness and ability to survive under hostile conditions; improved combat readiness and ability to operate in the field; and reduced cost of ownership.

The SAM–D system is being developed to meet these needs and will have few major pieces of equipment when compared to its predecessors.

Under the direction of the weapon control computer, the phased-array radar (PAR) will simultaneously perform all acquisition, tracking and missile guidance functions against many different targets, replacing ten radars now employed with Nike-Hercules and improved Hawk.

The weapons-control unit will have a digital computer which automatically controls many launchers, the radar and the missiles in flight. It will house the necessary operator displays and controls while a separate vehicle will furnish power for both radar and weapons-control functions.

The launcher will transport four missiles in sealed canisters and will erect and fire them under automatic control of the system computer. There will be many launchers with each fire section.

The missile will be supersonic and very maneuverable with a high-explosive warhead and command and semiactive homing guidance that is highly immune to electronic countermeasures. Its range and altitude will allow any known aircraft to be intercepted.

A grouping of the radar, weapons-control unit, launchers and a power unit is called a fire section—the smallest SAM–D configuration that can provide air defense. The computer software schedules and commands the phased-array radar and, combined with the radar, in fractions of a second steers the beams electronically to various points in space. Thus, all necessary radar functions will be performed nearly simultaneously and many sequences of engagements, from target search to warhead detonation, will occur at the same time.

A typical sequence of engagements for SAM–D might begin with the system's radar searching in an assigned area. A potential target entering the area would be quickly checked to assure that it was a valid target and a hostile one. When these conditions are met and the target entered the engagement zone, a missile would be launched to a predicted intercept point. The tracking, through missile guidance within the missile, provides vital engagement data to the computer. Missile guidance commands are determined by the computer, using information received through the radar from both missile and target. The warhead inside the missile is detonated at the precise moment to insure highest lethality and target kill.

SAM–D is just completing the first year of a five-year, full scale development program. In early 1972, an advanced development period of 4½ years ended successfully and met all objectives. Hundreds of tracking tests were performed against controlled aircraft and targets of opportunity. Dozens of demonstrations and simulations of a unique track-via-missile (TVM) guidance system were conducted. Eight missile flight tests were flown. The risk in entering the full scale development effort was minimized. During advanced development, a weapons-control computer, a control console with visual display and a multifunction phased-array radar were built. This equipment is now being modified for use in the initial testing phases of the full scale development program to be conducted at White Sands Missile Range in New Mexico.

SAM–D will outperform today's systems: it will have four times the capability of our current systems against the expected ECM threat. In addition, the same SAM–D design will maintain an effective defense capability under conditions up to six times this threat. The phased-array radar allows a substantial increase in the number of engagements at any given time, and contributes to a better defense by using fewer fire units.

Can SAM–D survive on the battlefield? Yes, SAM–D will survive and continue to perform its mission. SAM–D has several unique means of reducing vulnerability: It will have a less distinctive battlefield signature, because a small number of equipment elements will make it very difficult to find from the ground or air; the system can be moved rapidly and the remote location of its launchers will not reveal the site of other system equipment; SAM–D's high rate of fire and its ability to operate under heavy attack will allow it to inflict severe casualties on an enemy. The non-rotating radar antenna will be easily camouflaged. Electronic scanning, in contrast to mechanical scanning, permits use of operating techniques that will reduce the effectiveness of existing anti-radiation missiles (ARM). This particular matter is being intensively investigated to insure that SAM–D will make the maximum use of its system capabilities. The unique track-via-missile (TVM) guidance system will reduce miss distances and increase kill probability.

SAM–D is an expensive program. Although it is the most costly of the Army's tactical weapon systems now being developed, it will result in significant savings in manpower and operations. Current planning for SAM–D deployment will reduce air-defense manpower requirements by almost 50 percent and so save in personnel costs which have risen dramatically in the last few years. In addition, the annual operating costs of SAM–D will be less than 70 percent of the Nike-Hercules and the improved Hawk replaced.

The electronic advances worked into each of our long-range air-defense systems tell us what one might expect from system operation based on technology alone. The vacuum tubes of the 1950s (Nike-Hercules technology) were replaced by the transistors of the 1960s (improved Hawk technology), resulting in a conspicuous increase in electronic component reliability. Now the advanced integrated circuits of the 1970s further increase reliability. SAM–D will be essentially an integrated-circuit system. Any fielded air-defense weapon must have a high percentage of "on the air" time. We must pay the maintenance and manning costs required to keep the older technology systems "on the air" until SAM–D is deployed.

Controlling costs is of paramount concern. Today SAM–D is meeting its cost objectives and this knowledge engenders confidence that future goals will be met.

The Department of Defense requires a strict cost management system. The full scale development contracts include incentives for outstanding performance and severe penalties for failure to meet cost goals. Two special features of the SAM–D management system are the Requirements Control Board (RCB) and the Systems Engineering Cost Reduction Assistance Contractor (SECRAC).

The Requirements Control Board was established to insure austerity: It reviews requirements that influence cost and determines at the senior levels of the Army what alterations can be made to keep costs low. This board includes two assistant secretaries of the Army, along with several senior general officers and the SAM–D project manager. The SECRAC checks the prime contractor's operation from a system viewpoint and assures the cheapest solution. As an independent contractor, SECRAC has stimulated more healthy cost reductions by the prime contractor. Special areas for investigation are selected by the Army and independently by the SECRAC contractor.

No discussion of the SAM–D program would be complete without a brief examination of the issues which directly concern its continued development. The Congress has looked, is looking and will continue to look at SAM–D very carefully. Cost is a major issue. The total program will run about $4.5 billion, so the management controls previously described are of considerable interest to anyone who examines the program.

The need for SAM–D is also questioned, but the need is not complex. So long as our country intends to maintain forces that must win if committed to combat, there must be adequate air-defense protection. The air-defense organization must integrate with the rest of the force structure to permit the greatest flexibility in offensive and defensive operations. The force commander must not be limited in his options due to lack of air defense. SAM–D is needed because it is the only system that will be able to defeat the threat of the 1980s; the other systems will have become obsolete and SAM–D is the most cost-effective solution to the air-defense threat.

The survivability of SAM–D is also a major consideration. We have already mentioned the threat that includes antiradiation missiles. SAM–D is being built from the ground up to live on the battlefield of the future. It is being designed to be able to inflict such prohibitive losses on the enemy that any future adversary would be discouraged from attacking. No known system can be built to withstand defeat, but the price for defeating SAM–D will be extremely high—higher than an enemy should be willing to pay.

SAM–D is the only air-defense weapon that can offer our forces the protection necessary to maintain their combat effectiveness. The SAM–D concept and much of its hardware have been rigorously proved through an advanced development program to insure a minimum-risk effort. The reduced maintenance and manpower requirements and increased rate of firepower, even with fewer units, make SAM–D the cheapest solution to the air-defense threat. The reduced manpower needs are particularly significant in view of the volunteer Army and the higher costs of personnel. SAM–D is a major part of the modernization program for equipping the Army. It is vital to our future success on the battlefield.

CATEGORICAL CEILING AMENDMENT, NO. 532

Mr. McGOVERN. Mr. President, my amendment No. 532 to H.R. 8286, the military procurement bill, will be considered in the Senate tomorrow.

I have prepared a memorandum which describes the impact of the amendment in some detail, and I ask unanimous consent that that document, along with the text of the amendment, be printed in the RECORD at this point.

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

McGOVERN CATEGORICAL CEILING AMENDMENT

(Brief Explanation of Amendment No. 532)

While it does not set overall spending ceilings, amendment number 532 does set dollar or number ceilings in four specific categories covered by H.R. 9286—procurement, research and development, active duty military manpower, and civilian manpower. It does not cut specific programs within those areas. It also provides that any further military aid to Indochina should be funded through the Foreign Military Sales and Assistance Act, already approved by the Senate, rather than through Pentagon appropriations.

OVERALL IMPACT

Amendment number 532 would leave a total fiscal 1974 program of $77.8 billion for DOD's military and military assistance operations, compared to the Administration's proposed $85.2 billion. However, it is important to note that appropriations for military procurement and research and development are typically made well ahead of actual spending. For example, only about 15 per cent of the procurement money requested for appropriations in 1974 would actually be spent in the fiscal year. Therefore, the major savings under amendment number 532 would not accrue until fiscal 1975 or later, and the total impact would probably be spread over several years.

So the purpose of the amendment is not so much to address this year's Pentagon spending program, as it is to forestall dramatic increases in future years. The Brookings Institution document, Setting National Priorities: The 1974 Budget, projects that the current Pentagon request will mean spending at an annual rate of $104 billion by 1978. The large gap in the Administration's program between estimated 1974 outlays ($79.0 billion) and requested appropriations ($85.2 billion) is another indication that costs will escalate sharply unless reasonable ceilings are established now.

SPECIFIC PROVISIONS

(1) The amendment would authorize $9,895,235,000 in new appropriations for military procurement, compared to the Administration's request of $13,200,000 and the Committee's recommendation of $12,388,235,000.

However, since it is a limit on new appropriations, not on spending, the spending impact of the amendment is best measured by weighing it against total appropriations, including funds from prior years, which have not yet been spent. As of June 30, 1973, DOD had $25.941 billion in unexpended procurement funds ($19.970 billion obligated, $6.151 billion unobligated). Adding this year's Committee figure, total procurement money would be $38.329 billion, from which the amendment cuts $2.493 billion, or about 6.5 per cent.

(2) The amendment proposes appropriations of $6,964,033,000 for research, development, test, and evaluation. The Administration's request was $8,557,900,000, and the Committee figure is $8,059,733,000.

As of June 30, 1973, DOD had $4.462 billion in unexpended R. D. T. and E. funds ($4.104 billion obligated, $0.358 billion unobligated) from appropriations in prior years. The total with the Committee figure included is $12.521 billion, from which the amendment cuts $1.096 billion, or about 8.7 per cent.

(3) The amendment would make a slight additional cut in active duty military manpower, beyond the Committee reduction. The manpower ceiling at the end of fiscal 1974 would be 2,066,902, down 9,900 from the Committee figure and 166,000 from the Administration request. Reductions should come from excessive support forces and from among the 600,000 U.S. forces stationed abroad or at sea.

(4) The amendment calls for a ten per cent reduction in the Pentagon's civilian bureaucracy, leaving a year-end ceiling of 911,700 direct-hire civilians, compared to the Administration's recommendation of 1,013,000. Active duty manpower has been reduced by nearly 37 per cent since the 1968 Vietnam peak; civilian manpower has been reduced only 21 per cent, and there is actually a slight increase planned for fiscal 1974. The amendment would make the cuts more nearly proportional.

(5) The proposed $952 million in Pentagon-funded aid to Indochina would be eliminated, in line with language in S. 1443, the Foreign Military Sales and Assistance Act, which already authorizes military aid to Vietnam, Laos and Cambodia to whatever amounts are appropriated by the Congress. That bill, which has already passed the Senate, also provides that no military aid shall be given to South Vietnam or Laos, "unless . . . such assistance is furnished under this Act."

AMENDMENT NO. 532

At the end of title I add a new section as follows:

"SEC. 102. Notwithstanding any other provision of this Act, the sum which may be appropriated in the fiscal year 1974 for the use of the Armed Forces of the United States for procurement under this title shall not exceed a total amount of $9,895,235,000."

At the end of title II add a new section as follows:

"SEC. 202. Notwithstanding any other provision of this Act, the sum which may be appropriated in the fiscal year 1974 for the use of the Armed Forces of the United States for research, development, test, and evaluation under this title shall not exceed a total amount of $6,964,033,000."

On page 20, in line five, strike the figure "156,100," and insert in lieu thereof the figure "166,000".

On page 20, after line 17, insert a new subsection as follows:

"(c) The end year strength for direct-hire civilian personnel employed by the Armed Forces of the United States or by agencies of the Department of Defense shall not exceed 911,700".

On page 27, in line 1, strike out the words, "Not to exceed $952,000,000," and insert in lieu thereof the word "None".

AMENDMENT NO. 501

The PRESIDING OFFICER (Mr. HUDDLESTON). The Senate will now proceed to the consideration of an amendment by the Senator from Indiana (Mr. HARTKE), No. 501, on which there will be 1 hour of debate.

Mr. HARTKE. Mr. President, I call up my amendment No. 501 and ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 20, line 9, immediately after "shall be" insert the following: "(1) made first from members of such department who were involuntarily inducted into the Armed Forces under the Military Selective Service Act (or prior comparable legislation) and have not subsequently reenlisted, and (2)".

Mr. HARTKE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, the Congress is taking an initial step which should receive the approval of all Americans. A provision of the defense authorization bill reduces the size of our military strength by 156,100 by June 30, 1974. I congratulate the Committee on Armed Services for its work in this area.

A reduction in the overall strength of the Armed Forces will not hinder a strong defense policy for the United States. The military forces should be strong in this time of peace, but strength

need not be synonymous with numbers of men and women in uniform.

Mr. President, my amendment requires the armed services to give priority in the reduction of their ranks to those individuals who were involuntarily conscripted. This Nation has seen fit to innovate in the areas of military manpower by organizing an All-Voluntary Army. Although opposing arguments for a Voluntary Armed Forces still ring in the halls of the Pentagon, the armed services must take every initiative to generate its continued success.

The Armed Forces have involuntarily inducted 144,242 individuals since January of 1971. Because of the temporary nature of their attachment to the Armed Forces, these individuals fill the least desirable positions within the services.

Let us continue to have a strong defensive posture, but let us achieve that posture with efficiency and management in the utilization of military personnel. Although the pending amendment is directed to personnel management at the lower echelons of the service, a word of caution should be directed to the higher echelons. The alarming quantity of higher grade officers must be closely examined by the Committee on Armed Services during the 93d Congress to determine whether an airplane will only fly under the control of a colonel, and a tank can only be directed by a general.

I urge my colleagues to support this amendment, and remove draftees from the military services at the earliest possible date. This is a first step in personnel management.

My amendment pertains to those members who were involuntarily conscripted into the Armed Forces against their free choice. It does not include those initially drafted, but who then volunteered for active service in order to receive special privileges.

Under my amendment, the reduction of the 156,100 men required by the Department of Defense Appropriations Authorization Act now before us, will be apportioned among the four major services. If, for example, the Secretary of Defense apportions to the Army a reduction of 80,000, the first individuals who should be released are those who are in the service against their will by virtue of the draft. Figures are not available from the Department of Defense on the number of draftees on active duty presently, but an arbitrary figure of 50,000 may accurately indicate present Army draftee manpower personnel. This reflects the 49,514 drafted during 1972, 646 drafted in 1973, minus a percentage of those who volunteered after being inducted, plus a limited number who may still be on active duty who were drafted in 1971. Using this assumption, of the 80,000 personnel to be reduced from the Army in my example, the first 50,000 would be those involuntarily conscripted.

The return to civilian life of the 50,000 draftees does not relieve us of our responsibility for their future. They were taken from their jobs, professions, schooling, and loved ones; placed into a foreign environment against their wills and will now be veterans, having served their country, some in time of international conflict. We must do all we can to assure their successful reintegration into civilian life, but our first duty is to assure their earliest release from the military service. We owe these people so much for their service to their country.

Mr. President, the Armed Services Committee has recommended that support personnel, rather than combat troops, be the first priority of reduction. A significant number of draftees have been combat-trained. However, the reduction of involuntary draftees from the combat forces will open up positions for the career individual to fill. The career soldier should be the one trained in combat techniques and ready to move into any place in the world.

Further, many of the involuntary draftees presently in service are conscientious objectors, not eligible for combat duty. These individuals may be removed from the service without lessening the quality of our combat readiness.

Mr. President, I am convinced that the 50,000 draftees presently serving on active duty in the armed services can be removed without endangering our defense capability. The Congress and the military are in accord that the all-volunteer army should be given every chance to work.

The distinguished chairman of the Armed Services Committee stated on September 24, 1973, on the floor of the Senate that he did not think that "the Congress can or should pass any selective service legislation for at least 2 more years. Having gone as far as we have," he said, "we must be certain that this plan is given a real chance and, to that end, all commissioned officers and noncommissioned officers must make a special effort to see that they have done their best to make it work."

I agree with the distinguished chairman, and call upon the military manpower management to make it work. To say in the meantime that it cannot work unless the 50,000 draftees presently on active duty remain there, is to admit defeat before the program has had a chance for success.

Mr. President, earlier this week, this body gave its overwhelming approval to a proposal of mine which provided for an equitable recomputation of retirement pay for military personnel. That proposal was actively supported by all of the military-oriented organizations in the Nation.

On this issue, however, there are no large interest groups to come here and lobby for the interests of the 50,000 men represented by my amendment because the draftee is not represented by any interest group. He relies upon his elected officials for just treatment under the law.

The least we can do in our wisdom here is to look out for the interests of these men that want to return to their civilian education, jobs and families. The least we can do is expedite their return.

The PRESIDING OFFICER. Who yields time?

Mr. SYMINGTON. Mr. President, it is with great regret that I must oppose the amendment proposed by the distinguished senior Senator from Indiana.

This amendment would require the Department of Defense to release draftees first when the 156,100 manpower reduction is made.

This amendment is contrary to the recommendation of the committee which would allow the Secretary of Defense to apportion the committee-recommended 156,100 manpower reduction among the various services and mission areas. The release of draftees would affect only the Army, since they are the only one to have draftees, and would affect principally the combat and mission units. The Senate has already turned down a proposed amendment to require reductions in headquarters and commands. This amendment essentially would require reductions in combat and other field units.

This amendment is inconsistent with the sense of Congress statement adopted by the Senate a few days ago. This sense of Congress statement urges that the manpower reduction be taken in an equal percentage by grade. The pending amendment would require draftees who hold low grades to be released. Thus, it would aggravate the grade creep problem, which, in my opinion, is one of the more serious problems faced by the Department of Defense today.

Unfortunately, we may need privates more than we need colonels. The Army has already fallen short of its strength objectives as a result of recruiting shortfalls under the all-volunteer concept. These shortfalls are all in the young new men who fill combat units. The amendment would add to the shortfall in young men who man combat units. This would seriously affect the readiness and combat capability of the Army divisions. It would least affect the headquarters and support structure that ought to be reduced.

Mr. President, in a recent article which was critical of some reductions, it was nevertheless pointed out that in an Army of 800,000 men, we have only 120,000 actual combat troops, and this amendment would increase that problem.

This amendment would reduce the dollar savings that could be made in the Defense budget as a result of the manpower cut recommended by the committee, since it would require a large number—about 50,000—low-grade, and thus lower-paid enlisted men to be released first, rather than requiring the Department of Defense to make the reduction in higher-grade people.

Finally, there is a question of equity involved. The amendment would force out drafters—even if some were not ready to leave. But it would tend to keep in men who enlisted only because of the draft. Thus, you could have two men treated differently. The one who was drafted but for some personal reason may wish to stay in a bit longer would be forced out. The one who enlisted at the same time to escape the draft and now wanted to get out would not be released. This does not seem equitable to some of us.

Mr. THURMOND. I yield myself such time as I may require.

Mr. President, I hold the distinguished Senator from Indiana in great esteem

and high affection, but I feel it my duty to oppose this amendment.

I rise in opposition to the amendment which seeks to impose upon the Armed Forces the requirement to extend priority in the reduction of their ranks to those individuals who were involuntarily conscripted.

When the President expressed his desire to end conscription and achieve an All-Volunteer Force, the military planned for and implemented a number of programs for transition to a draft-free environment by July 1, 1973. As Senators know, the Department of Defense beat this goal by 6 months.

There were no provisions, however, for the early release of draftees from the Army once that goal had been reached.

This amendment would impose upon the Army a course of action so narrow in scope and so contrary to good personnel management procedures that we could not possibly hold this service accountable for a conscientious, workable solution to whatever reduction in force is finally decided upon.

The reduction, whatever the size, must be executed as a balanced reduction with respect to grade, skills, and mix of categories of personnel. In executing a directed strength reduction, the Department of Defense must be guided by the policies of maintaining the readiness of Army forces, insuring a proper balance of grade, quality and type personnel remaining in the Army, and taking necessary action to insure that a minimum of turbulence results subsequent to the program's implementation.

Maintaining the readiness of Army forces is a paramount consideration in any strength reduction. Forces must be properly balanced with the right kinds of people, grades, and skills. The Army, as the only service affected by this amendment, should not be forced to follow the provisions of a law which is discriminatory in nature. It is particularly discriminating against the draft-motivated volunteer who enlisted but is as concerned with an early return to civilian life as are draftees.

In other words, it is as simple as this: Are we going to show a priority to a man who was drafted over a man who enlisted at just about the same time, and leave the volunteer in and take the draftee out? If anything, it seems to me the priority should be given to the fellow who volunteered and not to the man who was drafted. Some may say that he volunteered because he knew he was going to be drafted. That may be the case. But still he volunteered and why should the draftee who did not go in until he had to go in be given a priority over the volunteer. We think the amendment is discriminatory and not fair. Therefore, we hope the Senate will reject the amendment.

Mr. HARTKE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

Mr. HARTKE. Mr. President, I think that the Senator from Missouri and the Senator from South Carolina are dedicated adherents to what they believe is the proper approach on this matter, but the fact is that they have things twisted around.

The substance of a Volunteer Army is that it is for those who volunteer. The quicker we remove the draftees the better off they are. In substance what we are saying is that we are giving the dirty work to the draftees; they cannot get rid of the man doing the job because they might put in a man who volunteered.

If Senators believe the Army should be a combat ready operation we should answer the question, "Who do you want behind the gun; the man who said he wanted to be there, who volunteered for this operation, or the man who was forced to be there against his will, who is going to come out in around 2 years?" He is looking to the day he will be released from the service and not be utilized. Are we going to force out the draftee or the volunteer? That is the substance of the amendment.

If Senators do not agree with this amendment they force out the man who says, "I want to be of service." The man who wanted to escape the draft gets special preference. He may have been on the verge of being drafted, but by enlisting he got his preference.

The volunteer is not in the same category as the draftee who is doing something against his will. Since the policy of this Nation is to make the Volunteer Army work we should be providing that opportunity, and that would be to use the volunteers and to use them quickly and in the fashion that is intended. If the draftee wants to stay in, he certainly can. He can go back to the enlistment office and they will be glad to keep him in. We want people to have an opportunity to do what they want to do. We want to have an all-Volunteer Army.

I urge Senators to agree to the amendment.

Mr. President, I reserve the remainder of my time.

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

Mr. SYMINGTON. Mr. President, we are prepared to yield back our time.

Mr. HARTKE. I yield back the remainder of my time.

Mr. THURMOND. Mr. President, we yield back our time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Indiana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Carolina (Mr. ERVIN) and the Senator from Arkansas (Mr. FULBRIGHT) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent on official business.

I also announce that the Senator from Kansas (Mr. PEARSON) is absent because of illness.

The result was announced—yeas 19, nays 76, as follows:

[No. 422 Leg.]

YEAS—19

Abourezk	Hartke	McClure
Bayh	Hatfield	Moss
Burdick	Huddleston	Nelson
Church	Hughes	Percy
Clark	Jackson	Schweiker
Cranston	Magnuson	
Gravel	Mansfield	

NAYS—76

Aiken	Eastland	Montoya
Allen	Fannin	Muskie
Baker	Fong	Nunn
Bartlett	Goldwater	Packwood
Beall	Griffin	Pastore
Bellmon	Gurney	Pell
Bennett	Hansen	Proxmire
Bentsen	Hart	Randolph
Bible	Haskell	Ribicoff
Biden	Hathaway	Roth
Brock	Helms	Scott, Hugh
Brooke	Hollings	Scott, William L.
Buckley	Hruska	Sparkman
Byrd, Harry F., Jr.	Humphrey	Stafford
Byrd, Robert C.	Inouye	Stennis
Cannon	Javits	Stevens
Case	Johnston	Stevenson
Chiles	Kennedy	Symington
Cook	Long	Talmadge
Cotton	Mathias	Thurmond
Curtis	McClellan	Tower
Dole	McGee	Tunney
Domenici	McGovern	Weicker
Dominick	McIntyre	Williams
Eagleton	Metcalf	Young
	Mondale	

NOT VOTING—5

Ervin	Pearson	Taft
Fulbright	Saxbe	

So Mr. HARTKE's amendment was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SYMINGTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of the reading clerks, announced that the House had further disagreed to the amendments of the Senate numbered 44 and 45 to the bill (H.R. 8825) making appropriations for the Department of Housing and urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, had agreed to the further conference requested by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BOLAND, Mr. EVINS of Tennessee, Mr. SHIPLEY, Mr. ROUSH, Mr. TIERNAN, Mr. CHAPPELL, Mr. GIAIMO, Mr. MAHON, Mr. TALCOTT, Mr. MCDADE, Mr. SCHERLE, Mr. RUTH, and Mr. CEDERBERG were appointed managers of the conference on the part of the House.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 464. An act for the relief of Guido Bellanca; and

S. 2075. An act to authorize the Secre-

tary of the Interior to engage in feasibility investigation of certain potential water resource developments.

The ACTING PRESIDENT pro tempore (Mr. NELSON) subsequently signed the enrolled bills.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974

The Senate continued with the consideration of the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation, for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to Proxmire amendment No. 515 on which there shall be 2 hours of debate. The clerk will report the amendment.

The legislative clerk read as follows:

On page 30, between lines 2 and 3, insert a new section as follows:

"SEC. 703. Notwithstanding any other provision of law, the aggregate amount that may be expended for Department of Defense, military functions, during the fiscal year beginning July 1, 1973, shall not exceed $74,200,000,000."

On page 30, line 3, strike out "SEC. 703" and insert "SEC. 704".

Mr. PROXMIRE. Mr. President, I yield myself 10 minutes.

I do not expect to take my full time. I do not expect that the opposition will take their full time. I think that we may be able to have a vote within an hour or so.

The PRESIDING OFFICER. Would the Senator please suspend until the Senate is in order? I ask the Senators to take their seats or move to the cloakrooms.

The Senator from Wisconsin may proceed.

Mr. PROXMIRE. Mr. President, may I say that a little later on in my speech I intend to show why in my view I think that this vote tonight will represent the clearest anti-inflation opportunity that the Senators will have to vote on in this session.

Mr. President, the amendment I offer today will allow every Member of this Chamber to answer the question: Why should peace cost more than war?

My amendment answers this question by stating that war should not cost more than peace. At a minimum, we should be able to hold spending to last year's level—a level still inflated by high expenditures for Southeast Asia.

That is exactly what my amendment would do. It would involve no cut in spending from last year's level. It would permit the same expenditures as approved last year. There is no reason in the world why the Defense Department cannot provide every necessary article and pay every necessary soldier out of the same amount of money spent during the fiscal year 1973. That is the modest proposal I make.

A look at the proposed fiscal year 1974 military budget shows a remarkable trend. The war is over but military spending continues to go up. We have never been successful at international negotiations. Our most dangerous potential enemies have never been more receptive to the United States. Our leaders have visited China and we have signed an historic arms control pact with the Soviet Union. And yet even with this backdrop, peace will cost more than war. When tensions are at a low level and the international scene appears more promising than at any time in recent years, the defense budget goes up.

In fiscal 1973, the military functions category of the Department of Defense budget accounted for an expenditure of $74.2 billion. That is the outlay figure—the specific type of budget data I will be referring to throughout this speech. This is not the amount of new money provided to the Department of Defense or New Obligatory Authority. Neither is it the total amount of money authorized and appropriated and carried forward—Total Obligatory Authority. It is the amount that actually is spent in any one fiscal year.

This is why, as I will point out in more detail later, this amendment is such a specific anti-inflammatory amendment, far more than any amendment that would just cut obligational authority.

According to the new budget request, military functions outlays will increase by $4 billion to $78.4 billion. Peace this year will cost more than war last year. It is hard to believe but true.

Mr. President, when the question why does peace cost more than war was asked in congressional hearings, the answer came back from then Secretary Richardson, peace costs more than war due to inflation, personnel compensation and deferments in modernization of our forces.

Let us examine each of these answers in turn.

First, inflation and personnel compensation. It is clear to all involved that costs have risen steeply. With manpower now consuming 56 percent of the budget there is no question about the enormous effect pay raises have had on the budget.

But just how much is involved here? The Defense Department says that of the $4.1 billion increase in total obligatory authortiy for fiscal year 1974, $3.2 billion or 78 percent represents military, civilian and retired pay cost increases. Since such costs are incurred in 1 year, this also roughly represents the amount reflected in outlays. This is confirmed by other data indicating that the specific outlay cost of pay increases and the retirement system reform for fiscal year 1974 will be $3.05 billion.

Almost all of the remaining increase goes to inflation on materials and services purchased by DOD. This is the Pentagon claim, and I have no reason to doubt it. It makes a clear point and one that we should all keep in mind. By using the Pentagon's figures, there is about $4 billion in the new budget for inflation, pay, and retired compensation. This is almost the entire increase asked for in fiscal year 1974.

Mr. President, I accept these figures.

But let us examine what has happened to the war in Indochina.

Again speaking in terms of outlays or spending, the full cost to the Department of Defense for Southeast Asia in fiscal year 1973 was $6.98 billion or close to $7 billion. The incremental outlay cost for the same year was $5.88 billion.

Now for the new fiscal year 1974 data. The original outlay figure for the full cost to the Department of Defense budget was $4.61 billion. The incremental cost outlay was $4.069 billion.

These outlay statistics have been modified downward thanks to the Paris Peace Agreement. The Deputy Secretary of Defense, Mr. William Clements, has testified that military assistance service funded has been reduced twice because of the cease-fire. It has been reduced by $500 million in ceiling and $700 million in new obligatory authority. Reductions are possible because of the lower levels of activity in South Vietnam and Laos and are based on classified assumptions and projections contained in documents given to the Armed Services Committee.

The result of these reductions in the military assistance service funded program means a corresponding reduction in the outlay budget for fiscal year 1974. We can now expect the outlay figure for the full DOD cost to be closed to $4 billion and the increments cost outlay ceiling to be well under $4 billion.

This then highlights the actual savings from the ending of the war. The outlay savings from fiscal year 1973 to fiscal year 1974 will be at least $3 billion.

Now remember that the Defense Department has stated that their $4 billion increase this year is taken up by items they have no control over, such as pay increases, retirement increases, and inflation.

When you subtract the savings from the war, of at least $3 billion from the total uncontrolled $4 billion increase, there turns out to be only a $1 billion difference in this budget.

In other words, if Congress can find a way to prune only $1 billion out of the defense budget in unnecessary or wasteful spending, then there is no reason why we cannot live within last year's budget.

Mr. President, there are ample historical precedents for believing that the defense budget could be held in check. You notice I say held in check, not cut back, for the amendment I am offering would only do that—keep spending to last year's level.

After every previous war, the United States has managed to find ways to return to prewar normal budgets plus inflation and pay increases.

In 1944 at the height of World War II, this country purchased $87.4 billion worth of war goods and services. Three years later, after the war, we had returned to a level of $9.1 billion. We reduced that budget for national defense by $78 billion. These statistics, by the way, come out of the Economic Report of the President transmitted to Congress in January of this year.

In 1953 at the height of the Korean

war, our budget for national defense totaled $48.7 billion. Two years later this budget was down to $38.6 billion or $10 billion less.

Now it must be remembered that after World War II, with the abolition of fiscal controls, inflation rose significantly. The same is true of the Korean war period. And the same is true now. That is why these historical examples remain relevant today.

Mr. President I ask unanimous consent that the President's table containing these statistics be printed in the RECORD.

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

NATIONAL INCOME OR EXPENDITURE

TABLE C-1.—GROSS NATIONAL PRODUCT OR EXPENDITURE, 1929-72

Year or quarter	Total gross national product	Personal consumption expenditures [1]	Gross private domestic investment [2]	Net exports of goods and services [3]	Government purchases of goods and services [4]					Percent change from preceding period, total gross national product [5]
					Total	Federal			State and local	
						Total	National defense [6]	Other		
	Billions of dollars									
1929	103.1	77.2	16.2	1.1	8.5	1.3		1.3	7.2	
1933	55.6	45.8	1.4	.4	8.0	2.0		2.0	6.0	−4.2
1939	90.5	66.8	9.3	1.1	13.3	5.1	1.2	3.9	8.2	6.9
1940	99.7	70.8	13.1	1.7	14.0	6.0	2.2	3.8	8.0	10.2
1941	124.5	80.6	17.9	1.3	24.8	16.9	13.8	3.1	7.9	24.9
1942	157.9	88.5	9.8	.0	59.6	51.9	49.4	2.5	7.7	26.8
1943	191.6	99.3	5.7	−2.0	88.6	81.1	79.7	1.4	7.4	21.3
1944	210.1	108.3	7.1	−1.8	96.5	89.0	87.4	1.6	7.5	9.7
1945	211.9	119.7	10.6	−.6	82.3	74.2	73.5	.7	8.1	.9
1946	208.5	142.4	30.6	7.5	27.0	17.2	14.7	2.5	9.8	−1.6
1947	231.3	160.7	34.0	11.5	25.1	12.5	9.1	3.5	12.6	10.9
1948	257.6	173.6	46.0	6.4	31.6	16.5	10.7	5.8	15.0	11.3
1949	256.5	176.3	35.7	6.1	37.8	20.1	13.3	6.8	17.7	−.4
1950	284.8	191.0	54.1	1.8	37.9	18.4	14.1	4.3	19.5	11.0
1951	328.4	206.3	59.3	3.7	59.1	37.7	33.6	4.1	21.5	15.3
1952	345.5	216.7	51.9	2.2	74.7	51.8	45.9	5.9	22.9	5.2
1953	364.6	230.0	52.6	.4	81.6	57.0	48.7	8.4	24.6	5.5
1954	364.8	236.5	51.7	1.8	74.8	47.4	41.2	6.2	27.4	.1
1955	398.0	254.4	67.4	2.0	74.2	44.1	38.6	5.5	30.1	9.1
1956	419.2	266.7	70.0	4.0	78.6	45.6	40.3	5.3	33.0	5.3
1957	441.1	281.4	67.9	5.7	86.1	49.5	44.2	5.3	36.6	5.2
1958	447.3	290.1	60.9	2.2	94.2	53.6	45.9	7.7	40.6	1.4
1959	483.7	311.2	75.3	.1	97.0	53.7	46.0	7.6	43.3	8.2
1960	503.7	325.2	74.8	4.0	99.6	53.5	44.9	8.6	46.1	4.1
1961	520.1	335.2	71.7	5.6	107.6	57.4	47.8	9.6	50.2	3.2
1962	560.3	355.1	83.0	5.1	117.1	63.4	51.6	11.8	53.7	7.7
1963	590.5	375.0	87.1	5.9	122.5	64.2	50.8	13.5	58.2	5.4
1964	632.4	401.2	94.0	8.5	128.7	65.2	50.0	15.2	63.5	7.1
1965	684.9	432.8	108.1	6.9	137.0	66.9	50.1	16.8	70.1	8.3
1966	749.9	466.3	121.4	5.3	156.8	77.8	60.7	17.1	79.0	9.5
1967	793.9	492.1	116.6	5.2	180.1	90.7	72.4	18.4	89.4	5.9
1968	864.2	536.2	126.0	2.5	199.6	98.8	78.3	20.5	100.8	8.9
1969	930.3	579.5	139.0	1.9	210.0	98.8	78.4	20.4	111.2	7.6
1970	976.4	616.8	137.1	3.6	219.0	96.5	75.1	21.5	122.5	5.0
1971	1,050.4	664.9	152.0	.7	232.8	97.8	71.4	26.3	135.0	7.6
1972	1,152.1	731.1	180.2	−4.1	254.9	105.9	76.2	29.7	148.9	9.7
	Seasonally adjusted annual rates									
1970: I	958.0	604.1	132.9	3.6	217.3	99.7	78.9	20.9	117.6	3.9
II	971.7	613.4	137.7	3.9	216.7	96.2	74.7	21.6	120.5	5.9
III	986.3	623.0	139.9	4.0	219.5	95.2	73.8	21.4	124.3	6.1
IV	989.7	626.5	137.8	2.8	222.6	95.0	72.9	22.1	127.6	1.4
1971: I	1,023.4	646.0	143.9	4.5	227.0	96.2	72.5	23.7	130.8	14.3
II	1,043.0	660.4	153.0	.1	229.5	96.3	71.2	25.0	133.3	7.9
III	1,056.9	670.7	152.2	.4	233.6	97.9	70.1	27.8	135.7	5.4
IV	1,078.1	680.5	158.8	−2.1	240.9	100.7	71.9	28.7	140.2	8.3
1972: I	1,109.1	696.1	168.1	−4.6	249.4	105.7	76.7	28.9	143.7	12.0
II	1,139.4	713.4	177.0	−5.2	254.1	108.1	78.6	29.6	146.0	11.4
III	1,164.0	728.6	183.2	−3.4	255.6	105.4	75.1	30.2	150.2	8.9
IV	1,195.8	746.2	192.4	−3.0	260.3	104.5	74.4	30.1	155.8	11.4

[1] See table C-12 for detailed components.
[2] See table C-13 for detailed components.
[3] See table C-8 for exports and imports separately.
[4] Net of Government sales.
[5] This category corresponds closely to the national defense classification in the "Budget of the United States Government for the fiscal year ending June 30, 1974."
[6] Changes are based on unrounded data and therefore may differ slightly from those obtained from published data.

Source: Department of Commerce, Bureau of Economic Analysis.

Mr. PROXMIRE. What lesson can be learned from these prior war experiences? It is obvious that there was an effort to return the wartime budgets to peacetime levels.

My proposal is so modest that it does not even ask that we do the same now. It simply asks that we hold the line to last year's level. Surely if the country was able to cut back on spending after prior wars it is not too much to expect that we hold-the-line after ending the Vietnam war. Is that too much to expect?

Our long struggle in Indochina has cost this country $140 billion and the inestimable lives of over 50,000 men. And yet the Defense Department is continuing the argument that we must pay more—this time for the weapons we would have made had there not been a Vietnam war. This is the basis of the modernization deferment argument made by Secretary Richardson. Particularly with regard to the Navy he states, we must catch up with that which was deferred.

The Nation continues to pay in indirect ways for the Vietnam war.

Just how much more will we pay for these deferred Vietnam costs? Some answer is provided in a table given to the House Appropriations Committee. This table indicates that in terms of total obligatory authority, the amount spent on baseline forces for the United States—those non-Vietnam items—will increase from $74.7 billion in fiscal year 1973 to $82.1 billion in fiscal year 1974. This is over a $7 billion jump in baseline forces. Since only $4 billion can be attributed to pay and inflation, it must be concluded that some $3 billion is included for "catching up." That is a lot of "catching up" for 1 year.

Mr. President, I ask unanimous consent that table 22 of part 2, House Appropriations Committee hearings (p. 553) be printed in the RECORD.

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

TABLE 22.—INCREMENTAL SOUTHEAST ASIA AND BASELINE COSTS BY APPROPRIATION CATEGORY, TOA

[In millions of dollars, current prices]

	Fiscal year—							
	1964	1968	1969	1970	1971	1972	1973	1974
Military personnel:								
SEA		5,003	5,682	5,261	3,881	2,268	953	564
Baseline	12,988	14,936	15,660	17,717	18,744	20,879	22,876	24,115
Total	12,988	19,939	21,342	22,978	22,625	23,147	23,829	24,680
O. & M.:								
SEA		5,660	6,491	5,292	3,464	2,362	2,524	1,276
Baseline	11,700	15,247	15,795	16,224	16,946	18,880	19,816	21,821
Total	11,700	20,907	22,285	21,516	20,410	21,242	22,341	23,098
Procurement:								
SEA		8,081	7,259	3,778	2,181	2,345	2,735	1,071
Baseline	15,115	14,469	15,032	15,472	15,510	16,413	15,887	17,735
Total	15,115	22,550	22,291	19,250	17,691	18,758	18,622	18,806
R.D.T. & E.:								
SEA		200	138	70	17	6		
Baseline	7,049	7,064	7,591	7,328	7,106	7,578	8,054	8,658
Total	7,049	7,264	7,730	7,398	7,123	7,584	8,054	8,658

	Fiscal year—							
	1964	1968	1969	1970	1971	1972	1973	1974
Mil Con:								
SEA		335	192		27			
Baseline	977	1,221	959	1,020	1,285	1,227	1,559	1,892
Total	977	1,555	1,150	1,020	1,312	1,227	1,559	1,892
Baseline (non-SEA) costs:								
Military retired pay	1,211	2,093	2,443	2,853	3,389	3,889	4,442	5,302
Family housing	602	614	517	601	724	859	1,024	1,167
Civil defense	111	86	61	70	73	78	84	90
Special foreign currency			5	5	8	12	3	3
Military assistance	989	588	693	459	1,487	935	989	1,331
Total DOD:								
SEA		19,278	19,762	14,401	9,570	6,982	6,212	2,912
Baseline	50,742	56,319	58,755	61,749	65,273	70,749	74,736	82,113
Total	50,742	75,597	78,516	76,150	74,843	77,731	80,947	85,025

Mr. PROXMIRE. Returning to the main point, is it possible for Congress to find $1 billion of waste in this budget and thus hold it to last years spending level?

I think the answer is obvious. Consider what has happened in prior years. In 1969 we cut $5.9 billion. In 1970 it was $6.3 billion, 1971 brought the modest amount of a $2.5 billion reduction. In 1972 we found $3.9 billion in waste and unnecessary spending. And last year it was over $5.5 billion.

From these facts alone there is no doubt about finding $1 billion to prune from this budget and thus hold the line at least years level.

Mr. President, I ask unanimous consent that a table represent Department of Defense appropriations and outlays and congressional action for the years 1969 through 1973 be printed in the RECORD.

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

DEPARTMENT OF DEFENSE APPROPRIATIONS AND OUTLAYS

[In millions of dollars]

Fiscal year	Appropriations: President's budget request	Appropriations: Congressional action	Appropriations: Budget authority	Outlays
1969:				
Military functions	82,133	−5,912	76,221	77,872
Military assistance	716	−45	671	789
Total	82,849	−5,957	76,892	78,661
1970:				
Military functions	80,471	−6,085	74,386	77,150
Military assistance	700	−280	420	731
Total	81,172	−6,365	74,806	77,880
1971:				
Military functions	73,884	−2,435	71,449	74,546
Military assistance	1,463	−73	1,390	999
Total	75,346	−2,508	72,839	75,545
1972:				
Military functions	78,667	−3,602	75,065	75,151
Military assistance	1,216	−315	901	806
Total	79,883	−3,917	75,966	75,957
1973:	82,447	−5,570	76,876	
Supplemental	1,135	(1)		[2] 74,200
Military assistance	953	(1)		600
Total	84,535			[3] 74,800
1974:				
Military functions	83,676	(1)		78,194
Military assistance	1,210	(1)		800
Total	84,886			[2] 78,994

[1] Pending.
[2] Estimate includes pending supplemental.
[3] Estimated.

Note: Detail may not add to totals due to rounding.

Mr. PROXMIRE. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

Mr. President, I have great admiration for the distinguished Senator from Wisconsin, but I must reluctantly oppose this amendment. Furthermore, I feel that it is one of the most dangerous types of amendments that could be offered to this bill.

As we read the amendment here:

SEC. 703. Notwithstanding any other provision of law, the aggregate amount that may be expended for Department of Defense, military functions, during the fiscal year beginning July 1, 1973, shall not exceed $74,200,000,000.

Mr. President, the distinguished Senator from Wisconsin is offering an amendment that would affect the whole defense appropriation—not just the bill we are on. The bill we are on aggregates $20.5 billion. The amendment of the Senator from Wisconsin would affect all the appropriations for defense. As I told him a few minutes ago, I am opposed to the substance of his amendment, but certainly if he is going to offer it, this is not the bill to offer it to. He ought to wait and offer it to the appropriations bill, if he is going to offer such an amendment. It is entirely out of place.

The effect of this amendment would be to preempt the work of the Appropriations Committee, of which the able and distinguished Senator from Arkansas is chairman. I am sure that the Appropriations Committee is going into every facet of this defense appropriation, just as we have done on Armed Services; and to come around now and take a meat ax approach is entirely unreasonable. I cannot think the Senate would approve such an approach as that.

I hope the distinguished Senator from Arkansas will say a few words upon this amendment before it is acted upon.

President Nixon's fiscal year 1974 budget showed expenditures of $74.2 billion in fiscal year 1973 and $78.2 billion in fiscal year 1974 for Department of Defense military functions. This amendment would hold fiscal year 1974 expenditures to the fiscal year 1973 level—$74.2 billion—a reduction of $4 billion from the budget.

Mr. President, I must oppose this amendment. I believe there are three pricary arguments against it. The first is that it simply fails to take into account the relationship between budget authority provided by the Congress and expenditures which follow after. Expenditures—that is, the issuance of checks—cannot take place until after budget authority is granted. In some cases, expenditures are made a good deal later, where long leadtimes and production periods are involved. Expenditure trends, then, are to a considerable extent governed by past budget authority. When I use the term budget authority here, I am referring to all funds provided in the appropriations acts, including transfers.

Now in fiscal year 1973, we provided total budget authority of $80 billion. Spending was much less than that in fiscal year 1973—the budget showed $74.2 billion—because budget authority in fiscal year 1971 and fiscal year 1972 had been much less. But when we provided $80 billion in budget authority for fiscal year 1973, we had to recognize that expenditures in fiscal year 1974 spending to grow toward that level. In fact, the budget showed fiscal year 1974 spending of $78.2 billion. This increase in spending shown in the budget, then, is nothing new. It represents the fact that we are paying for the programs we approved and appropriated for in fiscal year 1973, The idea that we can provide budget authority of $80 billion in one year, and

then limit spending to $74 billion in the next, is a farfetched one, to put it mildly.

The second problem with this amendment is that it fails to recognize the impact of pay raises and price increases from fiscal year 1973 to fiscal year 1974—especially in short leadtime—fast-spending—areas. Pay and price increases amount to $5.8 billion for fiscal year 1973 to fiscal year 1974. That is, spending would have to rise by that much, just to stay even. This includes $2.8 billion for regular pay increases for military and civil service personnel and for increases in military retirement under existing law; $0.6 billion for new legislation in the pay area, which the Congress is now considering; and $2.4 billion for inflation on goods and services purchased from industry. Just to stay even, then—to hire the same people and to purchase the same items as in fiscal year 1973, nothing added—spending would have to rise by $5.8 billion. The budget provided an increase of $4 billion. The budget proposed a cut, then, in terms of real buying power, of $1.8 billion. The increase was not sufficient to cover inflation. And, by holding spending at the fiscal year 1973 level, this amendment would involve a cut, in real program terms, of $5.8 billion from the fiscal year 1973 level. You can test this out at home. Tell you wife she can spend as much on groceries as she did last year, and see if you eat as well.

This amendment, then, would involve a $5.8 billion program cut, under the guise of holding spending at the fiscal year 1973 level. That is my second objection.

Third, it is essential that it be understood that an expenditure reduction, imposed after a year is well along, has a multiple impact—much greater than the figures would suggest at first glance. A reduction of $4 billion from an estimate of $78.2 billion appears, in that first glance, to be about a 5-percent cut. But that is only a small part of the story. It is now the end of September. Of that $78.2 billion that was planned to be spent in fiscal year 1974, about $34.2 billion has already been spent or is under contract. That leaves $44 billion. Of that, $4 billion has to be set aside to cover statutory retired pay costs for the remainder of the year. That leaves $40 billion.

Let me be sure this is understood. We begin with a $78.2 billion spending total for the year. We must set aside what is already spent, or what will be spent under existing contracts or to meet statutory payments to military retirees. We cannot cut any of that. And, after those amounts are set aside, there is $40 billion left. And the $4 billion cut would have to come out of that. Thus, what looked like a 5-percent cut grows to a 10-percent cut over the balance of the fiscal year.

Mr. THURMOND. Mr. President, now we must consider the timing. The Department of Defense could cut spending by $4 billion if manpower and purchases could be cut back immediately by 10 percent. If the reduction could be made immediately, it could be limited to a flat 10 percent for the last 9 months of the year. But the cut cannot be made immediately. It will take some time before the cut can be put into effect. For example, in the personnel area, new hires cannot be stopped tomorrow—people will be coming into the service for the next few weeks who have volunteered and been accepted. Commitments have been made. It would take even longer, considering notification periods, and other factors, to separate personnel already on the rolls.

What that means is that the defense payroll would take some time to drop, even if this provision were signed into law today. And it will take several months for the payroll to drop as much as 10 percent. Now if we must average a 10-percent cut over the whole 9 months, and if some of the earlier months will be less than 10 percent, it follows that the payroll in the later months must be cut by more than 10 percent. We must allow for this rule of arithmetic, and also recognize the large one-time costs incident to separating people—home travel for military personnel, terminal leave payments, and other separation costs. When we allow for these factors, it is a reasonable estimate that manpower cuts would have to amount to 20 percent by June 1974 to stay within this expenditure limit. This means a reduction of 700,000 people, military and civil service, below the budget levels.

Part of the $4 billion spending cut would fall in the pay area, with consequences just described. The remainder would fall in the area of purchased goods and services. Here, too, the cut could not be effected immediately. Some costs are unavoidably tied to personnel, such as medical supplies and services; other costs such as heat and utilities cannot be avoided until bases are closed, which takes time; and other costs must be incurred to complete repairs on ships and similar work that is already underway. Here again, spending would fall very little at first, and would have to decline by more than 10 percent in the later months. Cutbacks in the range of 20 percent would be necessary by June 1974.

Thus it is, Mr. President, that what looks like a cut of about 5 percent—$4 billion of $78.2 billion—would quickly pyramid to a 20-percent cut by June 1974.

Mr. President let me summarize what I have said. Defense expenditure trends are strongly influenced by trends in budget authority in recent years and by the fact that pay and price increases amount to $5.8 billion from fiscal year 1973 to fiscal year 1974. Expenditures are the final financial action in carrying out programs approved and appropriated by the Congress. Fiscal year 1974 expenditures—as is true for any year—represent the final effect of appropriations granted over many years. The point of expenditure, then, is not the point at which the Congress should exercise control. This applies especially now when the fiscal year is well along, and about half of the year's total is already spent, under contract, or needed to meet statutory retirement payments. A $4 billion cut applied in the other half, applied on a phased basis over the remaining months of the year, would compound to a 20-percent cut in program and manpower levels. A reduction of this magnitude, Mr. President, is far beyond the scope of reasonable adjustments to the fiscal year 1974 budget. This amendment, I hope, will be defeated.

I should now like to yield to the able and distinguished Senator from Arkansas, the chairman of the Committee on Appropriations, who I hope will say a few words on this subject.

Mr. McCLELLAN. Mr. President, last year we had, as I recall, a comparable amendment before the Senate. In effect, it provided for an across-the-board cut in military expenditures. This amendment is equivalent to the same thing, except that the difference is, here, that we are already into the fiscal year that the amendment would affect. Am I correct about that?

Mr. PROXMIRE. The Senator from Arkansas is, in effect, correct, except that the continuing resolution has restrained the level to the amount I have applied. There is no going back. In other words, in July, August, and into September—probably for the rest of this month—we will have to spend at the same level which my amendment would provide.

Mr. McCLELLAN. The continuing resolution was, of course, a temporary expedient, because it was impossible to get all the appropriations legislation passed.

I wonder if it is wise to attach such an amendment to this bill. Why have we not done it on all the others? Why do we not go along with the same appropriation with respect to all the other appropriation bills? Or do we just propose that it be applied to the military? Is that the reason?

Mr. PROXMIRE. No. The answer is that the overwhelming amount of discretionary spending is here. About three-quarters of the discretionary spending is in this bill.

Mr. McCLELLAN. Fifty-six percent of this is expended for the upkeep of troops and other personnel. Would the Senator say that that is the overwhelming exception to which he refers?

Mr. PROXMIRE. A great deal of it, certainly more than half.

Mr. McCLELLAN. If I understand the Senator correctly, if he wants to put it across the board, then we would take 56 percent of every dollar we appropriate for the military; 56 percent would go for the pay and maintenance of personnel. Then he would immediately take $2,240 billion away from the salaries, from the subsistence, of our men in the service. Is that correct?

Mr. PROXMIRE. No, it is not correct.

Mr. McCLELLAN. Well, what would the Senator do about that?

Mr. PROXMIRE. The advantage of this proposal is that it meets some of the objections made in the past, inasmuch as it leaves it up to the discretion of the Secretary of Defense to determine where he wants to make the cut. He can make the cut in personnel. There are plenty of places in the military that cuts could be made.

Mr. McCLELLAN. It is not our responsibility—the Senator's and mine—to make the cut on the floor of the Senate?

Mr. PROXMIRE. I say to the Senator

from Arkansas that I tried to make that cut the other day, and the Senator voted against me. I tried to take the committee language and put that into effect.

Mr. McCLELLAN. May I say to the distinguished Senator—Mr. President, I have the floor.

Mr. PROXMIRE. We ought to leave it up to the discretion of people who know more about it—the Secretary of Defense. That is what I am doing here.

Mr. McCLELLAN. If the Senator wants to carry that theory all the way through, why have an appropriation bill? Why not have a blank amount? Why have line items in it, if the Senator has no responsibility, if he has no confidence in the Senate or in Congress, in its judgment to pass on these items?

Why not make it one overall appropriation and give the discretion as the Senator says he wants to do? Of course, he does not. The responsibility begins here. Now the Senator wants to shift it, because his amendment was rejected the other day. He wants to shift the responsibility to somebody outside Congress. That is exactly what he said.

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

Mr. McCLELLAN. I yield.

Mr. PROXMIRE. Does the Senator recall that he voted, as I voted, as the majority of Senators voted, for a ceiling on overall expenditures? I am applying exactly the same principle to the Defense Department. Within that ceiling, we can make our own appropriation reductions.

Mr. McCLELLAN. But the Senator proposes now, in the middle of the year, to impose a cut. That is what he is proposing to do now.

Mr. President, we ought to be fair about these things. If we are going to tell them to cut $2 billion, we ought to tell them where to cut it.

The Senator says that the discretion should be given to them. We could do that with every department—simply say, "This department can only spend so much money. You cut it wherever you want to."

Does the Senator want to carry it that far?

Mr. PROXMIRE. The Senator knows that we have done that in the past.

Mr. McCLELLAN. I want to know if the Senator wants to carry it that far.

Mr. PROXMIRE. One can push any principle to an extreme and make it ridiculous.

Mr. McCLELLAN. The Senator is trying to make the Defense Department the whipping boy for everything.

The Senator knows, and he ought to take it into account, that the cost of maintaining the military has gone up, just as the cost of everything else has gone up. The Senator says they ought to live within what they had last year, because we are out of the war. But the Senator knows that we have raised the salaries and the cost of maintaining this Army by our own action here, by giving them raises that were deserved, by increasing the obligation of the military, by $5.8 billion.

With the inflation situation that exists and with increases what they are, it is like saying to a family with five or six children, "You have to live on what you lived on last year, notwithstanding that one member of the family may not be present this year." Sometimes it can be done and sometimes it cannot be done. That is what we are trying to impose on the military here—a hardship, a burden, that we, ourselves, ought to analyze, and we should have the judgment and the courage to do it right here on the floor of the Senate, in Congress. The Senator knows that.

Mr. PROXMIRE. What I tried to say in my remarks was that we already had a very substantial saving in the military budget by virtue of the fact that we are not fighting in Vietnam.

Mr. McCLELLAN. There were losses of material over there, of weapons, of armaments, and our arsenal was depleted, and that has to be built up.

If the Senator wants to stop all this and not maintain the armed strength and the defense posture necessary to present a proper deterrent under world conditions, he can begin to whittle it down and whittle it down and say we are saving a great deal of money. The Senator said something about war and peace. If it costs more to keep peace than it does to have a war, in dollars and cents, if we save human lives by doing it, I favor spending a little more for a deterrent rather than spending both more for war and more for human lives in a war.

I think we are trying to get a proper balance here.

There has been much discussion about many amendments. I voted to save money; I voted to close some foreign bases, to bring troops home. But I voted for something specific, as to an area in which I thought a cut could be made.

To take this meat ax proposal and make the military the whipping boy would be doing an injustice to America, to our people, and to the security of our country. Let us be specific. There are areas in which cuts can be made, and I am going to support some of those areas. I hope we can bring down the military appropriation this year, as suggested earlier in the year, I think, by $3 or $3.5 billion. I am going to do my best to do that. But I am going to undertake to do it with some judiciousness, with some sense of responsibility as a Senator, not just in a meat ax fashion, as the Senator proposes to do here.

Mr. President, when this bill will have passed, we will have about 8 or 9 months longer to go. If this amendment is going to compel us to reduce our personnel in the military, to lay off civilian employees—that can be done, in this discretion—then we are going to do a grave injustice to many people. They have made commitments, I am sure, on the basis of some anticipation, and they have obligations that they will have to meet.

I do not believe this is good legislation. It is not the right way to go about doing our job.

The Senator is on the Appropriations Committee. He has an opportunity to offer amendments there before a bill comes to the floor and to have the amendments voted on by his colleagues in the committee. He may win some and he may lose some. But simply because, as the Senator indicates, he offered an amendment on the floor and was defeated, because the Senator from Arkansas, perhaps, did not vote with him and he is going to take this approach to it, I think it is the wrong approach and that he does an injustice. That kind of policy is not a practice in which Congress wants to engage.

Mr. President, last year we had a comparable amendment. I ask unanimous consent to have printed in the RECORD the remarks I made last year with respect to a similar amendment which was proposed by the distinguished Senator from South Dakota.

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

REMARKS BY SENATOR McCLELLAN

Mr. President, I want generally to associate myself with the remarks of the distinguished Senator from North Dakota (Mr. YOUNG), who is the ranking minority member on the Committee on Appropriations and the Department of Defense Subcommittee of the Committee on Appropriations.

As Members are aware, our late beloved colleague, Senator Allen J. Ellender, was chairman of the Department of Defense Subcommittee on Appropriations. His successor has not yet been designated. However, as a member of the Department of Defense Subcommittee for many years, I am convinced that large, across-the-board, or general, unspecified reductions in requests are not the proper way for Congress to legislate. It is not the proper way for Congress to meet its responsibilities and to exercise its constitutional duty in providing for the common defense.

As the distinguished Senator from North Dakota (Mr. YOUNG) stated, in the near future, this body will be considering the Department of Defense appropriation bill for fiscal year 1973.

That bill will contain funds for many, many specific items, activities, and programs for the Department of Defense. At that time it will be in order for any Member of the Senate to submit an amendment to reduce expenditures for specific programs and activities.

Mr. President, that is the traditional way. That is the proper way for Congress to meet its responsibilities. Therefore, I urge the rejection of the pending amendment.

I would point out, Mr. President, as have others who have addressed themselves to this issue, that this amendment does not tell where or does not indicate where any specific reduction should be made. I do not know to whom it leaves the responsibility. Congress has a responsibility. And Congress meets its responsibility in the appropriations bill.

If Congress cannot meet its responsibility item by item, then it had better meet its responsibility for our Government and for our country.

With a broadax cut such as this, who takes the responsibility? On whom are we placing the responsibility? Why do we not have the courage to do this when the items are before us and the country wants and needs them? The Defense Department needs the money. It is in the interest of our country to make the appropriation and to provide the Defense Department with those specific amounts or it is not. We ought to have the capacity and the ability to meet the issue and to say where we should cut, what items should be reduced, and what items should be appropriated.

Suppose we pass this amendment and then Congress in its wisdom and in its authority appropriates amounts in excess of the limitations for this year. What is the consequence? Congress today says that we should adopt a limitation of $77.7 billion. And there-

after in appropriations bills, Congress actually appropriates more. It reverses its limitation and overrides or changes its position by granting the appropriation. Which action of Congress prevails?

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

Mr. STENNIS. Mr. President, I yield the Senator 1 additional minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 additional minute.

Mr. MCCLELLAN. Mr. President, I say that the courageous way to do it and the right way to do it is to face the issue item by item. Then if we take the responsibility for doing it and if we sustain the budget or even increase it, that responsibility for doing that is a matter of judgment and reason. However, that is not so in this matter of escaping the responsibility and sticking our heads in the sand and saying, "Let someone else do it." It is our duty to do it and to do it when we face it and not to respond in this fashion.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I thank the able and distinguished Senator from Arkansas for his very pertinent remarks on this subject.

Mr. President, I also wish to call to the attention of the Senate that the Committee on Post Office and Civil Service has just reported a resolution this afternoon entitled "Resolution Disapproving the Alternative Plan for Pay Adjustments for Federal Employees."

The resolution reads this way:

Resolved, That the Senate disapproves the alternative plan for pay adjustments for Federal employees under statutory pay systems recommended and submitted by the President to Congress on August 31, 1973, under section 5305(c) of title 5, United States Code.

Mr. President, if this resolution should be approved, and it will be voted on here this week, I understand, that means that pay raises would take place October 1 instead of December 1; but in any event there will be pay raises for the civilian employees to take place as a result of the recommendation that has been made.

Now, after the civilian employees have gotten their pay raises, the military automatically follows, so I am sure the distinguished Senator from Wisconsin should understand that that is going to take more money to take care of these pay raises, and, therefore, I think it makes his amendment even more impractical.

Mr. President, I do not think it necessary to take any more time on this amendment. I think it is a wrong approach. I think the amendment is impractical and unwise. I hope the Senate rejects the amendment.

Mr. SYMINGTON. Mr. President, would the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, Saturday we heard that the only way to handle the personnel problem of the recommended committee reduction of 156,100, as I remember, was to leave it up to the Secretary of Defense. This was expressed by Senators I respect most from the standpoint of their interest in the economy. As I remember it, just before the vote, which was won by those who said to leave it up to the Secretary of Defense, and by a substantial margin, the Senator from Wisconsin, not his exact words but a paraphrase of the point he made: I hope the people will remember when we go vote procurement, we get down to the last airplane ship, or plane. The Senator from Wisconsin said if it should be left up to the Secretary of Defense in the one case why would it not be applied in the other.

Seldom do I disagree with the able senior Senator from Arkansas, a wise and able statesman. So before voting on this, I would ask the able Senator from Wisconsin several questions.

I am not saying this reduction is right. I have not had a chance to study it in detail. But I do not see why we leave things up to the Secretary of Defense when it comes to personnel but want such a rigid examination of each weapons system.

I would ask the Senator a question. We are told that peace is here; that we are out of the war. Is that correct?

Mr. PROXMIRE. Yes, indeed.

Mr. SYMINGTON. We are told that our present relations with the Soviet Union and the Chinese Republic are better; correct?

Mr. PROXMIRE. Yes.

Mr. SYMINGTON. I am not one who tries to nail down exactly friends and enemies. Lord Palmerston said that no country has friends and no country has enemies; all a country has are interests. There is merit in that observation.

In any case the impression now being given the American people is that we are in better shape all around the world than we have been in many years; correct?

Mr. PROXMIRE. That is correct.

Mr. SYMINGTON. Does the able Senator believe this is expressed in the military budget being asked for by this administration?

Mr. PROXMIRE. Quite the opposite, as I have documented here. We can take the savings we achieved in ending the Vietnam war, and with those savings we will have enough to provide the pay increases and other inflationary elements in the economy that the Department of Defense has to face within $1 billion. It means if we can find $1 billion out of this $78 billion budget, to reduce in real terms, we can meet the requirements of my amendment.

The Senator has documented it better than anyone else in the Senate.

We can make sizable cuts, cuts of 1 percent or 2 percent in real terms, and that is what my amendment would accomplish.

Mr. SYMINGTON. I ask the able Senator this question. He has a capacity for figures. The Senator from South Carolina, ranking minority member of the Committee on Armed Services, mentioned the increased pay. Has the Senator any figures about how much the increase in pay would cost?

Mr. PROXMIRE. The Senator from South Carolina was talking about a situation that we do not know will develop. We will have an opportunity to discuss that later. I think he was referring to the possibility of the money needed to maintain an increase. He took into account pay increases, including retirement reform. I have here a Department of Defense table which shows the cost of the pay and retirement increase in outlays at $3.90 billion. That was taken fully into account on my amendment when I said the reduction in real terms would net out to about $1 billion.

Mr. SYMINGTON. It is our understanding in the committee that the cost of civilians, not military, in the Department of Defense, cost over $13 billion a year.

Mr. PROXMIRE. That is exactly correct. It is $13.5 billion a year.

Mr. SYMINGTON. Unfortunately, at this time the Secretary of Defense states that under the law he cannot do what he thinks should be done in an effort to reduce the grade creep that is also established in the civilian part of the military, just as he has been frank in stating he would like to handle grade creep in the military itself.

Does the Senator agree that we should examine whatever legislation is necessary in order that the Secretary would have a free hand in reducing the $13 billion figure?

Mr. PROXMIRE. I enthusiastically support that. I think it would have strong support in the Senate and in the House and with administration support it would pass, without question.

Mr. SYMINGTON. I thank the Senator, and am impressed with his amendment. The total cut is $1 billion?

Mr. PROXMIRE. That is the net cut in real terms, when you recognize the fact that the increased cost to the military will be balanced for largely by the reduced cost of ending the war in Vietnam. So all we have to find in real terms, in terms of cutting personnel, and other areas documented over and over again on the floor, is $1 billion.

Mr. SYMINGTON. $1 billion would be what percent of the total military budget?

Mr. PROXMIRE. Around 1.4 percent.

Mr. SYMINGTON. I am as anxious as anyone to keep this country adequately strong, and have done my best over weeks and months to eliminate some expenditures which look to me as not necessary to maintain adequate strength.

I have failed consistently in making any major improvement in that position. Therefore, I am quite interested in the able Senator's amendment.

Mr. PROXMIRE. I very much thank the distinguished Senator from Missouri, acting chairman of the Armed Services Committee.

WASTE, WASTE, WASTE

Mr. President, I would now like to examine a few areas where this $1 billion could be found and therefore make my amendment practical.

The procurement of new and necessary weapons has run into trouble. The GAO has discovered that of the 45 major weapon systems investigated, the cost overrun will be over $35 billion. We could easily find corrective measures to cut back on such astronomical sums. And even these high figures are understated because they do not include spare parts, ground equipment, war consum-

mables, and supplies needed to operate the aircraft, ships, and missiles in question. These are not reported in the GAO statistics and yet they represent from $3 to $4 billion.

An analysis of 116 major weapon systems in various stages of procurement shows that weapons costs alone will exceed $53 billion annually for at least the next 6 years.

The list of weapons and their costs was obtained with the assistance of the General Accounting Office and is considered to be the most comprehensive record compiled so far.

Here is how the annual weapons costs are derived:

The Pentagon estimates it will cost $153.3 billion to complete 116 current weapon programs.

Congress appropriated $64.4 billion for the same 116 weapons through June 20, 1972, leaving $89.9 billion yet to be appropriated for the purchase of those weapons.

Assuming it will take an average of 6 years to complete work on the 116 weapons, the amounts yet to be appropriated for their acquisition will total $14.9 billion per year.

The costs of acquisition are just part of the weapons picture. In addition to acquiring the items they have to be operated and maintained, personnel have to be trained to use and repair them, facilities have to be constructed to service them.

The costs of fielding and supporting weapon systems is estimated at from 5 to 10 times the costs of acquisition.

A weapon that cost $1 billion to procure will generally cost an additional $5 to $10 billion to field and support during the life of the weapon.

Using the conservative lower factor of 5, the costs of fielding and supporting the 116 weapons will total an estimated $766.5 billion; 5 times $153.3 billion equals $766.5 billion.

Assuming an average 20-year life cycle for each of the weapons, annual field and support costs will amount to $38.4 billion—$766.5 billion divided by 20 equals $38.4 billion.

The annual field and support costs added to the annual procurement costs add up to $53.3 billion for each of the next 6 years.

It should be emphasized that this is a conservative estimate. Not only is it based on the lower factor of 5, in the calculation of field and support costs, it does not take into account the probable impact of cost overruns, inflation, engineering and design changes, and other factors which contribute to cost growth in weapon systems.

The Comptroller General of the United States has made a long series of recommendations about how to bring these cost overruns into line. If we followed his advice, we could save billions.

A closer scrutiny of excess defense profits would also save money. Last May I released a list of more than 100 defense contractors against whom excessive profits determinations were made by the Renegotiation Board for fiscal year 1972. In one case the contractor was allowed to retain profits of nearly 2,000 percent as a return on net worth, computed after deducting the amount considered excess.

Mr. President, I ask unanimous consent that this list of defense contractors be printed in the RECORD.

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

Determination No. and name of contractor	Amount of excessive profits refunded	Profits after refund as percent of— Capital [1]	Net worth [1]
1. Stalker Corp	$70,000	20.8	38.2
2. Allen Electric & Equipment Co. Sii to Crown Steel Products Co	175,000	36.0	90.1
3. Rex Precision Products, Inc	50,000	35.0	82.0
4. George D. LaBarre trading as Mohawk Products Co	50,000	[2]	[2]
5. Clevepak Corp	250,000	42.9	99.9
6. Thomaston Special Products, Inc. Sii to Thomaston Special Tool	200,000	33.2	49.3
7. Bradford Dyeing Assoc. (U.S.A.), Inc	150,000	58.3	226.5
8. Eisen Brothers, Inc	150,000	30.4	1,902.7
9. Pascoe Steel Corp	350,000	36.3	100.5
10. Nu-Pak Co.	150,000	113.6	434.0
11. Nu-Pak Co.	300,000	45.6	115.5
12. Gillmore M. Perry	135,000	[2]	[2]
13. Gillmore M. Perry	145,000	[2]	[2]
14. Gillmore M. Perry	125,000	[2]	[2]
15. United Telecontrol Electronics, Inc	100,000	66.4	108.2
16. Sandnes' Sons, Inc	125,000	68.9	463.9
17. CYJO Dissolution Co	150,000	31.4	62.5
18. Pembroke, Inc	700,000	41.2	109.8
19. Burns Manufacturing Co	100,000	48.2	80.7
20. Dart Industries, Inc. Sii to the West Bend Co.	175,000	26.1	47.3
21. Calabrese & Sons	65,000	39.3	76.5
22. Federal Cartridge Corp	350,000	[2]	[2]
23. Guy H. James Industries, Inc	725,000	43.4	126.4
24. Holly Corp	400,000	[2]	[2]
25. Holly Corp	200,000	[2]	[2]
26. Holly Corp	200,000	[2]	[2]
27. Air Industries Corp	550,000	34.2	54.5
28. Far West Industries, Inc	50,000	[4] 200.0	[4] 200.0
29. Penland Container, Inc	125,000	44.3	69.5
30. DeRossi & Son Co	125,000	38.7	49.5
31. Victor Comptometer Corp	200,000	15.6	31.2
32. H. H. Robertson Co	50,000	26.9	46.9
33. Galion Amco, Inc	475,000	40.2	80.5
34. Clymer Machine Co., Inc	40,000	73.2	248.8
35. Electronic Products & Engineering Co., Inc	150,000	58.1	292.1
36. M. L. W. Corp	150,000	33.2	83.5
37. Tan-Tex Industries, Inc	650,000	15.9	44.5
38. Portec, Inc	225,000	33.4	40.7
39. Vega Precision Laboratories	125,000	56.5	107.3
40. Cleveland Steel Products Corp	200,000	29.7	40.2
41. J. Schoeneman, Inc	75,000	28.9	35.4
42. Chapman Machine Co., Inc	75,000	32.6	51.2
43. Lee Realty Corp	70,000	[4] 10.0	[4] 51.2
44. Abbot Machine Co	150,000	81.7	203.6
45. Continental Connector Corp	500,000	25.4	34.3
46. Mosaic Fabrications, Inc	100,000	57.4	137.0
47. Glass Designers, Inc	50,000	56.9	95.1
48. Glass Designers, Inc	50,000	53.2	73.2
49. Bilt-Rite Box Co., Inc	75,000	39.4	60.1
50. Trans World Airlines, Inc	200,000	[2]	[2]
51. Norris Industries, Inc	2,000,000	33.0	70.8
52. Lake Shore, Inc	75,000	26.8	52.3
53. Texas Aluminum Co., Inc	50,000	20.3	442.2
54. H. Walters & Co., Inc	225,000	53.7	124.0
55. National Union Electric Corp	5,000,000	22.4	74.4
56. Major Coat Co., Inc	750,000	84.6	589.3
57. Graniteville Co	600,000	20.8	32.4
58. Camel Manufacturing Co	600,000	52.0	102.6
59. Tools Products Co., Inc	$225,000	31.0	52.4
60. Elliot Bros. Steel Co	50,000	27.1	95.6
61. Valcor Engineering Corp	50,000	25.4	34.9
62. Teledyne Inc., Sii to Sewart Seacraft, Inc	700,000	79.8	217.0
63. John Wood Co	450,000	21.2	40.5
64. Dynasciences Corp	125,000	31.2	255.4
65. Kellwood Co	50,000	38.9	142.3
66. Air Treads of Atlanta, Inc	100,000	72.8	435.4
67. Adrian Wilson Associates	150,000	[2]	[2]
68. Hardie-Tynes Manufacturing Co	300,000	19.1	23.8
69. Putnam-Herzl Finishing Co., Inc	100,000	29.0	96.9
70. Thomaston Special Products, Inc. Sii to Precise Products Industries, Inc	225,000	55.4	55.4
71. Standard Resources Corp	75,000	56.3	237.9
72. Tubular Products Co	75,000	35.6	74.7
73. United Tool & Die Co	100,000	25.9	35.0
74. International Chair Corp	15,000	[3]	[3]
75. Aircraft Service International Janitorial, Inc	40,000	[2]	[2]
76. Aircraft Service International Janitorial, Inc	150,000	[2]	[2]
77. Flight Belt Corp	7,000	[4] 5.2	[4] 7.8
78. Flight Manufacturing Corp	15,000	[4] 4.6	[4] 4.8
79. O'Brien Gear & Machine Co	250,000	48.1	210.2
80. Stanwick Corp	150,000	[2]	[2]
81. Plaza Mills, Inc	50,000	17.8	55.6
82. Computer Instruments Corp	50,000	37.6	55.1
83. Portec, Inc	550,000	29.8	38.2
84. Michaels Stern & Co., Inc	100,000	25.1	63.3
85. So-Sew Styles, Inc	350,000	[4] 121.1	[4] 121.1
86. Centre Manufacturing Co., Inc	375,000	45.4	104.6
87. Aerial Machine & Tool Corp	75,000	23.0	49.3
88. National Union Electric Corp	3,100,000	23.7	72.4
89. Rex Precision Products, Inc	40,000	30.7	74.6
90. Whittaker Corp. Sii to Bermite Powder Co	300,000	53.7	579.7
91. Stalker Corp	125,000	35.7	54.8
92. Kilgore Corp	950,000	32.7	68.0
93. Kilgore Corp	750,000	26.3	42.7
94. Glenn Manufacturing Co., Inc	900,000	58.7	123.7
95. Ametek, Inc. Sii to Plymouth Industrial Products, Inc	600,000	90.9	226.4
96. United Telecontrol Electronics, Inc	125,000	35.5	69.3
97. Model Screw Products, Inc	100,000	50.0	137.3
98. Wells Marine, Inc	1,700,000	52.8	206.1
99. Shinn Engineering, Inc	350,000	33.4	63.2
100. Superior Steel Ball Co	100,000	44.8	120.8
101. Warren Pumps, Inc	200,000	23.2	46.9
102. M. Sloane Manufacturing Co	200,000	20.8	872.2
103. American Technical Industries	175,000	30.5	58.3
104. American Technical Industries Sii to Lem Products Corp	35,000	57.4	140.0
105. Neapco Products, Inc	175,000	25.7	30.3
106. Carlisle Corp	500,000	37.0	91.0
107. Sterling Electronics Corp. Sii to 872 Rockaway Corp	40,000	50.4	83.7
108. Milan Box Corp	50,000	23.1	32.9
109. Patty Precision Products Co	40,000	41.1	244.3
110. Sun Garden Packing Co	100,000	22.2	95.3
111. Dale Fashions, Inc	150,000	62.0	[4]
112. American Sportswear Co., Inc	15,000	[2]	[2]
113. National Union Electric Corp	800,000	21.5	91.5
114. Dyson-Kissner Corp. Sii to Northwest Automatic Products Corp	275,000	24.5	33.8
115. Dyson-Kissner Corp. Sii to Northwest Automatic Products Corp	225,000	20.4	27.6

Footnotes at end of article.

Determination No. and name of contractor	Amount of excessive profits refunded	Profits after refund as percent of— Capital [1]	Net worth [1]
116. Anixter Bros., Inc., Sii to Anixter-Normandy	$250,000	39.1	109.6
117. AWA Corp	150,000	55.0	237.1
118. AWA Corp	500,000	48.5	137.0
119. M.L.W. Corp	375,000	56.3	64.5
120. Abbot Machine Co	275,000	66.5	122.6
121. Lee Realty Corp	125,000	[3]	[3]
122. Landis Clothes, Inc	100,000	46.4	214.6
123. Kreisler Industrial Corp	315,000	45.7	138.4
124. Metro Machine Corp	34,000	44.8	119.2
125. Sterling Commercial Steel Ball Corp	225,000	39.3	58.1
126. Lawrence Jaros Co., Inc	30,000	[2]	[2]
127. Lawrence Jaros Co., Inc	30,000	[2]	[2]
128. Oppenheimer, Inc	40,000	16.9	22.2
129. Opacalite Inc	40,000	26.5	135.0
130. Rodale Electronics, Inc	100,000	21.6	46.5
131. Macrodyne-Chatillon Corp., Sii to Consolidated Missile Co., Inc	80,000	[4] 86.4	[4] 163.4
132. Hitco Sii to Hawley Products Co	250,000	42.2	78.1
133. Alaska-Puget-United Transportation Cos	75,000	[2]	[2]
134. Clearwater Die & Manufacturing Co., Inc	50,000	40.3	64.0
135. Hutt, Inc	175,000	166.1	329.1
136. National Tool & Die Co	135,000	32.6	46.4
137. Pembroke, Inc	425,000	41.3	56.4
138. Border Machinery Co., Inc	40,000	52.5	105.5
139. Puritan Fashions Corp	175,000	25.5	29.6
140. John Wood Co	150,000	20.5	31.5
141. Dallathe Corp	5,000	[3]	[3]
142. Dallathe Corp	12,000	[3]	[3]
143. Panco Corp. Sii to Beeville Corp	29,000	[3]	[3]
144. Panco Corp. Sii to Beeville Corp	18,000	[3]	[3]
145. Panco Corp. Sii to Corpus Mainbase Corp	12,000	[3]	[3]
146. Panco Corp. Sii to Corpus Mainbase Corp	22,000	[3]	[3]
147. Panco Corp. Sii to Corpus Mainbase Corp	$16,000	[3]	[3]
148. Glunco Corp	12,000	[3]	[3]
149. Glynco Corp	10,000	[3]	[3]
150. Panco Corp. Sii to Jaxs Corp	44,000	[3]	[3]
151. Panco Corp. Sii to Jaxs Corp	28,000	[3]	[3]
152. Panco Corp. Sii to Jaxs Corp	32,000	[3]	[3]
153. Panco Corp. Sii to Key West Corp	30,000	[3]	[3]
154. Panco Corp. Sii to Key West Corp	18,000	[3]	[3]
155. Panco Corp. Sii to Key West Corp	17,000	[3]	[3]
156. Panco Corp. Sii to Kingsville Corp	2,000	[3]	[3]
157. Panco Corp. Sii to Kingsville Corp	12,000	[3]	[3]
158. Panco Corp. Sii to Kingsville Corp	5,000	[3]	[3]
159. Panco Corp. Sii to Medius Corp	12,000	[3]	[3]
160. Panco Corp. Sii to Medius Corp	24,000	[3]	[3]
161. New York Corp	9,000	[3]	[3]
162. New York Corp	11,000	[3]	[3]
163. New York Corp	14,000	[3]	[3]
164. Olathe Corp	6,000	[3]	[3]
165. Olathe Corp	3,000	[3]	[3]
166. Olathe Corp	7,000	[3]	[3]
167. Bahia Dorado Corp	10,000	[3]	[3]
168. Metro Machine Corp	40,000	29.6	49.0
169. Bromfield Corp	550,000	45.7	109.0
170. Stanadyne, Inc	275,000	28.0	36.4
171. Lasko Metal Products, Inc	600,000	28.2	63.7
172. Kaynar Mfg. Co., Inc	75,000	27.0	39.7
173. Cone Mills Corp	325,000	25.4	42.1
174. jernberg Forgings Co	100,000	32.3	36.9
175. Gibraltar Manufacturing Co	475,000	48.7	147.4
176. jonathan Logan, Inc	100,000	25.1	198.7
177. Paramount Warrior, Inc. Sii to Pacific Crane & Rigging Co.	150,000	[3]	[3]
178. E. Walters & Co., Inc	50,000	35.6	79.5

[1] Because of the presence of absence of factors, such as Government short- or long-term capital input, sole source or rated order procurement conditions, critical production or delivery requirements, etc., return rates on beginning capital and beginning net worth allocated to renegotiable business on a cost-of-goods sold basis are not always good indicators of comparative profitability. This is particularly true in case of smaller contractors with large increases in renegotiable business during the review year. Also, it is important to note that the ratios are the results of the Board's determinations and that, because of the small number of cases involved and the great variety in underlying conditions, these ratios are not amenable to statistical interpretation.

[2] Nominal capital and/or net worth deficit.

[3] Not relevant, because of the nature of the contractor's business.

[4] Ratios influenced by intercompany relationships.

Mr. PROXMIRE. The mystique that a U.S. troop presence of exactly 320,000 men is essential to European security has been convincingly dispelled.

Europe is strong enough to stand on its own. We should provide the nuclear backup, the naval power, and some of the weapons necessary for the defense of Europe. But the Europeans should provide more of the manpower.

At the present time we provide 10 percent of the NATO ground strength, 25 percent of the air force, and 20 percent of the combined navies. It costs over $17 billion a year not counting the adverse dollar flow—$1.5 billion.

But look at the revitalized economy of Europe. When the United States first made a military commitment to Europe their gross national product was $46.9 billion. Now it is $831.9 billion. But while the United States spends 7.5 percent of our GNP on defense, the Europeans spend about half as much.

They have as many people as the U.S.S.R. and an economy that is every bit as strong as the Russians. They can afford to pull more weight. If they want more troop strength in Europe let them supply it themselves.

What we need is a stronger NATO alliance. If the Europeans come through with more support, we will get it. And it will save us money.

Every year the United States trains fewer fighting men and more bureaucrats. We are building an army of paper shufflers. With the worst combat to support ration of any major army in the world, the United States is faced with an ever more expensive and less capable force.

We are getting soft. It would be better to have a smaller elite fighting force than a bureaucratic behemoth.

We are overstaffed at every level. There are more generals and admirals, colonels and captains now than at the height of World War II but we have 10 million fewer men in the service.

We have over 600,000 military personnel stationed overseas or about 30 percent of total U.S. military manpower. There are 314,000 dependents overseas and we employ 173,000 foreign nationals to work on our 2,000 bases. The cost of American troops abroad is about $30 billion a year.

This kind of bloated defense structure actually reduces our military effectiveness. The Soviet Union does not permit a fighting-to-support ratio of 1 to 10 or overstaffed commands or luxurious accommodations for civilians and military personnel on duty. Why should we?

There are over 7,300 civilian employees of the Defense Department earning between $27,000 and $39,500 a year. All told there are 1 million civilians in a defense capacity or about one civilian for every two military men. It costs $13.5 billion, as the Senator from Missouri has pointed out, to pay for civilians in the Pentagon.

To look at it another way, there are as many defense civilians as employees of the Department of Agriculture, Treasury, Health, Education and Welfare, and Post Office. Many of these positions are unnecessary and simply create layers of bureaucracy that impede decisionmaking. Again we would literally have a stronger military force if we cut this massive Pentagon civilian bureaucracy in half.

Some—not all—but a sizable number of high ranking U.S. officers have provided themselves with unbelievable luxuries and special privileges at public expense.

As disclosed by the House Appropriations Committee, high level officers are flying free around the world with confirmed reservations on the Military Airlift Command. In fiscal year 1972 over 336,000 overseas flights alone were made for nonofficial travel. Lieutenant colonels and above get confirmed reservations and have military personnel to handle their baggage, escort them to and from the plane and through customs, and receive ground transportation and guest house privileges.

This is a waste of valuable manpower.

Pentagon brass are afforded privileges that would make any bureaucrat blush with envy. They have 45 limousines with chauffeurs standing by for local transportation and 62 helicopters for longer trips.

Outside the Pentagon, 178 aircraft are assigned to senior officers worldwide at a cost of $39.2 million annually. Many of these are fixed up to VIP standards. One jet recently redecorated by Gen. Jack Catton cost over $760,000. It contains new fixtures, plush seats, three bathrooms, carpeting, and a racing stripe. This is the kind of waste that can be eliminated.

Where else can that $1 billion be saved? We could be more careful of goldplating and golden handshakes. Goldplating not only forces the cost of our weapons up but it reduces our force structure. If

we can only build new planes for a cost of $20 million and these aircraft replace others purchased at $4 million sooner or later it will drive the force level down. It is unilateral disarmament.

Golden handshakes make this situation possible. When industry is allowed to bid in low with the expectation of recovering losses at a later date, it throws the entire procurement process out of step and places Congress hostage to the defense industry. It is much like President Teddy Roosevelt sending the Great White Fleet around the world over the objections of Congress and then simply stating if we wanted the fleet back we would have to pay for it.

Mr. President, even the corrective measures the Pentagon takes are frought with problems. The Navy, for example, paid over a million dollars to a private consultant for an "efficiency" study that should have been used in negotiations for a billion dollar weapon, the Mark 48 torpedo. But the Navy failed to coordinate the study with its own contract negotiator or with other Pentagon officials and the consultant's final report was obtained too late to be used in the negotiations. You might say the Navy torpedoed its own study.

Mr. President, the list of possible savings goes on and on. The committee report this year makes the most reasonable case with this regard. A reading of that document will prove that more than $1 billion can be saved.

Mr. President what do others say about reducing the military budget? Just now much can the budget be reduced and still retain sufficient military capability?

A long series of sound analyses by defense and congressional experts has pinpointed many billions in wasteful spending. According to one study, over $14 billion can be saved out of this year's budget. Authored by Alfred Fitt, former Assistant Secretary of Defense for Manpower; Roswell Gilpatric, former Deputy Secretary of Defense; Morton Halperin, former Deputy Assistant Secretary of Defense; Townsend Hoopes, former Under Secretary of the Air Force; George Kistiakowsky, former Presidential Science Adviser; Herbert Scoville, former Deputy Director of the CIA; Ivan Selin, former Deputy Assistant Secretary of Defense, this study makes a series of specific proposals for cuts in the budget. With experience of that depth and quality, their suggestions cannot go unnoticed.

In an excellent study of support cost in the Defense budget which he calls the submerged one-third, Martin Binkin of the Brookings Institution shows where $2.28 billion could be saved without affecting our fighting capability.

In the major Brookings study this year, a range of defense options indicates that between $10 and $25 billion could be pruned from the budget using different assumptions and force levels.

A study of strategic forces by Alton Quanbeck and Barry Blechman puts forward the possibility that up to $4 billion in strategic weapons costs and operation could be cut gradually from the budget.

A specific recommendation by Herbert Scoville, former high official of the Central Intelligence Agency and the Arms Control and Disarmament Agency has identified almost $3 billion in excess weaponry.

The Center for Defense Analysis has concluded that there is $5.1 billion in the budget for major weapon systems of marginal utility. The center is headed by Adm. Gene LaRocque, retired.

The Members of Congress for Peace Through Law produced an analysis showing where changes in the Defense budget would produce potential savings of $16 billion.

Mr. President, I want to make it clear that I do not support any one of these proposed cuts. I cite them to indicate that many responsible people have reached conclusions of their own that the defense budget can be cut back drastically. I do not believe that there can be a drastic cut in this budget. I would not vote for one.

But I do think that the taxpayers of this country have a right to expect that Congress will force the Pentagon to hold the line on defense spending to last year's level.

That is a very, very modest hope.

According to recent press articles, the House Appropriations Committee is thinking of a cut in the budget of between $4 to $5 billion. The Senate Armed Services Committee already has found nearly $2 billion in wasteful programs. The distinguished acting chairman of that committee, Mr. SYMINGTON, has shown that another $2 billion should be cut from the procurement bill. I find his arguments extremely compelling. And they are backed by the kind of thorough research necessary to make the case.

The chairman of the Appropriations Committee has said that "some realistic spending cuts can be made in the Department of Defense budget without diminishing or weakening our national defense posture." He has said, "We may not be able to surpass or even equal the $5 billion reduction of last year but this is our purpose and this is what we shall undertake to accomplish."

Mr. President, in view of all these other statements, my amendment seems far too conservative. But I would argue we must be conservative in these matters. A hold-the-line approach is the answer.

THE CONTINUING RESOLUTION

One of the unique aspects of this amendment is its similarity to the continuing resolution. At present the Pentagon is operating under the authority of the continuing resolution which limits the rate of operations to last year's budget or the new budget whichever is lower. Since the new budget is higher, the Pentagon is operating under last year's levels.

This means that my amendment would not in any way involve a cutback from current Pentagon spending practices. Since they are operating at last year's level, the amendment would simply continue to allow them to spend at present rates. There would be no cutback. There would be no double-up effect for the last half of the year. There would be no base closings. There would be no firings or unemployment problem. Life would go on as before.

The new increases in the budget would be denied, but the old levels would continue to be met. If we adequately defended the country last year at $74.2 billion we can do it again this year without the burden of Vietnam.

Mr. President I ask unanimous consent that a copy of the continuing resolution be printed in the RECORD.

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

PUBLIC LAW 93-52

Joint resolution making continuing appropriations for the fiscal year 1974, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1974, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1973 and for which appropriations, funds, or other authority would be available in the following Appropriation Acts for the fiscal year 1974:

Agriculture-Environmental and Consumer Protection Appropriation Act;

District of Columbia Appropriation Act;

Department of Housing and Urban Development; Space, Science, Veterans, and Certain Other Independent Agencies Appropriation Act;

Department of the Interior and Related Agencies Appropriation Act;

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, as now or hereafter passed by the House and the Senate;

Legislative Branch Appropriation Act;

Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act; and

Department of Transportation and Related Agencies Appropriation Act;

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act;

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That no provision in any appropriation Act for the fiscal year 1974, which makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 102(c) of this joint resolution;

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the cur-

rent rate or the rate permitted by the action of the one House, whichever is lower: *Provided,* That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for 1973, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate: *Provided further,* That with respect to the projects and activities included in the Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act, the current rate for operations within the meaning of this joint resolution shall be that permitted by the joint resolution of July 1, 1972 (Public Law 92–334, as amended), and other appropriations for the fiscal year 1973: *Provided further,* That the aggregate amounts made available to each State under title I–A of the Elementary and Secondary Education Act for grants to local education agencies within that State shall not be less than such amounts as were made available for that purpose for fiscal year 1972;

(b) Such amounts as may be necessary for continuing projects or activities (not otherwise provided for in this joint resolution) which were conducted in the fiscal year 1973 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in Treasury, Postal Service, and General Government Appropriation Act, 1973;

activities for which provision was made in the Department of Defense Appropriation Act, 1973;

activities for which provision was made in the Military Construction Appropriation Act, 1973;

activities for which provision was made in section 108 of Public Law 92–571, as amended, and such amounts shall be available notwithstanding section 10 of Public Law 91–672 and section 655(c) of the Foreign Assistance Act of 1961, as amended; and in addition, unobligated balances as of June 30, 1973, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, are hereby continued available for the same general purposes for which appropriated: *Provided,* That new obligational authority authorized herein to carry out the Foreign Assistance Act of 1961, as amended, and the Foreign Military Sales Act, as amended, shall not exceed an annual rate of $2,200,000,000: *Provided further,* That none of the activities contained in this paragraph should be funded at a rate exceeding one quarter of the annual rate as provided by this joint resolution;

activities of the Commission on International Economic Policy, notwithstanding section 209 of Public Law 92–412;

activities for the "Special fund" established by section 223 of the Drug Abuse Office and Treatment Act of 1972 (Public Law 92–253) for which provision was made in the Supplemental Appropriations Act, 1973;

activities incident to adjudication of Indian Tribal Claims by the Indian Claims Commission for which provision was made in the Supplemental Appropriations Act, 1973;

activities of the Corporation for Public Broadcasting;

activities for operating expenses, domestic programs, of ACTION, for which provision was made in the Supplemental Appropriations Act, 1973;

activities of the Office of Consumer Affairs;

activities of the Cabinet Committee on Opportunities for Spanish-Speaking People;

activities of the National Study Commission on Water Quality Management;

activities of the National Industrial Pollution Control Council;

activities of the Department of the Interior for: (a) Saline water research program, (b) Trust Territory of the Pacific Islands, and (c) grants-in-aid and special bicentennial grants-in-aid under the Preservation of Historic Properties;

activities of the American Revolution Bicentennial Commission;

activities for Coast Guard reserve training;

activities of the Federal Railroad Administration for grants to National Railroad Passenger Corporation;

activities of the National Highway Traffic Safety Administration under the National Traffic and Motor Vehicle Safety Act of 1966, as amended.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for fiscal year 1974;

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the budget estimate—

activities under section 201(g)(1) of the Social Security Act, as amended, for which provision was made in the Second Supplemental Appropriations Act, 1973;

activities authorized by title I of Public Law 92–328; and

(e) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate—

activities of the National Commission on Productivity;

Activities relating to the compensation and reimbursement of attorneys appointed by judges of the District of Columbia courts pursuant to the Criminal Justice Act of 1964, as amended;

activities of the Commission on the Organization of the Government for the Conduct of Foreign Policy;

notwithstanding the fourth clause of subsection (b) of this section, activities of the Department of Health, Education, and Welfare for assistance to refugees in the United States (Cuban program);

activities under the Vocational Rehabilitation Act, as amended, and the Manpower Development and Training Act of 1962, as amended, and title I and title III–B of the Economic Opportunity Act of 1964, as amended, for which provision was made under joint resolution of July 1, 1972, Public Law 92–334, as amended, and the Supplemental Appropriations Act, 1973, Public Law 92–607: *Provided,* That the current rate for operations shall be defined as that permitted by such appropriations for fiscal year 1973; and

activities under the Public Works and Economic Development Act of 1965, as amended.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable Appropriation Act by both Houses without any provision for such project or activity, or (c) September 30, 1973, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionment set forth in subsection (d)(2) of section 3679 of the Revised Statutes, as amended, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1973.

SEC. 107. Any appropriation for the fiscal year 1974 required to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of section 3679 of the Revised Statutes, as amended.

SEC. 108. Notwithstanding any other provision of law, on or after August 15, 1973, no funds herein or heretofore appropriated may be obligated or expended to finance directly or indirectly combat activities by United States military forces in or over or from off the shores of North Vietnam, South Vietnam, Laos or Cambodia.

SEC. 109. Appropriations and authority provided in this joint resolution shall be available from July 1, 1973, and all obligations incurred in anticipation of the appropriations and authority provided in this joint resolution are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 110. Unless specifically authorized by Congress, none of the funds herein appropriated under this joint resolution or heretofore appropriated under any other Act may be expended for the purpose of providing assistance in the reconstruction or rehabilitation of the Democratic Republic of Vietnam (North Vietnam).

SEC. 111. Any provision of law which requires unexpended funds to return to the general fund of the Treasury at the end of the fiscal year shall not be held to affect the status of any lawsuit or right of action involving the right to those funds.

LEGISLATIVE HISTORY

House reports: No. 93–328 (Comm. on Appropriations) and No. 93–364 (Comm. on Conference).

Senate report No. 93–277 (Comm. on Appropriations).

Congressional Record, Vol. 119 (1973):

June 26, considered and passed the House.

June 29, considered and passed Senate, amended.

June 30, House agreed to conference report, and concurred in Senate amendment with an amendment, Senate agreed to conference report and concurred in House amendment.

Weekly compilation of Presidential documents, Vol. 9, No. 27: July 1, Presidential statement.

Mr. PROXMIRE. Mr. President, in prior years, ceiling amendments have involved a cutback in spending. They have met with opposition because of the threat

that a cutback would be doubled up for the last half of the fiscal year. This is a consequence of the congressional schedule.

This year that is not the case. There will be no problems of that type. The hold-the-line approach is acceptance of the status quo—not a cutback in present programs.

I am delighted the Senator from Missouri is on the floor, because he has indicated such a deep interest in our economy, and now I would like to touch very briefly on that.

Mr. President, this amendment is designed in two ways to meet the inflation problem.

First, military spending is peculiarly inflationary because all of the spending has the full effect any Government spending has on demand. If my amendment succeeds, we will prevent an additional $4 billion from being pumped into the economy. Inflation is our number one problem. Last month it hit the worst rate since the World War II period. An additional $4 billion of military outlay which this amendment would prevent would surely aggravate that inflation. It would mean $4 billion seeking goods and services and manpower already in short supply in many areas. The prices of those products would be sure to rise more sharply because of this additional spending.

And the military spending has an especially sharp effect because it produces no economic goods. Government spending that builds houses—also increases general demand but it increases the supply and therefore tends to hold down the cost of housing. Government spending that goes into manpower training also swells the general spending and bids up prices, but it results in more men and women trained to work in areas where skills are in short supply, so wage and therefore prices tend to stay within bounds.

But Government spending to hire soldiers and sailors, to build weapons, or to provide for more military staffing, provides no economic goods. Demand increases but there is no corresponding increase in supply. Result: a specially virulent inflationary effect.

Now there is one other reason why this amendment is solid antiinflation fare. It is designed to hold down spending now—when inflation is at its height. Because it is aimed at 1974 outlays, it will have its full effect within the next nine and a half months. Unlike other amendments that would reduce obligational authority, this amendment would stop the inflationary impact of spending precisely when we need to slow it down, not when unemployment is serious and the economic effect would be to aggravate that unemployment. Almost all other amendments designed to reduce the amount of spending in this bill or in the appropriation bill would have a delayed effect, in fact most of the effect would be felt in later years. But every nickel of this hold down amendment would hit the economy by June 30 of next year. It would be right on the economic target.

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

Mr. PROXMIRE. I yield.

Mr. SYMINGTON. The Senator said there would be a reduction of $1 billion; but if the present budget is over $78 billion and this amendment is $74 billion, how can there be a reduction of only $1 billion?

Mr. PROXMIRE. What I am talking about is the net effect, in real terms, when we allow for the amount we were spending in Vietnam. The $74.2 billion we spent last year included a very substantial amount, about $7 billion, that we were spending on Vietnam. We will not be spending that money for fighting a war in Vietnam this year. Therefore, we will have an amount that we can apply as a saving to the inflation cost.

And when we do that and apply it, we recognize that we do not make a cut in present funding of anything like $4 billion.

In fact, it is only $1 billion total in real terms. It is a $4 billion cut below the President's request. But it is not a cut below what the Defense Department is spending now.

Mr. SYMINGTON. Mr. President, I want to be sure I understand. We made a cut of $1.5 billion in committee. I recommended an additional cut. We have now reduced that cut by replacing one of the weapons systems—to $1 billion.

Mr. PROXMIRE. Mr. President, I want to stress that this is not a cut, in money terms at least. This is exactly the same amount this year as last year. It is a reduction below what the President recommends. He recommends an increase. This amendment prevents that increase on the grounds that we are not engaged in a war in Vietnam and not spending that money and can apply those funds to take care of the inflation costs and the pay raise costs that we have.

Mr. SYMINGTON. Mr. President, what amount does the able Senator from Wisconsin take out for the Vietnam war?

Mr. PROXMIRE. The way we calculate it, we estimate that it was approaching $7 billion last year. It is about $4 billion this year. It is a net savings of about $3 billion.

Mr. President, I will be able to supply it to the Senator from Missouri.

WHY OUTLAYS?

It may be asked, Why place a hold-the-line ceiling on outlays? Why not total obligatory authority or budget authority?

The answer: Neither TOA nor NOA actually control the rate of expenditures. A considerable amount of TOA and NOA go for out-year expenditures. It is not all consumed the same fiscal year. Therefore any attempt to put a lid on spending must be done with outlays. This controls prior year appropriations as well as present year budget authority.

Sometime before this debate is over the term "meat ax approach" will be used. It is best to meet this point right now. The argument goes that any broad attempt to limit spending is a meat-ax approach. It is not specific. It is too general.

There are several answers to this. First, the hold-the-ceiling approach is designed to allow the Defense Department to make internal adjustments itself. Saturday when I had an amendment up to cut back on headquarters staffs, the argument was made that Congress should not become involved in where the cuts are made. We should leave this to the Pentagon.

Well, this is precisely what amendment 515 would do.

Second, some supporters of the Pentagon argue against line item cuts because we do not have the expertise to go up against the military experts in the Department of Defense. Leave it up to the Pentagon they say. Then these same supporters turn around and object to ceiling amendments because they are the meat ax approach—they are too general and not specific enough. I submit these arguments cannot logically go both ways One must make a choice.

Third, the Senate has taken a firm stand on limiting Federal spending. We placed a ceiling on Federal expenditures of $268 billion. We said no more spending above that amount. Mr. President, there were no cries of a meat ax approach when this legislation came before us. It was a responsible and reasonable thing to do and I supported it with enthusiasm—although I would have desired that the ceiling be lower.

That same concept is now at work here. Amendment 515 places a ceiling on outlays at last year's level. It too is responsible and reasonable.

THIS IS AN ANTI-INFLATIONARY AMENDMENT

Mr. President, Congress is on the spot with the spending issue. The Senate has responded by placing an outlay ceiling on all Federal expenditures $268 billion. We must live within that ceiling.

That will be a tough assignment. Why? Because certain budget items for which Congress has no control have suddenly skyrocketed.

For example, the interest payment on the public debt will be at least $4 billion higher than projected in the President's budget last January. It could go as high as $7 bililon. This is outside the control of Congress.

A second area of expansion is social security. Obviously some of this is mandated by Congress but some also is the direct consequence of high inflation and the cost-of-living factors built into the social security program. Over the latter, Congress has no control.

Mr. President, when you couple these uncontrollable increases with the Federal budget it is obvious that we are in for a hard time keeping to our self-imposed ceiling.

Under the President's budget there are $202 billion in uncontrollable outlays and only $75 billion in controllable outlays. Of the $75 billion in controllable outlays there are approximately $52 billion for national defense and $23 billion for civilian projects.

Now this draws the picture clearly. Congress cannot control Federal spending unless there is a ceiling on the defense budget which accounts for two-thirds of all controllable outlays.

That fact alone makes this amendment the most important anti-inflationary vote of this session.

It will be extremely difficult if not impossible to take the $4 to $7 billion public debt interest increase and the social security increases out of the far smaller $23 billion of controllable civilian spending.

Most of it must come out of the defense budget. And we can do it by holding the line at last year's spending level. This is the economy move allowed by amendment No. 515.

To sum up, Mr. President, there are many factors that make a hold-the-line approach necessary. First, the war in Vietnam is over and there will be a $3 billion outlay savings from that alone. Second, this $3 billion almost by itself takes care of the increase in the defense budget necessary for pay and inflation. Third, the remaining $1 billion can be found in many places as Congress has shown the past 4 years. Fourth, a hold the line to last year's level will not in any way degrade our national security. In fact, it will improve it.

Fifth, there is no other choice if we are to stay within the overall Federal outlay ceiling. This is where the controllable funds are.

And sixth, it is the answer to the question of "Why does peace cost more than war?"

Peace need not cost more than war. Inflation can be slowed down. Congress can limit Federal expenditures.

Amendment No. 515 will help do it.

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

Mr. THURMOND. Mr. President, we yield back the time on our side.

The PRESIDING OFFICER (Mr. HUMPHREY). All time has been yielded back.

Mr. PROXMIRE. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that my staff assistant, Ron Tammen, be permitted to be present in the Chamber during the vote.

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

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the clerk of the Appropriations Committee be permitted to remain in the Chamber during the rollcall.

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

The question is on agreeing to the amendment (No. 515) of the Senator from Wisconsin (Mr. PROXMIRE). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Carolina (Mr. ERVIN), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that if present and voting, the Senator from North Carolina (Mr. ERVIN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

I further announce that the Senator from Ohio (Mr. TAFT) is absent on official business.

I also announce that the Senator from Kansas (Mr. PEARSON) is absent because of illness.

The result was announced—yeas 31, nays 62, as follows:

[No. 423 Leg.]

YEAS—31

Abourezk	Hathaway	Moss
Burdick	Huddleston	Muskie
Church	Hughes	Nelson
Clark	Humphrey	Pell
Cranston	Inouye	Proxmire
Eagleton	Kennedy	Stafford
Fulbright	Mansfield	Stevenson
Gravel	McGovern	Symington
Hart	Metcalf	Williams
Hartke	Mondale	
Haskell	Montoya	

NAYS—62

Aiken	Dole	McGee
Allen	Domenici	McIntyre
Baker	Dominick	Nunn
Bartlett	Eastland	Packwood
Beall	Fannin	Pastore
Bellmon	Fong	Percy
Bennett	Goldwater	Randolph
Bentsen	Griffin	Ribicoff
Bible	Gurney	Roth
Biden	Hansen	Scott, Hugh
Brock	Hatfield	Scott,
Brooke	Helms	William L.
Buckley	Hollings	Sparkman
Byrd, Harry F., Jr.	Hruska	Stevens
	Jackson	Talmadge
Byrd, Robert C.	Javits	Thurmond
Cannon	Johnston	Tower
Case	Long	Tunney
Chiles	Magnuson	Weicker
Cook	Mathias	Young
Cotton	McClellan	
Curtis	McClure	

NOT VOTING—7

Bayh	Saxbe	Taft
Ervin	Schweiker	
Pearson	Stennis	

So Mr. PROXMIRE's amendment was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, it is my understanding that the distinguished authors of the next amendment, Mr. BAKER and Mr. BENTSEN, have indicated that they do not plan to ask for a rollcall vote on the amendment. It has also been indicated, I believe, that not much time will be taken by the amendment.

Following that, I understand that the distinguished Senator from South Carolina (Mr. THURMOND) has two amendments which he will be able to call up and dispose of quickly, without yea and nay votes.

On the strength of these assurances, Mr. President, I think Senators can leave at this time if they have other engagements, with the understanding that there will be no more rollcall votes tonight.

Mr. BAKER. Mr. President, for myself and on behalf of my cosponsors, Senators BENTSEN, BENNETT, BEALL, BROCK, ROBERT C. BYRD, CASE, DOMENICI, ERVIN, FONG, HANSEN, JACKSON, MANSFIELD, NUNN, WILLIAM L. SCOTT, DOMINICK, GOLDWATER, and COOK, I call up our amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with and that the entire amendment be printed in the RECORD.

The amendment ordered to be printed in the RECORD is as follows:

On page 26, between lines 22 and 23, it is proposed to insert a new title as follows:

"TITLE VII—STUDY COMMISSION

"DEFENSE MANPOWER COMMISSION

"SEC. 701. (a) There is hereby established a commission to be known as the Defense Manpower Commission (hereinafter in this title referred to as the 'Commission').

"(b) The Commission shall be composed of seven members appointed as follows:

"(1) One member to be appointed by the majority leader of the Senate;

"(2) One member to be appointed by the minority leader of the Senate;

"(3) One member to be appointed by the majority leader of the House of Representatives;

"(4) One member to be appointed by the minority leader of the House of Representatives; and

"(5) Three members to be appointed by the President.

No person may be appointed to the Commission who is a civilian officer or employee of the Federal Government; and no person may be appointed who is serving on active duty with the Armed Forces of the United States.

"(c) The Commission shall elect a Chairman and Vice Chairman from among its members.

"(d) Four members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

"DUTIES OF THE COMMISSION

"SEC. 702. It shall be the duty of the Commission to conduct a comprehensive study and investigation of the overall manpower requirements of the Department of Defense on both a short-term and long-term basis with a view to determining what the manpower requirements are currently and will likely be over the next ten years, and how manpower can be more effectively utilized in the Department of Defense. In carrying out such study and investigation the Commission shall give special consideration to—

"(1) the effectiveness with which active duty personnel are utilized, particularly in headquarters staffing and in the number of support forces in relation to combat forces;

"(2) whether the pay structure, including fringe benefits, is adequate and equitable at all levels;

"(3) the distribution of grades within each armed force and the requirements for advancement in grade;

"(4) whether the military retirement system is fair and equitable;

"(5) whether the military retirement system is consistent with overall Department of Defense requirements and is comparable to civilian retirement plans; and

"(6) such other matters as the Commission deems pertinent to the study and investigation authorized by this title.

"POWERS OF THE COMMISSION

"SEC. 703. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may for the

purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places as the Commission or such subcommittee or member may deem advisable.

"(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman or Vice Chairman.

"(c) The Commission shall establish appropriate measures to insure the safeguarding of all classified information submitted to or inspected by it in carrying out its duties under this title.

"COMPENSATION OF COMMISSION

"SEC. 704. Each member of the Commission shall receive an amount equal to the daily rate paid a GS–18 under the General Schedule contained in section 5332 of title 5, United States Code (including traveltime), during which he is engaged in the actual performance of his duties as a member of the Commission. Members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

"STAFF OF THE COMMISSION

"SEC. 705. (a) The Commission shall appoint an Executive Director and such other personnel as it deems advisable without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; but personnel so appointed may not receive compensation in excess of the rate authorized for GS–18 by section 5332 of such title 5.

"(b) That Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at GS–18.

"(c) The Commission is authorized to enter into contracts with public agencies, private firms, institutions, and individuals for the conduct of research and surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

"ADMINISTRATIVE SERVICES

"SEC. 706. The Administrator of the General Service Administration shall provide administrative services for the Commission on a reimbursable basis.

"REPORTS OF THE COMMISSION

"SEC. 707. (a) The Commission shall, from time to time, submit interim reports to the Congress and to the President regarding its duties under this title, and shall include in any such reports its findings together with such recommendations for administrative or legislative action as the Commission considers advisable.

"(b) The Commission shall submit its final report to the Congress and to the President not more than eighteen months after the appointment of the Commission. Such report shall include all interim reports and the final findings and recommendations of the Commission.

"(c) The Commission shall cease to exist sixty days after the submission of its final report.

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 708. There are authorized to be appropriated to the Commission such sums as may be necessary to carry out the provisions of this title.".

Redesignate the existing title VII as title VIII and renumber the sections thereof accordingly.

Mr. BAKER. Mr. President, there are certain minor changes that result from typographical errors and certain other minor changes that I have outlined in my statement. I ask unanimous consent that the changes as outlined in my statement may be made. I inquire whether that requires unanimous consent.

The PRESIDING OFFICER. Without objection, the changes will be made.

Mr. BAKER. Mr. President, I also ask unanimous consent—and this has been cleared with my cosponsor (Mr. BENTSEN)—that I may modify the amendment on page 7, line 3, by striking out "such sums as may be necessary" and inserting in lieu thereof "a sum not to exceed $2.5 million."

The PRESIDING OFFICER. Without objection, the modification will be made.

Mr. BAKER. Mr. President, last Wednesday, the distinguished junior Senator from Texas (Mr. BENTSEN) and I proposed the establishment of an independent commission to study all aspects of defense manpower, from recruitment to retirement. However, in offering that proposal as an amendment, there appear to have been a couple of printing errors which I should like to correct at this point, as well as making a minor modification in the wording of the Defense Manpower Commission's duties. The changes are as follows:

On the first page, strike all of line 3 which reads, "(5) Three members to be appointed by the." It is out of context, incomplete, and unnecessary. You will notice that the same line is printed on the second page in its entirety on lines 16 and 17.

On page 3, in section 702, line 13, after the word "which," I would like to add the words "civilian and" so that it reads, "(1) the effectiveness with which civilian and active duty personnel are utilized."

This modification is not intended to get the Commission into consideration of the adequacy of the civilian pay scale, but rather the utilization of civilian as well as military personnel at the Department of Defense.

The final change is on page 3, lines 21 and 22. You will notice that military retirement is covered in lines 23 and 24 as well. In reintroducing our proposal as an amendment, military retirement was listed twice as a duty of the Commission while one of the other duties which had been originally cited, was eliminated. This was unintentional and I should like to restore that duty by striking lines 21 and 22 on page 3 and inserting in lieu thereof:

(4) the cost-effectiveness and manpower utilization of the United States armed forces as compared with the armed forces of other countries;

Thus, Mr. President, the only real change which has been made in our proposal is to expand the duties of the Commission to include the consideration of civilian as well as military manpower at the Department of Defense.

The Commission will consist of seven members chosen from public life, none of whom are active duty military personnel, employees of the Federal Government, or members of Congress. The majority and minority leaders of each House will appoint one member each, while the President will select the remaining three individuals.

As previously mentioned, the duties of the Commission are essentially fivefold. They would be required to study the requirement for and utilization of all civilian and active duty military personnel, the adequacy and equitability of the pay structure at all levels, including fringe benefits, the distribution of grades within each armed force and the requirements for advancement in grade, the consistency of the military retirement system with overall DOD requirements as well as its comparability to civilian retirement plans, and the cost-effectiveness and manpower utilization of the U.S. Armed Forces as compared to the armed forces of other countries. This is indeed an ambitious mandate, but necessary in our view for a number of reasons.

In the last few days, we have debated no less than 15 amendments to the military procurement bill. Of those 15 amendments, a dozen have related to weapons procurement or R. & D.; and yet we spend over 50 percent of the defense budget on civilian and military manpower. In the present request, manpower—narrowly defined—accounts for 55.6 percent of the total budget. However, if we include the costs of medical programs, construction of hospitals, et cetera, manpower accounts for over 66 percent of total defense outlays. That means that two out of every three defense dollars goes for manpower-related expenses. Moreover, projections show that it will continue to get worse and that military retirement alone could cost us a total of $400 billion in the next 26 years.

This is not to say that we should abandon efforts to maximize the cost-effectiveness of each and every weapons system, but rather that we should devote equal attention to the requirement for and utilization of civilian and military manpower at the Department of Defense. I was shocked to find out that the increased cost of defense over the past 20 years is not a result of more expensive weapons, as is commonly believed, but rather a result of sharply escalating manpower costs. Since fiscal year 1954, manpower-related expenditures have accounted for 93 percent of the increased cost of defense as opposed to 7 percent for weapons procurement, military construction, and R. & D.; and since fiscal year 1964, manpower has caused 96.4 percent of the increase in defense costs in comparison to 3.6 percent for the other areas.

Thus, it is reasonable to ask why, in view of such data, we continue to devote the preponderance of our frugality to weapons procurement almost to the exclusion of civilian and military manpower.

Well, there are several reasons. One is that only recently has the Department of Defense come forth with concrete proposals to effect changes in the military retirement system, officer grade limita-

tions, and a number of other manpower areas—proposals which, I am told, will be considered in the next 18 months. But the second, and more significant, reason is that defense manpower is extraordinarily difficult to grasp, especially in comparison to highly visible weapons projects which cost a specific amount of money and are normally deployed for a definite set of reasons. Also, the Congress neither has the time nor the resources to undertake the sort of fundamental, but comprehensive, examination of defense manpower required to deal effectively with this complex matter. Thus, we must rely upon the Department of Defense to initiate proposals in this area. But it is unrealistic to expect members of a prominent institution to entertain notions of fundamental change when the majority of their time is spent defending the status quo.

For this reason, we turned to the independent study commission. This Commission would be responsible primarily to the Congress and would not be accountable to the President to either accept or reject its findings as has been the case with many of the so-called Presidential commissions. Moreover, this Commission would be urged to report to the Congress and the President as often as deemed necessary in order to influence administrative or legislative proposals under consideration in this area. The final report of the Commission would be essentially a compilation of all the interim reports, and would be due 18 months after the appointment of its members.

The only problem which might arise is that of cooperation between the Commission and departments and agencies of the executive branch. But we have attempted to deal with that by requiring the provision of such data, statistics, and so forth, as the Commission may desire upon request from the Chairman or Vice Chairman. Should this section prove to be inadequate, it might be necessary to consider the imposition of time deadlines for gathering of such data. However, I am sure that the Department of Defense, as well as the White House, will do all in their power to facilitate the fulfillment of the Commission's mandate and that the findings of the Commission will prove invaluable to Congress in its effort to maximize the cost-effectiveness of all aspects of the defense budget in the crucial years ahead.

Mr. President, I urge adoption of our amendment.

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

Mr. BAKER. I yield to the Senator from Arizona for a question.

Mr. GOLDWATER. On page 3 of the amendment the statement is made:

> It shall be the duty of the Commission to conduct a comprehensive study and investigation of the overall manpower requirements,

Does that language include civilian requirements?

Mr. BAKER. That contemplates the civilian employees of the military, as well as the military.

Mr. GOLDWATER. As well as the military?

Mr. BAKER. Yes, that is correct.

Mr. GOLDWATER. I wanted to make that clear, because if there is one thing that needs overhauling in the Pentagon, it is the accumulation of civilians who are there, and I think we ought to correct that situation.

Mr. BAKER. I agree with that; and the amendment so contemplates.

Mr. EAGLETON. Mr. President, has the Senator from Tennessee been apprised of amendments that the Senator from West Virginia (Mr. RANDOLPH) and I intend to offer?

Mr. BAKER. I have been so apprised. I believe that the Senator from Texas (Mr. BENTSEN) has been, too. For my part, I am willing to accept the amendments.

Mr. BENTSEN. That is agreeable to me. I think both amendments are agreeable to me.

The PRESIDENT pro tempore. Does the Senator from Tennessee ask unanimous consent to modify his amendment accordingly—that is, as to the proposal of the Senator from Missouri?

Mr. BAKER. Mr. President, I ask unanimous consent that the perfecting amendments of the Senator from Missouri (Mr. EAGLETON) be accepted.

I ask unanimous consent that the second modifying amendment of the Senator from Missouri be included at the appropriate part of the RECORD, and that the clerk be authorized to conform the modifying amendments to other parts of the amendment.

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

Mr. EAGLETON. Mr. President, I support the Bentsen-Baker amendment. I do so with some reluctance because of the natural suspicion I have of the worth of commissions and study groups. But the all-volunteer concept is a special case. I believe that Congress must obtain vital data about this concept as soon as possible to see whether modifications will be required over the next few years. I commend the distinguished sponsors for their foresight.

One of the areas of prime interest to me—and not specifically mentioned in the amendment—is the recruitment function. With the advent of the All-Volunteer Army, it is becoming obvious that there is a need to carefully scrutinize the procedures by which young men and women are inducted into the armed forces.

Not long ago, several newspaper stories reported a nationwide investigation into widespread malpractice by Army recruiters. One Associated Press study said that 107 Army recruiters had been pulled off their jobs during a 7-month period. One investigation involving possible recruiter malpractices took place in my own State of Missouri, in Kansas City. At the time of that investigation the Army was looking into other reports of malpractice in 37 different States.

Obviously, the tremendous pressure of meeting quotas has caused a serious deterioration of standards—both in the quality of enlistees and the ethics employed to recruit them.

The following passage from an article by Mr. David Cortright entitled "The Military Recruitment Racket," describes the problem we are facing today:

> The expansion of recruitment is spreading a system notorious for its lack of honesty. With their special access to information such as lists of those ordered to take pre-induction physicals of graduating high school seniors, many recruiters employ questionable high pressure methods. . . . Many recruiters make alluring promises they have no authority to keep, or fail to mention the conditions that go along with various options and bonuses.

It is a distressing situation if the military profession must resort to these questionable tactics in order to meet quotas.

Another of the problems related to recruitment is the high-intensity advertising campaign which uses every communications medium to lure new volunteers. On radio, television and in the printed media statements such as "Take a 16-Month Vacation in Europe," and "Hot and Cold Running Blondes," and "Multi-Colored Bedspreads," are trumpeted across the Nation. These exaggerated claims and emotional appeals may in fact help in meeting quotas, but they inevitably lead to morale problems after the recruit finds that his barracks at Fort Dix bears little resemblance to a 16-month vacation in Europe.

The amount of money spent for advertising is also staggering. In fiscal 1971, $10 million was spent and only 8,000 men volunteered for the Army. That was an average of $1,250 per recruit. In fiscal 1972, the Defense Department will require $260 million to recruit the 200,000-plus men required. This is another area that requires our most careful scrutiny.

Two years ago on this floor I took a very unpopular stand when I opposed the effort to abolish the Selective Service System during wartime. I said at that time that I believed that an All-Volunteer Army would be a poor man's army, that it would be composed of young men and women from the lower end of the socioeconomic scale who, because of lack of formal education, lack of training, lack of opportunities, and lack of money would accept military service as a means of economic survival.

Mr. President, the pressure is on now. Army recruiters simply have to meet their quotas or their own careers may be affected. But I see too clearly the road we seem to be heading down and I have great fear that my prediction of 2 years ago will come to pass.

I want to give the all-volunteer concept a chance just as most Americans do. But we must make sure right now that recruitment practices consider human beings as well as quotas.

Mr. President, I hope the distinguished sponsors of this amendment will agree that the Commission should make a careful and ongoing review of the methods employed to recruit enlisted personnel along with the other worthwhile subjects specifically provided for in the amendment.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD following my remarks:

First. A study on military recruitment problems, prepared by my staff.

Second. The article by Mr. Cortright

entitled "The Military Recruitment Racket."

Third. Articles concerning malpractice in recruitment.

Fourth. The text of my modifying amendment.

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

MEMORANDUM

Re: Military Recruitment Problems.

With the advent of the All-Volunteer Army it becomes necessary to scrutinize the procedures with which young men and women are inducted into the Armed Forces, particularly the Army. With our attention no longer focused on the Selective Service, it becomes imperative that there be some monitoring and review of basic Army recruiting procedures. This report will attempt to abstract and document instances and facts pertaining to Army misrepresentation and possible solutions and guidelines to prevent further injustices and broken enlistment commitments.

PART I—ADVERTISING AND RELATED PROBLEMS

(Abstracted mainly from Hearings before the Special Subcommittee on Recruiting and Retention of Military Personnel of the House Armed Services Committee—H.A.S.C. 92–42, 71/72)

For Fiscal Year 1972, the Army Recruiting Command had a total operating budget of $52,185,200. This figure does not include base-operational support drawn from other military installations such as military personnel pay, vehicle maintenance and related medical services. The breakdown is as follows:

Recruiting	$18,145,600
Advertising	12,579,000
Armed Forces Examination and Entrance Stations—Operations (AFEES–OPS)	19,679,600
Miscellaneous	1,781,000

In FY 1972, 200,000 new recruits were needed to fulfill Army manpower needs, and for that reason, says Major General John Q. Henion, these monies are necesary to create and use effectively a modern accession system. The main components of this system are:

1. The continuing presentation of a broad array of options for enlistment which meet the Army's requirements in acordance with projected manpower placement needs.

2. A strengthened and improved recruiter force, composed of carefully selected men and women who will receive improved training and increased support in the form of better facilities, more vehicles and more adequate expense budgets.

3. An improved and expanded advertising program which has the objective of dissemination of information on Army services, through optimum techniques employed in both the print and broadcast media.

4. Improvement of and within AFEES, both physical plant and treatment and processing of young men and women passing through these stations.

In his statement, Gen. Henion placed repeated emphasis on the effectiveness of their advertising campaign in producing new volunteers. Members of the Subcommittee, however, took issue with his insistence. Mr. Daniel in particular, was incensed at the false and misleading information portrayed in the advertising campaign. Such statements as, "Take a 16 month vacation in Europe," and the implication of 'hot and cold running blondes' and 'multicolored bedspreads' were leading to morale problems within the troops when they found that this was not the case. Gen. Henion and his aide, Sgt. Maag, assured the committee that these problems do not occur except in a very few instances, but neither Mr. Daniel nor I were particularly impressed by their weak protestations.

Finally, the amount of money spent for advertising per recruit is staggering. In FY 1971, $10 million was spent and only 8,000 men were inducted, into the Army, for an average of $1250 per recruit. Extrapolating these figures, Mr. Daniel figured that it would require approximately $260 million to recruit the 200,000+ men that the Army would need in FY 1972. These figures border on absurdity. In addition to the tremendous outlays for advertising seemingly necessary, the campaign has not succeeded in raising the quality level of new recruits as the Army had expected. It appears that a basic review of methods of 'getting out the word' is in order, and a more cost-conscious program is necessary.

PART II—RECENT CASE HISTORIES

Congress receives letters nearly every day from either a new recruit or his family complaining about broken enlistment promises.[1] The Army claims that these complaints are infrequent, and that when they do occur they are expeditiously taken care of by the Office of the Secretary of the Army. However, many of these cases seem never to be resolved. An excellent case in point is that of Sgt. Steven P. Eason. (The full text of the letter is enclosed in Appendix 1). In January of 1973, Sgt. Eason wrote to this office explicating a sad tale of an enlistment guarantee never fulfilled. After breaking their commitment, the Army visited further indignities upon Sgt. Eason by coercing him to sign a waiver of his original guarantee under the threat of disciplinary action. Of equal importance is the way in which the Army has handled the alleged violation. Sgt. Eason first filed his appeal in October of 1972, yet it took four months for action to be taken. The typically ambiguous Army response to our inquiry is also included in Appendix 1, pointing to the conclusion that no matter how hard the Army claims that these cases are handled with the utmost speed, it is quite possible that in this and similar cases the soldier will probably have fulfilled his contractual agreement long before the conflict is resolved. (Further documentation is on file).

PART III—LEGAL ASPECTS OF RECRUITING PROCEDURES

The *Military Code of Justice*, incorporated in the United States Code under Title 10, involves myriad sections dealing with Armed Forces recruiting. Concentrating on the Army, four main sections of Title 10 are important to this discussion:

10 USC § 3255—This section empowers the Secretary of the Army to conduct intensive recruiting campaigns to obtain enlistments in the Regular Army.

10 USC § 3256—This section explains the general qualifications for enlistment into the Army.

10 USC § 884—This section states, "Any person subject to this chapter (this includes recruiting officers and enlistees—*10 USC § 802.*) who effects an enlistment in or appointment in or separation from the Armed Forces of any person known to him to be ineligible for that enlistment, appointment or separation because it is prohibited by law, regulation or order shall be punished as a court-martial may direct."

One interpretation of this section reveals that "ineligible for that enlistment" could apply to any recruiter who guarantees any potential enlistee a particular option without carefully exploring his qualifications and making certain that he is in fact eligible and that there is space for him in that program. However, never in the history of Military Justice has this section been used to punish a recruiting officer.

10 USC § 815—This section details possible non-judicial sanction that a commanding officer could visit upon a recruiter for any violation of the recruiting procedures.

On July 25, 1973, this office received a reply to our inquiry concerning an investigation now under way by the Army into alleged violations of AR 601–210, Army Recruiting Procedures. The response was typically vague, not giving us a clear picture of the types of penalties meted out to offending recruiters. However, on July 26, 1973, I spoke with the Department of Defense liaison office and they assured me that some of the sanctions detailed in *10 USC § 815*, such as cuts in rate/grade and denial of privileges, were being used to censure the offenders. It seems, however, from the Army's response [set out in full in Appendix II], that the violations cited were for falsifying information about the applicant, not to him. We have yet to see any punishment for broken guarantees, but DOD liaison is obtaining for me all possible information on the investigation, and it will be attached to the end of this report if possible.

There are two old cases born out of the post-Civil War era which pertain to this topic and could be useful in preparing legislation. The first is *In re Ferrens*, D.C.N.Y. 1869, Fed. Cas. No. 4,746. The essence of this case was that a contract for enlistment irregularly made could be ratified by the receipt of rations and clothing and the performance of duties as a recruit for twenty days. Though this case has never been subsequently cited, and even though it probably would no longer carry any weight, the precedent should be removed from the books so as not to cause any confusion if a similar case is tested in the courts. It would be almost impossible for a recruit to file any sort of an appeal as to an irregularly made contract within twenty days, and since it does not fit within the procedures of the modern Army, it should in no way be a basis for ratification of an enlistment contract.

The second case, *In re Schmeid*, C.C. Iowa 1871, 1 Dill. 587, Fed. Cas. No. 12,461, provides more promising possibilities. The case states that if enlistment was procured by fraudulent representations on the part of the recruiting officer, and has never been ratified by the party, or enlistment is by one who, because of his ignorance of the English language thinks he is simply taking a preparatory step, he may apply to a Federal judge, and be discharged on a writ of Habeas Corpus. This case, never subsequently cited, seems to provide a rational basis for a hearing in Federal Court to determine the culpability of a recruiting officer in misrepresenting the facts about enlistment. Making it a part of recruiting procedure to advise the enlistee of this route of appeal would provide a reasonable alternative to the necessity of going through protracted Army procedures if the conflict could not be resolved by the Army within a 60 day grace period.

PART IV—THE ENLISTMENT CONTRACT AND RELATED PROCEDURES

At this point it is necessary to study the enlistment contract and the related forms necessary to complete enlistment into the Army (Appendix III). These forms and procedures are neatly spelled out for the recruiter in AR 601–210 (Attached). According to section 5–4 of this regulation (the Army Recruiting Manual), in order to insure that the enlistment commitment is honored, the following procedure has been outlined for the officer inducting the new recruit at an AFEES. The presentation of the following forms is necessary:

1. Enlistment Contract—DD Form 4

2. Statements of Enlistment—DA Form 3286 (parts I–VI)

3. Enlistment Guarantee Card—DA Form 3285

Being a contractual agreement, the enlistment agreement must be thought of in those

[1] H.A.S.C. 92–42 p. 8412.

legalistic terms (6 Op. Atty. Gen. 187, 1853). For that reason, we must examine the enlistment contract and its appended forms, for these forms, though not technically part of the contract, are admissible evidence as interpretative of the intent of the parties, which is in essence the real idea of any contract.

In order for a binding contract to be formed, there must be consideration supporting the promises on both sides. In a contract for enlistment, where the recruit has chosen a specific option, the Army, in return for a commitment to serve for a certain number of years, offers compensation plus the guarantee of a specific assignment. It is with this guarantee that we run into myriad problems.

The first problem is that in DD Form 4 itself the promise must be entered twice. The first entry, line 48, is untitled, obviously to the detriment of the unknowing recruit. The second entry is to be contained in line 54, which is beneath four paragraphs of very small print, where it could very possibly be overlooked by the average applicant. If the promise does not appear here, the Army is technically not obligated to fulfill its commitment. The combination of these two entries makes it extremely difficult for the recruit to understand exactly what he is being promised. I strongly recommend that line 48 be titled *Enlistment Option Commitment*, and that line 54 be either eliminated or printed in red to catch the applicant's eye.

Line 55 of DD Form 4 asks the applicant to swear (or affirm) that the contract was read to him and that all entries are true, and that he understands the nature of his enlistment. With a scrupulous recruiting officer this would alleviate many of the afore-mentioned problems, but the form is complex, and misunderstandings are easily foreseeable.

DA form 3286 is the more troublesome form in the enlistment procedure. The statements contained within it are vague, ambiguous and often contradictory. It is here, in part I, that the most modification is necessary. The following is a detailed analysis of the sections that need reformation (please see Appendix III for exact wording).

Line d: Though on its face reasonable, the capricious whims of the Army in denying or granting security clearance is completely out of the control of the enlistee. I suggest that steps be taken to advise the applicant whether he will be granted clearance for his/her selected option before enlistment, thereby providing the opportunity for an alternate choice.

Line f: This section is by far the largest loophole for the Army in the contract forms. It effectively negates any promise made by the Army by denying the applicant the guarantee that the substantial part of his/her enlistment will be spent as promised. I believe that this section should be stricken from the form in its entirety.

In addition to being absurd on its face, this section may have the effect of cancelling the contractual agreement altogether. According to *Contracts,* Laurence P. Simpson, Hornbook Series, 1965, fatal lack of certainty may render a contract unenforceable. Where either party has the right to determine the nature and extent of his own performance, his undertaking is illusory, and therefore too indefinite for enforcement. If tested in the courts, this may prove strong enough for a new recruit to break the contract. For the benefit of both the Army and the enlistee, this section should be omitted from the contract form.

Line i: This section creates the unique problem of trying to determine exactly what the measure of qualifications is. According to the report prepared by the Brookings Institution for the Senate Armed Services Committee entitled, "The All-Volunteer Armed Services; Progress, Problems, and Prospects", quality is not easily defined.

"Quality is not a simple concept; the two principal measures currently in use are standardized tests and level of education. Because of the difficulty of relating the standards to specific military jobs, qualifications in these terms have not been stated with precision."

What this implies is that regardless of commitment by the Army at one's time of enlistment, it is nearly impossible to determine with any degree of certainty whether the enlistee will qualify for the job promised. Here again the enlistee should be allowed to select an alternate option should he fail to meet the qualifications for a certain job, rather than to be left to the whim of the Army high command.

The balance of the contract seems fairly constructed, but is still difficult to understand for the average recruit. For this reason on July 28, 1973, I visited my local Army recruiting station.

Our one hour talk yielded little in the way of new information, but the recruiter did an adequate job of explaining the contract to me. The only interesting point in our discussion concerned *line f* of the Statements for Enlistment which I mentioned previously. His interpretation of that line was that they *cannot* transfer you out of your option no matter what. However, on careful scrutiny, I stand by my interpretation of that provision.

The Enlistment Guarantee Card is the final form to be completed (DA Form 3285). It simply states your guaranteed option, and on the reverse side tells the recruit where to write in case his commitment is not honored. The particulars of the appeal mechanism are detailed in section 5–5 of AR 601–210 and simply recite all the necessary forms and procedures needed to complete an appeal. These procedures are long and complex, and I believe that a more expeditious solution is necessary.

Generally, I feel that the Army's array of options provides a wide choice of participation in the Service if the enlistment commitment is honored. In addition, there is a new procedure whereby a recruit who cannot adjust to Army life within the first six months will be separated with an honorable discharge. However, I have my doubts as to the plan's efficacy.

PART V—RECOMMENDATIONS

Throughout the body of this memorandum I have made specific recommendations for the topics discussed. Here, I would like to state a few more ideas that I believe would be helpful in the preparation of new legislation.

The contract and interview

Most of the recommendations pertaining to reformation of the enlistment contract are contained in Part IV of this report. For better understanding of the commitment to be signed, I suggest that the applicant be allowed to take the contract home with him for 48 hours so that he/she has time to digest the true meaning and to get parental or legal advice. I believe that this will lead to much less confusion over the details of enlistment. Finally, I feel that there should be some procedure by which the interview between the potential recruit and the recruiting officer is transcribed. This would preserve a precise record as to any verbal assurances made to the potential recruit. Although the procedure might be somewhat cumbersome, a simple cassette recording device in use during the interview, with the consent of both parties, would provide this accurate record. Anything said could then be admitted as parol evidence to the formation of the contract, legally admissable in any hearing. The tapes are inexpensive, and if the applicant does enlist, the tape or a transcript thereof would become part of the enlistee's permanent record.

If the applicant chose not to enlist, the tape could be easily erased and reused. A procedure of this type could prove quite valuable to a recruit on appeal and at the same time would tend to keep the recruiting officer honest, thereby alleviating many of the problems already discussed.

Possible procedures for resolution of conflicts

I believe that the Army's procedure for resolving a claim involving a broken enlistment contract is too slow to be of any service to the enlisted man. Therefore I recommend the establishment of an Enlistment Review Board to oversee these matters with the power to resolve them. Such a board could be setup in one of two ways. The first possibility is to create at every major military installation a Personnel Action Committee, composed of four officers and three enlisted men. The committee would have the power to determine whether or not an enlistment commitment had been broken, and if it had, either to right the situation or allow the enlistee to make a second choice of options. If this cannot be done, the committee would be authorized to separate the enlisted man from the service with an honorable discharge. Decentralizing the appeal structure outside of the office of the Secretary of the Army would facilitate the quick handling of these claims.

Another possibility would be to use the structure of the Selective Service System, already in existence, to hear grievances in all recruitment conflict cases. While providing an immediate forum for these problems, it would also put to use the System, which has remained intact despite the end of the draft. Financial outlay would be held to a minimum.

The Local Selective Service Board with jurisdiction over the area in which the military installation the recruit is assigned to should be the site of the hearing. In the case of an overseas installation, the point of embarkation would be used for jurisdictional purposes. The Board would be empowered to collect all applicable information, including the tapes of the interview. The enlistee's Commanding officer should be appointed as a non-voting member of the Board, for he alone could take the administrative steps necessary to enforce the decision of the Board and act to censure the recruiting officer under 10 U.S.C. § 815. This procedure, like the first one cited in this section, would expedite matters concerning conflicts arising from enlistment commitments.

This report provides basic background information into the problem of enlistment guarantees made to new recruits but never fulfilled. In conjunction with this report, a study should be made of the recruiter who falsifies the records of unqualified men and women in order to induct them and thereby meet their quotas. The study should also include the reasons why the Army has recently cut back its minimum qualifications for induction, and why the Army has failed to induct the qualified men it needs.

WILLIAM F. KITZES.

JULY 31, 1973.

APPENDIX I

APO, N.Y., JANUARY 12, 1973.

Senator THOMAS EAGLETON,
U.S. Senate,
Washington, D.C.

SIR: I would like to request help in obtaining action on paperwork I submitted October 18, 1972 concerning a breach of my enlistment contract with the United States Army.

I would like to explain the situation. On February 27, 1971, I arrived in Europe and was sent to 5th Arty. Group, from there to the 85th USAAD on March 6, 1971. This was done even though my enlistment contract explicitly stated "Not less than 24 months guaranteed 56th Artillery Group". During the months of July or August 1971 I was ordered to sign a waiver to my original enlistment

contract or be shipped out of the unit the next day. This being done just prior to my going over one year in service, so that the contract still could have been fulfilled. At the time my wife had recently arrived in Europe and we were set up in an apartment and expecting a child to be born within two months. Under these conditions and being told that I'd be shipped out within 24 hours leaving my wife behind I signed the waiver along with approximately 30 others.

There were those who refused to sign and were not shipped out, but how was I to know this when my superiors had said that within 24 hours I would be gone. Those people who did not sign are now out of the service because of the breach in contract.

After one of the others who was tricked into signing the waiver consulted the AFCENT legal assistance and obtained a legal opinion on the waiver, stating explicit reasons why it was an illegal waiver, 22 of us submitted paperwork for a breach of enlistment contract. This paperwork was returned because of an error in format of the disposition form and we resubmitted on October 26, 1972. On November 18, 1972, 5th Arty. Group forwarded the paperwork with a disapproval recommended. Headquarters TASCOM forwarded the paperwork on November 27, 1972, recommending approval. On December 27, 1972 USAEUR forwarded the forms to Department of the Army, also recommending approval and requesting action by January 5, 1973. On January 12 I called the Inspector General USAEUR requesting information. I was told that the Department of the Army must investigate 5th Arty. Group prior to taking action on such a large number of contract violations.

Certainly it is not the contract violation which should be under consideration because approximately 10 have already been approved, those of the people who did not sign the waiver. Only the legality of the waiver should be under consideration which does not require an investigation before taking action. I have no doubts that 5th Arty. Group should be investigated but the delay is causing me needless hardship and has already prevented my enrollment in University of Missouri for the spring semester.

I feel there has been adequate time granted for the Department of the Army to react and make a decision. I feel there has been needless delays on the part of higher headquarters including D.A. which could be deliberate in an effort to retain enough personnel for operating strength of the 85th USAAD. If this is the case then I submit that I am being involuntary extended past an adjusted ETS date of September 23, 1972. I am not interested in being involuntarily extended and collecting extra compensation. I would only like to have action taken and separation from service as soon as possible. If I am being involuntarily extended compensation is desired and will be filed for later.

I hope you will be able to get a justifiable answer from the Department of the Army.

Sincerely,

STEVEN P. EASON
Sergeant, U.S. Army.

DEPARTMENT OF THE ARMY,
OFFICE OF THE SECRETARY OF THE ARMY,
Washington, D.C., March 2, 1973.

Hon. THOMAS F. EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: This is in reply to your inquiry in behalf of Sergeant Steven P. Eason, SSN [redacted], concerning his enlistment commitment.

Sergeant Eason's request for examination of his enlistment contract has been received at Headquarters, Department of the Army. However, in order to make a proper and equitable determination in this matter, it is necessary to conduct a thorough investigation to ascertain all of the facts. As there are degrees of complexity in certain cases, it is not possible to determine the length of time required to fully investigate any particular case. Please be assured, however, that Sergeant Eason's request will be given thorough evaluation before a decision is made.

Your interest in this matter is appreciated.

Sincerely,

JAMES D. SMITH,
Lieutenant Colonel, GS, Deputy Congressional Inquiry Division.

5/21/73—Army advised, by phone, that request for separation was approved and he was separated on 2 May 1973.

APPENDIX II

DEPARTMENT OF THE ARMY,
Washington, D.C., July 25, 1973.

Hon. THOMAS F. EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: Thank you for your recent inquiry concerning the reports and subsequent investigations of alleged incidents of violation of laws or regulations governing recruitment.

Your letter specifically refers to 173 such cases, which is the number of investigations reported by the Army's Criminal Investigation Command as of June 11. As of 6 July 1973, investigations of 144 of these cases have been completed. Of these 144 cases, thirty-three allege wrongdoing by the prospective enlistee rather than by the recruiter, while another nine cases involve allegations unrelated to the enlistment process. A table outlining the remaining allegations made against recruiters is attached (Inclosure 1). Most often these alleged irregularities involve violations of Army Regulation 601–210 (Inclosure 2) and/or of the Uniform Code of Military Justice, 10 U.S.C. §§ 801–940 (1970). See especially UCMJ art. 103, 10 U.S.C. §§ 892, 907 (1970), and highlighted portions of the inclosed Army Regulation.

While 107 recruiters have been implicated, not all have been relieved. Forty-nine recruiters have been relieved since January 1, 1972, while final relief action is pending with respect to fourteen more. Other disciplinary measures were taken with respect to each of the remaining recruiters.

The objectives set for recruiters during the past year are significantly smaller than those of previous years. Indeed, due to the increased number of recruiters authorized for the no-draft era, today's Army recruiter has an enlistment objective approximately one-half that of his 1969 counterpart. Of course, you should realize that a purely quantitative comparison is impossible, since educational and other standards established for enlistment have been raised since 1969.

The Army appreciates your interest and hopes the information provided is of assistance.

Sincerely,

JAMES M. LEE,
Brigadier General, GS, Deputy Chief of Legislative Liaison.

ALLEGATIONS OF RECRUITER IMPROPRIETIES IN THE 102 REPORTED CASES THAT HAVE BEEN OR ARE BEING INVESTIGATED BY THE CID AS OF 6 JULY 1973

Concealed police record	69
Testing irregularities	8
Forgery of parental consent form	6
Accepting a bribe	1
Falsifying applicant's age	1
Concealed prior service	4
Enlistment of aliens	2
False high school diplomas	6
Concealed dependents	1
Concealed medical history	3
Enlistment under an alias	1
Total	102

APPENDIX III

ENLISTMENT CONTRACT—ARMED FORCES OF THE UNITED STATES

(Also to be used by AFEES in conjunction with induction processing as a means of providing data for manpower information reporting systems.)

Form Approved, Budget Bureau No. 22–R0016.

1. Service No./SSAN.
2. Highest school grade completed.
3. Rate/grade.
4. Branch/class and component.
5. Last name, first name, middle name.
6. Date of enl/induc.
7. Term of enlistment/induc, years, minority.
8a. Marital status.
8b. No. depend.
9. Name & location of activity effecting enlistment/reenlistment/induction.
10. AFQT score.
11. Enlisted/reenlisted/inducted:
1st enlist.
Reenl.
Induction.
12. Authority for enlistment/reenlistment/induc.
13. Term of ACDU (Reserve only) months.
14. Active/inactive status (Reserve only):
Retained on AD.
Immed AD (within 24 hours).
Inactive duty.
15. Accepted at.
16. Date mil obli inc.
17. PMOS/AFS code/mod.
18. Religion.
19.
20. Contract duty limitations.
21. Date of birth.
22. Citizenship:
US.
Nat US.
Country (Specify).
23. Place of birth (City, state or country).
24. Date of transfer.
25. Physical profile.
26.
27. Transfer to (Activity and location).
28.
29. Date last DC/Rad.
30. SVC from which last discharged.
31.
32.
33. Type of last discharge.
34.
35. Date of rate/gr.
36. Selective Service No.
37. Rate/gr apt/rapt.
38. Selective Service Local BD (Bd No., city & state).
39. BASD/ADBD.
40. Total active Federal service: years, months, days.
41. Home of record.
42. BP ED/PEBD.
43. Total inactive Federal service: years, months, days.
44. Mental test scores.
45. Sex.
46. Race.
47. Data processing code.
48.

PRIOR SERVICE

49. Branch & Class/Armed Force & component.
Service number/SSAN.
Date Enl. Ind, Apt. and/or OAD.
Date of discharge or release.
Grade/rate or rank.
Type of discharge.
Reason for discharge.
Time lost (No. Days).

50. I know that if I secure my enlistment by means of any false statement, willful misrepresentation or concealment as to my qualifications for enlistment, I am liable to trial by court martial or discharge for fraudulent enlistment and that, if rejected because of any disqualifications known and

concealed by me, I will not be furnished return transportation to place of acceptance.

I am of the legal age to enlist. I have never deserted from and I am not a member of the Armed Forces of the United States, the US Coast Guard or any Reserve component thereof; I have never been discharged from the Armed Forces or any type of civilian employment in the United States or any other country on account of disability or through sentence of either civilian or military court unless so indicated by me in item 56, "Remarks" of this contract. I am not now drawing retired pay, a pension, disability allowance, or disability compensation from the government of the United States.

51. Section 5538 of title 10 of the United States Code is quoted: "(a) The Secretary of the Navy may extend enlistments in the Regular Navy and the Regular Marine Corps in time of war or in time of national emergency declared by the President for such period as he considers necesary in the public interest. Each member whose enlistment is extended under this section shall be discharged not later than six months after the end of the war or national emergency, unless he voluntarily extends his enlistment. (b) The substance of this section shall be included in the enlistment contract of each person enlisting in the Regular Navy or Regular Marine Corps."

52. Section 5540 of Title 10 of the United States Code is quoted: "(a) The senior officer present afloat in foreign waters shall send to the United States by Government or other transportation as soon as possible each enlisted member of the naval service who is serving on a naval vessel, whose term of enlistment has expired, and who desires to return to the United States. However, when the senior officer present afloat considers it essential to the public interest, he may retain such a member on active duty until the vessel returns to the United States. (b) Each member retained under this section—(1) shall be discharged not later than 30 days after his arrival in the United States; and (2) except in time of war is entitled to an increase in basic pay of 25 percent. (c) The substance of this section shall be included in the enlistment contract of each person enlisting in the naval service."

53. I understand that, upon enlistment in a Reserve Component of the Armed Forces of the United States, or upon transfer or assignment thereto, I may be ordered to active duty without my consent—for the duration of a war or national emergency declared by Congress and for six months thereafter, or for a period of 24 consecutive months during a period of national emergency declared by the President, or under any other conditions and for such period of time as are presently or hereafter authorized by law. I further understand, as a statutorily obligated member of the Ready Reserve that if I am not assigned to, or participating satisfactorily in, a unit of the Ready Reserve; and have not served on active duty for a total of 24 months, I may be ordered to active duty without my consent, by order of the President, until my total service on active duty equals 24 months, the terms of my enlistment notwithstanding.

54. I have had this contract fully explained to me, I understand it, and certify that no promise of any kind has been made to me concerning assignment to duty, geographical area, schooling, special programs, assignment of government quarters, or transportation of dependents except as indicated.

55. I swear (or affirm) that the foregoing statements have been read to me, that my statements have been correctly recorded and are true in all respects and that I fully understand the conditions under which I am enlisting.

Signature of witness.

Signature of applicant (First Name, Middle Name, Last Name).

56. Remarks.

57. Oath of enlistment (For service in Regular or Reserve Component of the Armed Forces except National Guard or Air National Guard).

I, (First Name–Middle Name–Last Name), do hereby acknowledge to have voluntarily enlisted under the conditions prescribed by law, this — day of — 19—, in the — for a period of — years unless sooner discharged by proper authority; and I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations, and the Uniform Code of Military Justice. So help me God.

Signature.

58. Oath of enlistment (For service in National Guard or Air National Guard).

I do hereby acknowledge to have voluntarily enlisted this — day of —, 19—, in the (Army) (Air) National Guard of the State — and as a Reserve of the (Army) (Air Force) with membership in the (Army National Guard of the United States) (Air National Guard of the United States) for a period of (Years–Months–Days) under the conditions prescribed by law, unless sooner discharged by proper authority.

I, (First Name-Middle Name-Last Name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and of the State of — against all enemies, foreign and domestic; that I will bear true faith and allegiance to them; and that I will obey the orders of the President of the United States and the Governor of — and the orders of the officers appointed over me, according to law, regulations, and the Uniform Code of Military Justice. So help me God.

59. Confirmation of enlistment.

The above oath was subscribed and duly sworn to before me this — day of —, 19—. To the best of my judgement and belief, enlistee fulfills all legal requirements, and in enlisting this applicant, I have strictly observed the regulations governing such enlistment. The above oath, as filled in, was read to the applicant prior to subscribing therein.

Typed name, grade/rank, and organization of enlisting officer.

Signature of enlisting officer.

STATEMENTS FOR ENLISTMENT (PARTS I THROUGH V)

For use of this form, see AR 601–210 and AR 601–280; the proponent agency is Office of the Deputy Chief of Staff for Personnel.

PART I—GENERAL STATEMENT OF UNDERSTANDING

(To be completed by all applicants for enlistment or reenlistment in the Regular Army).

1. In connection with my enlistment in the Regular Army, I hereby acknowledge that:

Acknowledgment

All promises made to me are contained in Items 3 (Rate/Grade), 37 (Rate/Grade Appointed/Reappointed), (48 (Untitled Item) of the DD Form 4, my Enlistment Contract.

I have not been guaranteed Technical School Training unless the title of the school course has been entered in Item 48, DD Form 4.

Should I make any material omission or misstatement of fact in connection with any of my enlistment documents:

(1) I may be subject to early separation from this enlistment or,

(2) I will complete, if permitted, the period for which I enlisted in any assignment deemed appropriate in accordance with the needs of the Army.

Should I choose an option which requires a security clearance and I am not granted such clearance after I have enlisted, or my granted clearance is revoked after I have enlisted, I agree to accept any assignment in accordance with the needs of the Army and I will complete the period for which I enlisted.

Law violations for which I have been convicted or have had adverse adjudications as a juvenile or youthful offender may be cause for denial of security clearance.

My choice of initial enlistment option shown in Item 48 of my DD Form 4 does not constitute any guarantee that a substantial part of my enlistment will be served in this option, and the needs of the service may result in my transfer at any time (other than as may be provided by the specific option selected) to any other assignment within the continental United States or to an oversea command.

Should my enlistment involve a commitment for specialized training or a selective assignment, conduct on my part occurring after my enlistment which results in disciplinary action may be just cause for my transfer to any other assignment within the continental United States or to an oversea command.

My acceptance for enlistment carries no promise whatsoever relative to furnishing transportation for dependents to oversea commands or to the furnishing of family quarters either in oversea commands or in the continental United States.

If, after my enlistment for a specific option, I should fail to meet required qualifications which cannot be determined prior to my enlistment, I understand that I will not be offered another enlistment option, but will be trained and assigned in accordance with the needs of the Army and will be required to complete the term of service for which I enlisted.

If, after my enlistment in the Regular Army, I should waive my initial enlistment option as listed in Item 48, DD Form 4 and in Part VI of my statements for enlistment for any reason whatsoever, this initial option will not be reinstated at a later date.

I am not conscientiously opposed, by reason of religious training or belief, to bearing arms or to participation in, or training for war in any form.

I am aware that in the event of armed conflict involving the United States the Secretary of the Army may declare null and void any portion of my enlistment option pertaining to training, assignment, or duty, if he determines such action to be necessary.

PART II—STATEMENT OF LAW VIOLATIONS AND PREVIOUS CONDITIONS

(To be completed by every individual enlisting or reenlisting in the Regular Army or amending a Regular Army enlistment contract).

Instructions to applicant (Read before completing Part II)

a. Complete the statement in Item (1) below by checking the appropriate box.

b. Answer questions (2) through (6) by writing "Yes" or "No" as appropriate, in the "Answer" column.

c. This statement is to be a complete and accurate list of all law violations and offenses (including minor traffic violations or offenses) for which you have been arrested, cited, charged, or held (regardless of subsequent disposition of your case) by civil law enforcement officials, or for which you were referred to juvenile court or juvenile probation officials.

d. Prior Army service personnel list only those violations occurring during and/or subsequent to last period of honorable active service, except for offenses not previously revealed.

e. Inservice personnel immediately enlist-

ing, list only those violations occurring during current term of service, except for offenses not previously revealed.

(1) I have read or had explained to me paragraphs 14 and 19, AR 604–10 which sets forth the criteria (reasons) for discharge and types of discharge and certify that I — have — have not (check one) engaged in disloyal or subversive activities as defined therein.

(2) Have you ever been rejected for enlistment or induction in any of the Armed Forces to include failure of the mental examinations administered by any AFEES, or been discharged from previous service under other than honorable conditions, under Personnel Security Regulations, or by reason of unsuitability, or undesirable habits or traits of character, or for medical reasons?

(3) Have you ever been arrested, cited, charged or held by Federal, State, County, City or other law enforcement authorities or by Juvenile Court or Juvenile Probation Officials for any violation of any Federal Law, State Law, County or Municipal Law, Regulation or Ordinance?

(4) Have you ever been convicted of a felony or any other offense, or adjudicated a youthful or juvenile delinquent?

(5) Have you ever been imprisoned under sentence of any court?

(6) Are you now or have you ever been on parole, probation supervision, under suspended sentence, or are you awaiting final action on charges against you?

3. Remarks (Give full details for any of the above questions to which you answered yes.) (If additional space is required, continue this item on a separate sheet of paper and attach securely to this form.)

PART III—ACKNOWLEDGEMENT OF UNDERSTANDING OF SERVICE REQUIREMENTS

(Applicable to all male applicants who incur a military service obligation under current laws).

4. I understand that upon completion of my period of enlistment in the Regular Army, I will become a Reserve of the Army. Being a Reserve of the Army, if I enlist in a federally recognized unit of the Army National Guard, I will become an enlisted member of the Army National Guard of the United States. I understand further that satisfactory service as an enlisted member of the Army National Guard of the United States constitutes service in the Ready Reserve. Accordingly, if Ready Reserve service in an appropriate activity of the United States Army Reserve is not available to me, I agree to enlist in the Army National Guard of a state (including the District of Columbia and Puerto Rico) in which I am residing, if so directed. If my enlistment is accepted by proper authority I agree to complete my Ready Reserve service as a member of the Army National Guard of the United States.

PART IV—DEPENDENCY STATEMENT

(To be completed by all applicants).

5. Relationship and age of all persons who are dependent upon me for support are recorded below (If none, so state):

PART V—MARRIAGE STATEMENT

(Item 6 is applicable to women applicants. Item 7 to be completed by ALL applicants (men & women)).

5. I understand that at my request I may be separated from the Women's Army Corps by reason of marriage after satisfying service commitments on my current enlistment which were incurred by school attendance or by promotion, or upon completion of 18 months of my current enlistment, whichever is later. If I am eligible for separation on marriage and my application is not submitted before I depart my home station for an oversea assignment, I must serve at least six months of that tour before I can be separated. If I am serving in an oversea command and I am eligible for separation by reasons of marriage, I must serve at least six months of that tour before I can be separated. I understand also that in time of war or national emergency declared by Congress I will not be eligible to be discharged solely for reason of marriage. I further understand that withholding knowledge of pregnancy, parenthood, or marriage will constitute grounds for my being discharged from the United States Army.

7. Complete one of the following statements by entering "X" in applicable box(es) and recording date(s) where appropriate.

—Never married —married —widowed (Date).

—Divorced (Date); —Legally separated (Date).

I have read and understand the meaning of all statements contained in Parts I through V of this form and agree to all conditions set forth therein. I certify that all answers to questions, statements and entries on this form are true, correct and complete and that the Recruiter/Career Counselor has informed me that should I intentionally conceal any information required above, I may later be subject to disciplinary action or discharge upon its discovery. I explicitly understand that Part III—Acknowledgement of Understanding of Service Requirements applies to me, if I have not previously discharged my lawful military service obligation.

Date.

Signature of applicant.

Signature and title of witness.

PART VI—OVERSEA AREA ENLISTMENT OPTION

For use of this form, see AR 601–210; the proponent agency is the Office of the Deputy Chief of Staff for Personnel.

To be completed by all prior service applicants enlisting for this option.

1. Acknowledgment: In connection with my enlistment in the Regular Army for the Oversea Area Enlistment Option, I hereby acknowledge that:

a. My enlistment for this option assures me that upon completion of training provided I meet required prerequisities, I will initially be assigned to the oversea area of my choice. I select (enter the oversea area of choice, e.g., Europe.)

b. Subsequent to my initial assignment, I have not been assured that any specific portion of my term of enlistment will be spent in the oversea area selected.

c. I am aware that if my grade or military occupation specialty (MOS) changes prior to this option becoming effective, I may be eligible for this assignment.

d. Should my grade or military occupational specialty (MOS) change prior to my assignment to the oversea area indicated above, I will be required to submit 3 additional choices of oversea area assignment to the Office of Personnel Operations to obtain confirmation of my assignment. I acknowledge that I may be selected for an alternate assignment based on my current qualifications.

e. If I am a non US citizen, a favorable background investigation with recommendation for oversea assignment must be completed for me prior to my oversea movement and should I fail to receive such a favorable investigation, my enlistment commitment will be voided, and I will be assigned in accordance with the needs of the Army.

f. My term of enlistment is (enter the number of years enlisting, e.g., 6 years).

g. In the event the unit in the oversea area for which I enlisted or to which I am assigned under the provisions of this option is deployed, relocated, inactivated or redesignated prior to the expiration of the guaranteed period of assignment to the unit, the following will apply:

(1) If my unit is deployed or relocated, I will be assigned or remain assigned to the unit for the remaining time specified in the option or for the time specified by Army policy in effect at that time.

(2) If my unit is inactivated and the transfer of its members to other units is necessitated, I will be given my choice of reassignment to any other unit included in this option or to any unit assigned to the major command to which my unit is assigned at the time of inactivation, provided a vacancy in military occupation specialty (MOS) and grade exists.

(3) If my unit is inactivated and another unit is activated to replace the inactivated unit, I will be assigned to the newly activated unit.

(4) If my unit is redesignated, I will be assigned to the redesignated unit.

(5) Should any of the above occur, it will not constitute a breach of my enlistment commitment.

2. Confirmation of option or agreement to alternate option. (Applicant will check or complete, as appropriate, statements shown below.)

All required pre-enlistment processing having been completed, it has been determined that:

a. — I can enlist for the option promised and I hereby confirm my intention to do so.

PART VII—CERTIFICATE OF SPECIFIED PRIOR SERVICE QUALIFICATIONS

1. I certify that the following statements concerning specified aspects of my last period of active military service are true and correct to the best of my knowledge and can be verified by a check of my official Military Records Jacket (MRJ) should such verification become necessary. I further certify that the recruiter/career counselor has informed me that, should I intentionally conceal or misrepresent any information required below, I may later be subject to disciplinary action or discharge upon discovery of the concealment or misrepresentation. (For each of the following statements, applicant is required to line out and initial either the positive or negative verb form enclosed in brackets, whichever does not apply.)

a. I [did/did not] accrue more than 30 days AWOL, if any, during my last period of active military service.

b. I [received/did not receive] two or more, if any, convictions by military courts martial during my last period of active military service.

c. For the MOS Evaluation Test administered to me closest to the date of my last separation from active military service, I [attained/did not attain] a score of less than 70 in my PMOS. (If not administered an MOS Evaluation Test during last period of active military service, line out and initial all words, positive and negative, enclosed in brackets.)

d. I [was/was not] denied reenlistment at time of last separation from active military service under the Qualitative Screening Process (Chapter 4, AR 600–200).

2. I further certify that the recruiter/career counselor has informed me that an affirmative answer (except for applicants not having been administered an MOS Evaluation Test during their last period of active military service) to any of the four statements above constitutes an enlistment disqualification for which request for waiver may not be submitted until two years have elapsed since the date of my last separation from active military service.

Date, and signature of applicant.

Date witnessed and signature and title of witness.

THE MILITARY RECRUITMENT RACKET

(By David R. Cortright)

With the shift to an all-volunteer military force, the huge draft calls of recent

years are being replaced with an immense recruitment apparatus reaching out to ever larger numbers of young people and widening the military's influence in society. During the last two years recruiting personnel has been significantly increased; there are now more than 12,000 military field recruiters, backed up by thousands of additional administrative support personnel. Total recruiting costs for all services jumped from $141 million in 1970 to an estimated $276.7 million for 1972 and have continued to rise since then. The average expenditure for each recruit has now risen to $933.

The expansion of recruitment is spreading a system notorious for its lack of honesty. With their special access to information such as lists of those ordered to take pre-induction physicals or of graduating high school seniors, many recruiters employ questionable high pressure methods. An example was exposed by Representative John J. Rooney, New York Democrat, in February, 1972. Rooney complained to the Federal Trade Commission—which has the power to take action against promotional fakery—of "huckstering and double talk" by recruiters who sent letters to young men in his district deceiving them into thinking they had mandatory appointments at the recruitment office. Similar practices were uncovered by the Central Committee for Conscientious Objectors (CCCO) last year at Plymouth High School in Plymouth, Michigan. Local recruiters had sent letters to prospective graduates in the spring implying that it was part of their draft obligation to return enclosed forms requesting additional information about military service. Included in the letter were misleading remarks that enlistment would be preferable to "waiting for the draft and serving for a period of two years which includes two additional years of active reserve and an additional two years of inactive status upon completion of active duty." The letter failed to mention that this obligation has been standard for all draftees and for some who enlist as well; nor did it point out that the reserve status is in fact totally inactive and unrelated to Ready Reserve duty.

Many recruiters make alluring promises they have no authority to keep, or fail to mention the conditions that go along with various options and bonuses. A recent example of such dissembling involved National Guard recruiting in the Puerto Rican community of Dorchester in Boston. Spanish speaking men were told that as Guardsmen they would receive a salary of $300 to $400 per month; they were not told, however, that this was true only for the initial four to six months of active duty and that for the remaining five and a half years they would receive approximately $40 per month. The men were also informed that allotments for dependents would increase as the number of dependents increased, that they could quit anytime after six months, and that they had to sign up within two days of taking entrance examinations. When community organizer Art Melville, of Action for Boston Community Development, heard of these tactics, he sought the help of a supporting group in the area. The Legal In-Service Project promptly sent two members to talk with the men; after hearing of the real conditions of Guard service, seven of the eight involved decided not to join.

Even the hawkish House Armed Services Committee recently admitted that some recruiters "present an unrealistic picture" and that "recruiting advertising appears to promise more than the Navy is able to deliver." In its Report on Disciplinary Problems in the U.S. Navy, the Committee stated that the disillusionment resulting from such deception, especially among black recruits, was an important factor behind rank and file unrest.

The problem is apparently so vast that the Pentagon itself now has been forced to act. Army officials stated on June 13 that a nationwide investigation by its Criminal Investigation Division had uncovered numerous examples of fraud and had led to the reassignment of 107 recruiters over the last seven months. The inquiry, which so far has extended into thirty-seven states, has encountered reports of particularly widespread abuses in Syracuse, Kansas City, and San Antonio. Among the examples of recruiter malpractice cited by the Pentagon were manufacturing false high school diplomas, providing "crib" sheets to recruits about to take qualification tests, overlooking police records which might disqualify potential enlistees, accepting physically unfit men, and falsifying residency requirements.

Not only are young people often unfairly enticed into the military, but once in the service they have no means of legal redress against false promises. The enlistment contract, DD Form 4, and various "statements of understanding" which recruits must sign contain numerous loopholes that favor the services. Furthermore, Article 83 of the Uniform Code of Military Justice makes the remarkable assertion that the enlistment contract is binding on the soldier but not on the service. Despite the new attention being given to recruitment, this unjust system is being enlarged but not reformed.

An integral part of recruitment is advertising. Current figures show increased spending by all the services: The 1973 advertising budget schedules $26.7 million for the Army, $21.5 million for the Navy, $12.8 million for the Air Force, and $6.5 million for the Marine Corps. In addition to these paid advertisements, the Pentagon takes ample advantage of the Federal Communications Commission's public service regulations to obtain free broadcasting time. Hundreds of television and radio stations daily broadcast without charge tapes provided by the armed services. In 1972 the value of these "public service" advertisements amounted to more than $32 million. The services have been actively seeking to expand their use of donated air time, but the networks have so far refused. The Pentagon's massive advertising operation now ranks the armed forces among the nation's largest advertisers.

It is important to understand the reasons why young people enlist. The available evidence indicates that most volunteers join the military to enlarge limited personal and economic opportunities. Roger Kelly, recently retired Assistant Secretary of Defense for Manpower and Reserve Affairs, testified before the House Armed Services Subcommittee on Recruiting and Retention that the two reasons most frequently given for enlisting were "to obtain a better opportunity for advanced educational training" and "to acquire a skill or trade valuable in civilian life." The University of Michigan's Youth in Transition study of some 2,000 high school students corroborates Kelly's statement.

A 1969 sampling by the University's Institute for Social Research found that the most frequently cited reasons for voluntary enlistment were, in order of preference, "to learn a trade or skill that would be valuable in civilian life," "to become more mature and self-reliant," and "opportunity for advanced education, professional training." Similarly, in a 1964 Department of Defense survey of approximately 80,000 enlisted people, nearly forty-seven per cent of non-draft-motivated volunteers gave as their reason for entry "to learn a trade" or "to become more mature." As might be expected, these economic motivations are especially keen among the less affluent. The 1969 Youth in Transition study also found that those intending to enter military service were below the mean in intelligence and family socio-economic level.

Perhaps the best indication of the socio-economic basis of military service is the direct link between enlistment and unemployment. In the words of former Defense Manpower Secretary Harold Wool, "Studies of enlistment trends have shown . . . that enlistment rates have been positively correlated with fluctuations of youth unemployment." A 1967 Pentagon contract study by economists S. H. Altman and A. E. Fechter found that "a given percentage change in the unemployment rate for male youth was associated with a similar percentage change in Army enlistment rate." While the correlation between unemployment and initial enlistment is reasonably well established, the influence of civilian unemployment on the decision to re-enlist is certain. As Secretary Kelly has said, "There is a very accurate and historic relationship between high unemployment and high re-enlistment."

The armed services consciously exploit these economic factors. Recruitment posters and enlistment slogans are specifically aimed at the occupational needs of high school age youth: learn a trade?—WE'LL PAY YOU $288 A MONTH TO LEARN A NEW SKILL; interesting work?—IF YOUR JOB PUTS YOU TO SLEEP, TRY ONE OF OURS; steady work? WE'VE GOT OVER 300 GOOD, STEADY JOBS. Summer is the busiest season for recruiters, as they actively seek to enlist high school graduates flooding the job market. At school "career days," in unsolicited mailings, and through targeted advertising, the new graduate is exposed to the recruitment pitch. Emphasizing the uncertainities of the civilian economy and the supposed employment value of military duty, recruiters hope to persuade young people to join. Technically this is called volunteering. Although the overt compulsion of the draft may be absent, however, it is hardly "voluntary" for sixteen to nineteen year olds, facing a 13.4 percent unemployment rate, to succumb reluctantly to intensive enlistment pressures.

Predictably, the enlisted ranks of the emerging volunteer force are attracting a disproportionate share of youth from working class and lower income backgrounds. Although little direct social information is available on the makeup of the new military, data on educational level, mental quality, and race provide a general picture of the overall social decline in the armed forces. The percentage of high school graduate enlistees for all services declined from seventy-one percent in the year from July 1, 1971, to June 30, 1972, to sixty-three percent in the last half of 1972. The percentage of recruits from the top mental categories has also declined. (Enlistees are assigned to categories I through IV according to results on written intelligence tests, with Category I the highest and IV the lowest.) The service-wide trend shows a decrease in above average recruits (those in Categories I and II) and an increase in those with only average scores (Category III).

The Navy has witnessed a particularly steep decline; the percentage of new recruits in Categories I and II has dropped from nearly fifty percent in January, 1970, to below thirty percent in June, 1972. The percentage of blacks has also steadily increased during the last two years. In 1972, twelve percent of new Navy recruits were black, the highest number in Navy history. In the Army, the percentage of blacks among ground force enlistees has increased from 13.5 percent in 1971 to more than eighteen percent in September, 1972; overall, twenty percent of new male Army enlistees in the last six months of 1972 were black. The trend seems clear, even at this early stage of the volunteer force: the enlisted ranks will henceforth be manned almost exclusively by the poor.

One of the images that most attracts a young person to the ranks is the notion that military service will help him learn a trade. This view, although widely held in America, is demonstrated by the Pentagon's own data to be false. Detailed studies by Harold Wool describe a marked contrast between the type

of jobs in the military and those in the civilian economy. Some thirteen per cent of enlisted jobs (i.e., combat) have no civilian counterpart; thirty-eight per cent of enlisted jobs, such as weapons and ship mechanics, account for only 1.5 per cent of civilian jobs, while twenty-nine per cent of servicemen's jobs account for another 9.6 per cent of civilian occupation. Overall, eighty per cent of military jobs are in areas which account for only eleven per cent of civilian jobs.

A look at specific occupations indicates just how extensive the problem is. Using 1960 figures, 10.6 percent of all enlisted people work as aircraft mechanics, while only 0.3 per cent of the civilian labor force is so occupied. The same figures show that thirteen per cent of enlisted positions are in electronics operations or maintenance, compared to only 0.5 per cent of civilian jobs. Moreover, even where broad functional similarities do exist, the actual skills and knowledge required may differ markedly. For example, electronics technicians for missile guidance would hardly be prepared for work as civilian radio and television repairmen.

A closer examination, based on social data, shows that the people most likely to enlist for purposes of economic advancement—those with the lowest socio-economic and educational backgrounds—end up in precisely those positions with no value for civilian employment. This is most obvious in the combat arms area, the training furthest removed from productive military pursuits. The 1964 National Opinion Research Center (NORC) Survey found that the lower an enlistee's educational level, the higher his chances of combat assignment. Harold Wool found similar results based on Mental Group classification. Servicemen in the lowest category, Group IV, comprise nearly forty per cent of those in artillery and infantry positions.

These data demonstrate how slight is the chance of training lower income youth for civilian occupations through military service—and help to unmask the controversial Pentagon program supposedly designed to perform just such a function: Project 100,000. In 1966 Secretary of Defense Robert McNamara announced that 100,000 previously disqualified men from the lowest mental groups would henceforth be accepted into the armed forces. (More than 300,000 have actually entered through the project, since renamed New Standards.)

McNamara claimed that military service would provide the poor with an opportunity "to return to civilian life with skills and aptitudes which for them and their families will reverse the downward spiral of human decay." However, according to Army General Walter Kerwin, forty-one per cent of the soldiers entering under the program were assigned to combat duty (thus affirming the suspicion that the project's real purpose was more to provide additional troops for Vietnam than to aid the needy). As with many who join the military to learn a trade, the servicemen in Project 100,000 were victims of a cruel hoax. Former Secretary Wool, McNamara's own manpower chief, candidly assessed such efforts: "Those enlisted personnel assigned to the ground combat specialties and other uniquely military duties could expect little or no direct benefit from their military occupational training in future civilian jobs."

Survey data from veterans on the usefulness of military training for civilian employment corroborate these findings. In the 1964 NORC survey cited above, veterans were asked to evaluate their military training. Only 9.4 per cent said it had been of "considerable use," 23.4 per cent termed it of "some use," while 67 per cent said their training had been of "no use." A 1955 study of 3,000 airmen had produced similar results.

Besides often being assigned to the wrong jobs, servicemen also must spend much of their time performing non-occupational duties, which the GI refers to as "mickey mouse." Although information on the subject is scanty, the few available studies give a startling indication of the extent of the problem. A 1958 study of missile crewmen quoted by Wool gave the average workweek as: twenty-two hours in actual missile maintenance; sixteen hours for guard duty; and an incredible thirty-two hours in such wasteful duties as cleanup, KP, picking up cigarette butts, and inspections. A 1961 study of Navy electronics technicians showed that "time devoted to duties entirely outside the area of electronics accounted for about half the workday of personnel at the apprentice level and about one-fourth the work time of most senior technicians."

In response to the growth of this immense recruitment network, peace activists in various parts of the country are launching new programs in counter-recruiting. Several groups have found that work at high schools and at recruitment stations can be effective in limiting military influence and in providing an alternative to the high pressure sales pitch of the recruiters. In Grand Rapids, peace workers from the Ammon Hennacy House distributed leaflets to high schools and debated recruiters before school forums. In Van Nuys, California, the Valley Peace Center is establishing a downtown office as a "Counter Recruiting Office." At Fresno State College, counter-recruiters recently set up a table and display next to that of the Marine Corps and successfully persuaded many students to bypass the recruiters. The same group has posted anti-enlistment signs outside various public locations and has applied to have its literature placed in local high school guidance centers. The Midwest CCCO office in Chicago and the People's Coalition for Peace and Justice in New York are lobbying against plans to introduce Junior ROTC in local high schools. The Catholic Peace Fellowship in New York also has announced plans to begin counter-recruitment activities.

For these and other groups organizing against the recruitment put-on, one of the most difficult problems is to meet the needs of young people for meaningful employment and economic security. The task is not easy, for job development programs are often either nonexistent or inadequate. For example, counter-recruiters from the Community for Non-violent Action (CNVA) in Connecticut found that there are almost no job programs in their area and that the few which do operate are sponsored by large war industries. Despite the obstacles, however, alternate job opportunities must be found; if necessary, they can be developed independently by forming cooperatives, working with retired craftsmen, and other means. Another critical aspect of counter-recruiting is the problem of gaining equal access to the media. Citizen groups, especially with regard to public service announcements, might be able to use the FCC's Fairness Doctrine to secure free air time and rebut Pentagon claims about the rewards of military service.

While the decision to end the use of the draft is a welcome step toward reducing Government intrusion in the lives of young people, the volunteer system replacing conscription offers no cause for joy. In place of the traditional "greetings" from Selective Service, the young person is now hounded by his local recruiter and bombarded by a bewildering array of advertising messages. In many cases outright fraud is used to meet enlistment quotas. More frequently, the subtle techniques of commercial oversell—a highly polished delivery, failure to mention extenuating conditions, vaguely defined promises—suffice to lure the impressionable into service.

The military consciously exploits the economic uncertainties of the less affluent by offering assurances of job training and education, yet it is virtually certain that few of those in need of employment security are aided by a three-year stint of toting a rifle and sweeping floors. The services defensively claim that the system is basically sound except for the occasional abuses of individual recruiters. However, the entire approach is fraudulent, for it promises economic advancement which the armed services are fundamentally incapable of providing. (Nor should the military have such a domestic welfare function in a healthy society.) Young people are induced to enlist through false hopes and empty promises which have little or no relation to the real conditions of military life.

RECRUITING PROBE HERE INVOLVES USE OF FUNDS

(By Mike McGraw)

A spokesman for the Army said in Washington today that an investigation of the Kansas City recruiting station involves possible misuse of a unit fund.

It was first believed that the investigation, by the Army's Criminal Investigation Division, involved only possible recruiting malpractices. The two ranking officers at the recruiting station here have been temporarily reassigned.

It is not clear, however, whether that action is a result of the investigation of recruiting procedures or the inquiry into use of the unit fund, which usually total about $2,000.

It was reported Friday that Maj. Quinton Seitz, former head of recruiters here, had been relieved. But the man who took his place, Lt. Col. Leo Guenther, insists no one was "relieved," but that "there have been reassignments pending investigations."

Asked whether the second-ranking officer at the induction station, 2420 Broadway, Capt. Robert Priest, also was reassigned, Guenther said, "Captain Priest was temporarily reassigned."

The Army is investigating 173 induction or recruiting centers in 37 states for possible recruiter malpractices, but a spokesman in Washington said such investigations were not unusual. He said they are conducted on a continuing basis.

Guenther said this morning that the word "relieved" carried serious connotations in Army jargon. "No one is relieved as of now. If I said I was relieved, that would mean you could write me off for good.

"These things could easily happen without my knowing about it, though," Guenther said. "Anyway, even if I did know about the investigation it would be a violation of the code for me to talk about it until it becomes public knowledge."

Guenther said, "I am not in the chain on this one. I have been read out of this thing." He said he was glad of that because if he had any knowledge of the matter he "might feel obligated to discuss it."

Guenther said the unit fund, which reportedly is used for local conferences for recruiters, was recently audited and that there is $2,200 in it. He said, "The fund is not impounded, and I would think that would happen if it is under investigation.

He said the fund is "an instrument of the government, not appropriated by Congress, to be used for the good of enlisted men." He said about $200 is added to the fund each month.

"It is used for whatever they can justify as being for the good of all the troops," he said, explaining that it is made up of profits from post exchanges.

Lt. Col. Bob Schuler of the Army press office in Washington said today he could not comment on whether anyone left the station here because of the investigation.

"We investigate felonies wherever they occur in the Army and the report is turned over to the commander concerned who can then make the adjudication.

"In this case," Schuler said, "the information in the report would go to the commander of the recruiting command in Hampton, Va." A spokesman there was unable to answer questions this morning about the investigation.

The investigation of recruiting procedures here and across the country involves accusations that recruiters falsified records of high school graduation on enlistment forms, gave enlistees answers to qualifying tests, ignored criminal records and enlisted men who were physically unfit.

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107 ARMY RECRUITERS PULLED FROM JOBS FOR MALPRACTICE

Over the past seven months, 107 Army recruiters, under pressure to meet their quotas now that the draft is dead, have been pulled off their jobs for attempting to enlist unqualified GIs.

A nationwide investigation into widespread malpractices is continuing, according to Army officials.

Since last November, the officials said, the Army Criminal Investigations Division has been looking into reports that recruiters in a number of localities were doctoring records to meet their enlistment quotas.

So far, the investigation has ranged into 37 states. Large concentrations of improper practices, officials said, have been dug up in Syracuse, N.Y., San Antonio, Texas, and Kansas City.

Army detectives are continuing to check out allegations of 173 incidents of recruiter malpractice.

The Army has fallen short by about 10,000 men in its enlistment goals set over the last four months. There is considerable disagreement in the Pentagon about whether educational standards for enlistees have been set too high.

Army officials said recruiters have been caught manufacturing phony high school diplomas, providing "crib" sheets to prospective enlistees before they take qualification tests, ignoring requirements to look for police records on potential enlistees, seeking to recruit medically unfit young men and falsifying residency requirements.

One Army general said it is possible that in its rush to meet Army quotas generally, the Pentagon may have failed to evaluate standards for the 6,500 recruiters around the country. Some 5,000 of these work directly with recruits.

Another official said, "Unfortunately the same qualities of salesmanship that make for a good recruiter sometimes make for these kinds of practices too."

The Army said there is no evidence of collusion among recruiters in different areas of the country. Rather, it appears almost completely to be the action of individual recruiting sergeants pressed to meet their individually-assigned goals.

Mr. KENNEDY. Mr. President, I would hope that in making the request the Senator from Tennessee would also include in his request the amendment which I will introduce with the Senator from Georgia (Mr. NUNN). I would not object even if he did not make that request. If he is not familiar with it, I think the Senator from Texas is familiar with it.

Mr. BAKER. I am.

Mr. BENTSEN. I am familiar with it. I think it adds to the measure.

The PRESIDING OFFICER. If Senators will send their modifications to the desk, the Chair would appreciate it.

Without objection, the amendment proposed by the Senator from Tennessee and the Senator from Texas will be modified accordingly.

The modification is as follows:

On page 4, at the end of line 1, strike out the word "and."

On page 4, between lines 1 and 2, insert the following:

"(6) the methods and techniques used to attract and recruit personnel for the armed forces, and whether such methods and techniques might be improved or new and more effective ones utilized; and"

On page 4, line 2, strike out "(6)" and insert therein "(7)".

Mr. BAKER. Mr. President, I think we have reached the place where I address my inquiry to the managers of the bill. I hope the amendment, as modified, may find acceptability in their eyes. I think that a long and great debate at this point might not be necessary.

Mr. SYMINGTON. Mr. President, the distinguished Senator from Texas spoke to me about this measure before and we are prepared to accept it on this side.

Mr. THURMOND. Mr. President, we join the distinguished acting chairman of the committee, (Mr. SYMINGTON) and accept it on this side.

Mr. BAKER. I thank the distinguished managers of the bill.

Mr. BENTSEN. Mr. President, in joining with the senior Senator from Tennessee in sponsoring this amendment, it is my firm belief that unless the Congress and the President can find some better means to control the expense of personnel for the defense establishment, the security of this country will be seriously jeopardized. I do not consider myself an alarmist, and I am one who has concerned myself with this country's defense all my adult life.

My concern and my criticisms are born of a love for this country, a firm belief that a strong defense capability is essential to its survival, and a conviction that that survival must be the paramount concern of every Member of this body. It would be much easier to stand back, remain silent, and continue along the comfortable lines of the status quo. But we were not sent here to do the comfortable chores or to make the easy choices.

In my opinion, we have come to the point where the rising cost of military manpower necessitates that Congress take action and take action soon.

Mr. President, when a military force of 2.3 million men requires more senior officers, by that I mean the ranks of lieutenant colonel and above, than a force of 12.1 million men required at the peak of a major world war, then the time has come for serious concern on the part of the Congress and the taxpayers who are footing the bill.

Mr. President, when the U.S. Army has more lieutenant colonels than it does second lieutenants and when there are more colonels and Navy captains today in the military services than there were when we had 12 million men in the field fighting a war, then it is time for Congress to take a long, sober look at how the Department of Defense determines its personnel needs. And when it requires eight support types behind every trooper firing a rifle on the front line, then I say it is time for the Congress to become alarmed and to begin the process of reversing this trend which produces more and more headquarter paper pushers rather than frontline fighting forces.

It is estimated that the Defense budget will exceed $15 billion by 1980 and that two-thirds of that budget will be attributable to personnel related costs. A staggering figure and a very worrisome trend in manpower costs.

The Defense Department is paying $22 billion more in fiscal year 1974 than it was 10 years ago in pay and allowances for 400,000 fewer personnel. That is, more money for fewer men, and the fewer men are increasingly to be found in the headquarters and support structure rather than in the combat arms.

At the same time, the average cost of maintaining a serviceman on duty has increased from about $3,400 in 1950 to about $12,400 in 1974. An increase of over 260 percent, and the curve is getting worse, not better.

Now I know that many of these increased costs are justified and that a part of this increase is related to our attempt to establish an all-volunteer force. I support that experiment, and I am willing to pay the necessary, justiable expenses that are related to that effort.

I do not feel, however, that one can justify or support the use of high paid volunteers in the same fashion as $75-a-month draftees. As the cost of defense personnel increases then so must the effectiveness with which they are used.

That is the reason for a defense manpower commission. It will examine the personnel pipeline from recruitment to retirement and give the Congress and the President concrete recommendations concerning what reforms are necessary and how savings can be made. The commission will be independent, and that is most important.

Unless this study is free from control of the Pentagon bureaucracy, both civilian and military, then the Congress will never get the results we desire. The results would be both predictable and disastrous. If this issue is left strictly to the military, it will be the administrators and bureaucrats in the Pentagon who decide where the cuts will be made—not the commanders of fighting units in the field. In effect, those whose jobs are most in question would decide which jobs are to stay and which are to go.

Quite frankly, I expect this commission to approach the problem of analyzing defense personnel issues with a dose of skepticism concerning our present policy and an open mind toward new ideas that might improve that policy. The commission will make periodic reports and the length of its charter, only 18 months, gives promise that this commission will give us the concrete, objective input required to deal with these complex issues through legislation.

There will be no easy decisions or simple solutions on this issue. But there can be informed choices and assured results if we get the facts first and then act upon them decisively. I can think of no issue that deserves our attention more, and I

hope the Senate will concur with this amendment.

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

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

Mr. BAKER. I yield.

Mr. KENNEDY. Mr. President, I wish to commend the Senators on this amendment. I serve as a member of the Military Committee on the North Atlantic Assembly. The distinguished Senator from Texas has been the chairman of the small but important committee to represent the assembly in overseeing the MBFR talks. I have worked closely with the Senator from Texas on a matter which this amendment is concerned with: The relation between combat and support troops, and the number of headquarters and command posts assigned to Europe.

I endorse wholeheartedly the thrust of this amendment. It is far reaching in its inquiry into manpower policies and can be extremely important for the future security of this country.

As a final point on the amendment accepted by the Senator from Tennessee and the Senator from Texas on behalf of the Senator from Georgia and me, we are very much concerned, as I believe are a number of those who follow the manpower policies of the armed services and the shortages of recent shortfalls in recruiting, particularly in combat arms.

I want to commend the Senator from Georgia who has examined this matter in great detail as part of the deliberations of the Senate Armed Service Committee. His work was instrumental in the committee's adoption of a requirement that the Department of Defense report in 90 days on the impact of current recruitment policies on specific manpower goals and requirements of the armed services.

The amendment that I am introducing to the measure put forward by the distinguished Senator from Tennessee and the distinguished Senator from Texas will serve as a complement to the thrust of their amendment and to the actions already taken by the committee.

The amendment specifically directs the commission to examine the implications for the Armed Forces of the shift in the number of poor, the number of less educated, and the number of minority persons who have enlisted since the end to the use of the induction authority.

The amendment also asks that the commission examine the implications of the recent shift within the composition of the enlistees for the Nation as a whole.

The amendment directs that this analysis include the evaluation of the new recruiting policies, including enlistment bonuses in general and combat arms bonuses in particular.

My concern is both that the Army is having substantial difficulty in meeting its required levels of enlistees, falling 19 percent shy of their requirements in August and failing for each of the previous 6 months, and that the rising percentage of blacks and the rising percentage of individuals with less than a high school education indicates a basic change in the composition of the military.

Throughout the debate over the passage of the Military Selective Service Act of 1971, Public Law 92–129, proponents of a volunteer Army argued that there would be no major increase in the percentage of minorities in the Armed Forces. They said the Gates Commission and the Defense Department analyses suggested that the percentage of minority and poor members in the services would remain fairly stable and in most cases would not increase beyond their percentage of the general population.

My concern then and my concern now is that we are telling specific groups in the country that the only road to advancement, the only road for achievement is through the military and particularly through the combat arms route. In other words, they must be in a position where they are risking their lives to provide for the Nation's defense before we will accord them an opportunity to better their economic status.

Now that we have seen the results of the most recent months recruitment—particularly since the lapse of the induction authority on July 1—where 34 percent of the recruits in July and 29.7 percent of the recruits in August were black, it is clear that the original predictions of supporters of the volunteer Army are not being confirmed.

The implications of this failure for both the Armed Forces and for the society must be explored and resolved not only with regard to the black and Spanish-speaking but also with regard to the poor. I am hopeful that this amendment will afford an opportunity to achieve that result.

I, as one who had serious concern about the volunteer Army, wish to stress that those of us who opposed it, because we thought it would end up being a poor man's Army to fight the rich man's war, are being tragically reinforced in that direction. I hope this commission will better enlighten Congress and the American people as to the dangers of this happening.

I thank the Senators for accepting the amendment and I am delighted that the managers of the bill will support it. I look forward to the results of the study.

Mr. BAKER. Mr. President, I thank the Senator from Massachusetts for his addition to the bill and for his favorable comments.

Mr. NUNN. Mr. President, will the Senator yield for a brief comment?

Mr. BAKER. I yield.

Mr. NUNN. Mr. President, I wish to commend the Senator from Tennessee and the Senator from Texas for sponsoring this very pertinent, timely, and very necessary manpower commission to study the needs of the military now, and our Nation in terms of national security.

I have spent a considerable amount of time in the Committee on Armed Services asking what I feel were very pertinent questions regarding the voluntary force, the combat-support ratio, the number of officers we have and the number of enlisted men, and other questions.

Mr. President, I am pleased to join as a cosponsor with the Senator from Massachusetts on a pertinent amendment to the Bentsen-Baker amendment which will further emphasize the concern of this body on the workings or failures of the all-volunteer force. I am pleased to be a cosponsor of that amendment to the Baker-Bentsen amendment. I commend the Senators for having sponsored this necessary study.

Mr. President, I wish to say a few general words regarding the committee-recommended reduction in manpower and the Baker-Bentsen amendment. This recommendation by the committee and the Defense Manpower Commission amendment which I cosponsored comes at a time when there are dramatic but little understood changes occurring both in the defense manpower picture and the overall manpower picture within this country.

The acting chairman and other colleagues have described what has been happening in this important area. Manpower costs have exploded in the past 5 years—basic military pay is up 118 percent since 1968. We have abandoned the draft which provided a broad spectrum of manpower to meet defense needs: the Army has not met its recruiting goals in any month since the draft stopped. As warfare becomes more and more complex, its technology demands higher and higher skilled people to operate and maintain the equipment.

I want to confine my remarks to a brief look into the future. Where are we heading? Where do these manpower trends lead and what do they mean?

First, barring another major military confrontation, there will be continued pressure to hold down defense spending. The President has created a feeling of détente—in regard to the Russians and Chinese. There are strong competing demands for money for social and domestic programs. This country has a long history of keeping down defense spending in peacetime. If manpower costs grow at 5½ percent per year as the Defense Department projects and we retain the current force levels, the manpower budget alone will be about $62 billion by 1980. If, in addition, the total DOD budget were to be limited to $85 billion by 1980, these rising manpower costs would leave only $9 billion available for R. & D., procurement, and military construction combined. Last year we spent over $22 billion on R. & D., procurement and military construction. I know of no responsible person in the country—even the most antidefense minded—who would advocate a 60-percent cut in these programs. Yet that is what would happen if manpower costs continue to rise at their projected rates and the defense budget remains constant.

Another trend that concerns me is the utilization made of people within the Defense Department as manpower costs increase. We see a 1,100,000 support establishment, over 50 percent of the total military strength. I have received many complaints from men in the service about how they are mal-assigned and poorly used. According to studies conducted since 1964, the number of Army men per division is up 8 percent, the number of

men per ship is up 44 percent, and the number of men per tactical aircraft is up 43 percent. Civilian manpower growth is even greater—a 92-percent increase in Navy civilians per ship, an 84-percent increase in civilians per division. If these trends continue, the tooth-to-tail ratio by 1980 will be very small indeed. We need a strong, tough, fighting force. But it must be austere, lean, and trim, with no padding or fat. The time has come for the Defense Department to demonstrate its efficiency in achieving such a force, if it hopes to improve its credibility and gather public support.

Finally there is the question of the all-volunteer force. As I have said on many occasions, I have serious doubts about the wisdom of this project. The signs I observe indicate trouble. Even though it is costing us large sums of money, Defense estimates about $3 billion in direct budget costs of the volunteer force this year and there are requests for more in the future, the services are having trouble meeting their recruiting goals in terms of quantity and quality. Defense as a whole was about 25,000 men short of planned strength for fiscal year 1973, about 14,000 of which was attributable to Army shortfalls. In fiscal year 1973, the Army fell 33 percent short of its enlistment objectives for ground combat enlistments—even though it offered a bonus of $1,500 to those enlisting in such units.

A look at the future is even more discouraging. For fiscal year 1974, the Army must recruit 41,000 more men than in fiscal year 1973—a 27-percent increase to meet the strength it requested. Yet with a smaller goal, it had a 4-percent shortfall last year.

Looking further into the future, a recent study conducted for the Senate Armed Services Committee, indicates that in the next several years, Defense will have to recruit one out of every three qualified and available 17-year-old males in the country before they reach age 23. This figure increases to two out of every five if the Reserves are included. That is a very tall order in itself. But looking further ahead, within 10 to 15 years, Defense will have to recruit one out of every two of all the qualified and available 17-year-old males to the Active and Reserve forces. Over 50 percent. I doubt such a goal can be reached.

Mr. President, I am also very concerned regarding the all-volunteer force.

In summary, Mr. President, we need to start action soon if we are to gain control over the problems indicated by the trends I have described.

In the aftermath of Vietnam, our Nation is faced with fundamental questions regarding our national security. In addition to the horrible human tragedies from 1965 through 1972, our participation in the Vietnam war carried a price tag of nearly $120 billion.

What have been the military results of Vietnam and how does this affect our security?

Supplies and equipment which had been issued to National Guard and organized reserve units were reclaimed by the Active forces and redeployed to Vietnam. These forces which are a fundamental part of our defense still have not recovered from this starvation resulting from the war.

While remaining aloof from direct involvement themselves, the Russians spent but a tiny fraction of U.S. war costs. This left a major portion of the Soviet military budget to be used during this period to increase Soviet strategic and conventional military power and to intensify research and development. While any comparison of nuclear arms is a complicated and complex subject, Russia is clearly ahead of the United States in total megatonage of destructive nuclear power which can be launched.

Because of our technological superiority in the development of multiple independently targetable reentry vehicles, commonly known as MIRV, the United States has a substantial lead in the number of nuclear warheads. Russia however is also continuing to develop this technique and with their lead in number and size of ICBM's, if they match us in MIRV technology, our national security will be severely undermined. Therefore, in my opinion, it is imperative that the United States in Salt II press for a freeze on MIRV development by the Soviet Union.

What this adds up to is the harsh reality of the legacy of the Vietnam war:

First. Higher costs for weapons.

Second. A slow-down in research and development and military technology.

Third. Skyrocketing manpower costs and failing popular support for and appreciation of our defense needs.

The hardest reality of all has not been squarely faced by our Government and has not been fully recognized by our people. This reality, the problem of military manpower, is on the verge of getting completely out of control.

The military draft has never been popular and all of us hope that conditions will not require its large scale use again.

Realistically however, it is time for us to take another look at the results of the all-out push for the so-called "volunteer force." This concept is a clear result of the Vietnam war because of its unpopularity caused the President and Congress to yield to the tremendous pressure to end the draft at almost any price.

So much for the background of the volunteer force. What of the future?

At this time, 25 percent of the Soviet military budget goes to manpower costs; 67 percent of the U.S. defense budget goes to manpower costs. This 67 percent does not include such indirect costs as barracks construction, hospital construction and other costs to support personnel.

The direct and indirect cost per man has increased from $5,435 per year in 1964 to $11,580 in 1973. The increase is 113 percent. These costs will continue to rise.

We have 371,000 fewer military and civilian personnel in fiscal year 1974 than in fiscal year 1964 and yet in fiscal year 1974 we will pay about $44 billion in direct manpower costs as compared to $22 billion in fiscal year 1964.

As another example of the increase, direct personnel costs in fiscal year 1968 were $32.6 billion as compared to $43.9 billion in fiscal year 1974 even though the Defense Establishment has been reduced by 1.6 million personnel since that wartime peak.

As another example as to how manpower is utilized, it might be pointed out that for the cost of our general purpose forces we spend about $3 for every $1 spent on our strategic forces. The strategic forces refer to those systems which protect the homeland and provide a nuclear deterrent, such as Polaris, Minuteman, and SAC. General purpose refers to the conventional forces, all of which are planned to be deployed overseas for war.

Most of this phenomenal rise in the costs of manpower can be laid at the door of the All-Volunteer Force concept. We have been told that if we are to get along without a draft, we must make the military career as attractive, or more so, as a civilian career. To this end, Congress has enacted legislation year after year upgrading the system of military pay, allowances, and other benefits, until the expense threatens to bankrupt our entire defense program.

I am not opposed to a fair system of pay and allowances for our servicemen. But I believe that we must face the fact that we cannot afford to see manpower costs escalate until we reach the point where we simply are unable to support a Military Establishment big enough to do the job. We have not yet reached this point, but it is not too much farther down the road.

I do not dogmatically oppose the volunteer concept, but I feel that it is imperative for our Government and our people to ask some hard cold realistic questions as to where this road leads.

The infusion of civilian values into the ranks of the military is an American tradition of longstanding. From the time of the American Revolution, the concept of the citizen soldier, called to the colors in time of crisis, has been a hallowed one. The shift to an All-Volunteer Force will inevitably dilute this tradition, for I do not believe that any system of inducements, no matter how extensive and how expensive will attract enough of the right kinds of young Americans to military service to preserve the essential civilian spirit which has always characterized our men in uniform. There is a remote but increasing danger that the creation of a special military class—a certain consequence of the all-volunteer concept—will pose an increasing challenge to civilian control of the military.

A related danger is that the absence of young draftees in the Armed Forces will remove some subconscious constraints upon the President to allow us to become involved in future military adventures without sufficient and mature consideration. Professional soldiers are not likely to argue so strongly against opportunities to practice their profession as are young civilians temporarily in uniform. Neither are the respective families involved. It is a paradox that those who lobbied for the end of the draft because of their opposition to the war in Vietnam, may well have sown the seeds for future similar involvement.

Although the draft system contains many inequities, it is still a better means

of providing an armed force more representative of the American society as a whole than is possible under the all volunteer system. It is most unlikely, for example, that even the prevailing high rates of military pay will succeed in attracting enough really skilled and educated men into the Armed Forces. What is more likely is that the armed services will attract first those who are the most disadvantaged in our society.

America needs a well disciplined and trained force, who can readily be brought up to acceptable standards of discipline and professional skill. In these days, it is not popular to deal plainly with such subjects, but I believe that it is simply not fair to ask or expect the poor man to do most of the fighting. An all-volunteer force manned by the poor and disadvantaged, but officered by a professional elite, is a radical departure from the American tradition.

Finally, I think a word needs to be said about patriotism. This word used to be somewhat overworked—especially by politicians on the Fourth of July—but you do not hear enough about it any more. I submit that in abolishing the draft we may be doing away with the principle of service to our country. Will we be teaching future generations of Americans to expect life and happiness in a great and free country—without giving anything in return?

I think we need to reexamine some of the basic assumptions behind our defense policies. We need to face the fact that the spirit of "détente" is to be desired and cherished, and that an era of negotiation is greatly to be preferred to continuing conflict and confrontation. But we also need to pay heed to the fact that our military might has been a strong inducement to the other side to bring them around to negotiation.

We need to realize that some things cannot be bought for money alone—No mercenary army in history has ever been a match for free and dedicated men fighting to preserve their stakes in a free society. We must take care that the war weariness of the present does not lead us to such despair that we mortgage the future just to get a little rest now. And I still believe that Thomas Paine spoke the truth when he said that "those who expect to reap the blessing of freedom must, like men, undergo the fatigue of supporting it."

The PRESIDING OFFICER. Is all time yielded back?

Mr. BAKER. I yield back my time.

Mr. SYMINGTON. I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment as modified was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from South Carolina may now be recognized to call up both of his amendments out of order which were scheduled for tomorrow under the previous order.

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

The amendments will be stated.

The amendments were stated as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. 1. (a) No funds authorized to be appropriated by this Act may be obligated under a contract entered into by the Department of Defense after the date of the enactment of this Act for procurement of goods which are other than American goods unless, under regulations of the Secretary of Defense and subject to the determinations and exceptions contained in title III of the Act of March 3, 1933, as amended (47 Stat. 1520; 41 U.S.C. 10a, 10b), popularly known as the Buy American Act, there is adequate consideration given to—

(1) the bids or proposals of firms located in labor surplus areas in the United States as designated by the Department of Labor which have offered to furnish American goods;

(2) the bids or proposals of small business firms in the United States which have offered to furnish American goods;

(3) the bids or proposals of all other firms in the United States which have offered to furnish American goods;

(4) the United States balance of payments;

(5) the cost of shipping goods which are other than American goods; and

(6) any duty, tariff or surcharge which may enter into the cost of using goods which are other than American goods.

(b) For purposes of this section, the term "goods which are other than American goods" means (1) an end product which has not been mined, produced, or manufactured in the United States, or (2) an end product manufactured in the United States but the cost of the components thereof which are not mined, produced, or manufactured in the United States exceeds the cost of components mined, produced, or manufactured in the United States.

At the appropriate place in the bill insert the following new section:

SEC. —. (a) Chapter 157 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§2635. Medical emergency helicopter transportation assistance and limitation of individual liability.

"(a) The Secretary of Defense is authorized to assist the Department of Health, Education, and Welfare and the Department of Transportation in providing medical emergency helicopter transportation services to civilians. Any resources provided under this section shall be under such terms and conditions, including reimbursement, as the Secretary of Defense deems appropriate and shall be subject to the following specific limitations:

"(1) Assistance may be provided only in areas where military units able to provide such assistance are regularly assigned, and military units shall not be transferred from one area to another for the purpose of providing such assistance.

"(2) Assistance may be provided only to the extent that it does not interfere with the performance of the military mission.

"(3) The provision of assistance shall not cause any increase in funds required for the operation of the Department of Defense.

"(b) No individual (or his estate) who is authorized by the Department of Defense to perform services under a program established pursuant to subsection (a), and who is acting within the scope of his duties, shall be liable for injury to, or loss of property or personal injury or death which may be caused incident to provide such services."

(b) The table of sections at the beginning of chapter 157 of title 10, United States Code, is amended by adding at the end thereof the following new item:

"2635. Medical emergency helicopter transportation assistance and limitation on individual liability.".

Mr. THURMOND. Mr. President, this amendment is offered by the distinguished Senator from Missouri, the acting chairman of the Committee on Armed Services (Mr. SYMINGTON) and me, and also the distinguished Senator from Texas (Mr. TOWER) joins in the amendment as a cosponsor.

This amendment would authorize the Secretary of Defense to assist the Department of Health, Education, and Welfare and the Department of Transportation in providing helicopter ambulance services to the public in the event of serious civilian medical emergencies.

This amendment would establish a program known as Military Assistance to Safety and Traffic, or better known as MAST.

It involves authorizing military air ambulances, or helicopters, which are in a state of readiness due to military requirements, to be used in civilian rescue work where injuries are of such a serious nature that life or death may hinge upon the speed of the rescue effort. This concept has already been tested at a number of locations around the country and has been beneficial both to the military and the civilian community.

It has benefited the military because the helicopter crews, rather than training simulated conditions, have received experience in actual emergencies. It has benefited the civilian community because this kind of quick medical service was not available through either private or public sources.

Mr. President, private as well as governmental sources are beginning to provide emergency helicopter service. Some State highway departments have helicopters on call and there are some instances of private sources providing this service in a commercial undertaking.

The provision of helicopter ambulance service to civilians is a mission which the private sector should shoulder. However, until such programs are established there is no reason why military helicopter units should not assist when possible.

This amendment is identical to a bill offered by Representative WILLIAM DICKINSON, of Alabama, which passed the House May 9, 1973, and I understand the distinguished Representative from Missouri (Mr. SYMINGTON) is an author of a bill on this subject.

Although there are a number of Senate bills which provide for a MAST program, including one which I offered, this amendment takes the form of the Dickinson bill because hearings were held on that bill and it contains a number of

safeguards necessary to prevent abuses in this program.

These safeguards recognize and deal with four problem areas. First, MAST aid could be provided only in those areas where air ambulance units are regularly assigned, thus barring the transfer of units from one area to another for the purpose of providing such assistance.

Second, assistance by the military air ambulance may be provided only to the extent that it does not interfere with the performance of the military mission of the unit in question.

Third, the provision of this assistance shall not cause the increase in the expenditure of military funds. In other words, the operation will have to be financed from regularly prescribed training funds. As an additional safeguard in the cost area the amendment reads, "any resources provided under this section shall be under such terms and conditions, including reimbursement, as the Secretary of Defense deems appropriate."

Fourth, the amendment protects those individuals in the program by providing that, "No individual (or his estate) who is authorized by the Department of Defense to perform services under a program established pursuant to this subsection (a), and who is acting within the scope of his duties, shall be liable for injury to, or loss of property or personal injury or death which may be caused incident to providing such services."

Mr. President, many lives were saved during the pilot program of MAST. Authority for the Defense Department to participate in this effort on a broader scale will save lives in the future. Therefore, it is important that the Congress act in this matter as soon as possible.

This amendment meets all of the objections raised about the MAST program. It provides for a tightly restricted program, but one which will save lives and also bring the military and civilian sectors into a closer working relationship. I hope the Senate will accept this proposal in order that there be no further delay in establishing this lifesaving joint effort between civilian communities and nearby military installations.

Mr. President, amendment No. 547 is designed to express policies which provide advantages to American firms competing with foreign firms for Defense Department contracts.

It is my view that the Department of Defense, in awarding contracts for the procurement of supplies and equipment, should award these contracts to firms located in the United States which have the capability to supply them provided such action will not result in unreasonable costs or otherwise be contrary to the public interest.

It is only right that firms located in the United States and employing American labor, both of which pay U.S. taxes, should be given a preference in the award of these contracts whenever it is economical and appropriate to do so. This is particularly justified in the case of firms located in the unemployment areas designated by the Secretary of Labor as labor surplus areas and in the case of U.S. small business firms.

Also to be considered is the impact on the U.S. balance payments when contracts are awarded to foreign firms as well as any additional costs involved to the United States in awarding contracts to foreign firms.

I am told that the Department of Defense employs administrative procedures to accomplish these objectives now. However, these objectives are so important and critical to American firms and American workers that there should be a basis for them in law.

The proposed amendment which I offer will require the Department of Defense prior to the award of a contract to a foreign firm to be funded by funds authorized to be appropriated by the act to give adequate consideration to the bids or proposals of firms located in U.S. labor surplus areas, to those of small business firms, and all other firms located in the United States, to the impact on the U.S. balance of payments and to the additional costs, such as shipping costs and duties, which might be involved if other than American goods were procured.

My amendment will not result in any additional costs to the Department of Defense. However, it will constitute a clear expression by the Congress that American goods, when available, are to be procured whenever it is economical to do so and it is not otherwise contrary to the public interest.

A provision somewhat similar to this amendment was contained in the House version of this bill. However, it is my belief that my proposed amendment will lay down more precisely the objectives to be attained and provide the Department of Defense with more specific language which will permit the implementation of those objectives. It should not result in any additional costs and requirements of the amendment are concise enough to insure an evenhanded administration of these proposals.

Mr. SYMINGTON. Mr. President, as a cosponsor of both these amendments, after serious deliberation I accept the amendments of the able Senator from South Carolina.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Mr. THURMOND. Mr. President, I wish to thank the able acting chairman of the committee for accepting these amendments and also for joining as a cosponsor.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

FORTY-FIFTH MEETING OF AMERICAN INSTRUCTORS OF THE DEAF

A letter from the President of Gallaudet College, Washington, D.C., transmitting, pursuant to law, the proceedings of the 45th meeting of the Convention of American Instructors of the Deaf (with an accompanying report). Referred to the Committee on Rules and Administration.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the City Council of Mayfield Heights, Ohio, opposing further Federal taxes on gasoline or fuel oil. Referred to the Committee on Finance.

A resolution adopted by the Common Council of the City of Buffalo, N.Y., calling for the removal of the Squaw Island Footpath. Ordered to lie on the table.

EXECUTIVE REPORTS OF COMMITTEES

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

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

Nancy Hanks, of New York, to be Chairman of the National Endowment for the Arts.

Subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. SYMINGTON. Mr. President, from the Committee on Armed Services; I report favorably the nomination of Maj. Gen. Richard Ray Taylor, U.S. Army, to be major general in the Medical Corps and Lt. Gen. Carroll H. Dunn, U.S. Army, to be placed on the retired list in the grade of lieutenant general; for the Navy, Rear Adm. Joseph P. Moorer for promotion to vice admiral, and Vice Adm. Harry L. Harty, Jr., U.S. Navy for appointment to the grade of vice admiral, when retired; in the Air Force that Lieutenant General Martin, Lieutenant General Smith, Lieutenant General Russell, Lieutenant General Philpott, General Momyer, Gen. Seth McKee and General Wade be placed on the retired list in these respective grades and also in the Air Force that Major General DeLuca be promoted to lieutenant general, Major General Hudson to be lieutenant general, Maj. Gen. George McKee to lieutenant general, Major General Moates to become lieutenant general, Major General Allen to be lieutenant general, Major General Johnson to become lieutenant general, Major General Murphy to be lieutenant general, Lieutenant General Ellis to be general, Lieutenant General Dixon to be general and that Major General Roberts to become lieutenant general and Lieutenant

General O'Keefe to be general. I ask that these names be placed on the Executive Calendar.

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

Mr. SYMINGTON. In addition, Mr. President, there are 4,232 nominations in the Army, Marine Corps, Air Force and Air Force Reserve for promotion in the grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the secretary's desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed in the CONGRESSIONAL RECORD on September 5 and September 12, 1973.)

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive J. 93rd Congress, 1st session, Agreement with Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973 (Exec. Rept. No. 93–17);

Executive G. 93rd Congress, 1st session, Convention for the Protection of Producers of Phonograms (Exec. Rept. No. 93–18);

Executive M, 93rd Congress, 1st session; Executive S. 93rd Congress, 1st session; and Executive K, 93rd Congress, 1st session. Extradition Treaties with Italy, Paraguay, and Uruguay (executive Rept. No. 93–19).

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. HUMPHREY (for himself, Mr. CRANSTON, and Mr. MONDALE):

S. 2485. A bill to establish an Independent Commodity Exchange Commission. Referred to the Committee on Agriculture and Forestry.

By Mr. TALMADGE (for himself and Mr. NUNN):

S. 2486. A bill to provide that the project referred to as the Trotters Shoals Dam and Lake on the Savannah River, Georgia and South Carolina, shall hereafter be known and designated as the "Richard B. Russell Dam and Lake." Referred to the Committee on Public Works.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 2487. A bill to provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend section 3(b) of the Wilderness Act, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. KENNEDY (for himself and Mr. PERCY):

S. 2488. A bill to amend title VII of the Older Americans Act of 1965 relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. CHURCH:

S. 2489. A bill to amend title XVIII of the Social Security Act to prevent the imposition, under part B thereof, of more than one deductible with respect to expenses incurred for the purchase of any particular piece of durable medical equipment. Referred to the Committee on Finance.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 2490. A bill to assist States and local governments to improve their capabilities for meeting goals related to community development, adequate housing, public facilities and services, and other governmental concerns. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TALMADGE (by request):

S. 2491. A bill to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

By Mr. RANDOLPH (for himself, Mr. ALLEN, Mr. BAYH, Mr. BENTSEN, Mr. BIBLE, Mr. BURDICK, Mr. ROBERT C. BYRD, Mr. CANNON, Mr. CHILES, Mr. COOK, Mr. CRANSTON, Mr. CURTIS, Mr. DOLE, Mr. DOMENICI, Mr. EAGLETON, Mr. EASTLAND, Mr. FULBRIGHT, Mr. HARTKE, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HRUSKA, Mr. JACKSON, Mr. MAGNUSON, Mr. MCCLELLAN, Mr. MCCLURE, Mr. MCGEE, Mr. MONTOYA, Mr. MOSS, Mr. HUGH SCOTT, Mr. SPARKMAN, Mr. STAFFORD, Mr. STENNIS, Mr. TOWER, and Mr. TUNNEY):

S.J. Res. 158. A joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUMPHREY (for himself, Mr. CRANSTON, and Mr. MONDALE):

S. 2485. A bill to establish an Independent Commodity Exchange Commission. Referred to the Committee on Agriculture and Forestry.

COMMODITY FUTURES EXCHANGE ACT OF 1973

Mr. HUMPHREY. Mr. President, today I have introduced legislation which will strengthen and improve commodity futures trading in our Nation, and its regulation. I am convinced that we must move expeditiously to improve the regulation of our commodity marketing system in order to protect our farmers, consumers, and commodities dealers from self-interested market manipulation by private traders. There is an obvious need not only to improve and strengthen the regulation of commodities now subject to regulation on the futures market, but also to extend such regulation to all trading, in all futures, on all markets.

The bill I have introduced today will remove the commodity exchange authority from the U.S. Department of Agriculture and establish it as an independent agency and bring all trading in futures contracts under Government regulation.

This legislation also provides the new CEA with injunctive powers to stop or prevent violations of the law or regulations before they occur or cause major market disruptions. The same need applies in stopping any trader, or small group of traders, from gaining sufficient control over futures contracts to restrain trading. The need for such powers are extremely important when one realizes that buyers are able to purchase futures contracts on the multibillion dollar commodities market with only the smallest of cash margin requirements; much smaller margin requirements than exist on the stock market, I might add.

The new agency must also be provided with more adequate levels of manpower and better facilities to carry out its functions and responsibilities. Current manpower levels are woefully inadequate. With roughly 160 employees, the CEA has been responsible for the regulation of a market which generated a trading volume of more than $250 billion in the fiscal year ending last June 30, and this volume is growing. For comparative purposes, it is interesting to note that the Securities and Exchange Commission, which regulates the stock market, had over 1,500 people to carry out its responsibilities with the stock market, which had a trading volume of slightly less than $200 billion during the past fiscal year. More manpower is essential if effective regulation of these markets is to be properly enforced in the future.

I believe that we must also tighten up on the qualifications and checks on qualifications of individuals handling commodity accounts—

Mandate the strengthening and improvement of the self-regulatory aspects of futures trading activities by the commodity exchanges;

Provide for financial penalties in regulatory administrative proceedings taken against violators of trading laws or regulations;

Examine floor trader practices, margin rules, hedging, option trading, and other trading practices; and

Examine consolidation of some of the clearing houses now serving exchanges.

There is no question that futures trading is an important and worthwhile mechanism in the economics of our marketplace. However, because of the impact on the well being of American farmers and consumers of the prices arrived at on this market, I believe that its operation must be diligently monitored in the interest of all the people. The wild and often bewildering price fluctuations on these markets, particularly during the last year, have convinced me that the time for a detailed review of this entire system has arrived.

In recent weeks, I have been in contact with a number of experts in this business, both in and out of Government and including commodity trading specialists and regulatory specialists. I am convinced that Congress must act now to modernize the system and the laws and regulations relating to it.

I am hopeful that the bill I have introduced today will serve as a major stimulus for this effort to improve our commodity trading markets. In the weeks ahead I will be working to add improvements to this legislation.

I intend to urge an early and thorough examination of my proposal, and all of the related issues, by our Senate Committee on Agriculture and Forestry.

Mr. President, I ask unanimous consent that a very important series of articles from the Washington Star-News, by John Fialka, entitled "The Food Speculator," be printed at this point in the RECORD.

There being no objection, the articles

were ordered to be printed in the RECORD, as follows:

[From the Washington-Star News, Sept. 23, 1973]

THE FOOD SPECULATORS

(By John Fialka)

MITCHELLVILLE, IOWA.—This is the year that George Redman, 33, learned the hard way that corn on paper is worth far more than real corn loaded on a truck.

The lesson was part of an experience that cost him over $60,000 and took him on an eerie voyage into the complex, nether world of commodity speculation.

But Redman is not alone now when he calls the buying and selling of contracts for future delivery of a farm commodity a "paper game."

A considerable number of his fellow farmers and the merchants who buy and sell real, cash commodities are becoming convinced that this year the theory and the realities of setting food prices have begun to go haywire.

It was no snake oil salesman who came into this prosperous (pop. 1,341) central Iowa farm town this spring and parted Redman and his money.

No, Redman admits, he brought that on himself. As a farmer, a man who has fed corn and soybeans to his cattle for over 12 years, Redman developed a strong notion this spring that the prices he was hearing on the afternoon radio reports were unrealistically high.

The voice of the Chicago Board of Trade, the Nation's largest commodity exchange, is heard here over radios in tractor cabs, in cattle sales barns and other places where farmers work in the early afternoon, shortly after the trading day closes in Chicago.

Of late, the news has been unbelievable. In early June the radio said that the price of soybeans had gone to $12.90 a bushel, roughly six times what it costs the farmer to grow it.

In late July, Iowans heard about $3 (per bushel) corn, an unheard of price in a State where farmers have traditionally piled surplus corn to molder in thousands of metal storage bins and have even burned it during the winter because it was cheaper than coal.

These were the prices from the Chicago Board of Trade, an institution which describes itself as a national "thermometer" for future prices. These were the prices that the traders, men who broker orders for all the commercial and speculative interests who deal in futures contracts, had arrived at.

Redman was no stranger to the notion, common among Iowa farmers (see accompanying article) that futures contracts are really a "paper game" played by doctors, chiropractors and other well-heeled city folks who do not really know crops.

Nevertheless, some time this spring he decided to join in. As he remembers it, the notion came to him while talking with another farmer in a cattle barn. The fields this year were going to be chock full of soybeans, they decided, and a man could make some real money by speculating that the price was too high.

Sometime in April Redman drove to the R. G. Dickinson Co. brokerage firm in nearby Des Moines.

When Redman walked in the door he was joining a growing tide of people who speculate in food. They traded a record of $268.3 billion in futures contracts in fiscal 1973 ending last June 30 for such items as soybeans, pork bellies (uncured bacon) and live cattle. That is more than the $195.1 billion total of stocks traded during the same period and far more than the $75.5 billion worth which the U.S. Agriculture Dept. places on the entire 1973 harvest of crops and livestock.

"Speculation in commodity futures is frequently confused with gambling," notes a brochure distributed by the Chicago Board of Trade. The brochure points out that, unlike gambling, speculation serves a number of useful purposes in agriculture.

Among other things, commodity speculation pools money to provide an orderly market for commodities on a year-around basis. Soybeans, for instance, are traded for delivery in September, November, January, March, May, July and August.

The process, the brochure points out, evolved shortly before the Civil War to prevent enormous price fluctuations caused by the market glut during harvest and severe scarcity during the spring and summer. There, rooted in Chicago, grew a "central market for buyers and sellers of the new wealth of the prairie."

As Redman remembers it, his commodity broker, Bill Knight agreed with him about the soybeans. "He said 'damn, these beans are higher than hell.' They were around $5.52 a bushel then."

In commodities, it is as easy to make money when the market is going down as it is when the market is going up. In either case, the process is likely making a bet on the worth of a future shipment of grain to Chicago.

For example, in January a speculator decides that the price being traded then for July corn futures is going to go higher. He orders his broker to "buy a contract," which amounts to a commitment to receive 5,000 bushels of corn in Chicago in July at the current, January price level, say $1.00 a bushel. This is called "going long."

If the price of July corn futures goes up to, say, $1.50 a bushel by June, the speculator nullifies his commitment by selling his contract to somebody else and pockets the difference, which amounts to 50 cents a bushel, or a $2,500 profit.

If the same speculator had decided in January that the price of July corn was going to drop, he would have ordered his broker to sell a contract, or to make an agreement to deliver 5,000 bushels of corn to Chicago in July. This is called "going short."

Then, if the price of July corn dropped to, say, 50 cents a bushel by June, the speculator nullifies his obligation by ordering his broker to buy a contract at the going rate. Again, he pockets the difference, 50 cents a bushel, or a $2,500 profit. In either case the speculator, like the overwhelming majority of all speculators, has not dealt with actual corn, he's been trading in contracts.

Redman decided to go short on one soybean contract. He gave Knight the required margin, roughly 10 percent of the value, or $2,500. Then he sat back and waited, certain of his theory that soybeans, which had been traded for $2.50 a bushel for years, were going to drop.

This was to be the year, however, when theories often failed to work, as Redman discovered during a call to his broker later in the week.

"I said what's these beans doin'?" He said "——— ———" they don't look too good They're goin' up!"

Redman soon found himself riding up on the great, unbelievable soybean surge of 1973. Only he had bet they would go down.

By the end of May, the price for soybeans to be delivered in September had gone to $6.50 a bushel at the Chicago Board of Trade. The price appeared to be going straight up.

Redman went back to his broker. "So I told him, I says what the hell are we going to do?—He said that about the only way we're going to get back in this ball game is to double up."

Redman said his broker then suggested that he go short on two more September soybean contracts. That way when the price of soybeans fell, Redman would recoup his losses faster.

Redman put down $5,000 margin for the two additional contracts. About that time the Chicago Board of Trade decided to raise the margin requirements in an attempt to cool the speculative fervor that had grown around soybeans. Redman had to put down $6,000 more on each of his three contracts.

And soybeans continued to go up every day. For awhile, the Board of Trade had ruled that the price could only jump by 20 cents a day. Then, the board decided to raise the limit to 40 cents. For six or seven days in a row soybeans contracts shot up the limit.

"I was getting pretty damn worried," recalls Redman.

Other people in Iowa, those who deal in the real, cash version of the commodities being speculated about in Chicago, had begun to worry too.

While the sharp surge in prices was a bonanza for some speculators and misery for others, it was beginning to cause chaos in a farm economy that had been accustomed to dealing with price fluctuations of a few pennies.

The usefulness of commodity speculation had begun to disintegrate in two ways: something was wrong with its price-predicting mechanism, and its protection against sudden price shifts was weakening.

The first of a long line of middlemen between the farmer and the people who push baskets in supermarkets is the country elevator operator.

If the elevator operator pays a higher price for such a basic commodity as corn and soybeans, the price increase is magnified and multiplied through the entire food chain until it confronts the consumer in, literally, thousands of places in the supermarket: in prepared foods, in cooking oil, in a myriad of meat and poultry products from animals whose feed comes from corn and soybeans.

How does the elevator know what price to set? He normally looks to the traders in Chicago for that information.

The theory, again from a brochure composed by the Chicago Board of Trade, is that the "cash basis at the country location is below the nearest futures price by the cost of freight to Chicago."

In other words, if a farmer had carefully saved his 1972 crop of soybeans and hauled them to a country elevator in late May, in theory he would have been offered around $12 a bushel (less freight) because that was where the traders in Chicago were pegging July soybeans.

In fact, however, he would have found that many Iowa elevator operators were not buying soybeans.

Argie Hall is director for the Farmers Grain Dealers Association of Iowa, a cooperative that represents 330 local elevators. Hall probably buys and sells more corn and soybeans than anyone in the state.

When July soybean futures were rocketing up to $12.90 a bushel in Chicago, Hall found that soybean processors dropped out of the market. He had no offers to buy soybeans.

For about two weeks, the cooperative's elevators were instructed not to buy soybeans because there was no market.

"That's hard to explain to a farmer," said Hall. "The price goes up to $12 and he goes in to sell and the elevator operator says nobody will buy them. This will occur again and again if we get runaway markets."

The risk-protecting function of commodity speculation also had begun to turn on the Iowa grain merchandisers. Traditionally, Hall and other grain buyers and processors who found themselves temporarily in custody of large amounts of grain had been able to avoid the risk of price fluctuations through a practice called "hedging."

In theory, the grain merchants would use

the process Redman used. They would sell futures contracts covering the amount of soybeans they had on hand. Then, if the price of soybeans went down they would lose money on their stores of soybeans, but the loss would be offset by gains in futures speculation.

The hedge also works the other way. If the price of soybean futures rose, they would lose money on their futures speculation but would gain on the price of the real product, which would reflect the futures price increase.

Thus, in either case, the elevator operator or the grain processor relied heavily on commodity exchanges to shield them from price fluctuations.

This year, according to Hall, hedging turned into a "nightmare" during the frantic trading in Chicago.

There were days when the market hit the trading limit so fast that merchants could not get out of their hedges.

Hall and some of his member elevators were getting margin calls running into the millions in June. Country banks were running out of lending money. Thus, even on some days when there were buyers for soybeans, Hall had his money tied up in hedges and couldn't afford to buy any.

Yet the farmers had heard the siren call of big money. Around Mitchellville, viewed from the air, farmyards appear to be smaller this year, and the orderly rows of crops seem to be squeezing the roads.

For George Redman, however, the more pressing reality was now in Chicago. He decided to unload his three soybean contracts and accept his losses. He ordered his broker to buy three contracts for September soybeans. The going price, then around $9.40 a bushel, meant he would lose about $56,000.

He decided that he had to find some way to recover his loss. In early July, he began to watch the Chicago Board of Trade prices for July corn. It was running around $2.29 a bushel, a price which Redman, who had handled corn for over a dozen years in his cattle feeding operation, decided was "higher than hell."

Again, he drove in to R. G. Dickinson's brokerage house in Des Moines and told his broker Bill Knight to "go short." This time it was two contracts for July corn (10,000 bushels). He put up $13,000 in margin.

When the price of corn dropped Redman planned to buy two corn contracts and recoup some of his soybean losses.

But corn didn't drop. Phenomenal things began to happen to the price of corn, shooting it up the trading limit every day. Again, George Redman was a worried man.

The impact of the heavy trading in corn futures, again also had an adverse impact on the marketing system for real corn in Iowa. According to Hall, the Grain Dealers Association increasingly found itself stuck in its hedges.

If a corn buyer wanted a cash price for his corn, Hall said he would have to add on 15 cents a bushel to cover the risk of not being able to compensate for the sale by removing a hedge at the same time.

"Now that cost is direct inflation," he explains, "it passes right on to the consumer."

In addition, the cooperative found buyers losing interest and margin calls were eating away at available cash. It dropped the price it had been offering farmers, finally using December futures as a pricing guide because it was not gyrating as wildly as July.

According to the accepted theory of speculating in commodities, pure speculators drop out of the market before the final delivery month, leaving the market place to commercial interests who really want to deliver or receive corn.

In the final month, the futures contract is said to "mature." All the forces in the market place have had their impact. The futures price becomes the real price for corn. "It is," as one trader put it, "a process of homing in on the truth."

The "truth" for George Redman, when he walked into R. G. Dickinson's brokerage firm on July 20, came as a considerable shock.

He remembers coming in and seeing all the other brokers standing around Bill Knight talking in hushed voices.

"I said what's up, Bill? He said 'They've taken the limits off of corn.' I said what do you mean? He said 'It's an open ball field.'"

For weeks, the Chicago Board of Trade had imposed a 10 cent a day trading limit on corn futures. When the price rose a dime, trading stopped. The limit, however, was being removed on the final trading day.

Redman remembers Knight asking him if he wanted to get out, that is whether he wanted to buy two corn contracts at the day's opening price, about $2.88 a bushel, and take his loss.

Redman resisted. "I says I don't want to get out. He says 'you have to get out.' I says I'm not gonna get out."

So they both sat down to watch the numbers move across the board on the wall of the brokerage firm.

"We were looking at that corn and it was $2.88 or so, just laying there for about two hours. Then the damn corn went to $2.97, then $3.00, then $3.02, $3.05, and $3.52," remembers Redman.

"I said that's a mistake. We'll see a cancellation."

But there was no cancellation.

The group sitting in front of the board at R. G. Dickinson's brokerage house was watching an historical moment. Corn futures were at a new, all-time high, selling at a price that had never been reached, even in the years of drought, blight and war.

In fact, corn was selling at a higher price than wheat futures. That, too, had never happened.

At that point, the broker, Knight, his manager, Oliver Eckles, and the head of the brokerage firm, R. G. Dickinson himself, were all yelling at Redman to "Get Out!"

What bothered Dickinson was that if Redman didn't get out, he would be obligated to deliver real corn to Chicago—an event that had not happened in all the 14 years R. G. Dickinson had been handling commodities.

But Redman did not get out. July corn went to $3.60, then $3.70 and $3.80 and $3.90, finally dropping to $3.80 when the trading ended.

"There was my broker standing there saying what in the hell am I going to do," recalls Redman. "I told him I know, my mind's made up. I am going to ship the corn."

Redman refused an offer to buy a warehouse receipt for corn then stored in Chicago at $3.80 a bushel, a move suggested by Eckles that would have released him from his contracts and given him a loss of about $16,000.

At that moment the two worlds of corn, the frenzied trading for "paper" corn in Chicago and the negative impact it was having on cash corn prices in Iowa, fused in Redman's mind.

He knew that, up the street from his house, the co-op elevator in Mitchellville was selling corn for $2.32 a bushel. Redman made arrangement for some trucks and asked R. G. Dickinson where he should deliver it.

Dickinson, a tall, dapper man in his late 40's, has a slightly different version of Redman's dealings in commodities. He was first reluctant to speak to a reporter, but later consented, choosing his words carefully.

He insists that selling first the bean contracts and then the July corn was all Redman's idea. At one point in the interview he called Bill Knight into his office.

Knight insisted he did not encourage Redman to "double up," and then began groping for words to explain how Redman went from the beans into the corn.

"Look," he said, finally, "this guy lost a ton of money."

"Wait a minute. Don't say another word," said Dickinson. "What is a ton of money. To a guy who makes 3 or 4 million dollars, $60,000 is not a ton of money."

Knight started to say that Redman did not make that much when Dickinson again cut him of: "O.K. We have your answer. That's all we wanted to know."

Then Eckles, Dickinson's commodity manager, began to explain why it was that all three of them tried so hard to get Redman to buy out the last day.

"That's right. We tried to get him to get out," he said, adding, "The horses were coming down to the wire, the game was almost over."

"Please don't use that language," interjected Dickinson, wincing. "Let us say that the allowable time had almost elapsed."

Finding a place for Redman to deliver his corn to was a major problem for Dickinson. "For 13 years in this business I've never had anybody deliver the goods. It just isn't done," he explained.

"We told him not to do it. We said you're up against the pros," Dickinson added, ticking off the problems he warned Redman that he would have to face. There was a shortage of box cars. The warehouses were all owned by major grain companies who were busy collecting and shipping their own corn. Redman's corn might be rejected in Chicago for being the wrong type, or having too much moisture, or something.

Nevertheless, Redman persisted. He sent a certified letter to Dickinson, demanding to know where his 10,000 bushels of corn should be delivered.

After spending "two or three days" on the phone, Dickinson sent Redman a letter with the names of three companies: Cargill, Continental Grain Co. and Indiana Grain Co.

Then Redman spent some time on the phone. He figured that if the price of corn had hit $3.90 in Chicago, companies there must be ravenous for corn.

The first three companies all refused delivery. One said its elevators were full, another said it did not accept corn in trucks. Redman found the names of three other delivery points sanctioned by the Board of Trade. None of them wanted his corn either. In fact, he discovered that the cash price for corn in Chicago was $2.68 on July 20, not the $3.80 price the traders had arrived at in the corn pit at the Chicago Board of Trade.

"That's when I started getting a little shaky," recalls Redman.

Finally, however, he found a man in Memphis who was vice president of a company in Chicago that would take the corn. He was Dean Campbell, vice president of Dixie-Portland Milling Co.

It took 13 truckloads to get all of George Redman's corn to Chicago. Redman and his brother-in-law, Don Berkey, had it tested over and over again to make sure it was the right kind. Dixie-Portland accepted it. Redman had cut his losses by about $11,000.

Several grain dealers have privately acknowledged that what Redman was caught in is called a "market squeeze." When speculators who hold "long" contracts, calling for delivery, know that there are shorts like Redman who haven't gotten out and know that delivery to Chicago is extremely difficult, they stay in the market until the very last day forcing the shorts to pay an extremely high price to get out.

As far as Campbell was concerned, his company didn't need the corn either. "In our own elevators, we don't have a whole hell of a lot of space, but we were physically capable of doing it. I figured here was a guy who was trapped and couldn't get out."

"There appeared to be a squeeze on in corn. I don't know why it was. The speculator or whoever puts a squeeze on has his right to his profits."

Reminded that such squeezes are a violation of federal law, Campbell said that they sometimes happen anyway.

"We're all 21 years old. We should know what the hell's going on. If we don't, we shouldn't be here."

Because losers don't often talk about their problems, it is difficult to tell how many others have wound up in George Redman's shoes attempting to play the "paper game" he found himself entwined in.

Redman knows one. A dentist from Omaha has called him wanting to know how to deliver corn.

Campbell knows another. After his name was mentioned in a brief newspaper account of Redman's dilemma, Campbell received a call from a banker in Denver wanting to deliver wheat.

"GAMBLERS" NEVER SEE THE CROP

WINTERSET, IOWA.—This year, for the first time he can remember, the neighbors of Jack Jackson, 48, have received telephone calls from speculators in Chicago. They want to know how the corn is doing.

Jackson resents the whole business. He believes the market this year has gone "crazy," magnifying way out of proportion the problems he has in raising corn on his spread of 500 acres.

According to both commodity brokers and farmers in central Iowa, one of the world's most productive areas for corn and soybeans, Jackson's attitude about commodity speculation is fairly typical, "Few farmers speculate in commodities," said one broker, "they've always been plain suspicious."

"If it was dry and you started getting rains," explains Jackson, "why then the market would go way up and if it was raining too much and it looked like we wouldn't get our crops in, bang, it would go way down. They wouldn't have these wild fluctuations if it (trading) was run by people who were actually handling the product."

"It's just a matter of gambling," Jackson added. "There's a lot of people in there who are in there just for the sake of gambling. It's sort of a horse race type thing. Maybe they feel that they're doing agriculture a service, but from where I sit, they're not."

For Jackson, the problem is fairly simple. His soybeans go up to astronomical levels, but so do his costs of operation. "I just paid $14,000 for a tractor that cost $7,000 in 1967.

"I mean these laboring class of people are our best customers. When it gets so expensive that they can't afford it, why they've gotta have more money coming in. If they work on my tractor, then up goes the price of my tractor. I think this will just increase the spiral of inflation."

One of Jackson's neighbors is Kenneth L. Spera, who farms about 900 acres. Last fall he was among the estimated 90 percent of Iowa farmers who sold their soybeans at between $3 and $4 a bushel, before the bonanza started.

Spera, who has been farming for 45 years, figures that $5 a bushel is about all the higher soybeans should go. "I feel sorry for the poor devil who has to buy it on the other end."

"Sure, I realize there's a demand both American and foreign, but the speculator has entered into the picture. Since the first day of January, beans have been a little over $3, up to about $12, back down to below $5 and today they're up to $10.

"That is utterly ridiculous. The demand has not caused that, the speculator has caused that in my opinion. The guy who goes in and lays down a few cents a bushel and buys thousands of bushels of beans . . . he's strictly a gambler. He doesn't know soybeans from buckshot.

"He controls the product that I worked like a dog to produce. He's a gambler, a speculator. He doesn't even see it and he makes all the money."

For Spera, like Jackson, it boils down to a problem of simple arithmetic; "There's just as many bushels today as there were yesterday or will be tomorrow. There shouldn't be a 40 cents a bushel fluctuation in price every day. Those are your gamblers."

THE FOOD SPECULATORS: MAKING A BUNDLE IN BEAN TRADE

(By John Fialka)

CHICAGO.—Between last August and this June, Tom B. Sanders says he has made a million dollars in soybeans.

Sanders does not farm soybeans, nor does he process them. He spends all day standing with about 150 other men inside an eight-sided enclosure with seven tiers of steps descending toward its middle where no one ever sees any soybeans.

This is the soybean pit at the Chicago Board of Trade, the nation's largest commodity exchange. It is the center of the nation's price-setting mechanism for such basic agricultural products as corn, wheat and soybeans.

Working in the soybean pit as a floor broker, Sanders, 31, a former accountant for an automobile dealership in Bethesda, Md., has learned to read meaning from the sight of grown men jumping up and down, waving their arms; from the sound of a chorus of hoarse male voices shouting things like "Gimmie ten may at five!"; and from the sensation of being literally run down by other brokers scrambling to deal with the right buyer or seller.

To an outsider it is frenzy, a maelstrom of meaninglessness, to Sanders it is excitement, big money; to the farmer and consumer, this is the process that tells us, ultimately, how much we will pay or get for our foodstuffs.

The Chicago Board of Trade defines itself in its promotional literature as a "free market where the forces that influence price are brought together in open auction."

"Regard exchanges as you would a thermometer," the literature states. "A thermometer does not influence the temperature, it simply records it."

There is some trouble with the thermometer concept this year, some of it is brewing in the very heart of the thermometer.

First, the Department of Agriculture's Commodity Exchange Authority, which is supposed to regulate the trading of contracts for future delivery of an agricultural commodity, is investigating hyper-active trading at the Board of Trade this summer that culminated in two sensational prices: $3.80 a bushel for corn and $11.87 a bushel for soy beans, both in July futures contracts.

The pattern of trade in the soybeans, for instance, looks like the fever chart of someone dying of malaria. The price went from $5.25 a bushel in early April to an unprecedented $12.90 in May. Then in a series of record trading days the price gyrated wildly, going up and down over an 80-cent range. It dropped to $6.30 before a phenomenal closing rally carried up almost to the $12.00 mark.

According to the House Small Business Committee, which has been investigating the trading, substantial portions of futures contracts calling for delivery of July soybeans were held in a few hands. At one point in June, one trading company owned 35 percent of the July soybean futures. At another point in July, four trading interests controlled over 90 percent of the market between them.

The theory is that futures prices are supposed to serve as a national predictive indicator for cash prices. Usually, in the final month of trading of a futures contract, the futures price comes very close to cash prices being paid by major commercial grain users.

This July, however, the futures prices for both July corn and soybeans assumed a life of their own, at times leading the cash prices for these commodities by as much as $1.50 a bushel.

According to Alex Caldwell, the head of the CEA, his investigation is operating on a theory that the prices may have been manipulated by, as yet, unnamed speculators.

The second problem is part of a protracted debate that has gone on within the secretive confines of the Board of Trade for years: Do exchange rules which permit floor brokers almost unlimited opportunities to trade for their own accounts cause the "thermometer" to generate some of its own heat?

According to his own account and those of several other traders and officials at the Board of Trade, Sanders is but one of dozens of young brokers this year who made fortunes trading for themsives, or, in the jargon of the trading floor, "scalping" in soybean futures.

They are part of a "new breed" taking power in an institution that has, for years, been dominated by sons and representatives of families and companies in the business of gathering and processing agricultural commodities.

Their major characteristics is that that many of them have little or no background in agriculture.

Men have haggled over grain prices in Chicago since the early 1800's when farmers brought their grain in from the prairies over plank roads and dumped it in piles beside Lake Michigan for shipment to world markets.

The Board of Trade evolved as a mechanism to set fair and orderly prices for the grain. Traders used to be experts who poured the grain samples on shiny black tables and bargained over its merits.

But times have changed. Although the board still operates a small cash exchange, most of the grain sampling tables are now used to support banks of shiny black telephones connected to brokerage houses.

Now people are sending money to Chicago in unprecedented quantities to speculate on increasingly rapid price fluctuations. In fiscal 1973, a record $268.3 billion worth of futures contracts was traded in the nation. That is $70 billion more than the worth of all stocks traded in the same period.

The Board of Trade controlled about 60 percent of the business, which continues to mushroom. Last year a record $122 billion worth of contracts were traded at the Board. This year the record was broken in the first six months, when traders handled $128 billion worth of futures contracts.

Officially, the Board of Trade exults in its new image. "Today what you have," asserts Sue Winer, its press spokesman, "is a change in the image of the futures market . . . it is a better educated, younger, very aggressive group of men who find the challenge of markets exciting.

Thus, Tom B. Sanders and his counterparts can now spend a lifetime trading in soybeans without knowing much about them. Their skill is in judging floor activity.

Nine years ago, Sanders left his accounting job, which paid $3.50 an hour, to learn the ropes of the trading floor.

He has always worked as a broker in the active markets. He began in the silver pit when trading in that commodity was new and hectic. Then he gravitated to the corn pit during the frantic months of the corn blight.

Now he works the soybean pit where, recently, the price has gyrated over a range of as much as 80 cents a day.

As a representative of about a dozen brokerage houses, he usually holds a "deck," or a wad of buy and sell orders from outside clients. During lulls in trading he buys and

sells for his own account. He is quick to point out that he has never violated the board rule which prohibits a broker from favoring his own trades over customer orders.

How does he know which way soybean prices are going to move?

Sanders begins his trading day by talking to as many as a dozen other brokers to "get the feel of the market." Once the trading begins, he tends to anticipate movements through his knowledge of the traders involved ("See that gray-haired man over there, entering the pit? He represents a big commercial house. He only comes over when he's got a big bomb to drop.")

On an active day, the shouting, handwaving, jumping up and down and an occasional shoving match can erupt in several quarters at once.

It is that part, the action, which Sanders likes best. "I enjoy it, I have to admit. I always wanted to play professional football and I'm too small. This is second to that, but still a contact sport as far as I'm concerned."

While he was explaining his feeling about trading to a reporter, Sanders sold a contract for May soybeans (representing an order for future delivery of 5,000 bushels) at $8.06 a bushel and bought it back, moments later, when the price dropped to $8.04.

At that moment, he was scalping and had made $100 on the transaction. "I don't want to give you the illusion I can do that all the time," he explained.

"This market has had such a big range lately you've got to think quick or you're out of dough," he added, asserting that many floor traders have also gone broke this year. "They're the ones you don't see."

Trades happen in an instant. A broker, using cryptic phrases and special hand signals, makes an offer. Another one will holler "Sold!" The two men will scribble notations on cards. And the price soon flickers on the electronic board on the wall as the latest price for May soybeans.

Because Sanders and his fellow floor brokers could be trading for themselves, for any of a number of brokerage houses they represent, or on behalf of another floor trader at any given time, the fast-paced trading is usually accompanied by an identifying: "O.K. in that one I was . . . (mentions the name of a brokerage house), who are you gonna be?"

To the outside investor, the operation of the scalper is invisible. The changes in the price for soybeans come across the ticker in a steady flow, unaccompanied by the volume of the trade or by any other indication whether the trade was made by commercial interests or scalpers. Each trade makes a new price.

Scalpers move in and out of the market constantly, buying and selling contracts representing up to three million bushels of grain a day, usually ending the day with a net balance of zero.

According to a recent CEA study of the Board of Trade, scalpers now account for as much as 35 to 40 percent of all trades on a given day.

Frederick G. Uhlmann, chairman of the Board of Trade, states that between 150 to 200 of the 800 members who regularly work on the trading floor are full-time scalpers. They do not handle outside orders, but trade only for their own accounts. (See accompanying story.)

According to Uhlmann, scalpers provide the essential "liquidity" to make a solid commodity market. Because they are always there, trading during the slow periods, they react to the needs of the commercial interests. "When the commercials are buying, the scalper is selling," he explained.

Uhlmann's theory, however, has not been universally held by officials of the Board of Trade. According to a former board official, proposals to regulate the operation of scalpers have been under preparation for years.

"They always seem to get shot down at the end of the runway," he added, explaining that a majority faction at the Board, dominated by floor brokers, have always voted it down.

The former official, who asked that his name be withheld, believes that the broker-scalper is an "inherent conflict of interest.

"They're nothing but crap shooters out there. We should have stopped letting people have an opinion in the market for nothing years ago, but we never did," he added, pointing out that scalpers, because they are members of the board, pay only a tiny fraction of the margin that outside speculators put up.

"I remember one commercial broker who always used to raise the pitch of his voice when he had a big order on the floor. The locals (scalpers) knew that. Knowing that was the essence of their business."

If the commercial broker has a big buy order, the scalpers will try to "walk him up" or begin buying at a price higher than he is buying to force the market up, he explained. A similar, downward movement begins with a big sell order.

Scalpers, he maintains, may have been necessary in the early days of trading to provide a constant market, available for commercial users. "Now with the outside speculative business they've got, you could do away with the pit and match the buy and sell orders on a computer."

And Harry Fortes, a Chicago attorney who worked as a commodity broker and scalper for over 20 years, recently told a congressional committee that the scalper's impact was an inflationary one.

According to Fortes: "You've got the broker down there. He's got his deck and he knows what his orders are and he knows what his friends' orders are so he knows which way the market's going to go."

Fortes' experience with commodities was gained at the Chicago Mercantile Exchange, located three blocks west of the Board of Trade. It dominates national futures trading in live cattle, pork bellies, eggs and other markets which the Board of Trade is not involved in.

However, Fortes insists the process works about the same in both exchanges. Broker-scalpers often use their dual role, he asserts, to pull off market "squeezes" that force other speculators to pay huge prices to get out of trading before the time for actual delivery of a commodity is called for.

There are also "accommodation trades" in which the broker uses other friendly traders as straw parties to, in effect, buy and sell from himself at inflated prices, Fortes asserts.

Soybeans, he has argued, should never have risen above $6 a bushel under traditional supply and demand factors. "When did you ever see a time when the farmer would go to bed at night and wake up with his crops worth $50,000 more?"

Self regulation, Fortes asserts, is impossible. "As long as you're a member of the exchange, you've got a ——— good thing going and you keep your mouth shut."

Recently Fortes, 59, quit the Mercantile Exchange, where he served as vice chairman of the board, to take up a law practice which specializes in private antitrust suits against traders accused of market manipulations.

"As I stood there in the pit for over 20 years I tried to delude myself that I was doing a public service. But I knew I was a damn liar. It was no different than Las Vegas," he concluded.

There are other bits of evidence pointing in the same direction. The Securities and Exchange Commission, which regulates stock exchanges, slapped strongly restrictive regulations on scalpers in 1964 after 15 separate studies showed, in the words of an SEC report, that scalpers "as a group are usually buyers when the market is rising and sellers when the market is declining?"

Scalpers, the report concluded, tended to "accentuate price movements," and concentrated "in the active stocks, where additional liquidity is least needed." The SEC also found that the broker-scalper duality amounted to a "conflict of interest" that "arises between the commission broker's duty of fidelity to his customer and his opportunity to personally profit from his customer's investment decisions—perhaps at the customer's expense."

In 1965, investigators from the U.S. General Accounting Office reported that scalping had apparently widened the price range of soybean futures. They said that no definitive ruling could be made, however, because exchanges did not require that cards showing the individual trades be marked with the time of the trade, thus the chronology of trading could not be established.

Several veteran grain buyers also hold the same theory, including Gene F. Cottle, who buys soybeans for the A. E. Staley Co., a major grain company. He believes that some of the up and down gyrations of soybeans this year were the product of scalping activity.

All of these notions are being strongly resisted by the hierarchy at the board. Lee B. Stern, a broker and member of the Board's public relations committee, asserts that by trading for themselves, brokers become "better technicians" to fill orders.

While he admitted that there might be a temptation for brokers to enhance their income at the expense of outside orders, conflicts of interest seldom occur because the brokers police themselves, he added.

"The integrity of this institution is so tremendous that . . ." Stern left his sentence dangling in the air for want of a word to show how deeply he feels about the subject.

There are no public records of how many cases of conflict of interest come before the Board of Trade's disciplinary committee of floor brokers each year or what the committee's actions are.

According to board chairman Uhlmann, that is an internal matter. Uhlmann is equally convinced that there can be no widespread problem posed by the broker-scalper. If a broker traded against his own orders, it would probably be reported by his fellow brokers, he stated.

"You'd be amazed how brokers and traders would know who other brokers are buying and selling for. It's in the same manner in which poker players tell if each other is bluffing or not . . . these fellows have keen noses down there for what's going on," he said.

He concluded that any move to regulate trading by brokers for their own accounts would be "strongly resisted."

Uhlmann believes that all of the price gyrations are caused by outside influences on the market, beginning last summer with the massive Russian wheat deal, which, he said, started the spurt in soybean prices by monopolizing necessary transportation and elevator facilities.

"We want to take the emphasis off the role of the speculator and put it where it properly belongs and that is on the world conditions that led to the distorted marketing patterns that developed," he added.

Uhlmann resents any comparison between scalping and crap shooting. "Please be fair in saying that crap shooting is a dice game and speculating is a different game," he told a reporter.

Because the scalper, he said, works against the market, buying when the commercial representative is selling and vice-versa he helps "take the peaks and valleys" out of the price.

Why then has 1973 been the year of monumental peaks and valleys in grain prices,

forcing the Board to repeatedly impose trading limits and stiffen margin requirements?

"We try to be an orderly market, but you can be only as orderly as conditions will permit you to be," Uhlmann said in an interview during which he repeatedly asserted that floor activity this year has largely been mirroring the chaos caused by the shortage of anchovies off Peru and the drought in India.

"Those people who would put the blame on the futures market are the same people who would 'say' cancel all the insurance companies which there's a tornado.

"Obviously those insurance companies are having a hard time keeping their rates down. This has been a storm this year and it has been monumentally difficult to maintain order," Uhlmann added.

"If we hadn't sold wheat to Russia and had it rained in India and had Peru caught fish, prices for soybeans woud have been $3 instead of $10 and you wouldn't be here," he told a reporter.

Because of the drought in India, or for whatever other reasons economists may eventually assign to it, it is raining money in Chicago.

But commodity traders seem to be weathering the storm.

IN THE PIT, A "SCALPER" EARNS HIS

Eddie Schwartz plays a crucial but dimly understood role in the daily drama that unfolds every morning in the soybean pit at the Chicago Board of Trade.

He sees himself as a middleman, standing somewhere in the food chain between the farmer and the supermarket patron, as he stands there in the pit, hands upraised, shouting:

"Hundred may at five."

Translated, it means he wants to buy 100 contracts calling for delivery of soybeans next May at $7.95 a bushel, which happens to be 2 cents higher than the previous price. That amounts to a commitment to buy 500,000 bushels of soybeans, or over two trainloads.

Within seconds a man standing nearby shouts, "Sold." Both men scribble little notations on cards. Soon the price for May soybeans futures is $7.95.

That is the part of Eddie's work that he is proud of. "When that comes across on the ticker," he told a reporter, "that is the world price for May soybeans."

There are apparently other facets of Eddie's job that he is less proud of. The main condition of a recent interview was that his real name (which is not Schwartz) could not be used.

The most interesting part of Eddie's job is that he is a full-time scalper, one of about 150 who own seats on the Chicago Board of Trade.

He does not represent anyone in the grain business. He does not broker orders from outside speculators. Eddie works for himself.

When the price of May soybeans went up 2 cents, to $7.97, he quickly sold his hundred contracts. The 2-cent difference means he will pocket almost $10,000.

Recently during the hectic, record trading in the soybean pit Eddie asserts he has bought and sold the limit imposed on him by board rules, 3 million bushels of soybeans in the first half hour of trading. He sells what he buys, rarely keeping any contracts overnight.

How does Eddie know if soybeans are going up? Does he study world crop reports? Does he know about the failing anchovy catch off Peru and other factors of world protein demand?

Eddie smiles benevolently at the question. "The average guy out on the floor is a gambler. Its just like poker or craps. Ninety percent of floor traders (scalpers) are just crap shooters."

If you're out there long enough, you have a feel for the action, but you don't always know. All I'm thinking about when I'm out there is buy it at half a cent up and sell it at three fourths. . . . That's all I think about."

"What I am is like an underwriter. I'm saying give me a quarter of a cent," he added, explaining that up until this year, scalpers have traditionally worked on tiny, fractional price changes. This year, because of erratic spurts in soybean prices, the game is riskier because the price sometimes gyrates over an 80-cent range.

He sees himself as a "stabilizing factor," a risk taker who helps—if only for a moment—provide the speculative money needed to help commercial food processors hedge against price changes.

"In many respects I will fade them (commercial interests). I am a fader anyway," said Schwartz, using gamblers' slang for taking the opposite side of a bet. When commercial interests are selling futures, he asserts, he is usually buying.

Eddie, 43, a well-known trader on the floor, was once in the commercial grain business. He became a floor broker about 10 years ago and found himself placing sophisticated "spread" orders for outside speculators.

Spreading, also known as arbitrage, is a kind of a bet on the relative price difference between two different markets, say between May soybeans and December soybeans. "I did that for about two months and I found I could fill the spreads so much better for myself that I thought this is what I want to do."

"I like to trade on the floor. I tend to be very competitive and it fulfills a real need for me. I can't go out and play football anymore, like I used to, but this is like being Johnny Unitas. It's a combination of physical and mental at the same time."

"People who worry about the cash grain business make poor speculators," Eddie asserts. Many of the older, more experienced scalpers lost "fortunes" this year because they believed that soybeans could never go over $6 a bushel, he said.

"Those younger guys who bought when they went over $6 bought with their eyes closed, but they turned out to be right." "It's been weird out there this year."

Schwartz regards floor brokers, men who handle orders for other people, as "mechanics" and believes they should not be allowed to scalp at the same time because of a possible conflict of interest.

"Of course when I say that," he added, "you could say it is self-serving because I would get more of the action."

He also is aware that farmers and other people in agriculture often take a dim view of speculators. That's because they don't appreciate the risks he is taking for them, he adds.

"What does a farmer risk? All he has to worry about is the weather."

Finally, he is also familiar with a ruling adopted by the Securities and Exchange Commission that has all but ended the role of the full-time scalper on the floors of major stock exchanges.

The ruling came after several SEC studies concluded that floor scalpers held an unfair advantage over outside speculators and that their activities tended to "accentuate price movements" in the most active stocks.

"That ruling," Schwartz concluded, "is why the stock market is dead.

—JOHN FIALKA.

[From the Washington Star-News, Sept. 25, 1973]

PRICING "POLICEMEN" FOUND LOOKING THE OTHER WAY

(By John Fialka)

The huge speculative waves that have swept across the nation's food pricing system have caused heavy damage to a government-regulated mechanism that is supposed to protect the food business and the public from the vagaries of price fluctuation.

According to dozens of farmers, elevator operators and others in the business of raising and handling foodstuffs, the damage is likely to appear in the form of still higher prices to compensate them for greater business risks.

There is mounting evidence that some of the damage has occurred because the "policeman," the Department of Agriculture's Commodity Exchange Authority (CEA), which is supposed to regulate commodity exchanges, has a long-standing tradition of looking the other way.

This summer the policeman has been following tracks in all directions. It has launched an investigation into possible manipulation in trading of both July corn and soybean futures, trading which produced headline-grabbing record prices of near $12-a-bushel soybeans and $3.80-a-bushel corn.

"Something's wrong there," CEA's director, Alex C. Caldwell, told a reporter. Because the futures price gyrations often outdistanced cash prices there is a possibility of someone having a "squeeze" or a kind of corner on the markets, said Caldwell.

Caldwell also thought there was something wrong with price activity in another favorite of commodity speculators—pork bellies or frozen uncured bacon. The CEA asked the Chicago Mercantile Exchange to stop trading in July and August pork bellies. The exchange complied.

There was also something apparently wrong with August and September soybeans at the Chicago Board of Trade. The CEA asked the board to stop new speculation in those months.

Meanwhile the exchanges themselves have had to wrestle with extremely volatile prices by raising margin requirements and constantly adjusting trading limits.

All of this, the price volatility, the apparent manipulation, the frantic attempts to keep the mechanism under control, have caused a kind of erosion of faith in the system by people who have used it for years.

For years, the nation's futures markets have served as a kind of insurance company for the food business.

The speculator, the man who buys a contract for the future delivery of a commodity makes a kind of bet that the price will increase. He has had his counterpart in the "hedger," the farmer, the elevator operator or the food processor who must keep stores of grain of other foodstuffs on hand as part of his business.

The hedger sells contracts for future delivery of whatever he has on hand in a kind of bet that the price will go down. If it does, he will lose money on his grain, but make money on his futures transaction, thus he "hedges" himself against loss from price fluctuation.

In theory, the speculator takes the risk and the hedger buys peace of mind. Not so this spring.

Mike Graves, who operates three small elevators near Estherville, Iowa, was one of the lucky ones; he saw the waves coming.

Because of a chronic boxcar shortage in northwest Iowa, Graves had hedged tons of grain he could not move. As the first early surges of prices hit, he began getting repeated margin calls from his commodity broker. Finally, he noticed he had borrowed $1.2 million.

That was about four times more money than he'd ever owed in his life. He did not sleep nights.

Finally he sold all of his hedges, taking a small loss. "I said, boy let's get out of this thing or it will kill us," Graves recalls. "The interest was eating us up."

Graves is not sure what he will do for pro-

tection this year. If he can't get the farmers to store their grain until boxcars materialize, he feels he will have to take an "awfully big" profit margin to assume the risk himself.

Some were not so lucky. According to Argie Hall, principal grain trader for the Farmers Grain Dealers Association of Iowa, the "runaway markets" created an "impossible hedging atmosphere" in which hundreds of small elevator operators were forced to put up enormous margins or were "trapped" in hedges that they could not remove before the hectic trading drove prices up to the daily limits.

L. C. "Clell" Carpenter, vice president of a Missouri farmers association, recently told a congressional committee that the "excessive paper trading" in soybeans contributed to the killing of pregnant sows and smothering baby chicks by farmers who watched the price of soybeans—the principal ingredient of the animals' feed—rocket from $7.00 to $12.90 a bushel.

The gyrating prices also damaged another traditional use of commodity futures prices, that of a basic demand indicator.

According to George Lawrence, vice president of Penick & Ford Co., a major Iowa corn processor, trading in the last months of futures contracts this year "have gone crazy" making them a poor guide for merchants.

"Take September corn for example," he added, "that's a marbles game."

And there are signs that even speculators are losing faith in the system. The Chicago Board of Trade, which had a booming year in almost every other category, recently announced that speculators in soybeans dropped by about 8 percent over last year.

Dick Collins, manager of H. S. Kipnis Co., Washington's oldest commodity brokerage firm, said he has been advising his customers in recent months to "stay out of the market."

The main reason for the move was for his own protection in the face of bouncing prices. "What do you do if a guy suddenly gets in debt to you for $100,000. Jesus, how do you collect it?"

On one occasion, Collins said, a Kipnis broker was physically unable to nudge his way into the soybean meal pit at the Chicago Board of Trade to carry out a customer order because of the jam of traders in the pit.

"I've advised my brokers to get equities from new customers and put them in treasury bonds. The time will come when this whole damn thing corrects itself," said Collins.

"Meanwhile you just don't go to Las Vegas and stand there and blow your money. We plan to be around for a while," he added.

The Commodity Exchange Authority was created by Congress in 1936 to "provide a measure of control over those forms of speculative activity which too often demoralize the markets to the injury of producers and consumers and the exchanges themselves."

Recently investigators from Agriculture's Office of the Inspector General (OIG) who performed an internal audit on the CEA and its dealings with commodity exchanges dredged up a small mountain of evidence that the agency has not been doing its job.

The study, a copy of which has been made public by a House Appropriations subcommittee, concluded that the CEA "did not make adequate analysis, inquiries and conclusions" on trading "where there were strong indications of price artificiality or manipulation."

In examining records at the nation's major commodity exchanges, the OIG investigators found "evidence of direct and indirect bucketing of consumers orders, accommodation trading, excessive trading between brokers . . . and matching customer orders."

(Bucketing is the filling of a customer order to buy or sell a futures contract at an inflated price without bidding for the contract on the trading floor. An accommodation trade is a non-competitive transaction between two or more conspiring floor brokers at an inflationary price.

(Matching a customer order is done by a broker who places a similar order for his own personal account before executing his customer order. If the market moves during the transactions, it is the broker who gets the cheaper price.)

(All the above practices are illegal.)

"We found transactions," the investigators added, "where the same broker was on both sides of a trade and where trading between combinations of brokers (was carried on) to such an extent to indicate that such trading was prearranged."

One case of manipulation unearthed by the OIG happened in November 1969, under the very nose of a CEA investigator who later wrote that trading in November potatoes at the New York Mercantile Exchange ended "in an orderly fashion."

According to the OIG, one contract for delivery of a carload of November potatoes was sold and resold 35 times on the final trading day by a team of three brokers at ever increasing prices.

On occasions when the CEA has caught brokers performing all manner of market manipulations, the report notes, the penalties imposed have amounted to little more than a slap on the wrist. For instance, in a trade practice investigation in 1969 at the Chicago Mercantile Exchange:

"Violations included matching customer orders, taking the opposite side, trading noncompetitively, making fictitious trades, entering into prearranged transactions, making false entries on trading cards and causing false records to be made."

In February 1971, the CEA rounded up 22 members of the exchange and made them sign statements promising that, in the future, they would comply with trading rules.

The classic case of non-punishment, however, involves Cargill Inc., one of the nation's largest grain trading companies, which was found guilty of manipulating the wheat futures market in 1963. The CEA took 7½ years to mull over the case before handing down its decision.

Although the agency has the power to ban a company from trading, it decided to put Cargill's top officers on probation instead. Later, one of Cargil's traders admitted to a House subcommittee that he could not remember whether he was still on probation or not.

The OIG investigators found that one reason CEA has difficulty making cases is that many of its reports "were filed incorrectly or not filed at all."

"Large traders are not policed for trading in excess of (maximum) limits if they do not report or are not required to report."

And the OIG discovered that no one in the eastern or central regions of the CEA could recall "any instance where administrative action was taken to invoke the penalties" for failing to file required reports. One large trader was discovered to have systematically filed erroneous reports since 1948.

"CEA investigators," their report added, "had little investigative background" and were "poorly trained." During a recent reorganization of the agency, it noted, most of the knowledgeable field investigators wound up in Washington.

Although CEA staff sometimes referred complaints to the disciplinary committees of the Chicago Board of Trade and other major exchanges, the OIG found little evidence that the Board of Trade and the other exchanges did much in the way of self-regulation.

Our audit disclosed that the CEA cannot rely to any great extent on exchanges carrying out their responsibilities of maintaining adequate surveillance over the trading activities of floor brokers," the investigators stated.

Finally, the OIG noted that the CEA was not making studies that would show whether "scalpers" or floor traders trading for their own accounts were a cause of viola tile price movement.

"This has been due primarily to the lack of a staff able to understand the intricate mechanism of the marketplace," the study asserts.

Despite the damning conclusions of the OIG report and evidence of the recent chaos of the marketplace, Caldwell and other Agriculture officials appear to remain convinced that floor trading activity does not tend to influence prices and that traders can still do much of the job of policing themselves.

For instance, Caldwell has a "test study" made by his staff on potato futures trading in 1968 at the New York Mercantile Exchange which concluded that scalpers "restricted" price movements.

"That shows you really don't need a big study on that," said Caldwell, who has recently focused his staff's efforts on more random, smaller market investigations.

"I don't think that should be top priority," said Caldwell's boss, Clayton Yeutter, assistant secretary of Agriculture, referring to the possibility of a thorough study of the operation of scalpers.

"We have bigger fish to fry than that," Yeutter added. Among the "big fish," he added, are proposed legislative changes which he said he could not disclose, a computerized remedy to CEA's report filing problems, and a major effort to persuade commodity traders that they should do a better job of collecting data and investigating themselves.

"We ought to make sure that the exchanges regulate more vigorously," said Yeutter, who said that he has "jawboned" traders at every opportunity in recent weeks.

Yeutter also hinted that there might be a "small" increase in CEA's staff. (The CEA has 160 employes to regulate a business that generated a trading volume of $268.3 billion in the 1973 fiscal year ending June 30. The Securities and Exchange Commission, which regulates the stock market, had 1,656 people to monitor a trading volume of a little over $195 million during the same period.)

According to both Yeutter and Caldwell, much reliance will be placed on a new computer system that will be trained to collect data and decipher floor activity.

The computer effort began in 1971, when Caldwell, who has traditionally been wary about asking Congress for more staff, cut 20 staff positions to help pay for a computer.

CEA staffers pumped much of the data from the million reports they receive each year from traders into the machine and asked it to pinpoint suspicious trading patterns. The computer kicked out numerous trades, most of which, upon further investigation, turned out to be legitimate.

"The computer," Caldwell later explained to a House Appropriations subcommittee, "broke down on step 2. It could not tell us which particular trades really needed investigation. So it was really of no help to us at all."

Still, Caldwell felt there was a future in using the computer to track manipulators. He searched among the "handful" of agricultural economists in the world who understand commodity trading for a man who knew floor trading activity and could harness a computer to track it.

He found the man at the University of Hawaii and gave him a grant to develop the system. Midway through his efforts, however, the expert died.

"He apparently didn't tell any of his associates much of what he was doing," Yeutter said. "Much of what we've seen is not going to be usable."

While the CEA struggles to find another way to use its new computer, world events

have provided some additional pressure for accurate trading data.

Investigators from the Senate Government Operations Committee who were combing CEA records found that major trading companies understated their reports of futures trading during the 1972 Russian wheat deal by millions of bushels.

They also found that it would be virtually impossible to see whether there was manipulation at the Kansas City Board of Trade during the Russian deal because there was no requirement that trader's buy and sell orders be timed, thus no way to tell the order in which trades were made.

Then there is the problem with foreigners. Caldwell told the Senate committee that he could not be certain whether the Russians were or were not in the futures market at the time of the trade.

And Caldwell refuses to comment on persistent rumors that part of the reason for gyrations in recent soybean trading was because Japan and certain Common Market countries were using the futures market to hedge later orders for soybeans.

Despite the turmoil, the CEA has strong defenders. Most of them are in the group of futures traders that the agency is supposed to be regulating.

"Boy are they tough on us," asserts Lee B. Stern, a broker and head of the public relations committee of the Chicago Board of Trade. "If we miss a report or something, they are on the phone the morning after."

Among the merchants who are principally engaged in trading the real, cash agricultural products, however, the CEA's support appears to be dwindling.

"I have yet to meet one of those guys," said one Chicago grain buyer, referring to CEA employes, "who really knew much about the grain business."

Last week executives of Cargill, Inc., told a House subcommittee that they felt the CEA should be removed from the Department of Agriculture, given a larger more expert staff, and set up as an independent agency similar to the SEC.

Their recommendation and others similar to it may fall on deaf ears in Congress, however. According to sources close to the House Agriculture Committee, William R. Poage, D-Tex., the committee's chairman, has been reluctant to get involved in an investigation of futures trading because of the complexity of the subject.

He is also, they asserted, opposed to the removal of the CEA from the Department of Agriculture because, as one source put it, "that would take it away from his jurisdiction. He regards it as part of his turf."

If there is a good sign emanating from the growing controversy over the CEA, it may be that it has generated some new ideas for reform within Agriculture. Caldwell accepts some, others he rejects out of hand.

For instance, he believes that the CEA should have injunctive powers to stop apparent manipulation on the spot. He also thinks that futures contracts should be changed to include more places for delivery outside Chicago. This would make it harder for speculators to operate during the final, delivery month of a futures contract.

Could the CEA require exchanges to keep track of the exact times that floor trades are made, thus permitting a true study of trading patterns?

Caldwell doesn't think so. "We've thought of that, but it would slow down trading," he said.

By Mr. JACKSON (for himself and Mr. FANNIN) (by request):

S. 2487. A bill to provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend section 3(b) of the Wilderness Act, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, by request, I send to the desk on behalf of myself and the Senator from Arizona (Mr. FANNIN) a bill to provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend section 3(b) of the Wilderness Act, and for other purposes.

Mr. President, this draft legislation was submitted and recommended by the Department of Agriculture, and I ask unanimous consent that the executive communication accompanying the proposal from the Secretary of Agriculture be printed at this point in my remarks.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 17, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: On February 21, 1973, we transmitted to the Congress a draft bill "To provide for the addition of certain eastern national forest lands to the National Wilderness Preservation System, to amend section 3(b) of the Wilderness Act, and for other purposes." The proposal has been embodied in S. 938.

In our letter of transmittal we indicated that the Forest Service was in the process of studying approximately one-fourth of the areas designated for review in the draft bill, and that we expected to be able within the near future to make specific recommendations as to their suitability for inclusion in the Wilderness System.

Interagency review of the areas we have studied has now been completed. Our reviews have been somewhat general, and have not been conducted with the same depth and intensity as have the studies of National Forest Primitive Areas which we have recommended for inclusion in the Wilderness System. Specifically we have not undertaken comprehensive mineral surveys, or formal public hearings as prescribed by section 3(d) of the Wilderness Act.

Congress has expressed strong interest in giving early consideration to the establishment of wilderness areas in the East. Our studies to date on sixteen specific areas strongly indicate that the mineral, timber, and other uses and values that would be foregone would have relatively little social-economic impact. Although formal hearings were not held on the sixteen areas, other means of public involvement, including informal hearings, were utilized. We also recognize that establishment of sixteen wilderness areas in the East would parallel the enactment of the Wilderness Act of 1964, which immediately established a number of wilderness areas primarily in the West.

We therefore would not object to designation as wilderness of sixteen of the fifty-three study areas listed in S. 938. These sixteen areas are listed in an attachment to this letter and are specifically described in the enclosed wilderness reports for the individual areas.

Also enclosed is a revised draft "Eastern Wilderness Amendments of 1973" to provide for immediate designation of the sixteen proposed wilderness areas. The draft also contains a minor, technical revision of section 4(c) of our earlier draft. We recommend this revised draft be enacted in lieu of our earlier proposal.

In accordance with the provisions of subsection 102(2)(c) of the National Environmental Policy Act (83 Stat. 853), environmental statements have been prepared and are also enclosed.

A similar letter is being sent to the Speaker of the House of Representatives.

The Office of Management and Budget advises that there is no objection to the submission of this report and that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

PROPOSED WILDERNESS AREAS

1. Sipsey Wilderness, Bankhead National Forest, Alabama, 9,400 acres.
2. Caney Creek Wilderness, Ouachita National Forest, Arkansas, 10,200 acres.
3. Cohutta Wilderness, Chattahoochee and Cherokee National Forest, Georgia and Tennessee, 34,500 acres.
4. Beaver Creek Wilderness, Daniel Boone National Forest, Kentucky, 5,500 acres.
5. Big Island Lakes Wilderness, Hiawatha National Forest, Michigan, 6,600 acres.
6. Hercules Wilderness, Mark Twain National Forest, Missouri, 16,600 acres.
7. Whites Creek (Irish) Wilderness, Mark Twain National Forest, Missouri, 19,100 acres.
8. Southern Presidential—Dry River Wilderness, White Mountain National Forest, New Hampshire, 23,100 acres.
9. Ellicott's Rock Wilderness, Sumter National Forest, South Carolina, 3,600 acres.
10. Gee Creek Wilderness, Cherokee National Forest, Tennessee, 1,100 acres.
11. Bristol Cliffs Wilderness, Green Mountain National Forest, Vermont, 6,500 acres.
12. Lye Brook Wilderness, Green Mountain National Forest, Vermont, 14,300 acres.
13. James River Face Wilderness, Jefferson National Forest, Virginia, 8,800 acres.
14. Laurel Fork Wilderness, George Washington and Monongahela National Forest, Virginia and West Virginia, 8,300 acres.
15. Dolly Sods Wilderness, Monongahela National Forest, West Virginia, 10,200 acres.
16. Rainbow Lakes Wilderness, Chequamegon National Forest, Wisconsin, 6,600 acres.

By Mr. KENNEDY (for himself and Mr. PERCY):

S. 2488. A bill to amend title VII of the Older Americans Act of 1965 relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. KENNEDY. Mr. President, I am introducing today a 3-year extension of Public Law 92–258, the nutrition program for the elderly.

I am pleased that the distinguished Senator from Illinois (Mr. PERCY) who has been a strong supporter of this legislation in the past, has joined me as a chief cosponsor of the measure. In the House of Representatives, Congressman CLAUDE PEPPER who was chief House sponsor of the original bill, has introduced identical legislation. Congressman JOHN BRADEMAS, chairman of the House Education and Labor Subcommittee on the Aging, who also was a leader in the fight for adoption of this measure, has joined as a cosponsor.

The bill authorizes an additional $150 million for fiscal year 1975, $175 million for fiscal year 1976 and $200 million for fiscal year 1977.

The continued need for this program, which has as a goal the provision of hot

meals daily to low-income isolated elderly, is evident in a number of ways.

First, the reaction of the States to this program has been uniformly enthusiastic. To a certain degree, the title VII has stimulated expansion of all social services as State plans incorporate a comprehensive range of services that complement the nutrition program. All but two of the States have filed State plans for statewide delivery of these programs.

Second, the impact of inflation on the budgets of elderly persons has made the hot meal program a virtual necessity for vast numbers of elderly Americans. Hopefully, this program will be expanded through State action to meet additional numbers of elderly persons each year. Today, nearly 4 million elderly are receiving incomes of below the poverty line and their meager incomes are cut even further by the worst inflation that we have seen in this country since the end of World War II. The least that the Federal Government can do is try and provide some benefit to as many persons in need as possible.

Third, the continued support for this program from groups representing elderly Americans makes its extension essential. I have received supporting messages from the National Council of Senior Citizens, from the National Council on the Aging and from AARP. In each case, their support of full appropriations for fiscal year 1974 and the extension of this program represent a strong endorsement of the measure.

Finally, we continue to receive documentation of the special nutrition needs of the elderly. In the past, we had firm statements of support from the White House Conference on Food, Nutrition and Health, and the White House Conference on the Aging for a direct Federal responsibility to assure adequate nutrition to elderly Americans.

The White House Conference on Nutrition final report stated:

> The U.S. Government, having acknowledged the right of every resident to adequate health and nutrition, must now accept its obligation to provide the opportunity for adequate nutrition to every aged resident.

The White House Conference on Aging report stated:

> It is recommended that the Federal Government allocate the major portion of funds for action programs to rehabilitate the malnourished aged and to prevent malnutrition among those approaching old age.

I ask unanimous consent for these statements to appear at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KENNEDY. Mr. President, these statements and unanimous private testimony in favor of the program produced an 89 to 0 vote by the Senate in favor of the original measure on November 30, 1971. The House passed the measure 354 to 23 on February 7, 1972 despite the original opposition of the administration, and it was signed into law on March 22.

The support for the program is evident in the congressional approval of the full appropriations for the measure during the first year of its program. While the funds needed for implementing the program were delayed by vetoes for 15 months, it is now being funded at the full appropriations level. The House also has approved $100 million for fiscal year 1974 and the Senate hopefully may increase even that amount. Because of the impact of inflation, I have urged the Senate to raise the fiscal year 1974 funding level to $125 million.

Current estimates of the impact of the program by the Administration on Aging is that it will provide some 206,000 meals per day at the level of $100 million. Ultimately, we hope to more than double the number of participants in this program and expect that as the administrative structure is established that we may be able to expand its reach even further.

The nutrition program for the elderly was modeled on the enormously successful pilot nutrition projects funded in 1968. They demonstrated not only the feasibility of providing hot meals in group settings for isolated elderly persons but also the meals on wheels concept which has been so helpful to elderly persons unable to leave their homes because of illness.

While the bulk of the nutrition for the elderly program is designed to bring isolated older Americans together in a social setting where they can receive nutritious meals, programs have the option to provide meals on wheels arrangements where necessary.

I can conceive of no more important Federal program of assistance to the elderly than the nutrition for the elderly program. Elderly citizens spend nearly 30 percent of their income on food and rising prices have therefore had a greater impact on the elderly than on any other segment of the population.

Former Commissioner on Aging John B. Martin stated:

> I believe the Nutrition Program for the Elderly under the Older Americans Act is a major breakthrough for all older Americans.

I fully concur in this statement and believe that our experience in the next several years will demonstrate the beneficial impact this program will have on the well-being of the Nation's elderly. For in addition to providing basic nutritional value, the nutrition program for the elderly also fosters vital social interaction and meets the obvious needs of the elderly for a sense of participation in the community around them.

Too often, the isolation of the elderly has been accompanied by poor nutrition. The final result often is illness and early and unnecessary institutionalization.

The nutrition program for the elderly works to break that vicious circle. It provides the following benefits:

First. States guarantee that nutrition projects provide at least one hot meal per day for participating elderly persons within its jurisdiction and guarantee that meals contain a minimum of one-third the recommended daily dietary allowance for an elderly person. The program provides those meals a minimum of 5 days a week.

Second. The project is being carried out in sites easily accessible to the majority of elderly residents within the community. Schools, senior citizen centers, community centers, churches, and other public and nonprofit private settings are being used for the program.

Third. Out-reach and transportation services to locate the isolated elderly and assure the maximum participation of the elderly required.

Fourth. The sponsor provides a setting conducive to the expansion of the nutritional program to include information, recreation, health, and welfare counseling and referral services.

Fifth. In addition, preference for staffing positions, full or parttime, will be given to persons aged 60 or over. There is no reason why the programs run for elderly persons cannot be run by elderly persons.

Under this bill, the Federal Government underwrites the cost of equipment, labor, management, supporting services, and food under a 90–10 matching formula with the States.

We must not fail to meet the challenge of ensuring every elderly American the opportunity for adequate nutrition. Passage of this measure to extend the nutrition program for the elderly for 3 years is another vital step in that direction.

Mr. President, I ask unanimous consent that a copy of Public Law 92–258 and supporting material be printed in the RECORD at this time.

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

EXHIBIT 1

[Public Law 92–258, 92d Congress, S. 1163, March 22, 1972]

An act to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and eduaction projects, opportunity for social contacts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that act are respectively redesignated as sections 801 through 805.

SEC. 2. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the research and development nutrition projects for the elderly conducted under title IV of the Older Americans Act have demonstrated the effectiveness of, and the need for, permanent nationwide projects to assist in meeting the nutritional and social needs of millions of persons aged sixty or older. Many elderly persons do not eat adequately because (1) they cannot afford to do so; (2) they lack the skills to select and prepare nourishing and well-balanced meals; (3) they have limited mobility which may impair their capacity to shop and cook for themselves; and (4) they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp pro-

gram, commodity distribution systems and old-age income benefits, there is an acute need for a national policy which provides older Americans, particularly those with low incomes, with low cost, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior citizen centers, and other public or private nonprofit institutions where they can obtain other social and rehabilitative services. Besides promoting better health among the older segment of our population through improved nutrition, such a program would reduce the isolation of old age, offering older Americans an opportunity to live their remaining years in dignity.

"ADMINISTRATION

"SEC. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

"(1) administer the program through the Administration on Aging; and

"(2) consult with the Secretary of Agriculture and make full utilization of the Food and Nutrition Service, and other existing services of the Department of Agriculture.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

"ALLOTMENT OF FUNDS

"SEC. 703.(a)(1) From the sums appropriated for any fiscal year under section 708, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) of any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 706 and approved by such State in accordance with its State plan approved under section 705, but only to the extent that such costs are both reasonable and necessary for the conduct of such projects, as determined by the Secretary in accordance with criteria prescribed by him in regulations. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds or in kind resources from non-Federal sources.

"(d) If the Secretary finds that any State has failed to qualify under the State plan requirements of section 705, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan in accordance with the provisions of section 705, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds or in kind resources from non-Federal sources.

"(e) The State agency may, upon the request of one or more recipients of a grant or contract, purchase agricultural commodities and other foods to be provided to such nutrition projects assisted under this part. The Secretary may require reports from State agencies, in such form and detail as he may prescribe, concerning requests by recipients of grants or contracts for the purchase of such agricultural commodities and other foods, and action taken thereof.

"PAYMENT OF GRANTS

"SEC. 704. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"STATE PLANS

"SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which, in the case of a State agency designated pursuant to section 303 of this Act, shall be in the form of an amendment to the State plan provided in section 303. Such plan shall—

"(1) establish or designate a single State agency as the sole agency for administering or supervising the administration of the plan and coordinating operations under the plan with other agencies providing services to the elderly, which agency shall be the agency designated pursuant to section 303(a)(1) of this Act, unless the Governor of such State shall, with the approval of the Secretary, designate another agency;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (referred to herein as 'recipient of a grant or contract')—

"(i) to carry out the program as described in section 706.

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty or over. Recipients of grants or contracts may charge participating individuals for meals furnished pursuant to guidelines established by the Secretary, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

"(iii) to provide up to 90 per centum of the costs of such supporting services as may be necessary in each instance, such as the costs of related social services and, where appropriate, the costs of transportation between the project site and the residences of eligible individuals who could not participate in the project in the absence of such transportation, to the extent such costs are not met through other Federal, State, or local programs.

"(B) to provide for the proper and efficient administration of the State plan at the least possible administrative cost, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in any fiscal year is approved by the Secretary. In administering the State plan, the State agency shall—

"(1) make reports, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of participation by the groups specified in subsection (4) of this section; and keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

"(ii) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

"(4) provide that preference shall be given in awarding grants to carry out the purposes of this title to projects serving primarily low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

"(c) Whenever the Secretary, subject to reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under

the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

"(d)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (a), or with respect to termination of payments in whole or in part under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Secretary if supported by substantial evidence, shall be conclusive; but the Court for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a project (referred to herein as a 'nutrition project') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, which the recipient of a grant or contract may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science-National Research Council;

"(2) to provide such nutrition project for individuals aged sixty or over who meet the specifications set forth in clauses (1), (2), (3), or (4) of section 701(a) and their spouses (referred to herein as 'eligible individuals');

"(3) to furnish a site for such nutrition project in as close proximity to the majority of eligible individual's residences as feasible, such as a school or a church, preferably within walking distance where possible and, where appropriate, to furnish transportation to such site or home-delivered meals to eligible individuals who are homebound;

"(4) to utilize methods of administration, including outreach, which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition project;

"(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements or ethnic backgrounds of eligible individuals;

"(6) to provide a setting conducive to expanding the nutrition project and to include, as a part of such project, recreational activities, informational, health and welfare counseling and referral services, where such services are not otherwise available;

"(7) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

"(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, of elderly persons who will themselves participate in the program and of persons who are knowledgeable with regard to the needs of elderly persons;

"(9) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of each particular type of such project;

"(10) to give preference to persons aged sixty or over for any staff positions, full- or part-time, for which such persons qualify and to encourage the voluntary participation of other groups, such as college and high school students in the operation of the project; and

"(11) to comply with such other standards as the Secretary may by regulation prescribe in order to assure the high quality of the nutrition project and its general effectiveness in attaining the objectives of this title.

"(b) The Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

"SURPLUS COMMODITIES

"SEC. 707. (a) Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition project commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the Act of Augst 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

"(b) The Secretary of Agriculture may utilize the projects authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 612c).

"APPROPRIATIONS AUTHORIZED

"SEC. 708. For the purpose of carrying out the provisions of this title there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974. In addition, there are hereby authorized to be appropriated for such fiscal years, as part of the appropriations for salaries and expenses for the Administration on Aging, such sums as Congress may determine to be necessary to carry out the provisions of this title. Sums appropriated pursuant to this section which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

"RELATIONSHIP TO OTHER LAWS

"SEC. 709. No part of the cost of any project under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 710. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profitmaking organization to carry out the provisions of this title and of the appropriate State plan."

Approved March 22, 1972.

THE CURRENT ALLOTMENTS UNDER PUBLIC LAW 92-258—ALLOTMENTS UNDER NUTRITION PROGRAM FOR THE ELDERLY

State	60 plus population	$100,000,000 appropriated
Total	28, 936, 791	$100, 000, 000
1. Alabama	475, 203	1, 570, 652
2. Alaska	12, 197	500, 000
3. Arizona	233, 729	775, 748
4. Arkansas	334, 603	1, 110, 948
5. California	2, 571, 747	8, 514, 078
6. Colorado	266, 890	881, 096
7. Connecticut	414, 991	1, 379, 108
8. Delaware	63, 815	500, 000
9. District of Columbia	103, 713	500, 000
10. Florida	1, 344, 185	4, 453, 370
11. Georgia	543, 299	1, 800, 052
12. Hawaii	67, 488	500, 000
13. Idaho	97, 963	500, 000
14. Illinois	1, 571, 497	5, 200, 388
15. Indiana	701, 393	2, 317, 668
16. Iowa	477, 392	1, 580, 228
17. Kansas	367, 545	1, 216, 296
18. Kentucky	476, 224	1, 580, 228
19. Louisiana	449, 386	1, 484, 456
20. Maine	165, 124	526, 742
21. Maryland	443, 561	1, 465, 302
22. Massachusetts	888, 972	2, 940, 182
23. Michigan	1, 089, 225	3, 601, 004
24. Minnesota	564, 373	1, 867, 542
25. Mississippi	320, 336	1, 063, 062
26. Missouri	783, 632	2, 595, 406
27. Montana	97, 171	500, 000
28. Nebraska	250, 396	833, 212
29. Nevada	48, 844	500, 000
30. New Hampshire	110, 272	500, 000
31. New Jersey	1, 011, 034	3, 342, 422
32. New Mexico	105, 158	500, 000
33. New York	2, 813, 580	9, 308, 986
34. North Carolina	614, 180	2, 030, 354
35. North Dakota	93, 813	500, 000
36. Ohio	1, 426, 582	4, 721, 530
37. Oklahoma	421, 310	1, 398, 262
38. Oregon	321, 207	1, 063, 062
39. Pennsylvania	1, 831, 564	6, 062, 330
40. Rhode Island	147, 164	500, 000
41. South Carolina	286, 272	948, 136
42. South Dakota	109, 740	500, 000
43. Tennessee	555, 977	1, 838, 810
44. Texas	1, 436, 955	4, 759, 838
45. Utah	112, 540	500, 000
46. Vermont	66, 453	500, 000
47. Virginia	538, 034	1, 781, 348
48. Washington	460, 089	1, 522, 766
49. West Virginia	278, 969	919, 406
50. Wisconsin	661, 349	2, 193, 166
51. Wyoming	43, 730	500, 000
52. American Samoa	1, 029	250, 000
53. Guam	2, 550	250, 000
54. Puerto Rico	258, 661	852, 366
55. Trust Territory	5, 045	250, 000
56. Virgin Islands	3, 630	250, 000

WHITE CONFERENCE ON AGING—RECOMMENDATION

NUTRITION

Introduction

We take it for granted that all older Americans should be provided with the means to insure that they too can enjoy life, liberty, and the pursuit of happiness. Adequate nutrition is obviously basic to the enjoyment of these rights.

Food is more than a source of essential nutrients—it can be an enjoyable interlude in an otherwise drab existence. Thus, provi-

sion should be made to meet the social as well as the nutritional needs of older people. A factor that adds dignity and significance to the life of the aged is the feeling that they too are useful and important. Assistance should be provided to make possible preparation of meals for themselves and others. Community meals, however, should be an alternative. Volunteer groups can be involved in such services as transportation, shopping, and distribution of hot meals. Young people should be encouraged to participate in these services and to join the elderly in meals.

All nutrition programs should be supplemented by appropriate educational measures. Older people should be protected from food quackery and unfounded nutritional claims. Lack of research, evaluation and communication leads to failure of otherwise good programs and to the perpetuation of poor programs. The search for more efficient and better means of providing for the good nutrition, health and happiness of older people should be a continuous process.

All recommendations regarding the nutrition of aging Americans should clearly include the elderly in small towns, rural and isolated areas, and the elderly in minority groups. Special cognizance must be taken of the long neglected needs of older Indians and other non-English speaking groups.

Recommendations

It is recommended that the Federal Government allocate the major portion of funds for action programs to rehabilitate the malnourished aged and to prevent malnutrition among those approaching old age. However, adequate funds should be allocated for a major effort in research on the influence of nutrition on the aging process and diseases during old age in order to give meaning and impact to the action programs. Appropriate research findings must be made available to all action programs.

Since approximately one-half to one-third of the health problems of the elderly are believed to be related to nutrition, we recommend that pilot programs be set up for the evaluation of the nutritional status of the elderly.

2. The Federal Government should establish and more strictly enforce high standards with specific regulations for the food and nutrition services provided by institutions and home care agencies that receive any direct or indirect Federal funds, require a high level of performance from State Government enforcement agencies, and when necessary, provide financial assistance to bring non-profit organizations up to standard. These standards should include such important areas as quality and nutritive value of food; methods of handling, preparing and serving foods; the special dietary needs of individuals; and the availability of and accessibility to nutritional counseling.

It is recommended that nutrition services and nutrition counseling be a required component of all health delivery systems, including such plans as Medicare, Medicaid, health maintenance organizations, home health services, extended care facilities, and prevention programs.

3. Government resources allocated to nutrition should be concentrated on providing food assistance to those in need. However, a significant portion of these resources should be designated for nutrition education of all consumers, especially the aged, and to the education by qualified nutritionists of those who serve the consumer including teachers in elementary and secondary schools, doctors, dentists, nurses, and other health workers. This can be accomplished immediately by increasing personnel and funds in existing agencies and institutions.

4. Federal Government policy must offer the older person a variety of options for meals, but should stress the favorable psychological values and the economies inherent in group feeding. The policy should require all Federally assisted housing developments to include services or to insure that services are available for the feeding of elderly residents and for elderly persons to whom the development is accessible. Where a meal is provided, it should meet at least ⅓ of the nutrient needs of the individual. The policy should also require the provision of facilities (including transportation) for food purchase and meal preparation within each household of the development. In addition, Federal policy should encourage and support community agencies to provide facilities and services for food purchase, meal preparation and home delivered meals (often called Meals-on-Wheels) for eligible persons living outside housing developments or in isolated areas.

5. It is recommended that the Federal Government assume the responsibility for making adequate nutrition available to all elderly persons of the U.S. and its possessions.

Minimum adequate income (at least $3,000 per single person and $4,500 per couple) must be available to all elderly. Until money payments are increased above this minimum level existing food programs should be strengthened, including nutrition education, to meet the needs of the elderly. Therefore, it is recommended that:

(a) In addition too store purchases of food, food stamps be used for the purchase of meals in participating restaurants, school and community settings, and any approved home delivery systems.

(b) The food stamp program must be structured to conform to the USDA low-cost food plan at no increase in the cost of food stamps to the recipient.

(c) As long as low income social security recipients are on fixed incomes they should be eligible for self-certification for food stamp and/or Public Assistance cash grants.

(d) Food stamp applications should be mailed with social security checks and stamps sent to older persons through the mail or by some other efficient, practical and dignified distribution method.

(e) The purchase of food stamps should be encouraged and facilitated by providing the first food stamp allotment without cost to the recipient, by permitting more frequent purchases and by distributing stamps at senior citizen centers.

(f) The approximately 1000 counties in the United States still using the Commodity Program must switch by December 31, 1972, to the Food Stamp Program for the individual feeding of the elderly. Until this is accomplished the Federal donated food should be made nutritionally appropriate, in packages of suitable size, and at readily accessible places.

It is recommended that the equivalent of a National school lunch program be established for Senior Citizens, not be limited to school facilities to low-income persons. Basic components of the program should be:

(a) All USDA commodities should be fully available on the same basis as to the school lunch program.

(b) Funding should provide for adequate staff, food, supplies, equipment, and transportation.

(c) Elderly people should be employed insofar as possible.

(d) Auxiliary services should be built in, including recreational, educational, and counseling programs.

It is recommended that nutrition specialists already in the field direct the recruitment of volunteers and/or paid part-time aides from among the elderly and train them to teach sound nutritional practices to older people in groups and in their homes. Qualified social workers should be utilized in getting client acceptance of the services being made available.

6. The responsibility for producing qualify food rests with the food industry. However, it is the responsibility of the Federal Government to establish and enforce such standards as are necessary, to insure the safety and wholesomeness of our National food supply, as well as improve nutritive value. To do this requires more personnel and funding. State requirements that meet or exceed Federal standards must be established, implemented, and monitored with Federal support. Particular attention should be given to both nutrient and ingredient labeling of feed products as a means of achieving greater consumer understanding. An inclusive list of the ingredients in any processed food should be made available by the manufacturer to the consumer on request.

WHITE HOUSE CONFERENCE ON FOOD, NUTRITION AND HEALTH—FINAL REPORT

PANEL II–4: THE AGING

Chairman: Edward L. Bortz, M.D., Senior Consultant in Medicine, Lankenau Hospital, Philadelphia, Pa., former President, American Medical Association.

Vice Chairman: Donald M. Watkin, M.D., Staff Physician, Veterans Administration Hospital, West Roxbury, Mass., former Program Chief, Research in Nutrition and Clinical Research in Gerontology, Veterans Administration.

Panel members:

William Hutton, Executive Director, National Council of Senior Citizens, Washington, D.C.

Juanita M. Kreps (Mrs. Clifton H. Kreps, Jr.), Ph. D., Dean of the Woman's College, Duke University, Durham, N.C.

Alfred H. Lawton, M.D., Ph. D., Associate Dean of Academic Affairs, University of South Florida, Tampa, Fla.

Constance McCarthy, Chief, Public Health Nutrition services, Rhode Island State Department of Health, Providence, R.I.

George Mann, Ph. D., Associate Professor of Biochemistry and Medicine, Vanderbilt University School of Medicine, Nashville, Tenn.

Father Anthony Rocha, Chaplain, Catholic Memorial Home, Fall River, Mass.

Sylvia Sherwood (Mrs. Clarence Sherwood), Ph. D., Director of Social Gerontological Research, Hebrew Rehabilitation Center for Aged, Roslindale, Mass.

Leola G. Williams (Mrs. Wilburn Williams), Director, Greenwood Center, Star, Inc., Greenwood, Miss.

Consultants:

Caro E. Luhrs, M.D., Special Assistant to the Under Secretary, U.S. Department of Agriculture, Washington, D.C.

Marie C. McGuire, Assistant for Problems of the Elderly and Handicapped, Renewal and Housing assistant, U.S. Department of Housing and Urban Development, Washington, D.C.

John B. Martin, U.S. Commissioner, Administration on Aging, U.S. Department of Health, Education, and Welfare, Washington, D.C. Also Special Assistant to the President for the Aging.

Gladys H. Matthewson, Nutrition Consultant, Community Health Service, Medical Care Administration, Region 6, U.S. Public Health Service, Kansas City, Mo.

Charles E. Odell, Director, Office of Systems Support, U.S. Training and Employment Service, Manpower Administration, U.S. Department of Labor, Washington, D.C.

Mollie Orshansky, Economist, Office of Research and Statistics, Social Security Administration, U.S. Department of Health, Education, and Welfare, Washington, D.C.

Nathan W. Shock, M.D., Chief, Gerontology Residence Center, National Institutes of

Health, U.S. Department of Health, Education, and Welfare, Baltimore, Md.

Marvin J. Taves, Ph. D., Director, Research and Development Grants, Administration on Aging, U.S. Department of Health, Education, and Welfare, Washington, D.C.

REPORT OF PANEL II–4

Preamble

The present crisis among the aged demands immediate national action to relieve poverty, hunger, malnutrition and poor health. Furthermore, positive measures are required throughout life to retard the premature debilitating aspects of aging.

Certain priorities exist:

1. Provision of adequate income to the aging.
2. Provision of adequate nutrition to the aging.
3. Provision of adequate health services to the aging.
4. Federal, State and local funding to insure immediate implementation of the above.
5. Prompt provision of substantial increases in Federal funding for support of education, research and development in nutrition and gerontology.

Recommendation No. 1: Meal Delivery

The U.S. Government, having acknowleged the right of every resident to adequate health and nutrition, must now accept its obligation to provide the opportunity for adequate nutrition to every aged resident. Immediate attention must be given to developing a new system of food delivery based on modern technical capability by which meals supplying a substantial proportion of nutrient requirements can be distributed to the aged through restaurants, institutions and private homes when this is necessary. Regional, urban and cultural differences in the United States will require that a variety of systems may be necessary to accomplish this goal.

The Administration on Aging within the Department of Health, Education, and Welfare and the Department of Agriculture should begin at once to implement a variety of meal delivery systems in the following ways:

1. Assemble a working party of scientists, industrialists and representative aged persons with experience in nutrition science, food preparation, food habits, and meal service who will review existing experience with low cost meals and meal delivery service.
2. Undertake permanent funding programs of daily meal delivery service, initially consisting of at least one meal for the aged needing this service and desiring it, in both urban and rural locations emphasizing the importance of the values of eating in group settings where possible. This service may be provided in restaurants, institutions or other suitable sites for the well aged or at home for the homebound.
3. Develop a system of reimbursement with either food stamps or coupons, as outlined in Recommendation No. 3 of this Panel, or credit cards which will be acceptable to the recipients and efficient for the system, and which will retain freedom of choice for the user.
4. Develop surveillance systems that will insure both the nutritional quality and the acceptability of the meals. The single daily meal will furnish at least one-half of the daily Recommended Dietary Allowance of the Food and Nutrition Board of the National Research Council. It may include foods to be eaten at other times during the day. The remaining allowance, especially of calories, may be obtained by the individual's initiative facilitated by income supplements and the revised food stamp program when necessary. The meal delivery system should extend to all areas as feasible systems are developed.

Recommendation No. 2: Increased income

Because diet quality and income are related, and because many older people do not have the income to provide adequate nutritious diets, immediate increases in the incomes of elderly people are a vital first step in freeing the aged from hunger and malnutrition.

Therefore it is recommended:

1. That social security benefits be increased by 50 percent and the minimum benefit raised from $55 to $120 monthly within the next 2 years, taking an additional 5 million people out of poverty and hunger.
2. That the public welfare system be completely revised to provide a Federal welfare program with adequate payments based solely on need of the consumer and with Federal financing and administration of welfare costs.
3. That the Federal Government assure all Americans the economic means for procuring the elements of optimum nutrition and health, and assure the distribution, availability and utilization of adequate information, facilities, and services.
4. That the Federal Government eliminate all barriers to adequate nutrition and health for all segments of the population, particularly those groups with special needs, e.g., the aged, the poor, the handicapped and minority groups, including those using languages other than English.
5. While the Panel on Aging joins other panels in endorsing a guaranteed annual income, we are concerned that older individuals, having contributed to and living within their social security benefits, may find their standard of living reduced. Therefore, we recommend that social security beneficiaries receive income in an amount at least of a level on parity with any implemented system of guaranteed annual income.

Recommendation No. 3: Food stamp program revisions

Supporting the position of Panel V–3, and supporting the policy position of the President that urges revision of the food stamp program as an interim mechanism for implementing the procurement of food by the poor; and supporting the immediate enactment by Congress of S. 2014 and urging the entire White House Conference to press for its enactment,

The Panel on Aging makes the following additional recommendations:

1. The food stamp program must be revised so that any individual or family receiving food stamps may purchase prepared meals with stamps. Restrictions in current legislation limiting eligibility for food stamps to those having adequate cooking facilities must be eliminated.
2. Eligibility for food stamps must be established on the basis of self-declaration under clear, simple, uniform, and widely published Federal standards.
3. Such standards must permit very low income persons and families to obtain stamps without cost. Those who purchase stamps must be permitted to purchase portions of their allotment at various times throughout the month.
4. The U.S. Department of Health, Education, and Welfare should initiate ongoing impact research to monitor and evaluate the effectiveness of the food stamp program in placing the resources for sound nutrition into the hands of all low-income Americans.

Recommendation No. 4: Education, research and development

It is recommended:

1. That the U.S. Government develop guidelines for a nutrition education program aimed at the elderly. This program should include an emphasis on physical activity and social interaction. These guidelines should give direction to mass media, voluntary and official agencies, advertising agencies and industry. To avoid preventable nutritional and health disabilities of aging, these guidelines should emphasize adequate nutrition education and practice throughout life.
2. That educational programs for the elderly be developed by competent, qualified health and social service personnel including those specializing in diet counseling, utilizing a variety of media. These programs should recognize educational reading levels, common language usage, and ethnic or cultural backgrounds, to provide a means of effective education and communication on all aspects of food supply, nutrition and health. These programs should include direct handout material, media programming and the training of indigenous senior citizens where possible as community workers in all service areas.
3. That Government funds be provided to augment training programs for preparation of professional and subprofessional workers in nutrition and gerontology.
4. That surveys of institutionalized and noninstitutionalized aged to be carried out with respect to their nutrition and health status and that these data be used to eliminate faculty diagnoses based on dietary deficiencies.
5. That because of the mental health problems associated with the problems of social isolation and inadequate nutrition, a National Commission for Mental Health of the Aged be established
6. That substantial funds be devoted to the support of basic and applied research as an investment for the future health and nutrition of the Nation. Since effective action programs are based on research findings, immediate action must be based on the best information currently available. However, it must be recognized that continued research on the basic nature of aging and its relation to nutrition is essential for progress in the future.

COMMENTS OF COMMUNITY ORGANIZATION TASK FORCE

Panel II–4: The Aging

The task force felt that residency and citizenship requirements for old age assistance should be done away with. The task force also felt social security benefits should be fully retroactive back to the time of first eligibility for those belatedly applying for benefits. Both of these suggestions were ignored by the panel on the aging.

NEW NUTRITION PROGRAM IS MAJOR BREAKTHROUGH FOR OLDER AMERICANS

Far too many older Americans have not been eating nutritionally adequate diets—for many reasons.

Some have incomes so low they cannot afford the proper food. Others have difficulties shopping. Some need nutrition education to know what foods they should eat; nutrition is, after all, a relatively new science.

And far too many are too depressed, too isolated and lonely, to enjoy meals eaten alone or even to benefit from nutritious foods.

I have reason to believe that any investment in improving the nutrition of older people will be substantially offset by savings in other publicly financed programs. We do not know how much poor nutrition is costing in Medicaid or Medicare dollars, let alone in misery, illness, and premature senility.

I believe the Nutrition Program for the Elderly under the Older Americans Act is a major breakthrough for all older Americans. It will benefit an estimated 250,000 of the 2½ to 3 million Americans 60 and older who may need nutritionally balanced meals. It will provide the meals in group settings which offer companionship in coordination with other needed services, including transportation.

Thus structured, and with its funding supplemented with other funds available under title III of the Older Americans Act, the Nutrition Program can provide a nationwide impetus for improved services for older people.

The Administration on Aging has been doing everything in its power to prepare for

the new program promptly and in full accord with the provisions of the new nutrition act.

The framework for the program was provided by experience obtained from 30 research and demonstration nutrition projects funded by AOA during the past 4 years.

Twenty-one of these AOA demonstration projects are continuing and will be brought into the new program.

In addition, the AOA has made 90 grants in 44 States for local planning needed to get the new national program into operation. And approximately 90 planning grants have been funded by States out of title II funds.

Final regulations for the program, signed by Secretary of Health, Education, and Welfare Elliot L. Richardson, were published in the *Federal Register* on Aug. 19. The *Manual of Policies and Procedures for the National Nutrition Program for the Elderly* is at press.

The $100 million program is included in the pending appropriation bill for the Department of Health, Education, and Welfare. Passage by the Congress is expected shortly, for signing by President Nixon. States will receive the allotments authorized under the Act soon thereafter and programs will be funded as rapidly as possible.

By June 30, 1973, it is expected that every State will be operating nutrition programs for the elderly in selected sites.

JOHN B. MARTIN,
U.S. Commissioner on Aging and Special Assistant to the President on Aging.

[From the Food Research and Action Center Newsletter]

BILL OF RIGHTS—THE NUTRITION PROGRAM FOR THE ELDERLY

The new Nutrition Program for the Elderly was signed into law March 22, 1972. You will hear the new program referred to as "the Nutrition Program." Public Law 92–128, or Title VII of the Older Americans Act.

The Nutrition Program for the Elderly is for all persons age sixty and over. Spouses of elderly persons may also participate in the program if they are younger than sixty. The Program must offer free or low-cost nutritious meals at least once a day, five days a week (with certain rural exceptions).

Although everyone over sixty is welcomed to participate, the Program is most important for low-income elderly. The project serving sites must be located in areas with high concentrations of low-income elderly. Low income is defined as that income below the current Department of Commerce, Bureau of Census, poverty threshold. For 1972, the poverty threshold is $1,959 for an individual over sixty-five, and $2,450 for an elderly couple.

Most importantly, the Nutrition Program for the Elderly should be administered by seniors. The Program was developed by Congress, with seniors, for seniors, to be run by seniors, and the success of the Program will be greatly increased if low-income elderly and their advocates actually run their own programs. In addition, sites serving large numbers of individuals from one minority group should be administered by that minority group.

The following rights guaranteed by the legislation and regulations should make certain that the program is beneficial to the participants. Of course, there is no reason to stop pursuing additional rights once these guaranteed rights are attained. Greater consumer participation in program planning, financial decisions, and hiring should be actively sought by low-income elderly and their advocates.

SUMMARY OF RIGHTS

1. The right of any person over the age of 60, and his or her spouse, whatever age, to participate in the elderly nutrition program. (45 CFR Sec. 909.3(a))

No one over sixty can be turned away by a federally funded elderly Nutrition Program. There can be no maximum number of participants. If the program is full to capacity, it could be expanded by staggered hours or by the opening of an additional site.

2. The right to participate in an elderly nutrition program without proof of income or age. (45 CFR sec. 909.44(b))

Membership in the Nutrition Program for the Elderly is to be based on personal self-declaration. You simply state that you are over sixty and would like to participate. No one can ask further questions of you or pry into your personal affairs.

3. The right to receive free meals (45 CFR Sec. 909.44)

The law guarantees that each participant has the right to decide whether or not he is able to pay for the meals. No income documentation is required and no one should ask for proof of income. You make the decision to receive your meals free. This is your right. Money saved can be used for other necessities.

4. The right to be protected from any form of discrimination if you receive free meals. (45 CFR Sec. 909.44(d))

Your decision to receive free meals is a personal decision, guaranteed by law. You are not to be subjected to separate lines, tickets, or different meals. All participants should be treated equally.

5. The right to pay whatever amount you choose. (45 CFR Sec. 909.44(b))

If you choose to pay, you may pay the amount indicated by the Project Council or any other amount you wish to pay. Your Project Council may only suggest, not demand, a fee or fees. If your income changes, you are free to change the amount you pay or to elect to receive a free meal.

6. The right of low-income elderly to have a serving site close to their place of residence. (45 CFR Sec. 909.38 (a) and (b))

The law states that the project area sites must be located in areas of major concentration of low-income elderly. This means that if poor elderly and representative community groups discover that an elderly nutrition project is about to begin or has begun in a wealthier section of their community, they have the right to demand that their state Office on Aging locate a project in their area as well.

If the state does not comply with this demand, you should obtain immediate legal assistance to challenge the decision of the state Office on Aging.

7. The right of every participant to be provided with supporting social services (45 CFR Sec. 909.42 (1)–(6))

Elderly participants should demand their right to the following supportive services: transportation, information and referral services, health and welfare counseling, nutrition education, shopping assistance, and recreation. They should determine what they want these services to do for them.

Applications and information for the Food Stamp and Food Distribution Programs should be available at the project site. Food stamps and commodities should also be distributed at the project site.

8. The right to one hot nutritious meal per day, five or more days a week (except in sparsely populated rural areas) containing at least the following: (45 CFR Sec. 909.40 (c))

(a) three ounces of lean meat, poultry, fish;

(b) two one-half cup servings of vegetables and fruit;

(c) one serving of whole-grain or enriched bread, or a serving of cornbread, biscuits, rolls, muffins, etc. made of whole grain or enriched meal or flour;

(d) one teaspoon of butter or fortified margarine;

(e) one, one-half cup serving of a dessert such as pudding, ice cream, etc.

(f) one-half pint of milk.

9. The right of the elderly participants to elect representatives from their membership to a project council. More than one-half of the project council must be participants. (45 CFR Sec. 909.37)

There must be a Project Council for the project area. The "project area" is that area that includes several serving sites. The serving site will most likely be administered by a larger organization. The Project Council for the "project area" must have a representative from each serving site, elected by the participants at that site. The number of representatives from the various sites must be more than half the members of the Project Council.

The regulations also encourage the formation of Site Councils. The members shall be elected from among the site's participants.

10. The project council shall make decisions concerning the following issues: (45 CFR Sec. 909.37 (a) (1)–(4))

(a) setting of suggested fee or fees;

(b) approval of menus;

(c) days and hours of project operations; and

(d) decor and furnishings of meal sites.

Federal policy (Administration on Aging's Policy Procedural Manual sec. 21.5 (f) encourages that the Project Councils also advise on the following:

(a) selection of paid staff and volunteers;

(b) preparation of the project's operating budget;

(c) evaluation of project effectiveness and achievements of objectives;

(d) existing and proposed services offered by the project;

(e) additional meat site selections.

The Project Council should be a strong advocate for the rights of the elderly in its community.

11. The right of persons over 60 to be given preference in hiring for all staff positions (45 CFR Sec. 909.35 (a))

The staff should also be representative of the minority individuals participating in the project.

12. The right of a program participant to receive home-delivered meals in the event of illness or other problems preventing his attendance at the project site. (45 CFR Sec. 909.41)

The regulations require that projects provide home-delivered meals, where necessary and feasible, to meet the needs of the elderly who are homebound.

If you become ill, or have an accident, you should receive meals at home until you are able to resume attending the program.

13. The right of any interested group of elderly citizens or persons involved with the elderly to apply to the state for funds to run a title VII nutrition program in their community. (45 CFR Sec. 909.24(a))

Priority must be given by the state to low-income groups desiring to run programs in sites with a high concentration of low-income elderly.

14. The right of minority individuals and groups to receive funds to run an elderly nutrition program at least in proportion to their numbers of eligible individuals in the state, (45 CFR Sec. 909.24(b))

To determine if a particular minority group has been treated fairly by the state, examine: the number of this minority which is elderly in the state; the number of this minority elderly in the areas of high concentration of low income elderly; and the number of projects run by this minority.

If 25 percent of the elderly in all the areas of high concentration of low income elderly are of one minority group, 25 percent of the serving sites in these areas should be run by this minority group.

15. The right of a project to receive ongoing training and technical assistance from the state office on aging both before and after a grant has been issued. (45 CFR Sec. 909.18 S909.27(a))

If your group would like to apply for nutrition funds and needs assistance with planning and proposals, request that the state send you a representative to give you assistance.

16. The right to a fair hearing if your application to run a program has been denied. (45 CFR Sec. 909.26)

If your group's application to run a Nutrition Program has been denied by the State, you should request a hearing immediately from the state.

If your rights are violated and your state or local sponsor contradicts the regulations and the law, write or call collect:

For Legal Assistance: Ron Pollack, Center on Social Welfare Policy and Law, 25 West 43rd Street, New York, New York 10036 (212) 354–7670.

For Technical and Organizing Assistance: Sallie Ruhnka, Food Research and Action Center, 25 West 43rd Street, New York, New York 10036 (212) 354–7866.

Mr. PERCY. Mr. President, I am pleased to join the senior Senator from Massachusetts (Mr. KENNEDY) in introducing today a 3-year extension of title VII of the Older Americans Act, the nutrition program for the elderly.

I want to take this opportunity to commend the distinguished Senator from Massachusetts for his leadership in this field. Our senior citizens have benefited greatly from his dedication to their cause and especially from his role as an advocate for the nutrition program.

Our bill is simple: We are extending the authorization for the existing program through fiscal year 1977. We are proposing to authorize appropriations of $150 million in fiscal 1975—the same level now authorized for fiscal 1974—of $175 million fiscal 1976, and of $200 million in fiscal 1977.

I have been involved in the effort to provide adequate nutrition for older Americans for many years. Two years ago we were successful in the fight to secure additional funding for 21 demonstration nutrition programs for the elderly. The success of these pilot projects was instrumental in convincing the Congress of the viability of providing hot, nourishing meals to the elderly in a group setting.

We passed the title VII program early in 1972 and President Nixon signed the bill in March of that year. He then requested that the program be funded at its authorized level—$100 million—during fiscal year 1973.

The Administration on Aging, under the able leadership of former Commissioner John B. Martin, issued proposed regulations for the program in nearly record time. After considerable public debate and discussion, the final regulations were promulgated little more than a year ago.

We all know that the implementation of the program was delayed because of the controversy surrounding the HEW appropriations bill for fiscal 1973. Money for grants to the States to pay up to 90 percent of the cost of establishing and operating congregate dining sites for the elderly did not become available until late this spring.

In short, a program which should have begun on July 1, 1972, is only now getting underway. And the authorization expires next June 1.

Mr. President, many of us considered the title VII program as a large scale demonstration program. We authorized the program for 2 years and we knew the funding we provided would allow us to reach only a small proportion of the elderly who might benefit from receiving one hot meal a day, 5 days a week, in a social setting.

We did this because we wanted to learn from the experience of the first 2 years of the program. Only after reviewing this experience could the Congress decide how best to assure all our senior citizens access to an adequate diet.

We do not have program experience to draw on, yet we are faced with the need to renew the authorization or to let it lapse. We cannot abandon the program now. What we are proposing today is simply to extend title VII for 3 years and to increase the funding level slightly—barely enough, I think, to maintain the same level of program activity over the next 3 years that is targeted for the end of this year.

A 3-year extension will provide the Congress ample time to evaluate the program after it is fully implemented and to decide to expand it, to modify it, or to allow it to expire.

Mr. President, I believe the nutrition program for the elderly has great potential to fill a major need among our senior citizens. Unusual circumstances have thus far prevented us from knowing if this potential can or will be realized.

Dr. Arthur Flemming, the present Commissioner of the Administration on Aging, is dedicated to this program and has appointed the one man in America who probably is more dedicated than himself to run the program for the AOA. That man is Dr. Donald M. Watkin, chairman of the Technical Committee on Nutrition, and chairman of the Study Panel on Nutrition of the Post-conference Board of the 1971 White House Conference on Aging.

I think this is a brilliant appointment. Now I think we need to give Dr. Watkin and Dr. Flemming the breathing room necessary to put the program into full operation.

That is why I am joining the senior Senator from Massachusetts in introducing this legislation.

By Mr. CHURCH:

S. 2489. A bill to amend title XVIII of the Social Security Act to prevent the imposition, under part B thereof, of more than one deductible with respect to expenses incurred for the purchase of any particular piece of durable medical equipment. Referred to the Committee on Finance.

ELIMINATING A DOUBLE DEDUCTIBLE CHARGE ON MEDICAL EQUIPMENT

Mr. CHURCH. Mr. President, I introduce for appropriate reference a bill to eliminate the possibility of charging two deductibles for one piece of medical equipment under part B of medicare.

Under present law it is possible for durable medical equipment—such as a wheelchair—to be subject to two deductibles in 2 different years. The net impact is that little or no reimbursement may be received by the elderly person covered by medicare. This situation seems to me to be particularly unjust.

Last year, Mrs. Chrissie Owen of Preston, Idaho, a victim of arthritis, purchased a wheelchair for cash payment of $159.50 in July 1972. She sought medicare coverage for this purchase, and it was her only claim for that year. Notification was received that the $50 deductible had been met for 1972, but she did not receive any compensation from medicare in 1972. In 1973, she received checks for $10.40 on January 10, 1973; $12 on January 29; $4.20 on February 26; and a statement in March that $23.75 of her deductible for 1973 had been met.

At this point Mrs. Owen saw that two deductibles were being charged to the same wheelchair and felt that this was wrong. I was asked to investigate. A report from the Social Security Administration advised that two deductibles were indeed being charged because: first, the law provides that purchases for medical equipment costing over $50 be reimbursed in installment payments, which in this particular case, extended over 2 years, and second, Mrs. Owen had no other medical expenses chargeable to medicare part B.

It is obvious from Mrs. Owen's case that the requirement for installment reimbursement and an annual deductible can result in an injustice that Congress did not foresee. While such cases are rare, I feel strongly that this loophole in the application of the annual part B deductible should be plugged. Surely the intent of the legislation providing coverage of needed medical equipment was not to put the burden of two deductibles on one piece of equipment. The amendment which I have introduced would eliminate this possibility, both for those who rent equipment and for those who buy equipment but are reimbursed on an installment basis.

Mr. President, I ask unanimous consent that the text of this 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. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 1833(b) of the Social Security Act is amended by inserting "(subject to subsection (f)(3))" immediately after "are determinable) shall".

(b) Section 1833(f) of such Act is amended by adding at the end thereof the following new paragraph:

"(3) The deductible imposed by subsection (b) shall, insofar as such deductible relates to expenses incurred by an individual for the purchase of any piece of durable medical equipment included under section 1861(s)(6), be deemed to have been met for any calendar year, if, for such calendar year and all preceding calendar years, there have been imposed, under subsection (b), reductions with respect to the purchase of such piece of equipment, the aggregate of which equals $60. In determining, for purposes of the preceding sentence, the amount of the reduction under subsection (b) for any calendar year with respect to the purchase of any such piece of equipment, there shall not be taken into account any expenses incurred with respect to such piece of equipment until account has first been taken of all other ex-

penses to which the deductible imposed by subsection (b) is applicable."

(c) The amendments made by subsections (a) and (b) shall be applicable in the case of durable medical equipment purchased after December 31, 1972.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 2490. A bill to assist States and local governments to improve their capabilities for meeting goals related to community development, adequate housing, public facilities and services, and other governmental concerns. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, on behalf of myself and Senator TOWER, I introduce for appropriate reference a bill to assist States and local governments to improve their capabilities for responsive and effective governmental action.

I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD.

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

SECTION-BY-SECTION SUMMARY OF THE RESPONSIVE GOVERNMENTS ACT

To assist States and local governments to improve their capabilities for responsive and effective governmental action.

SECTION 1. SHORT TITLE

This section would provide that this Act may be cited as the "Responsive Governments Act."

SECTION 2. STATEMENT OF FINDINGS AND PURPOSE

Subsection (a) would set forth the following Congressional findings that:

(1) The ability of our federal system of government to respond effectively to the needs of all citizens depends upon the strength and capabilities of Federal, State, and local governments;

(2) The full partnership of the Federal, State and local governments is necessary to deal effectively with the complex problems of this nation;

(3) The ability to plan and manage is vital to effective government, and will become even more critical to State and local governments as they are freed from the restraints of narrow categorical Federal programs and must assume added responsibilities for the use of broader forms of Federal assistance;

(4) Increased reliance should be placed on State and local resources to support the improvement of State and local planning and management capabilities, but Federal assistance toward such improvement is desirable to strengthen the federal system and promote the welfare of all citizens;

(5) Existing Federal assistance programs have not been directed at strengthening the overall capability of State and local officials to respond to the needs of their citizens.

(6) Federal assistance should be extended in a manner which affords State and local governments broad discretion in the use of such assistance in a manner responsive to the needs of the citizens.

Subsection (b) would declare that the purpose of this Act is to increase the capacity of States, units of local government and combinations thereof, to plan and manage all the resources available to them for achieving the goals of: (1) community betterment, in both rural and urban areas, that is responsive to the needs of the public; (2) adequate housing, public facilities, and public services to support an improved quality of life; and (3) conserving and protecting the environment and natural resources for future generations. Accordingly, this Act would assist States and units of local government in: (1) developing reliable information on their problems and opportunities; (2) developing and analyzing alternative policies and programs and making recommendations; (3) managing programs; and (4) evaluating the results, so that programs can be wisely revised or replaced.

SECTION 3. DEFINITIONS

This section would define certain terms as follows:

(1) "Secretary" would mean the Secretary of Housing and Urban Development.

(2) "State" would mean any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa or the Virgin Islands, or any combination of States or an organization representing a combination of States.

(3) "Unit of general local government" would mean any city, municipality, county, town, township, parish, village or other general purpose political subdivision of a State, or an organization representing two or more such units for the purpose of carrying out activities which may be assisted under this Act in a multi-jurisdiction area or an Indian tribe or Alaskan native village whose governing body performs substantial governmental functions, or the Trust Territory of the Pacific Islands.

(4) "Recipient" would mean any State or unit of local government which directly or indirectly receives funds under this Act.

(5) "Planning and Management" would mean—

(A) establishing governmental goals, objectives and policies, together with capital programming, plan coordination and other supporting activities, and could include:

(i) preparation, as a guide for governmental policies and action, of general plans with respect to (a) the pattern and intensity of land use, (b) the provision of public facilities and other government services (including transportation facilities) and (c) the effective development, conservation and utilization of human and natural resources;

(ii) long-range physical and fiscal plans for governmental policies and action;

(iii) programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definite financing plans for such expenditures in the earlier years of the program;

(iv) coordination of related plans and activities of State and local governments and agencies concerned; and

(v) preparation of regulatory and administrative measures in support of the foregoing; and

(B) conducting the executive function of planning, organizing, coordinating, directing, controlling and supervising an activity with responsibility for results, and could include:

(i) devising organizational arrangements and other methods for effective operations;

(ii) selecting and assigning executive personnel and program managers;

(iii) allocating resources to meet objectives;

(iv) recording and evaluating program development and progress;

(v) revising goals, objectives, policies and programs as appropriate to reflect evaluation, and

(vi) carrying out other activities pertaining to the conduct of governmental efforts in attainment of governmental purposes.

SECTION 4. ACTIVITIES ELIGIBLE FOR ASSISTANCE

Subsection (a) would set forth planning and management activities for which recipients may use Responsive Government Act funds including:

(1) identifying and evaluating the physical, social and economic needs and opportunities of the geographical areas under the jurisdiction of any State or locality;

(2) developing, analyzing and evaluating alternative policies and programs;

(3) establishing goals and objectives, evaluating the results of programs for achieving those objectives, and providing for program balance and coordination in response to State and local needs and priorities;

(4) developing, improving, modernizing and implementing specific governmental management processes, including personnel, revenue and resource allocation systems;

(5) improving governmental structures, authorities, and coordinating mechanisms (including expansion of the capacities of elected executive officials of State and units of local government and improved methods for obtaining effective public participation in policy-making), for dealing with the physical, social and economic complexities of modern society;

(6) providing (directly or through grants or contracts) planning, management, technical assistance, information, or advisory services to communities and agencies needing such assistance or services in connection with activities related to the purpose of this Act;

(7) procuring technical assistance in the formulation, implementation and evaluation of planning and management programs, and specialized or technical services available pursuant to Section 302 of the Intergovernmental Cooperation Act of 1968;

(8) participating in organizations for joint or common governmental or governmental and private action, including interstate action, in solving problems of development, planning, resource allocation or program management; and

(9) other activities or projects for planning and management consistent with the purpose of this Act, including activities relating to community development, resource utilization, housing and other governmental objectives.

Subsection (b) would prohibit the use of Responsive Governments Act funds to defray the cost of the acquisition, construction, repair or rehabilitation, or the preparation of engineering drawings or similar detailed specifications for, specific housing, capital facilities, or public work projects.

SECTION 5. AUTHORIZATION OF APPROPRIATIONS

This section would authorize appropriation, without fiscal year limitation, of such sums as may be necessary for the purpose of carrying out the Act.

SECTION 6. AUTHORITY TO PROVIDE ASSISTANCE

Subsection (a) would authorize the Secretary to make grants to States and units of local government to assist them in carrying out activities set forth in section 4(a). The Secretary would be authorized to provide or allocate assistance under this section directly to units of local government or through States in accordance with such considerations or objective factors relating to population, social, fiscal and economic conditions, or particular needs or governmental opportunities, as he may deem appropriate to further the purposes of this Act. In granting assistance through States, the Secretary would be empowered to impose limitations to assure an equitable consideration of the relative needs of units of local government within such States.

Subsection (b) would prohibit the Secretary from requiring the recipient of any grant which he makes under this section to provide any matching or make any other expenditure as a condition to such grant.

SECTION 7. STATEMENTS OF PLANNING AND MANAGEMENT ACTIVITIES

This section would require recipients of funds in any fiscal year to prepare, prior to receipt of such funds, a final statement of planning and management activities and projected use of funds. The section also

would require publication of the proposed statement at least sixty days prior to its final preparation in order to afford an opportunity for public review and comment and consideration of such comments by the recipient. The final statement would be made available to the public, the Secretary and, in the case of a unit of local government, to the Governor. Recipients would also publish, and furnish the Secretary, an annual report of activities undertaken with assistance provided.

SECTION 8. INTERSTATE AGREEMENTS

This section would give Congressional consent to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual support of planning and management activities under this Act as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

SECTION 9. NONDISCRIMINATION

Subsection (a) would prohibit any person in the United States on the ground of race, color, national origin, or sex from being excluded from participation in, denied the benefits of, or subjected to discrimination under any project, program or activity funded in whole or in part with funds made available under this Act.

Subsection (b) would require, the Secretary, whenever he determines that a recipient has failed to comply with subsection (a) or an applicable regulation, to notify the Governor of the State or, in the case of any other recipient which has received funds under this Act directly from the Secretary, the chief executive of the unit of local government or other organization recognized by the Secretary as representing a combination of such units, of the noncompliance and to request the Governor or the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed 60 days, the Governor or the chief executive officer fails or refuses to secure compliance the Secretary would be authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); (3) to exercise the powers and functions provided for in section 10 of this Act; or (4) to take such other action as may be provided by law.

Subsection (c) would provide that when a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State government or unit of local government or other organization recognized by the Secretary as representing a combination of such units is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

SECTION 10. REMEDIES FOR NONCOMPLIANCE

Subsection (a) would provide that if the Secretary, after reasonable notice and opportunity for hearing, finds that a recipient has failed to comply substantially with any provision of this Act, the Secretary, until he is satisfied that there is no longer any such failure to comply, must—

(1) terminate payments under this Act, or

(2) reduce payments under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act, or

(3) limit the availability of payments under this Act to programs, projects, activities not affected by such failure to comply.

Subsection (b) (1) would empower the Secretary, in lieu of, or in addition to, any action authorized by subsection (a), if he has reason to believe that a recipient has failed to comply substantially with any provision of this Act, to refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

Subsection (b) (2) would authorize the Attorney General upon such a referral, to bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover funds provided under this Act which were not expended in accordance with it, or for mandatory or injunctive relief.

Subsection (c) (1) would enable any recipient which receives notice, under subsection (a) of the termination, reduction, or limitation of payments, within sixty days after receiving such notice, to file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner would be required to transmit forthwith copies of the petition to the Secretary and the Attorney General of the United States, who would represent the Secretary in the litigation.

Subsection (c) (2) would require the Secretary to file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary would be considered by the court unless such objection has been urged before the Secretary.

Subsection (c) (3) would give the court jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, would be conclusive. The court would be authorized to order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary could modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he would also be required to file such modified or new findings. These findings with respect to questions of fact would be conclusive if supported by substantial evidence on the record considered as a whole, and he would also be required to file his recommendations, if any, for the modification or setting aside of his original action.

Subsection (c) (4) would provide that upon the filing of the record with the court, the jurisdiction of the court would be exclusive and its judgment final, except that such judgments would be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

SECTION 11. RECORDS, AUDIT, AND REPORTS

In order to assure that resources provided under this Act are used in accordance with its provisions, this section would require each recipient to—

(1) use such fiscal, audit, and accounting procedures as may be necessary to assure (A) proper accounting for payments received by it, and (B) proper disbursement of such payments;

(2) provide to the Secretary and the Comptroller General of the United States access to, and the right to examine, any books, documents, papers, or records as he requires; and

(3) make such reports to the Secretary or the Comptroller General of the United States as either may require.

SECTION 12. GENERAL PROVISIONS

Subsection (a) would require the Secretary to prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act.

Subsection (b) would authorize the Secretary, directly or by contract, to undertake evaluations of activities under this Act and would require the inclusion of an evaluation of the effectiveness of this Act in the annual report to the President on departmental activities required by section 8 of the Department of Housing and Urban Development Act.

SECTION 13. CONFORMING AND TRANSITION PROVISIONS

This section would provide that in addition to amounts authorized and appropriated under section 5, appropriations available for carrying out section 701 of the Housing Act of 1954 would be available until expended for the purpose of carrying out this Act. The provisions of this Act would be effective, in whole or in part, at such date or dates as the Secretary of Housing and Urban Development prescribes and the Secretary would establish procedures for the orderly transfer of Federal assistance activities from the authority of section 701 of the Housing Act of 1954.

By Mr. TALMADGE (by request):

S. 2491. A bill to repeal the provisions of the Agriculture and Consumer Protection Act of 1973 which provide for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains. Referred to the Committee on Agriculture and Forestry.

Mr. TALMADGE. Mr. President, by request, I introduce a bill requested by the Department of Agriculture to repeal provisions for payments to farmers in the event of crop failures with respect to crops planted in lieu of wheat or feed grains.

I ask unanimous consent that the letter from the Department of Agriculture be printed at this point in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 24, 1973.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: In preparing the administrative regulations necessary to implement the various provisions of the Agriculture and Consumer Protection Act of 1973, it has come to our attention that certain provisions contained in the wheat and feed grain titles of such Act appear to present an impossible administrative problem.

The provisions presenting the problem are the parenthetical phrases contained in sections 107(c) and 105(b)(1) of the Agricultural Act of 1949, as amended. These phrases provide that if a producer plants a nonconserving crop instead of wheat or feed grains, a payment equal to one-third of the target price for wheat or feed grains shall be made on the deficiency in production if, as a result of a natural disaster, the total actual production of such crop is less than two-thirds of the normal production of the allotment for the crop for which substitution is made.

We currently do not provide for determining farm normal yields for crops other than wheat, feed grains, and cotton. Although it would be possible to establish normal farm yields for some major crops such as soybeans and oats for which yield data are published annually for most States by the Statistical Reporting Service, it would represent an enormous administrative task. In addition, we cannot visualize how farm

normal yields can be determined for most minor crops which conceivably could be substituted for wheat and feed grains such as vegetables, guar, safflower, etc.

It is, therefore, respectfully requested that you consider amending P.L. 93-86, the Agriculture and Consumer Protection Act of 1973, as follows:

"Section 107(c) of the Agricultural Act of 1949, as amended, is amended by deleting the parenthetical phrase '(or other nonconserving crop planted instead of wheat)' wherever it appears therein."

"Section 105(b)(1) of the Agricultural Act of 1949, as amended, is amended by deleting the parenthetical phrase '(or other nonconserving crop planted instead of feed grains)' wherever it appears therein."

The foregoing amendments would limit production protection in the event of a natural disaster to the program crops, wheat and feed grains, and would be identical to the provision for cotton.

Sincerely,

EARL L. BUTZ, *Secretary.*

By Mr. RANDOLPH (for himself and Mr. ALLEN, Mr. BAYH, Mr. BENTSEN, Mr. BIBLE, Mr. BURDICK, Mr. ROBERT C. BYRD, Mr. CANNON, Mr. CHILES, Mr. COOK, Mr. CRANSTON, Mr. CURTIS, Mr. DOLE, Mr. DOMENICI, Mr. EAGLETON, Mr. EASTLAND, Mr. FULBRIGHT, Mr. HARTKE, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HRUSKA, Mr. JACKSON, Mr. MAGNUSON, Mr. MCCLELLAN, Mr. MCCLURE, Mr. MCGEE, Mr. MONTOYA, Mr. MOSS, Mr. HUGH SCOTT, Mr. SPARKMAN, Mr. STAFFORD, Mr. STENNIS, Mr. TOWER, and Mr. TUNNEY):

S.J. Res. 158. A joint resolution to set aside regulations of the Environmental Protection Agency under section 206 of the Federal Water Pollution Control Act, as amended. Referred to the Committee on Public Works.

Mr. RANDOLPH. Mr. President, today I introduce legislation to forestall actions by the Environmental Protection Agency which are both grossly unfair and contrary to the law. This joint resolution is introduced with the cosponsorship of 33 Senators. The willingness of these colleagues to support this legislation indicates the awareness in the Senate of the inequities that would take place under proposals by the Environmental Protection Agency. This measure is intended to declare null and void regulations promulgated by the Environmental Protection Agency for the distribution to the States of funds authorized by section 206 of the Federal Water Pollution Control Act—Public Law 92-500.

Section 206 provides for the reimbursement of 50 percent of project costs for all publicly owned sewage treatment works on which construction was initiated between June 30, 1966, and July 1, 1972. In cases where metropolitan area planning was involved the reimbursable Federal share is 55 percent. Each qualified project is intended to receive the amount necessary to provide a 50-percent Federal share, whether or not the project had received any Federal financial assistance or was eligible for a Federal incentive grant at the time of construction.

Subsection (d) of section 206 provides that in any year in which available appropriated funds are not equal to the total amount of reimbursement due all such projects, each qualified project shall be allocated its proportional share of available funds. Public Law 92-399 appropriated $1.9 billion for section 206 reimbursement in fiscal year 1973. The current estimate of total reimbursement due all qualified projects constructed from 1966 to 1972 is $2.4 billion.

The Environmental Protection Agency, however, published proposed regulations on June 26, 1973, which have the effect of illegally allocating all the appropriated funds into only one class of qualified projects, creating a priority scheme for the distribution of these funds which is inconsistent with the statute. These regulations are likely to be promulgated in final form this week.

The illegal allocation contained in these regulations would result in 24 States failing to receive any reimbursement funds out of the $1.9 billion appropriated, and 19 States receiving substantially less than the nearly 80 percent of their total reimbursement which an equitable distribution would provide. Since section 206 only authorizes $2 billion for such projects, the chance of these States receiving any significant share of the reimbursement to which they are entitled would be conjectural.

This joint resolution would set aside these regulations and direct the Environmental Protection Agency to republish regulations that are in conformity with the law. In addition, since otherwise under the statute all applications for reimbursement would have to be filed by October 18, 1973, and these redrafted regulations would not be available sufficiently ahead of that time, the filing date would be moved back until November 18, 1973.

The introduction of the joint resolution is an action I take with great reluctance and only after careful consideration of all alternatives. I have chosen this method of response to the Environmental Protection Agency proposals, however, because this is the method by which we can move quickly to avoid an extremely unwise, as well as illegal procedure. It is my hope that the Environmental Protection Agency will respond to an expression of congressional sentiment and take steps to immediately rescind its proposed regulations and replace them with procedures that are consistent with both the law and clearly expressed congressional intent.

I do not intend the introduction of this joint resolution to establish a precedent or to give any indication that Congress should regularly seek to legislatively change regulations with which it may happen to disagree. I have chosen the legislative route in this instance because of the short time frame within which we are operating. This is partially the responsibility of the Environmental Protection Agency which failed to inform the Congress of the implications of its action in sufficient time to permit a reasonable resolution of the problem.

I anticipate that the Committee on Public Works will quickly report this measure so that it can be acted on by the full Senate.

Mr. President, I ask unanimous consent that a table showing the funds estimated to be reimbursed to the States under both the law and the Environmental Protection Agency proposals be printed in the RECORD.

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

	EPA proposed distribution (estimated)	Distribution under Public Law 92-500 (estimated)	Difference
Total	1,912.5	2,461.1	548.6
Alabama		13.4	13.4
Alaska	10.0	10.0	
Arizona		6.0	6.0
Arkansas		7.6	7.6
California		44.6	44.6
Colorado		9.4	9.4
Connecticut	112.6	112.6	
Delaware	18.4	18.4	
District of Columbia	1.9	59.4	57.5
Florida	10.5	53.8	43.3
Georgia	3.4	62.5	59.1
Hawaii		2.2	2.2
Idaho		1.4	1.4
Illinois	61.2	65.1	3.9
Indiana	.8	8.5	7.7
Iowa		8.7	8.7
Kansas		8.0	8.0
Kentucky	.5	8.3	7.8
Louisiana		6.6	6.6
Maine	12.3	13.7	1.4
Maryland	47.7	47.7	
Massachusetts	9.5	9.5	
Michigan	116.9	130.5	13.6
Minnesota	12.6	22.5	9.9
Mississippi	.9	5.7	4.8
Missouri		30.7	30.7
Montana		1.8	1.8
Nebraska		2.7	2.7
Nevada		2.7	2.7
New Hampshire	10.8	14.6	3.8
New Jersey	38.1	45.9	7.8
New Mexico		2.3	2.3
New York	1,229.5	1,229.5	
North Carolina		21.8	21.8
North Dakota		1.2	1.2
Ohio	55.8	77.9	22.1
Oklahoma		7.5	7.5
Oregon	14.8	14.9	.1
Pennsylvania	34.5	67.2	32.7
Rhode Island	.1	.2	.1
South Carolina	.7	17.8	17.1
South Dakota		1.9	1.9
Tennessee	29.4	29.4	
Texas		29.4	29.4
Utah		2.8	2.8
Vermont		.9	.9
Virginia	3.1	20.2	17.1
Washington	.3	21.4	21.1
West Virginia		3.6	3.6
Wisconsin	73.5	73.5	
Wyoming		.5	.5
Guam			
Puerto Rico	2.7	2.7	
Virgin Islands			
American Samoa			
Trust Territories of the Pacific Islands			

Mr. CRANSTON. Mr. President, today I join the distinguished chairman of the Public Works Committee (Mr. RANDOLPH), my colleague Senator TUNNEY, and others, in a Senate joint resolution mandating the redesign of Environmental Protection Agency regulations governing distribution of funds under the Federal Water Pollution Control Act.

Under EPA regulations as now proposed, some 150 California counties and cities will lose eligibility for $44.6 million in Federal funds. These California communities are clearly eligible for water treatment cost reimbursements as specified in the law. But EPA has drawn its regulations so narrowly as to exclude California entirely.

Mr. President, the Environmental Protection Agency has acted illegally and outrageously in ignoring congressional intent. EPA's regulations, under which communities would be repaid for constructing publicly owned water treatment works, give the State of New York nearly $1 billion, but not a penny to California.

This is not what the Congress had in mind when it passed the Water Pollution Control Act of 1972. Therefore, I am cosponsoring this resolution, which will send EPA back to the drawing board with its regulations. EPA must rewrite its regulations to conform with the law, thus making California eligible for its fair share of the water treatment funds. Also, EPA is directed to extend the application date for reimbursements 30 days—to November 18—giving cities and counties more time to apply.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1401

Mr. GURNEY. Mr. President, I am today joining as a cosponsor of S. 1401, a bill to reinstate the effectiveness of the death penalty through the establishment of rational criteria for the mandatory imposition of the sentence of death.

In 1972 the Supreme Court held that Federal laws providing for the death penalty are unconstitutional, thus eliminating the death penalty as an appropriate punishment and deterrent for some 10 crimes such as murder, treason, rape, air piracy, and delivery of defense information to aid a foreign government. Additionally, the Supreme Court had held previously that certain statutes that authorize the death penalty are unconstitutional because, by permitting the jury rather than the court to impose the penalty, they inhibited the exercise of the right to demand a jury trial. S. 1401 is designed to cure the defects revealed in these two Supreme Court cases, *Furman* v. *Georgia*, 408 U.S. 238 (1972), and *United States* v. *Jackson*, 390 U.S. 570 (1968).

Congress has been slow to follow the lead of the States in reinstituting the death penalty where it is authorized. At this time some 17 States, Arkansas, Colorado, Connecticut, Florida, Georgia, Indiana, Montana, Nebraska, Nevada, New Mexico, Ohio, Texas, Utah, Wyoming, Arizona, and Tennessee, have apparently passed legislation which will revitalize the death penalty as an imposable sentence. Two other States, Delaware and North Carolina, have apparently construed existing statutes as still viable despite the two Supreme Court cases.

S. 1401 is applicable only to the more heinous of the Federal crimes calling for the death penalty: Wartime treason, sabotage or espionage, or murder, committed during the course of seven specified offenses or under other limited circumstances. Even so, the penalty still cannot be imposed unless the factfinding tribunal determines that the act was aggravated by one or more specified circumstances and that none of the enumerated mitigating factors was present. With its imposition thus proscribed, the death penalty will once again be fully effective consistent with the Supreme Court rulings.

Mr. President, the American people demand early action on this issue. To enable speedy consideration by the Senate, this measure was introduced separate from the voluminous Criminal Code Reform Act of 1973 proposal, S. 1400, as well as being included as sections 2401 and 2402 of that criminal code reform bill. It is my hope that the Senate will swiftly act upon the measure.

S. 1687

At the request of Mr. PROXMIRE, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 1687, a bill to repeal the act terminating Federal supervision over that property and members of the Menominee Tribe of Wisconsin as a federally recognized, sovereign Indian tribe.

S. 2334

At the request of Mr. INOUYE, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2334, a bill to amend title 5, United States Code, to provide for travel and transportation expenses on the return of an employee who was a past resident of certain areas outside the continental United States from a post of duty in the continental United States.

S. 2336

At the request of Mr. HELMS, the Senator from Arizona (Mr. FANNIN) was added as a cosponsor of S. 2336, a bill to provide objective definitions of unitary school systems for uniform court enforcement of the Civil Rights Act, and to relieve the congestion of court calendars by providing for the orderly release of continuing Federal jurisdiction over desegregated schools, and for other purposes.

S. 2397

Mr. MONTOYA. Mr. President, under Public Law 93-66, a 5.9-percent social security increase is scheduled to become effective in June of 1974. I would like to add my name and my support to S. 2397, as proposed by Senator CHURCH and others, to provide instead that a 7-percent increase be made effective in January of 1974. In giving my support to this measure I feel that I am joining other Members of this body in an emergency action.

Surely, if no other situation exists in the Nation today which deserves the label "emergency" the situation in which we have placed our senior citizens is one which does deserve that label.

We Americans consider that we are citizens of one of the more advanced nations of the world—advanced both in technology and in our enlightened form of government. We are proud that less advantaged peoples turn to us for help when they are hungry or ill. We are proud that we are affluent enough to respond to those pleas with foreign aid both through government and private resources. Even in the face of mounting economic pressures, a worldwide fuel shortage, a world food supply crisis, and increasing international problems, we are being asked this year to support a $5 billion increase in military spending and substantial military and other aid to less fortunate nations. As a leading industrial nation we have done all these things in the past and the administration is asking us to continue to do them in the future. We like to believe that as a nation we are well fed, well housed, healthy, warm in winter, and cool in summer—a successful nation full of hardworking and fortunate people.

It therefore comes as a new shock each time we are forced to look at the real truth about our senior citizens. Yet a recent report from the Congress of Senior Citizens tells of retired American workers who exist by living on dog food, by eating one meal a day at a church-sponsored charity, by shoplifting—stealing vitamins and cans of tuna fish in order to stay alive. Is this the same America which prides itself on being a leader of the free world?

The advance report of the Administration on Aging at HEW tells us that in 1972 20 percent of all families and more than half of all individuals in the 65 and over age group in this America were listed at the "near poverty" and "poverty" levels. The median income of those over 65 was less than half of that of other Americans: as though being old made it somehow possible to live by eating half a dinner or living in half a house.

The National Council of Senior Citizens has said, quite simply, "Every older person should have sufficient income to assure the American standard of living." Now that seems a decent goal, and one we would like to believe we could all approve. In fact, with increases in social security and medicare and medicaid, we in Congress have thought that that goal was in sight. However, inflation has turned our plans upside down, and the real facts today are shocking.

We must judge not by what we have said or what we have wanted, but by what we have really accomplished. If we do that, I am afraid we must admit that the only goal we can claim to have achieved is a weak attempt to provide those on social security with a less than poverty-level income. We cannot claim that social security average payments provide anywhere near the Bureau of Labor "moderate" income standards that is enough to maintain health and self-sufficiency at moderate levels. That would require $5,200 for a couple and $2,860 for single persons. More than half of all the elderly persons on social security are forced to live far below that level.

In my own State of New Mexico the total number of persons receiving social security benefits is 127,136, and the benefits total a little over $15 million monthly. Simple arithmetic provides us with an average monthly benefit of only $117, or an annual income of $1,404. That is a figure well below the Department of Labor's poverty level. The national average is $273 for a couple and $164 for a single worker, retired, and less than $160 for a widow. Averages do not tell the whole story, of course, but it is important to note that all of these figures are near the poverty level or below it. The legislation proposed in S. 2397 would raise those levels to $293 for couples, $177 for single retired workers, and $169 for widows. At the "old" poverty levels that would raise

most senior citizens above poverty—but of course inflation will make it necessary for the Bureau of Labor to rethink their figures as to what income level is needed to be in a nonpoverty group. All we are doing with the legislation I am discussing today is catching up to the "old" poverty figures.

In 1972 we made an effort to correct the inequities resulting from inflation and an average social security income which had already become a poverty trap for the retired workers of this Nation. Because of the ceiling limitation on money which could be earned, even those older workers who were able to work to add to their social security income were trapped between sharply rising costs and a fixed maximum income.

It was in an effort to break that trap that I introduced legislation earlier this year to raise the earned-income ceiling for social security recipients.

The 1972 legislation, passed over the objections of the administration, increased social security payments by 20 percent, and we further legislated a future increase of 5.9 percent to be effective in 1974. We were forced to accept a delay until June of 1974 for the implementation of that increase, and based our decision to accept that compromise on the administration predictions of only small increases this year in the CPI.

No American is unaware, of course, of the economic facts which have shot those earlier predictions into a cocked hat. Instead of the small increases predicted we have had skyrocketing inflation, and inflation which is most strong in food, housing, and medical care, which are the three areas most important in the budget of senior citizens. Very few older persons buy the expensive items which have had low rates of inflation since 1969: color TV sets, or whisky and beer. But the meat and poultry which cost $1 in 1969 now cost $1.50 and $1 worth of fruits and vegetable now cost $1.42. The same 50-percent increase in 5 years is found in the cost of a hospital room and medical care. Even with medicare helping to pay part of the expenses, the out-of-pocket medical expenses of the average senior citizen are now higher than they were before medicare. Older persons pay six times as much for health care as other Americans, and medicare pays less than half of that cost. Thus medicare has become only a form of "catastrophy" insurance: a system where regular and preventive care is not covered or not covered sufficiently to make it practical. And even that care is under attack by the administration, which recently moved to decrease Federal support by asking that approximately $1 billion be cut from the Government's share of hospital and physician costs.

The massive inflation in medical care costs hits every American, but it is most disastrous for our older citizens who need care the most.

A record-shattering rise in the price of food last month resulted in a 1.9-percent rise in the cost of living for 1 month; that is more than 22 percent on an annual basis. Most of that rise came from a rise in grocery store prices, a 7.7-percent rise for the month, which is an astounding rate of 92-percent increase on an annual basis. For the senior citizen who pays almost one-third of his small income for food, that makes eating a luxury he can no longer afford. So we find decent old people eating dogfood and stealing vitamins.

Housing, the budget item which takes 34 percent of the average senior citizen's income, has gone up more than 20 percent in 4 years, and property taxes and home maintenance costs have risen almost 40 percent. Retired workers who had planned for a decent and comfortable old age in their own homes are being forced by inflation to sell and become renters in an inflated rent market.

Mr. President, it is clear from all of these figures that an immediate increase in the social security benefit is an emergency need, one that cannot wait for many months while we struggle to contain an economy already beyond the control of our older citizens. The retired workers of this Nation did not create the teetering economic policy which has encouraged inflation. We can no longer ask them to suffer the indignities of poverty in an effort to control it.

It is true that we must make difficult decisions and reexamine every spending bill with care in light of our present real needs. I am sure that this Congress will do that. But we must cut spending where we can do it sensibly. To deny this increase in social security benefits is not sensible or even humane.

I am proud to join my name to those of Senators CHURCH, RIBICOFF, CRANSTON, CLARK, PELL, and HART, in support of S. 2397, to provide a 7-percent social security increase effective in January of 1974. I urge the unanimous support of my colleagues for this legislation.

S. 2439

At the request of Mr. HELMS, the Senator from North Carolina (Mr. ERVIN) was added as a cosponsor of S. 2439, a bill to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the New River as a potential component of the National Wild and Scenic Rivers System.

S. 2453

At the request of Mr. STEVENSON, the Senator from South Carolina (Mr. HOLLINGS), the Senator from Illinois (Mr. PERCY), and the Senator from Tennessee (Mr. BAKER) were added as cosponsors of S. 2453, to amend section 203 of the Economic Stabilization Act in regard to the authority conferred by that section with respect to petroleum products.

S. 2482

At the request of Mr. CRANSTON, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 2482, a bill to amend the Small Business Act.

SENATE JOINT RESOLUTION 124

At the request of Mr. NELSON, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 124, to establish a Joint Committee on Individual Rights.

ORDER FOR STAR PRINT OF CLARK AMENDMENT

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Iowa (Mr. CLARK), he presented an amendment to H.R. 9286, the pending business, which reads as follows:

On page 18, line 18, strike out "$3,628,700,000" and insert in lieu thereof "$2,971,000".

Leaving out three zeroes.

I ask unanimous consent that a star print be made available with the correction showing the three zeros in there.

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

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974—AMENDMENTS

AMENDMENT NO. 546

(Ordered to be printed and to lie on the table.)

Mr. THURMOND (for himself and Mr. TOWER) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and the military training student loads, and for other purposes.

AMENDMENT NO. 547

(Ordered to be printed and to lie on the table.)

Mr. THURMOND (for himself and Mr. SYMINGTON) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 9286), supra.

AMENDMENT NO. 549

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY (for himself, Mr. CRANSTON, Mr. MUSKIE, Mr. MATHIAS, Mr. STEVENSON, Mr. BENTSEN, Mr. NELSON, Mr. SCHWEIKER, Mr. EAGLETON, Mr. MCGOVERN, Mr. METCALF, Mr. PROXMIRE, Mr. HASKELL, Mr. CHURCH, Mr. MONDALE, Mr. FULBRIGHT, Mr. CANNON, Mr. TUNNEY, Mr. ABOUREZK, and Mr. CLARK) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 9286), supra.

AMENDMENT NO. 552

(Ordered to be printed and to lie on the table.)

Mr. GOLDWATER submitted an amendment to be proposed by him to the bill (H.R. 9286), supra.

DEPARTMENT OF STATE APPROPRIATION AUTHORIZATION—AMENDMENT

AMENDMENT NO. 548

(Ordered to be printed and to lie on the table.)

Mr. HARRY F. BYRD, JR., submitted

an amendment intended to be proposed by him to the bill (S. 2436) to authorize appropriations for the Department of State and for other purposes.

CONGRESSIONAL BUDGET AND NATIONAL PRIORITIES ACT OF 1973—AMENDMENT

AMENDMENT NO. 550

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

TARGETS FIRST, BUDGET ACTION LATER: AN ALTERNATIVE FOR CONGRESSIONAL BUDGET CONTROL, METCALF-SAXBE AMENDMENT TO S. 1541, BUDGET CONTROL BILL

Mr. METCALF. Mr. President, the Senator from Ohio (Mr. SAXBE) is the ranking minority member of the Subcommittee on Budgeting, Management, and Expenditures of the Committee on Government Operations. Recently that subcommittee recommended an amended version of S. 1541, the congressional budget control bill, for consideration by the full committee. There follows an alternative approach to S. 1541 which I submit today, with Senator SAXBE as a cosponsor, as an amendment in the nature of a substitute.

1. PURPOSE AND EXPLANATION OF THE AMENDMENT

The purpose of this amendment is to establish procedures by which Congress can examine and determine appropriate budgetary requirements for each fiscal year, and provide the maximum flexibility to committees and Members to identify national priorities within these requirements and to legislate such controls over spending, revenues, and debt as may be necessary to meet such priorities and budgetary requirements. The approach here—which differs measurably from S. 1541—is to provide the legislative committees and the Congress with adequate time and information to develop their spending and revenue programs in line with budgetary targets or guidelines, and then after all of the legislation is completed, to provide for a second look at the budgetary requirements, and reconcile by legislation spending and revenues to conform to an appropriate deficit or surplus in line with program needs and economic conditions.

Such purpose and approach would be accomplished by, among other things, the following features in the substitute amendment:

The executive departments and agencies will be required to submit their general budget estimates for the coming fiscal year to a new Congressional Office of the Budget—COB—by September 15. These estimates should identify separately, first, the cost of existing programs, activities, and services; second, and the cost of proposed new and expanded programs, activities, and services.

The budget committees and legislative committees will then begin hearings and studies on the forthcoming budget 9 months before the beginning of the new fiscal year.

The COB will report to Congress not later than November 1 on alternative levels of revenues and outlays based on its own estimates. Such report shall include the amount of revenue loss attributable to "tax expenditures," estimated costs of current services and programs, the estimated costs of new services and programs, and such other information as may be required for preparation of a congressional budget.

The President will submit his budget to Congress as at present. This should also include "the current services budget," plus 5-year projections for expenditures and revenues, including "tax-expenditures." Tax expenditures are authority provided by law to allow any exclusion or deduction from gross income, or which provides a preferential rate of tax or a deferral of tax liability, and which results in Federal revenue losses.

The budget committees will hold hearings on the President's budget 15 days after its submission.

The COB and congressional committees will make reports to budget committees, which shall prepare and submit the first concurrent resolution to respective Houses by March 1.

2. BUDGET COMMITTEES

There will be separate budget committees for the House and Senate. Members will be selected by party caucus in the Senate. The House may choose any method of appointing the members to the budget committee that it may desire. To the greatest extent possible they should be representative of the legislative committees, including the appropriations and finance committees, but their composition should be a total membership decision. To insure broad participation, membership on budget committees shall be limited to 6 successive years, with members serving staggered terms.

The budget committees will be given jurisdiction over five basic areas of budget control: First, the concurrent resolutions—congressional budget; second, legislation exercising new backdoor spending; third, legislation reconciling all spending measures with the total ceilings set forth in the congressional budget—where appropriations or finance committees do not act; fourth, legislation exercising new tax-expenditure authority; and fifth, concurrent resolutions on Presidential impoundment messages.

3. CONGRESSIONAL BUDGET PROCESS

The first concurrent resolution—budget resolution—would be passed by April 15. It will set overall "targets" for guidance of the Congress in action on spending and revenue legislation effective for the coming fiscal year. It will include: First, total limitations on new budget authority and outlays; second, estimated revenues; third, estimated deficit or surplus; fourth, appropriate deficit or surplus based on economic conditions; and fifth, appropriate levels of revenue and the public debt.

The report accompanying the first concurrent resolution will contain a breakdown of spending categories—appropriation bills, Federal programs and services, and permanent appropriations—arrived at in establishing the total limitations on new budget authority and outlays. It will also set forth the amount, if any, by which revenues or the debt limit should be increased or decreased.

Floor action. The concurrent resolution would be handled on the floor under existing rules and procedures.

Authorizations for new budget authority must be completed prior to beginning of the fiscal year—by June 30. The Congress can waive this requirement by enacting a resolution reported by the budget committees to meet emergencies and unforeseen contingencies.

Scorekeeping. Appropriation measures and bills exercising new backdoor spending go forward, but they would be subject to extensive scorekeeping procedures to keep Congress informed as to how its actions correspond to the recommended targets in the first concurrent resolution.

The second concurrent resolution revising or reaffirming the totals in the first concurrent resolution, on the basis of changes in economic conditions, revenue estimates, and spending actions must be reported by the budget committees by September 15.

The totals here would reflect the new budget authority and outlays already approved by Congress, as well as amounts estimated for supplemental appropriations and for uncontrollables.

If, based on the total outlays and the estimated total revenues set forth in such resolution, the amount of the deficit or surplus is different from that set forth as the appropriate deficit or surplus, the resolution shall specify and direct the amount by which Federal revenue shall be increased or decreased by legislation reported by the tax-writing committees, or the amount by which new budget authority or outlays shall be decreased by legislation reported by the appropriations committees, or a combination of both.

The report accompanying the second concurrent resolution could recommend those areas of new budget authority which should be rescinded or reserved, to bring total spending in line with expenditure ceiling in the second concurrent resolution. It could also recommend the sources of any changes to be made in revenue legislation to meet the appropriate deficit figure.

If either House's appropriations or revenue committees fail to report legislation called for by concurrent resolution within 15 days of its approval, the Committee on the Budget of that House is authorized to report such legislation.

4. ANTI-IMPOUNDMENT TITLE

This would provide that any impoundments initiated by the President must be reported to Congress, and Congress is given 60 days to ratify such action, otherwise such impoundments cannot be continued. This title follows closely S. 373, except that the budget committees have jurisdiction for reporting resolution on the President's impoundment messages.

Thus, Congress can establish its own priorities by passing a spending reconciliation bill or revenue legislation, to conform to its budget, but if it fails to act, and the initiative for fiscal control shifts to the President, any action by him would still be subject to congressional review and potential action.

5. OTHER PROVISIONS

The amendment provides for 5-year budget authority and expenditure projections, evaluation of existing programs, and pilot testing of new programs as a means of budget control. It further provides for congressional control leadership in development of Federal fiscal, budgetary, and program-related data and information systems, including the standardization of terminology and classifications, and the ready availability of such information to Congress.

COMMENT

The advantage of this budget approach is the flexibility it would give to the Congress in developing spending and revenue policy, with a minimum of procedural roadblocks.

After going through the authorization/appropriation process, Congress would then have a range of options when it comes to consider the definitive budget—the second concurrent resolution. For instance, it might determine that the total new budget authority and outlays as approved by congressional action were necessary. It might decide that revenue changes were necessary to support these totals and hold the appropriate deficit. Or it might decide that such revenue changes were not needed, and the increased deficit—total outlays over revenues—would not sufficiently disturb the economic situation.

On the other hand, Congress might determine that the total of spending action was too large, or that it resulted in too great a deficit, and that it would be necessary to limit the spending—by recision or reserving expenditure—or to combine such limitations with a more modest revenue change.

Conversely, Congress might determine that in the light of the new totals, the deficit would be too small, and that a tax cut might be in order. By the time the second concurrent resolution is considered, we will know, first, what the country needs by way of expenditures; and second, what the economy can afford. The debate on this concurrent resolution would involve this dialog.

Thus, there would be a constant interplay between the Executive and the Congress on these alternatives since the action by Congress in reconciling the budget is accomplished by legislation which must go to the President. Furthermore any action relating to impoundments taken by the President would come back to Congress for review.

REASONS BEHIND THE AMENDMENT

Even though Senator SAXBE has joined me in the sponsorship of the amendment in the form of a substitute to S. 1541, the following commentary is mine alone.

Mr. President, the Subcommittee on Budgeting, Management and Expenditures was established by the Senate Government Operations Committee to investigate and prepare legislation with respect to the broad field of budget and management control. One of the subcommittee's first tasks was to hold hearings and consider legislation—20 bills—directed to improving congressional control over the Nation's budget. Some 30 witnesses testified to a range of alternatives from the recommendations of the Joint Study Committee on Budget Control to the suggestion that no budget reform was needed.

Early in the subcommittee consideration, it became evident that a decision had to be made on the general approach which a congressional budget process would take.

The Joint Study Committee had recommended a procedure in which ceilings for major spending categories were fixed by concurrent resolution early in the session and were binding on all money bills for the coming fiscal year unless waived by a two-thirds vote. Such ceilings—which were in the nature of rules—could be changed by subsequent concurrent resolutions as the needs and economy of the Nation might require, but the basic objective here was to establish expenditure limits in line with fixed revenue and debt levels and require the Congress to stay within this predetermined budget.

S. 1541, which was introduced by Chairman ERVIN, became the basic vehicle for subcommittee consideration. Except for certain modifications relating to the makeup of budget committees, amendment procedures and backdoor spending, it still contained a relatively rigid approach to budget control very similar to that recommended by the Joint Study Committee.

At least four of the nine members of the subcommittee objected to the rigidity of this approach. Their objections reflected the concerns being expressed by many others in and out of Congress, both liberal and conservative, that the procedures required by the bill would frustrate the work of appropriations and legislative committees and would probably bog down in their own complexity and rigidity.

Many knowledgeable members argued that Congress did not have enough time and information to make such decisions that would lock in the legislative and appropriations committees to a set of priorities before the work of Congress had really begun. They saw a dangerous shift of power to the new budget committees which were given sole authority to propose the spending and revenue limitations. They saw this danger compounded if the membership of such committees were unrepresentative of Congress as a whole.

They further argued that the establishment of early ceilings, rather than objectives, particularly subceilings with respect to appropriation subcommittees and program categories, would place Congress in a straitjacket on spending before its appropriations process had been given a chance to review and complete its own order of priorities. Appropriations subcommittees would be reduced to the role of cutting and shifting funds under arbitrary limitations, rather than reflecting changing needs.

They pointed out that the rules in S. 1541 and in S. 1641, the Joint Study Committee bill, for amending the concurrent resolutions—budget limitations—and the spending bills provide for complicated "consistency" requirements which could result in legislative entanglements, untoward debate, and even budget or spending priorities counter to the will of the majority.

The nature of the process, they said, could possibly lead to undue control in the hands of a few to the detriment of the many who sought a more liberal approach to budget setting and spending, and revenue policy.

Finally, it was suggested that as a first step toward budget reform, such comprehensive and controversial changes in the rule of each House, as imposed by S. 1541, might result in no budget reform at all.

Despite these objections to the Joint Study Committee approach, the subcommittee voted to adopt it in S. 1541 by a vote of 5 to 4, a close vote, and to report the bill to the full committee where it is presently scheduled for markup. I voted against this approach, but I voted for the bill in order to have it reported for committee, and I hope, Senate consideration.

Two major alternative approaches were debated at length in the subcommittee, and were rejected. They reflected an effort to find a more flexible mechanism for arriving at a budget, and following its requirements.

One alternative would have established by concurrent resolution budget totals—spending, revenues, appropriate defiicit or surplus—early in the session which would be "targets" or recommendations to guide the authorizing and appropriations committees and Congress. Recommended targets for spending categories could be contained in the resolution report. Elaborate scorekeeping procedures would keep Members informed of how they were doing as they went along. There could be a "second look" at these recommendations in the fall to take into consideration economic changes and program needs. However, action in line with these recommendations would be up to Congress, and the only incentive to follow the budget would be the possibility of Presidential fiscal action.

Another suggested approach was more restrictive, but not as severe as in S. 1541. This would establish by resolution budget totals, including subtotals for appropriations committees and spending categories, again early in the session which would provide targets for the committees and for floor action. However, it would require that all spending and revenue action for the fiscal year be reconciled with the budget totals. This reconciliation process would allow Congress to take a look at its action subsequent to the adoption of a recommended budget, and adjust its spending and revenues in response to what it then determines to be its priorities and economic needs. Reconciliation could take several forms: An omnibus appropriation bill; a bill rescinding or reserving already enacted spending measures; revenue legislation; or various combinations of all three. The reconciliation legislation could come in response to a second concurrent resolution—reaffirming or revising the first concurrent resolution, or it could in itself reflect these budgetary decisions through its readjustment of the spending and revenue commitment for the fiscal year.

Another approach which was discussed at subcommittee sessions, but not acted upon, was the suggestion that the appropriations process be strengthened to provide budgetary overview and spending control. The Appropriations Committee would report its bills—appropriations and "backdoor" spending measures, under this approach—and Congress would act as it now does, but the legislation would be returned to the Appropriations Committee. After all the spending measures had been acted upon, the committe would be required to bring back an omnibus appropriation measure which would include the appropriations and backdoor spending action taken plus a substitute amendment containing what it believed to be the necessary changes which should be made in the light of fiscal and economic realities at the time. A variation of this would include revenue changes reported by the finance committees, or would provide an open rule for revenue amendments. In any event, this would give Congress a chance to act through debate and amendment on all spending for the fiscal year in line with the appropriate deficit—or surplus—revenue, debt, and other budget requirements.

The range of the debate on this omnibus appropriations-budget bill boggles the mind, but there is ample precedent for the approach in the legislative budget process of State governments. The danger, of course, is that too many basic matters may get buried in the complexity of the legislation.

Proponents of these alternatives to the Joint Study Committee approach all express the intent—or hope—that action on authorization and appropriations bills be completed before, or shortly after the beginning of the fiscal year.

To lengthen the time span, it has been suggested that the fiscal year be pushed up, or as in the case of S. 1541, the President's budget be pushed back. The fiscal year change has gained a range of support recently in connection with budget reform. The Comptroller General has recommended an October 1 date. Others see the calendar year—January 1 to December 31—as more appropriate.

Under the calendar year approach, it was suggested that the President send up his budget in January for a year ahead, and Congress proceed to debate and adopt its budget for that following fiscal year. During the session the authorization and appropriations process can go forward and budgetary adjustments can be made over a 10-month period without the anxiety of legislating for a fiscal year which has already begun. It has been further suggested that year-advance budgeting could be expanded to 2- and 3-year advance budgets, subject to yearly adjustments. Similarly, it is argued that where necessary, adjustments can be made in present fiscal year budgets while Congress is working on the year ahead.

A change in the fiscal year and advance budgeting may be alien to the conventional pace and mode of congressional political action. It may be difficult for Members to concentrate on hypothetical budgets 2 and 3 years away—when they may not even be in Congress to enjoy them. Our style has been to deal with the immediate crises and the immediate political and economic realities. But these innovations deserve serious attention by the Congress, particularly when it is reaching for a new and flexible process for budget control.

With these alternatives in mind, Senator SAXBE and I have tried to fashion an approach which would provide for the greatest amount of flexibility commensurate with budgetary responsibility, under the least amount of procedural complexity and restraint. I am not wedded to this approach in all its partciular. I certainly welcome any criticism or improvements with respect to the legislation. I want an effective, responsible budget control bill. I doubt if S. 1541 is the right way to go about congressional budget reform. I feel we should explore very carefully the other approaches before we embrace in any manner the Joint Study Committee recommendations, or modifications thereof as are incorporated in S. 1541 as amended.

Mr. President, I ask unanimous consent that the proposed amendment to S. 1541 in the nature of a substitute be printed at this point in the RECORD.

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

AMENDMENT No. 550

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Congressional Budget and National Priorities Act of 1973".

DEFINITIONS

SEC. 2. For purposes of this Act—

(1) The terms "budget outlays" and "outlays" mean, with respect to any fiscal year, expenditures of funds under budget authority during the fiscal year.

(2) The term "budget authority" means authority provided by law to enter into obligations which will result in immediate or future outlays.

(3) The term "tax expenditure authority" means authority provided by law to allow any exclusion or deduction from gross income, or which provides a preferential rate of tax or a deferral of tax liability, and which results in Federal revenue losses.

TITLE I—ESTABLISHMENT OF SENATE AND HOUSE BUDGET COMMITTEES

BUDGET COMMITTEE OF THE SENATE

SEC. 101. (a) Paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new subparagraph:

"(r) (1) Committee on the Budget, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to—

"(A) Establishment of limitations on budget outlays and on new budget authority of the United States Government.

"(B) Determination of the amount, if any, by which budget outlays should exceed revenues, or revenues should exceed budget outlays, considering economic conditions and such other factors as may be relevant to such determination.

"(C) Determination of the appropriate level of Federal revenues, and the appropriate level of public debt of the United States.

"(D) The exercise of new advance budget authority within the meaning of section 402 of the Congressional Budget and National Priorities Act of 1973.

"(E) The exercise of new tax expenditure authority within the meaning of Section 403 of the Congressional Budget and National Priorities Act of 1973.

"(F) The control of impoundment in accordance with provisions of Title VI of the Congressional Budget and National Priorities Act of 1973.

"(2) Such committee shall have the additional duty to—

"(A) Study on a continuing basis the operation of the Congressional budget process and recommend to the Senate improvements in such process with a view toward strengthening Congress and enabling it better to meet its responsibilities under the Constitution of the United States.

"(B) Study on a continuing basis the effect of existing and proposed legislation on budget outlays and report the results of such studies on the Senate, and

"(C) Review on a continuing basis the functions and operation of the Congressional Office of the Budget."

(b) Rule XXV of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"8. (a) The Committee on the Budget shall consist of fifteen members.

"(b) The provisions of paragraph 6 relating to membership on committees, shall not apply to service of a Senator on the Committee on the Budget.

"(c) (1) Membership on the Committee on the Budget shall be divided into three classes with five seats in each class. The members first elected to the committee shall, by lot, determine the class to which their seats are assigned. Thereafter, members elected to the committee shall be elected to a seat in one of the three classes.

"(2) A member assigned or elected to a seat in the first class during the 93rd, 94th or 95th Congress shall not be eligible to serve on the committee during the 96th Congress. A member elected to a seat in the first class during any period of three consecutive congresses beginning with the 96th Congress and every fourth congress thereafter, shall not be eligible to serve on the committee during the congress immediately following such period.

"(3) A member assigned or elected to a seat in the second class during the 93rd or 94th Congress shall not be eligible to serve on the committee during the 95th Congress. A member elected to a seat in the second class during any period of three consecutive congresses beginning with the 95th Congress and every fourth congress thereafter shall not be eligible to serve on the committee during the Congress immediately following such period.

"(4) A member assigned or elected to a seat in the third class during the 93rd Congress shall not be eligible to serve on the committee during the 94th Congress. A member elected to a seat in the third class during any period of three consecutive Congress, beginning with the 94th Congress and every fourth Congress thereafter, shall not be eligible to serve on the committee during the Congress immediately following such period."

TITLE II—CONGRESSIONAL OFFICE OF THE BUDGET

ESTABLISHMENT OF OFFICE

SEC. 201. (a) IN GENERAL.—There is hereby established an office of the Congress to be known as the Congressional Office of the Budget (hereafter in this title referred to as the "Office"). There shall be in the Office a Director and a Deputy Director who shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate with the approval of the Senate and the House of Representatives, given by resolution of each House. The Deputy Director shall perform such duties as may be assigned to him by the Director, and during the absence or incapacity of the

Director, or during a vacancy in that office, shall act as the Director.

(b) The Director and Deputy Director shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties.

(c) The Director and Deputy Director shall serve at the pleasure of the Senate and the House of Representatives and may be removed by either House by resolution.

(d) The Director shall receive the same compensation as the Comptroller General of the United States. The Deputy Director shall be paid at the highest rate of basic pay set forth in the General Schedule of section 5332 of title 5, United States Code.

(e) PERSONNEL.—The Director shall appoint and fix the compensation of such professional, technical, clerical and other personnel as may be necessary to carry out the duties and functions of the Office. All personnel of the Office shall be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties. For purposes of pay and employment benefits, rights, and privileges, personnel of the office shall be treated as if they were employees of the House of Representatives.

(f) EXPERTS AND CONSULTANTS.—In carrying out the duties and functions of the Office, the Director may procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract as independent contractors, or in the case of individual experts or consultants by employment at rates of pay not in excess of the daily equivalent of the highest rate of pay set forth in the General Schedule of section 5332 of title 5, United States Code.

(g) UTILIZATION OF SERVICES, ETC.—In carrying out the duties and functions of the Office, the Director may, as agreed upon with the head of any department, agency, or establishment of the executive branch of Government or regulatory agency or commission, utilize the services, facilities, and personnel of such department, agency, or establishment or such regulatory agency or commission. The utilization of such services, facilities, and personnel may be with or without reimbursement of the Office as may be agreed to.

(g) APPROPRIATIONS.—There are hereby authorized to be appropriated to the Office for each fiscal year such sums as may be necessary to enable it to carry out its duties and functions.

Until sums are first appropriated to the Office pursuant to the preceding sentence, the expenses of the Office shall be paid, upon vouchers approved by the Director, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

DUTIES AND FUNCTIONS

SEC. 202. (a) ASSISTANCE TO BUDGET COMMITTEES.—It shall be the duty and function of the Office to provide information to the Committees on the Budget of both Houses with respect to the budget, appropriation bills, other bills authorizing or providing budget authority, revenues, receipts and estimated future revenues and receipts, and changing revenue conditions. The Office shall also provide to the Committee on the Budget of either House such other information as such committee may request. At the request of the Committee on the Budget of either House, personnel of the Office shall be assigned, on a temporary basis, to assist such committee.

(b) ASSISTANCE TO OTHER COMMITTEES AND MEMBERS.—At the request of any other committee of the Senate or the House of Representatives, any joint committee of the Congress, or any Member of the Senate or the House, the Office shall provide to such committee, joint committee, or Member any information compiled in carrying out the first sentence of subsection (a) and shall, to the extent practicable, provide other information requested with respect to the budget, appropriation bills, other bills authorizing or providing budget authority, revenues, receipts, estimated future revenue and receipts changing revenue conditions, and related information. At the request of any such committee, joint committee, or Member, personnel of the Office may be assigned, on a temporary basis, to assist such committee, joint committee, or Member with respect to matter directly related to the items enumerated in the preceding sentence.

(1) The Office shall review, on a continuing basis, the needs of the various committees and Members of Congress for fiscal, budgetary, and program information and shall recommend to the Congress and to the executive agencies, as appropriate, improvements in developing and reporting such information to meet these needs most effectively.

(2) The Office shall develop, establish, and maintain an up-to-date inventory and directory of information sources and systems, including but not limited to such systems operated by executive agencies, containing fiscal, budgetary, and program data and information, and shall provide upon request assistance to committees, joint committees, and Members of Congress in securing and analyzing such information from the sources identified in such inventory and directory.

(c) USE OF COMPUTERS AND OTHER TECHNIQUES.—The Director is authorized to purchase, lease, or otherwise utilize computer capability, to obtain the services of experts and consultants in modern data processing technology, and to develop techniques for the evaluation of budgetary requirements in carrying out the duties and functions of the Office.

(1) The Director shall, to the extent he deems necessary, develop, establish, and maintain a central file or files of the data and information required to carry out the purposes of this act. Such a file or files shall be established to meet recurring requirements of the Congress for fiscal, budgetary and program data and information and shall include, but not be limited to, data and information pertaining to budget requests, congressional authority to obligate and spend, apportionment and reserve actions, and obligations and expenditures. Such a file or files and their indexes shall be maintained in such a manner as to facilitate their use by the committees of both Houses, joint committees, and other congressional agencies through modern data processing and communications techniques.

REPORTING REQUIREMENTS

SEC. 203. (a) REPORT ON REVENUES AND OUTLAYS.—Not later than November 1 of each year, and based on his estimates of revenues expected to be received by the United States Government during the ensuing fiscal year, the Director shall report to the Congress with respect to alternative levels of revenues and outlays for the fiscal year. Such report shall also set forth—

(1) The amounts of revenue losses attributable to provisions of the Federal tax laws which allow an exclusion or deduction from gross income or which provide a preferential rate of tax or a deferral of tax liability (commonly referred to as "tax expenditures").

(2) The estimated costs of existing programs, activities and services, the estimated costs of proposed new programs, and the estimated costs of changes in or expansion of existing programs, activities, and services, as submitted to the Office by the officers and employees of the departments and establishments in accordance with requirements of sections 502, 503, and 505 of this Act.

(b) The Director may at any time thereafter submit subsequent reports to the Congress revising the report required by subsection (a).

(c) PROJECTION OF REVENUES AND BUDGET OUTLAYS.—The Director shall develop information with respect to the effect of existing laws on revenues and outlays during the current fiscal year and the ensuing four fiscal years and shall report such information to the Congress as he deems necessary.

(d) TRANSFER OF FUNCTIONS OF JOINT COMMITTEE ON REDUCTION OF FEDERAL EXPENDITURES.—The duties and functions of the Joint Committee on Reduction of Federal Expenditures are transferred to the Office, and the Joint Committee is hereby abolished.

POWERS TO OBTAIN DATA

SEC. 204. (a) SECURING OF DATA.—The Director is authorized to secure from any executive department, office, board, bureau, agency, independent establishment, or instrumentality of the Government, information, data, estimates, and statistics required by the Office to carry out its duties and functions or the purposes of this Act.

(b) FURNISHING OF DATA.—Executive departments, offices, boards, bureaus, agencies, independent establishments and instrumentalities are authorized and directed to furnish such information, data, estimates, and statistics to the Director, upon request made pursuant to this section.

(c) SERVICES OF OTHER CONGRESSIONAL AGENCIES.—The Director is authorized to obtain all existing information, data, estimates, and statistics developed by the General Accounting Office, the Library of Congress, and the Office of Technology Assessment in the normal course of their operations and activities. Requests for information, and the compliance with such requests, pursuant to this subsection, shall be in accordance with procedures to be developed and agreed upon between the Director and the Comptroller General, the Librarian of Congress, and the Technology Assessment Board, respectively.

(1) In carrying out the duties and functions of the Office, the Director may, as agreed upon with the Comptroller General, the Librarian of Congress, and the Technology Assessment Board, utilize the services, facilities, and personnel of the General Accounting Office, the Library of Congress, and the Office of Technology Assessment, as the case may be. The utilization of such services, facilities, and personnel may be with or without reimbursement by the Office as may be agreed to.

(2) The Comptroller General, the Librarian of Congress, and the Technology Assessment Board are authorized to provide the Office such services, facilities and personnel under this subsection.

(3) Except as otherwise specifically provided, nothing in this title shall be construed as modifying any existing authorities or responsibilities of the General Accounting Office, the Library of Congress, and the Office of Technology Assessment.

TITLE III—ADOPTION OF RESOLUTION ON THE BUDGET

ACTION ON CONCURRENT RESOLUTION

SEC. 301. (a) ACTION TO BE COMPLETED ABOUT APRIL 1.—On or before April 1 of each year, the Congress shall complete action on a concurrent resolution setting forth for the fiscal year beginning on July 1 of that year—

(1) limitations on total new budget authority and total budget outlays;

(2) the estimated revenues to be received and the major sources thereof, and the estimated surplus or deficit, if any, based upon such estimated revenues and the limitation on outlays set forth pursuant to paragraph (1);

(3) the amount, if any, by which revenues should exceed budget outlays or budget outlays should exceed revenues considering

economic conditions and such other factors as may be relevant to such determination;

(4) the appropriate level of Federal revenues and the public debt based upon the amount of surplus or deficit set forth pursuant to paragraph (3);

(5) such other matters relating to the budget as may be appropriate to carry out the purposes of this Act.

(b) HEARINGS BY COMMITTEES ON THE BUDGET.—Within fifteen days after its transmittal to the Congress each year, the Committees on the Budget of each House shall begin hearings on the Budget of the U.S. Government.

(1) In holding such hearings, the committee shall receive testimony from the Director of the Office of Management and Budget, the Secretary of the Treasury, the Chairman of the Council of Economic Advisors, and such other persons as the committees deem appropriate.

(2) Prior to such hearings, the Committees on Appropriations and Finance of the Senate shall submit their views and estimates to the Committee on the Budget of the Senate, the Committees on Appropriations and Ways and Means of the House of Representatives shall submit their views and estimates to the Committee on the Budget of the House, and the Joint Economic Committee and the Joint Committee on Internal Revenue Taxation shall submit their views and estimates to the Committees on the Budget of the Senate and House, with respect to all matters set forth in subsection (a) and which relate to matters within the respective jurisdictions or functions of such committees and joint committees. All other standing committees of the Senate and House shall also submit to the Committee on the Budget of their House, and any other joint committee of the Congress may submit to the Committees on the Budget of both Houses, their views and estimates with respect to all matters set forth in such subsection which relate to matters within their jurisdiction.

(c) Hearings pursuant to paragraph (b), or any part thereof, may be held before joint meetings of the Committees on the Budget of the House and the Senate in accordance with such procedures as the two committees jointly may determine.

(d) Section 242(c) of the Legislative Reorganization Act of 1970 is hereby repealed.

(e) REPORTING.—On or before March 1 of each year, the Committee on the Budget of each House shall report a concurrent resolution on the budget for the fiscal year beginning on July 1 of that year. The report accompanying such concurrent resolutions shall include, but not be limited to—

(1) The economic assumptions and objectives which underlie the limits on total new budget authority and total budget outlays set forth in such concurrent resolution;

(2) The amount, if any, by which the aggregate level of Federal revenues is to be increased or decreased by legislation reported by the Committee on Finance of the Senate and the Committee on Ways and Means of the House;

(3) The amount, if any, by which the statutory limit on the public debt is to be increased or decreased by legislation reported by the Committee on Finance of the Senate and the Committee on Ways and Means of the House;

(4) A comparison of revenues and major sources thereof, as estimated for purposes of the concurrent resolution, with those estimated in the budget submitted by the President;

(5) A comparison of tax expenditures, as estimated for purposes of the concurrent resolution, with those set forth in the budget submitted by the President;

(6) A comparison of the limits on total new budget authority and total budget outlays set forth in such concurrent resolution with total new budget authority requested and total budget outlays estimated in the budget submitted by the President;

(7) A comparison of the amounts of new budget authority and budget outlays, as estimated for purposes of the concurrent resolution, allocated to the various Government programs, activities and services with the new budget authority requested and the budget outlays estimated for such programs, activities, and services in the budget submitted by the President.

REAFFIRMATION OR REVISION OF RESOLUTION ON THE BUDGET

SEC. 302. (a) REQUIRED REPORT OF REAFFIRMATION OR REVISION.—On or before September 15 of each year, the Committee on the Budget of each House shall report a concurrent resolution which reaffirms or revises the concurrent resolution adopted pursuant to section 301. If, based upon the total outlays and the estimated total revenues for the fiscal year set forth in such resolution, the amount of deficit or surplus is different than that set forth in such resolution as the appropriate amount of deficit or surplus, such resolution shall also direct—

(1) the Committee on Finance, in the case of the Senate, and the Committee on Ways and Means, in the case of the House, to report legislation increasing or decreasing Federal revenues by a specified amount; or,

(2) the Committees on Appropriations of the respective Houses to report legislation rescinding or reserving a specified amount or amounts of budget authority and outlays to be made available during the fiscal year; or,

(3) a combination of the measures specified in subparagraphs (1) and (2).

(b) Any committee of either House which has been directed to report legislation by a concurrent resolution adopted pursuant to paragraph (a) of this section and which has not reported such legislation within fifteen days of the approval of such a resolution by the House of which it is a part shall be considered to have been discharged from further consideration of such legislation, and the Committee on the Budget of that House shall be authorized and directed to report such legislation.

(c) PERMISSIBLE REVISIONS—At any time after the concurrent resolution for a fiscal year has been adopted pursuant to section 301, and before the close of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises the concurrent resolution on the budget most recently adopted for that fiscal year.

RULES FOR CONSIDERATION OF CONCURRENT RESOLUTIONS ON THE BUDGET

SEC. 303. (a) PROCEDURE AFTER REPORT OF COMMITTEE.—

(1) A concurrent resolution on the budget reported in either House shall be highly privileged. It shall be in order at any time after the fifth day following the day on which the report accompanying such a concurrent resolution is available to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on any concurrent resolution on the budget, and all amendments thereto, shall be limited to not more than sixty hours. A motion further to limit debate is not debatable.

(b) DECISIONS WITHOUT DEBATE ON MOTION TO POSTPONE OR PROCEED.—

(1) Motions to postpone, made with respect to the consideration of any concurrent resolution on the budget, and motions to proceed to the cosideration of other business, shall be decided without debate.

(2) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to any concurrent resolution on the budget shall be decided without debate.

(c) ACTION ON CONFERENCE REPORTS.—

(1) The conference report on any concurrent resolution on the budget shall be highly privileged in each House. It shall be in order at any time after the third day following the day on which such a conference report is reported and is available to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on the conference report shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the conference report. A motion to recommit the conference report shall not be in order and it shall not be in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(3) Motions to postpone, made with respect to the consideration of such conference report and motions to proceed to the consideration of other business, shall be decided without debate.

FLOOR AMENDMENTS TO CONCURRENT RESOLUTIONS ON THE BUDGET

SEC. 304. (a) During the consideration in either House of any concurrent resolution on the budget, an amendment shall not be in order unless—

(1) it is germane; and,

(2) it is accompanied by a statement which either (A) contains an estimate of the effect (if any) of such amendment on new budget authority and outlays, or revenues, or both; or (B) states reasons why such an estimate has not been made.

(b) The Director of the Congressional Office of the Budget shall, insofar as practicable, make available a statement containing an estimate of the effect (if any) of any amendment on new budget authority and outlays, or revenues, or both, prior to the time of consideration of such an amendment.

(c) Daily analysis by Congressional Office of the Budget.—At the close of each day on which a concurrent resolution on the budget is under consideration in either House, the Director of the Congressional Office on the Budget shall prepare, and make available before that House meets on the following day, an analysis of the effect, if any, of each amendment agreed to as of the close of such day on matters contained in such concurrent resolution.

TITLE IV—RULES FOR CONSIDERATION OF BUDGET AUTHORITY AND REVENUE LEGISLATION

COMPARISONS IN COMMITTEE REPORTS

SEC. 401(a) IN GENERAL.—It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution which provides—

(1) new budget authority for a fiscal year,

(2) an increase or decrease in revenues to become effective during a fiscal year, or

(3) an increase or decrease in the public debt limit to become effective during a fiscal year,

unless the committee report accompanying such bill or resolution contains a statement either—

(A) comparing such new budget authority, as described in subparagraph (1), and the outlays expected to result therefrom, with the applicable amounts of new budget authority and outlays, as estimated for pur-

poses of the concurrent resolutions on the budget reported in both Houses;

(B) analyzing the effect (if any) of such an increase or decrease in revenues, as described in subparagraph (2), on the amount of surplus or deficit, or the appropriate level of public debt set forth in the most recent concurrent resolution on the budget adopted by the Congress; or

(C) comparing such an increase or decrease in the public debt limit, as described in subparagraph (3), with the level of public debt set forth in the most recent concurrent resolution on the budget adopted by Congress.

(b) It shall not be in order in either the Senate or the House of Representatives to consider any amendment to any bill or resolution which provides the authority specified in paragraph (a) of this section, subparagraphs (1), (2), or (3), unless it is accompanied by statement which either contains the applicable information specified in subparagraphs (A), (B), or (C) of paragraph (a) of this section, or states reasons why such information has not been made available.

(c) The Director of the Congressional Office of the Budget, insofar as practicable, shall make available a statement containing the applicable information, as specified in paragraphs (a) and (b) of this section, prior to the time of consideration of any bill or resolution or amendment thereto which provides the authority specified in paragraph (a) of this section, subparagraphs (1), (2), or (3).

(d) The requirements of this section, as applied to consideration of any such bill, resolution, or amendment in either House, may be waived only by resolution reported by the Committee on the Budget of that House.

LIMITATION ON NEW ADVANCE BUDGET AUTHORITY

SEC. 402. (a) LEGISLATION SUBJECT TO POINT OF ORDER.—It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution which provides new advance budget authority (or any amendment which provides new advance budget authority) unless such bill or resolution, or such amendment, also provides that the new advance budget authority is to be exercised for any fiscal year only to such extent or in such amounts as are provided for such fiscal year in laws enacted after the enactment of such bill or resolution.

(b) NEW ADVANCE BUDGET AUTHORITY DEFINED.—For purposes of subsection (a)—

(1) NEW ADVANCE BUDGET AUTHORITY.—The term "new advance budget authority" means advance budget authority provided by law enacted after the date of enactment of this Act, including any increase in, or addition to, any advance budget authority provided by law in effect on the date of enactment of this Act.

(2) ADVANCE BUDGET AUTHORITY.—The term "advance budget authority" means authority provided by law, whether on a temporary or permanent basis—

(A) to enter into contracts, under which the United States is obligated to make outlays, which have not been provided for in advance by appropriation Acts,

(B) to incur indebtedness, for the repayment of which the United States is liable (other than indebtedness incurred under the Second Liberty Bond Act), which has not been provided for in advance by appropriation Acts,

(C) to guarantee on behalf of the United States the repayment of indebtedness (other than indebtedness described in subparagraph (B)), which has not been provided for in advance by appropriation Acts,

(D) to make payments (including loans and grants), which have not been provided for in advance by appropriation Acts, to any person or government if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons or governments who meet the requirements established by such law, and

(E) to obligate the United States to make outlays by any other means which has not been provided for in advance by appropriation Acts.

LIMITATION ON NEW TAX EXPENDITURE AUTHORITY

SEC. 403. (a) LEGISLATION SUBJECT TO POINT OF ORDER.—It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution which provides new tax expenditure authority (or any amendment which provides new tax expenditure authority) unless such bill or resolution, or such amendment, also provides that the new tax expenditure authority is to be exercised for any fiscal year only to such extent or in such amounts as are provided for such fiscal year in laws enacted after the enactment of such bill or resolution.

(b) NEW TAX EXPENDITURE AUTHORITY DEFINED.—For purposes of subsection (a), the term "new tax expenditure authority" means tax expenditure authority provided by law enacted after the date of enactment of this Act, including any increase in, or addition to, any tax expenditure authority provided by law in effect on the date of enactment of this Act.

SEC. 404. REFERENCE OF BILLS AND RESOLUTIONS.—All bills and resolutions introduced in the Senate which authorize the exercise of new advance budget authority, new tax expenditure authority, or both, shall be referred to the Committee on the Budget of the Senate. No committee of the Senate other than the Committee on the Budget shall have jurisdiction to report any bill or other measure which authorizes the exercise of new advance budget authority or new tax expenditure authority. All bills and resolutions introduced in the House of Representatives which authorize the exercise of new advance budget authority, new tax expenditure authority, or both, shall be referred to the Committee on the Budget of the House. No committee of the House other than the Committee on the Budget shall have jurisdiction to report any bill or resolution which authorizes the exercise of new advance budget authority or new tax expenditure authority.

REQUIREMENT OF ADVANCE AUTHORIZATION BY LEGISLATIVE COMMITTEE

SEC. 404 (a). It shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution (or conference report thereon) authorizing the enactment of new budget authority for any fiscal year after such fiscal year has begun.

(b) The requirements of this section, as applied to consideration in either House of any bill or resolution (or conference report thereon) authorizing the enactment of new budget authority for any fiscal year after such fiscal year has begun, may be waived only in the event of unforeseen emergency situations by resolution reported by the Committee on the Budget of that House.

TITLE V—AMENDMENTS TO BUDGET AND ACCOUNTING ACT, 1921, AND ANALYSES

PRESIDENTIAL BUDGET INCLUDES SAME ELEMENTS AS CONGRESSIONAL BUDGET AND TAX EXPENDITURES

SEC. 501. Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by adding at the end thereof the following new subsections:

"(d) The budget transmitted pursuant to subsection (a) for each fiscal year shall set forth separately the items enumerated in subsection (a) of section 301 of the Congressional Budget and National Priorities Act of 1973.

"(e) The budget transmitted pursuant to subsection (a) for each fiscal year shall set forth the amounts of revenue losses attributable to provisions of the Federal tax laws which allow an exclusion or deduction from gross income or which provide a preferential rate of tax or a deferral of tax liability (commonly referred to as 'tax expenditures').".

(2) by inserting after "ensuing fiscal year" in subsection (a)(5) "and the four fiscal years immediately following the ensuing fiscal year";

(3) by striking out "such year" in subsection (a)(5) and inserting in lieu thereof "such years";

(4) by inserting after "ensuing fiscal year" in subsection (a)(6) "and the four fiscal years immediately following the ensuing fiscal year"; and

(5) by inserting after subsection (a)(12) the following new paragraph:

"(13) the estimated expenditures and proposed appropriations for existing programs, activities, and services, and the estimated expenditures and proposed appropriations for proposed new programs, activities and services and proposed changes in or expansion of existing programs, activities, and services."

SEC. 502. Section 215 of the Budget and Accounting Act, 1921 (31 U.S.C. 23), is amended by striking out "Bureau on or before a date which the President shall determine." and inserting in lieu thereof "Office of Management and Budget and the Congressional Office of the Budget on or before September 15."

SEC. 503. Section 216(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 24), is amended by adding at the end thereof the following new sentence: "Such requests shall separately identify the estimated costs of existing programs, activities and services and the estimated costs of proposed new programs, activities, and services, and proposed changes in or expansion of existing programs, activities, and services."

SEC. 504. Section 206 of the Budget and Accounting Act, 1921 (31 U.S.C. 15) is hereby repealed.

SEC. 505. The Budget and Accounting Act 1921, (31 U.S.C.), is amended by adding at the end thereof the following new title:

"TITLE IV—PROVISION OF INFORMATION TO THE CONGRESS

"SEC. 401. Whenever any officer or employee of any department or establishment submits any estimate or request for appropriations to the President or the Office of Management and Budget, he shall concurrently transmit a copy of such estimate or request, together with copies of any documents submitted with such estimate or request, to the Congressional Office of the Budget. No officer or employee of the United States shall have authority to approve, or to require any department or establishment, or any officer or employee thereof, to submit any estimate or request for appropriations for approval, prior to the submission of such estimate or request to the Congressional Office of the Budget."

ANALYSES BY CONGRESSIONAL OFFICE OF THE BUDGET

SEC. 506. (a) With respect to each bill or resolution of a public character reported by any committee of the Senate or the House of Representatives (except the Committee on Appropriations and the Committee on the Budget of each House), the Director of the Congressional Office of the Budget shall prepare and make available—

(1) an estimate of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is to become effective and in each of the four fiscal years following such fiscal year, together with the basis for each such estimate;

(2) a comparison of the estimate of costs described in paragraph (1) with any estimate of costs made by such committee and any Federal agency; and

(3) a list of existing and proposed Federal programs which provide or would provide financial assistance for the objectives of the program or programs authorized by the bill or resolution.

(b) It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution unless the report accompanying such bill or resolution contains the material described in subsection (a) prepared by the Director of the Congressional Office of the Budget.

(c) Section 252 of the Legislative Reorganization Act of 1970 is hereby repealed.

TITLE VI—IMPOUNDMENT CONTROL PROCEDURES

SPECIAL MESSAGE REQUIRED ON IMPOUNDMENT ACTIONS

SEC. 601 (a) Whenever the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States, impounds any budget authority made available, or orders, permits, or approves the impounding of any such budget authority by any other officer or employee of the United States, the President shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of the budget authority impounded;

(2) the date on which the budget authority was ordered to be impounded;

(3) the date the budget authority was impounded;

(4) any account, department, or establishment of the Government to which such impounded budget authority would have been available for obligation except for such impoundment;

(5) the period of time during which the budget authority is to be impounded, to include not only the legal lapsing of budget authority but also administrative decisions to discontinue or curtail a program;

(6) the reasons for the impoundment, including any legal authority invoked by him to justify the impoundment and, when the justification invoked is a requirement to avoid violating any public law which establishes a debt ceiling or a spending ceiling, the amount by which the ceiling would be exceeded and the reasons for such anticipated excess; and

(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. Each such message may be printed by either House as a document for both Houses as the President of the Senate, and Speaker of the House may determine.

(c) A copy of each special message submitted pursuant to subsection (a) shall be transmitted to the Comptroller General of the United States on the same day as it is transmitted to the Senate and the House of Representatives. The Comptroller General shall review each such message and determine whether, in his judgment, the impoundment was in accordance with existing statutory authority, following which he shall notify both Houses of Congress within 15 days after the receipt of the message as to his determination thereon. If the Comptroller General determines that the impoundment was in accordance with section 3679 of the Revised Statutes (31 U.S.C. 665), commonly referred to as the "Antideficiency Act", the provisions of section 602 and 604 shall not apply; *provided, however* that the Committee on the Budget of either House may submit, within five days after receipt of the opinion of the Comptroller General, a report of disagreement to the House of which it is a part, and the provisions of section 602 and 604 shall apply. In all other cases, the Comptroller General shall advise the Congress whether the impoundment was in accordance with other existing statutory authority and sections 602 and 604 of this Act shall apply.

(d) If any information contained in a special message submitted pursuant to subsection (a) is subsequently revised, the President shall transmit within ten days to the Congress and the Comptroller General a supplementary message stating and explaining each such revision.

(e) Any special or supplementary message transmitted pursuant to this section shall be printed in the first issue of the Federal Register published after that special or supplemental message is so transmitted and may be printed by either House as a document for both Houses, as the President of the Senate and Speaker of the House may determine.

(f) The President shall publish in the Federal Register each month a list of any budget authority impounded as of the first calendar day of that month. Each list shall be published no later than the tenth calendar day of the month and shall contain the information required to be submitted by special message pursuant to subsection (a).

SEC. 602. The President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States shall cease the impounding of any budget authority set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress by passage of a concurrent resolution in accordance with the procedure set out in section 604, of this Act: *Provided, however*, That Congress may by concurrent resolution disapprove any impoundment in whole or in part, at any time prior to the expiration of the sixty day period, and in the event of such disapproval, the impoundment shall cease immediately to the extent disapproved. The effect of such disapproval, whether by concurrent resolution passed prior to the expiration of the sixty-day period or by the failure to approve by concurrent resolution within the sixty-day period, shall be to make the obligation of the budget authority mandatory, and shall preclude the President or any other Federal officer or employee from reimpounding the specific budget authority set forth in the special message which the Congress by its action or failure to act has thereby rejected.

SEC. 603. For purposes of this Act, the impounding of budget authority includes—

(1) withholding, delaying, deferring, freezing, or otherwise refusing to expend any part of budget authority made available (whether by establishing reserves or otherwise) and the termination or cancellation of authorized projects or activities to the extent that budget authority has been made available,

(2) withholding delaying, deferring, freezing, or otherwise refusing to make any allocation of any part of budget authority (where such allocation is required in order to permit the budget authority to be expended or obligated),

(3) withholding, delaying, deferring, freezing, or otherwise refusing to permit a grantee to obligate any part of the budget authority (whether by establishing contract controls, reserves, or otherwise), and

(1) any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority.

SEC. 604. (a)—All bills or resolutions introduced in the Senate which approve or disapprove any impoundment in whole or in part shall be referred to the Committee on the Budget of the Senate. No committee of the Senate other than the Committee on the Budget shall have jurisdiction to report any bill or other measure which approves or disapproves any impoundment in whole or in part. All bills or resolutions introduced in the House which approve or disapprove any impoundment in whole or in part shall be referred to the Committee on the Budget of the House. No committee of the House other than the Committee on the Budget shall have jurisdiction to report any bill or other measure which approves or disapproves any impoundment in whole or in part.

(b) (1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced at any time before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the special message of the President is transmitted to the two Houses.

(2) The matter after the resolving clause of a resolution approving the impounding of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress approves the impounding of budget authority as set forth in the special message of the President dated —, Senate (House) Document No. —."

(3) The matter after the resolving clause of budget authority shall be substantially as follows (the blank spaces being appropriately filled): "That the Congress disapproves the impounding of budget authority as set forth in the special message of the President dated —, Senate (House) Document No. — (in the amount of $—)."

(4) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty day period.

(c) (1) a resolution reported in either House shall be highly privileged. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. Debate on any amendment to the resolution (including an amendment substituting approval for disapproval in whole or in part or substituting disapproval in whole or in part for approval) shall be limited to two hours, which shall be divided equally between those favoring and those opposing the amendment.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(d) If a committee of conference is appointed on the disagreeing votes of the two Houses with respect to a resolution, the conference report submitted in each House shall be considered under the rules set forth in subsection (c) of this section for the consideration of a resolution, except that no amendment shall be in order.

SEC. 605. If the President, the Director of the Office of Management and Budget, the head of any department or agency of the United States, or any officer or employee of the United States takes or approves any impounding action within the purview of

this Act, and the President fails to report such impounding action to the Congress as required by this Act, the Comptroller General shall report such impounding action with any available information concerning it to both Houses of Congress, and the provisions of this Act shall apply to such impounding action in like manner and with the same effect as if the report of the Comptroller General had been made by the President: *Provided, however,* That the sixty-day period provided in section 602 of this Act shall be deemed to have commenced at the time at which, in the determination of the Comptroller General, the impoundment action was taken.

SEC. 606. Nothing contained in this Act shall be interpreted by any person or court as constituting a ratification or approval of any impounding of budget authority by the President or any other Federal employee, in the past or in the future, unless done pursuant to statutory authority in effect at the time of such impoundment.

SEC. 607. The Comptroller General is hereby expressly empowered as the representative of the Congress through attorneys of his own selection to sue any department, agency, officer, or employee of the United States in a civil action in the United States District Court for the District of Columbia to enforce the provisions of this Act, and such court is hereby expressly empowered to enter in such civil action any decree, judgment, or order which may be necessary or appropriate to secure compliance with the provisions of this Act by such department, agency, officer, or employee. Within the purview of this section, the Office of Management and Budget shall be construed to be an agency of the United States, and the officers and employees of the Office of Management and Budget shall be construed to be officers or employees of the United States.

SEC. 608. (a) Notwithstanding any other provision of law, all funds appropriated by law shall be made available and obligated by the appropriate agencies, departments, and other units of the Government except as may be provided otherwise under this Act.

(b) Should the President desire to impound any appropriation made by the Congress not authorized by this Act or by the Antideficiency Act (31 U.S.C. 665), he shall seek legislation utilizing the supplemental appropriations process to obtain selective rescission of such appropriation by the Congress.

SEC. 609. If any provision of this Act, or the application thereof to any person, impoundment, or circumstance, is held invalid, the validity of the remainder of the Act and the application of such provision to other persons, impoundments, or circumstances, shall not be affected thereby.

TITLE VII—EVALUATION AND PILOT TESTING OF PROGRAMS

LEGISLATION SUBJECT TO POINT OF ORDER

SEC. 701. (a) Except as provided in subsection (b), it shall not be in order in either the Senate or the House of Representatives to consider any bill or resolution—

(1) which establishes a new major outlay program unless such bill or resolution provides (or a prior law has provided) for a pilot test of such program which meets the requirements of this title, or

(2) which authorizes the enactment of budget authority to implement any major outlay program established by law passed by the Congress after the effective date of this title (other than budget authority to carry out a pilot test of such program which meets the requirements of this title) until the appropriate committee of the Senate or the House, as the case may be, has submitted to that House a report on the pilot test of the program pursuant to section 703(a) and a report to the Committee on the Budget of that House pursuant to section 703(c).

(b) Subsection (a) shall not apply to a bill or resolution if the committee report accompanying it contains a statement, together with an explanation, that the committee has given full consideration to pilot testing and, in its judgment, pilot testing would not be feasible or desirable for the program established, or for which budget authority is authorized, by the bill or resolution.

REQUIREMENTS

SEC. 702. (a) In order to meet the requirements of this title, a pilot test of a major outlay program must—

(1) entail a test of the program which consists of a replica, as nearly as possible, of the conditions that would exist if the program were implemented on a permanent basis,

(2) be conducted for at least two complete fiscal or calendar years (excluding any period for planning and preparation),

(3) be conducted by a department or agency of the Government or a public or private organization specified in the law providing for the pilot test, and

(4) require the department, agency, or organization which conducts the test, and the Comptroller General of the United States, to report the results of the test, as soon as practicable after its conclusion, to the committees of the Senate and the House of Representatives which have jurisdiction to report legislation authorizing the enactment of budget authority to implement the program.

(b) Nothing contained in this title shall preclude simultaneous multiple pilot tests of a major outlay program to determine the most feasible alternative before national implementation.

(c) The Comptroller General of the United States shall have full authority to monitor any pilot test conducted pursuant to the requirements of this title.

COMMITTEE EVALUATION

SEC. 703. (a) Upon receipt of the reports of a pilot test of a major outlay program, each committee to which the reports are submitted shall conduct a comprehensive study to evaluate the results of the pilot test and shall, as soon as practicable, submit a report thereon to the Senate or the House of Representatives, as the case may be. In conducting such study, the committee shall receive testimony and evidence in hearings open to the public. The committees of the two Houses may conduct such hearings jointly.

(b) The report of a committee on the evaluation of a pilot test of a major outlay program shall include (but not be limited to) the following matters:

(1) Suitability of the Federal Government to implement such a program on a national scale.

(2) A cost-benefit analysis of the program in relation to other alternative measures.

(3) In the event the program would change a current method of dealing with a specific problem, a comparison of the current method used and the method used in the test, and an analysis in terms of relative effectiveness.

(c) In addition to the report required by subsection (a), the committee shall submit to the Committee on the Budget of its House a separate report containing a detailed cost-benefit analysis.

REVIEW AND EVALUATION BY THE COMPTROLLER GENERAL

SEC. 704. Part 1 of title II of the Legislative Reorganization Act of 1970 (84 Stat. 1167; Public Law 91-510; 31 U.S.C. 1151 and following) is amended by striking out section 204 and inserting in lieu thereof the following:

"REVIEW AND EVALUATION

"SEC. 204. (a) The Comptroller General shall review and evaluate the results of Government programs and activities carried on under existing law when ordered by either House of Congress, or upon his own initiative, or when requested by any committee of the House of Representatives or the Senate, or any joint committee of the two Houses, having jurisdiction over such programs and activities.

"(b) The Comptroller General upon request of any committee or Member of either House of Congress shall—

"(1) assist such committee or Member in developing a statement of legislative objectives, goals, and methods for assessing and reporting actual program performance in relation to such legislative objectives and goals. Such statements will include but not be limited to recommendations as to methods of assessment, information to be reported, responsibility for reporting, frequency of reports, and feasibility of pilot testing, and

"(2) assist such committee or Member in analyzing and assessing program reviews or evaluation studies prepared by or for any Federal agency.

"(c) The Comptroller General shall develop and recommend to the Congress standards for review or evaluation of Government programs or activities carried on under existing law. Such recommendations shall be reported semiannually to both Houses of the Congress on or about March 1 and September 1."

TITLE VIII—FISCAL AND BUDGETARY INFORMATION AND CONTROLS

SEC. 801. That part of title II of the Legislative Reorganization Act of 1970 which precedes section 201 thereof (84 Stat. 1167; Public Law 91-510; 31 U.S.C. chapter 22) is amended by striking out—

"TITLE II—FISCAL CONTROLS

"PART 1—BUDGETARY AND FISCAL INFORMATION AND DATA

and inserting in lieu thereof—

"TITLE II—FISCAL AND BUDGETARY INFORMATION AND CONTROLS

"PART 1—FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION"

SEC. 802. Part 1 of title II of the Legislative Reorganization Act of 1970 (84 Stat. 1167; Public Law 91-510; 31 U.S.C. 1151 and following) is amended by striking out sections 201, 202, and 203 and inserting in lieu thereof the following:

"FEDERAL FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION SYSTEMS

"SEC. 201. The Secretary of the Treasury and the Director of the Office of Management and Budget, in cooperation with the Director of the Congressional Office of the Budget, shall develop, establish, and maintain, for use by all Federal agencies, standardized data and information systems for fiscal, budgetary, and program-related data and information. The development, establishment, and maintenance of such systems shall be carried out so as to meet the needs of the various branches of the Federal Government and, insofar as practicable, of governments at the State and local level.

"STANDARDIZATION OF TECHNOLOGY, DEFINITIONS, CLASSIFICATIONS, AND CODES FOR FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION

"SEC. 202. (a) The Director of the Congressional Office of the Budget, in cooperation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall develop, establish, maintain, and publish standard terminology, definitions, classifications, and codes, for Federal fiscal, budgetary, and program-related data and information. The authority contained in this part shall include, but not be limited to, data and information pertaining to Federal fiscal policy, revenues, receipts, expenditures, functions, programs, projects, and activities and shall be carried out so as to meet the needs of the various branches of the Federal Government and, insofar as practicable, of governments at the State and local level. The standard terms, definitions,

classifications, and codes shall be used by such fiscal, budgetary, and program-related data and information systems operated by executive departments and agencies as the Director of the Congressional Office of the Budget deems necessary to carry out the purposes of this title.

"(b) The Director of the Congressional Office of the Budget shall submit to both Houses of the Congress, within six months of the date of enactment of this Act, a report containing the initial standard terms, definitions, and classifications, as described in this part.

"(c) Thereafter, the Director of the Congressional Office of the Budget, in reports to both Houses of the Congress, shall publish the effective terminology, definitions, classifications, and codes semiannually on March 1 and September 1.

"AVAILABILITY TO AND USE BY THE CONGRESS OF FEDERAL FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION

"SEC. 203. (a) Upon request of any committee of either House, of any joint committee of the two Houses, or of the Director of the Congressional Office of the Budget, the Secretary of the Treasury, the Director of the Office of Management and Budget, or the heads of the various executive agencies shall—

"(1) furnish to the congressional committee, the joint committee, or the Director of the Congressional Office of the Budget, information as to the location and nature of available fiscal, budgetary, and program-related data and information;

"(2) prepare summary tables of such data and information and any related information deemed necessary by the requesting committee, joint committee, or the Director of the Congressional Office of the Budget; and

"(3) furnish any program evaluations conducted or commissioned by any executive agency as deemed necessary by the requesting committee, joint committee, or the Director of the Congressional Office of the Budget.

SEC. 803. The table of contents of title II of the Legislative Reorganiation Act of 1970 (84 Stat. 1140; Public Law 91-510; 31 U.S.C. chapter 22) is amended by striking out—

"TITLE II—FISCAL CONTROLS

"PART 1—BUDGETARY AND FISCAL INFORMATION AND DATA

"Sec.201. Budgetary and fiscal data processing system.
"Sec. 202. Budget standard classifications.
"Sec. 203. Availability to Congress of budgetary, fiscal, and related data."

and inserting in lieu thereof—

"TITLE II—FISCAL AND BUDGETARY INFORMATION AND CONTROLS

"PART 1—FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION

"Sec. 201. Federal fiscal, budgetary, and program-related data and information systems.
"Sec. 202. Standardization of terminology, definitions, classifications, and codes for fiscal, budgetary, and program-related data and information.
"Sec. 203. Availability to and use by the Congress of Federal fiscal, budgetary, and program-related data and information.".

TITLE IX—MISCELLANEOUS PROVISIONS; EFFECTIVE DATES

CONFORMING AMENDMENTS TO STANDING RULES OF THE SENATE

SEC. 901. Paragraph 1 of Rule XXV of the Standing Rules of the Senate is amended—

(1) by inserting after "Government" in subparagraph (c) ", except as provided in subparagraph (r)(1),";

(2) by striking out "Revenue" in subparagraph (h)1 and inserting in lieu thereof "Except as provided in subparagraph (r)(1), revenue";

(3) by striking out "The" in subparagraph (h)2 and inserting in lieu thereof "Except as provided in subparagraph (r)(1), the"; and

(4) by striking out "Budget" in subparagraph (j)(1)(A) and inserting in lieu thereof "Except as provided in subparagraph (r)(1), budget".

CONFORMING AMENDMENT TO HOUSE RULES

SEC. 902. Rule XI of the Rules of the House of Representatives is amended by inserting immediately below clause 21 thereof the following new clause:

"21A. The respective areas of legislative jurisdiction under this rule are modified by title I of the Congressional Budget and National Priorities Act of 1973".

AMENDMENTS TO LEGISLATIVE REORGANIZATION ACT OF 1946

SEC. 903. (a) Section 133 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a) is amended—

(1) by inserting "and the Committee on the Budget" after "Appropriations" in subsections (d) and (f), and

(2) by inserting "or the Committee on the Budget" after "Appropriations" in subsection (h).

(b) Section 133A of such Act (2 U.S.C. 190a-1) is amended by inserting "and the Committee on the Budget" after "Appropriations" each place it appears in such section.

(c) Section 134(c) of such Act (2 U.S.C. 190(b) is amended by inserting "or the Committee on the Budget" after "Appropriations".

(d) Section 136(c) of such Act (2 U.S.C. 190d) is amended by striking out "Committee on Appropriations of the Senate and the Committees on Appropriations," and inserting in lieu thereof "Committees on Appropriations and the Budget of the Senate and the Committees on Appropriations, the Budget,".

AMENDMENTS TO LEGISLATIVE REORGANIZATION ACT OF 1970

SEC. 904. (a) Section 232 of the Legislative Reorganization Act of 1970 (31 U.S.C. 1172) is amended by renumbering paragraphs (2) and (3) as (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) the Committees on the Budget of the Senate and House,".

(b) Section 236 of such Act (31 U.S.C. 1176) is amended by inserting "and the Budget" after "Appropriations" in paragraph (2).

(c) Section 242(a) of such Act (2 U.S.C. 190h) is amended by inserting "or the Committee on the Budget" after "Appropriations".

(d) Section 243 of such Act (2 U.S.C. 1901) is amended by inserting "(a)" immediately after "243" and by adding at the end thereof the following new subsection:

"(b) The provisions of subsection (a) shall also apply to the Committee on the Budget of the Senate."

EXERCISE OF RULEMAKING POWERS

SEC. 905. The provisions of this title (except section 906) and titles I, III, IV, and VII (except section 702(c) and section 704), and section 506(b) of title V, and section 604 of title VI are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rules of such House.

EFFECTIVE DATES

SEC. 906. (a) Titles I, II, VI, VIII, and IX shall take effect on the date of the enactment of this Act.

(b) Except as otherwise provided therein, titles III, IV, and V shall apply with respect to the fiscal year ending June 30, 1975, and succeeding fiscal years.

(c) Title VII shall take effect on the first day of the first session of Congress following the date of enactment of this Act.

Amend the title so as to read: "A bill to improve congressional procedures for control of Federal expenditures and establishment of national priorities; to create a budget committee in each House; to create a congressional office of the budget; and for other purposes."

SOCIAL SECURITY COST-OF-LIVING INCREASE—AMENDMENT

AMENDMENT NO. 551

(Ordered to be printed and to lie on the table.)

Mr. EAGLETON. Mr. President, I am submitting today amendments to S. 2397, the bill introduced by the Senator from Idaho (Mr. CHURCH) to provide a 7-percent increase in social security benefits effective for the month of January 1974.

Earlier this summer, in recognition of the serious impact of inflation on the elderly and the disabled, the Senate approved legislation providing a special cost-of-living increase in social security benefits and a concurrent increase in supplemental security income payments to become effective in January 1974.

Subsequently, because of the threat of a Presidential veto, the House-Senate conference committee pushed back the effective date of these increases to July 1974.

I felt at the time that this was an unfortunate decision. We all know that inflation hits hardest those elderly persons who live on fixed incomes and must spend large portions of that income on food and shelter.

It is one thing to understand the statistics. It is another thing to talk personally with the people who are literally suffering from the inflation of recent months. This I had an opportunity to do during the August recess at a series of public hearings in Missouri. During this process, the statistics took on a human form.

For instance, I talked with representatives of an elderly housing project in Jefferson City where a survey revealed that a majority of the residents have meatless meals for all but three or four times a week.

In St. Louis an elderly lady told me that she has had to ask her doctor to reduce the dosage of her medicine because she just does not have the money to pay for all he prescribed.

Frankly, the elderly people of my State cannot understand why they have been asked to wait until July 1974 for a cost-of-living increase. And I believe today more firmly than ever that they should not have to wait.

Therefore, I was pleased to join with a majority of the Senate on September 11 in support of an amendment offered by the Senator from Minnesota (Mr. HUM-

PHREY) to make the social security cost-of-living increase previously authorized by Congress effective immediately. I am still hopeful that the Humphrey amendment will become law.

However, because the fate of this amendment is uncertain, I have asked to be added as a cosponsor of S. 2397, the bill introduced by Senator CHURCH to provide a 7-percent benefit increase effective for the month of January 1974.

SOCIAL SECURITY INCREASE MUST BENEFIT ALL

Mr. President, I believe it is essential that the increase in social security benefits proposed in S. 2397 be enjoyed by all social security beneficiaries. It would certainly be unconscionable to deny this increase to those of our elderly and disabled citizens whose need is the greatest and who consequently have been most devastated by the inflation of 1973.

For this reason, I am submitting amendments to S. 2397 which would insure that all recipients of supplemental security income for the aged, blind, and disabled will have the benefit of the social security cost-of-living increase.

First, my amendment would move forward from July 1974 to January 1974 the scheduled increase in SSI payment levels from $130 to $140 for an individual and from $195 to $210 for a couple.

This proposal is identical to that approved by the Senate Finance Committee and passed by the Senate in June. As the committee pointed out in its report dated June 25, 1973, if SSI recipients are not to have their payments reduced by the amount of the social security increase, there must be a concurrent increase in SSI payment levels. I quote from that report:

> The rapid rise in the cost of living which has led the committee to provide for a 5.6 percent cost-of-living increase in social security benefits beginning next January has an even greater effect on the neediest aged, blind and disabled persons—those who will be receiving Supplemental Security Income payments. Furthermore, if social security benefits are increased but no changes made in the Supplemental Security Income level, those SSI recipients who are also social security beneficiaries will have their SSI payment reduced one dollar for each dollar of social security increase.
>
> The Committee bill, therefore, would increase the SSI levels from $130 to $140 for an individual and from $195 to $210 for a couple.

This amendment, making the SSI payment increase effective in January, will guarantee a cost-of-living increase to two groups of the elderly and disabled—those whose only source of income after January 1 will be SSI, and those whose income will be composed of a combination of social security and SSI.

It has recently come to my attention that there is a third group of SSI recipients who, unless existing law is further amended, will not be able to benefit from the social security increase. I refer to those persons who will be receiving a State supplementary payment as mandated by Public Law 93–66.

Under section 212 of Public Law 93–66, the States are merely required to make such payments as are necessary to maintain the total income of their SSI recipients as of December 1973—or prior to the social security increase.

Therefore, if we are to assure that this group of the aged and disabled benefits from the social security cost-of-living increase, section 212 of Public Law 93–66 must be amended to require the States to disregard that increase in determining the amount of the State supplementary payment.

Mr. President, I strongly support legislation to make the social security cost-of-living increase effective at the earliest possible time. However, without the amendments I am proposing, 85,000 aged, blind, and disabled persons in Missouri and over 2 million nationwide would be given an increase with one hand only to have it taken away with the other. I urge my colleagues to support these amendments so that all social security beneficiaries can have the increase in income they need and deserve.

I ask unanimous consent that the text of the amendment be printed in the RECORD.

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

AMENDMENT NO. 551

At the end of the bill, add the following:

"SEC. 2. (a) Section 210(c) of Public Law 93–66 is hereby repealed.

"(b)(1) Section 211(a)(1)(A) of Public Law 93–66 is amended by striking out "($780 in the case of any period prior to July 1974)".

"SEC. 3. Section 212(a)(3)(C)(ii) of Public Law 93–66 is amended by inserting, immediately before the period at the end thereof, the following: ', disregarding (in case such individual who for such month receives a monthly insurance benefit to which he is entitled under title II of the Social Security Act) so much of such monthly benefit as is attributable to the enactment of section 201 of this Act'."

The title to the bill is amended to read as follows: "A bill to provide for a 7 per centum increase in social security benefits beginning with benefits payable for the month of January 1974, and for other purposes."

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT 473

At the request of Mr. HARTKE, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of Amendment No. 473, intended to be proposed to (S. 1541) the budget accountability bill.

NOTICE OF HEARING ON NOMINATIONS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, October 3, 1973, at 10:30 a.m., in room 2228, Dirksen Office Building, on the following nominations:

John R. Bartels, Jr., of New York, to be Administrator of Drug Enforcement, vice a new position created by Reorganization Plan No. 2 of 1973, dated March 28, 1973.

Allen Sharp, of Indiana, to be U.S. District Judge for the Northern District of Indiana, vice Robert A. Grant, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA) and myself as chairman.

NOTICE OF HEARINGS ON SIX-MEMBER JURY BILLS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Subcommittee on Improvements in Judicial Machinery, I wish to announce hearings for the consideration of S. 2057 and S. 288. The purpose of S. 2057 is to require the use of six-member juries in civil cases to preserve unanimity of the jury in arriving at a verdict, and to allow two preemptory challenges to each party. S. 288 would require six-man juries in civil cases and also in criminal cases, other than those involving the death penalty.

The hearings will be held on October 16 and 17, 1973, beginning at 10 a.m. in room 1318, Dirksen Office Building.

Those who wish to submit a statement for inclusion in the hearing record should communicate as soon as possible with the subcommittee staff, room 6306, Dirksen Office Building, extension 5–3618.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Charles S. Guy, of Pennsylvania, to be U.S. marshal for the eastern district of Pennsylvania for the term of 4 years, reappointment.

William L. Martin, Jr., of Georgia, to be U.S. marshal for the middle district of Georgia for the term of 4 years, reappointment.

Robert J. Roth, of Kansas, to be U.S. attorney for the district of Kansas for the term of 4 years, reappointment.

Dean C. Smith, of Washington, to be U.S. attorney for the eastern district of Washington for the term of 4 years, reappointment.

John W. Stokes, Jr., of Georgia, to be U.S. attorney for the northern district of Georgia for the term of 4 years, reappointment.

James M. Sullivan, of New York, to be U.S. attorney for the northern district of New York for the term of 4 years, reappointment.

Charles R. Wilcox, of Wyoming, to be U.S. marshal for the district of Wyoming for the term of 4 years, reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, October 3, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearings which may be scheduled.

ANNOUNCEMENT OF HEARINGS BY THE SUBCOMMITTEE ON PUBLIC LANDS

Mr. JACKSON. Mr. President, I wish to announce hearings by the Public

Lands Subcommittee of the Interior and Insular Affairs Committee on S. 111, a bill to quitclaim the interest of the United States to certain land in Bonner County, Idaho; S. 2343, a bill to authorize the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands; S. 2385, a bill to designate the Chattooga River in the States of North Carolina, South Carolina, and Georgia as a component of the National Wild and Scenic Rivers System, and for other purposes; S. 1582, a bill to provide for the conveyance of certain public lands in Klamath Falls, Oreg., to the occupants thereof, and for other purposes; and S. 184, a bill to authorize and direct the Secretary of the Interior to sell interests of the United States in certain lands located in the State of Alaska to the Gospel Missionary Union.

The hearings will be held on October 10, at 10 a.m., in room 3110, Dirksen Senate Office Building. Those who wish to testify or submit a statement for inclusion in the hearing record should contact Steven P. Quarles at 5-2656.

POSTPONEMENT OF HEARINGS ON INDIAN HOUSING PROGRAMS

Mr. ABOUREZK. Mr. President, I regret to announce that due to uncertainties in the Senate schedule pertaining to votes on the military procurement bill and the foreign aid bill, I have decided to indefinitely postpone 2 days of hearings into the Indian housing programs which the Indian Affairs Subcommittee had scheduled in South Dakota October 1 and 2.

It is my hope that we will be able to reschedule these hearings soon.

We had an exciting 2 days of hearings planned, and I am anxious to get to them.

I want to apologize for any inconvenience this may cause, and I thank the Members for their forebearance.

ADDITIONAL STATEMENTS

A PLANT WHERE WORKERS LIKE THEIR JOBS

Mr. PERCY. Mr. President, today I would like to call the attention of my colleagues to an article from the September 8 issue of Business Week entitled, "A Plant Where Workers Like Their Jobs." The United States faces a grave challenge to increase the national productivity growth rate, and those of us who are involved in promoting productivity growth take great pleasure in finding companies who have met this challenge successfully in their own plants.

One such business is the Kennett, Mo., hose manufacturing plant of Uniroyal, Inc. The key to the organization at the Kennett plant is implementation of the concept of "participative management," which relies upon the worker's own sense of responsibility and treats each job equally. At Kennett there are no executive dining rooms or parking slots. At Kennett the opinions of each worker are actively solicited and worker suggestions are a major part of the company decisionmaking process. The result of this approach to business organization is not only an enthusiastic and satisfied work force but a production rate at 120 percent of the plant's projected capacity.

The success of Uniroyal's Kennett plant is an excellent example of the innovative American business tradition at its best. The great challenge we face today to increase the productivity in all U.S. industries can be met by efforts such as that at Kennett. I commend the Business Week article describing the Kennett plant, and I ask unanimous consent that it be printed in the RECORD.

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

INDUSTRIAL PRODUCTION: A PLANT WHERE WORKERS LIKE THEIR JOBS

A UNIROYAL DIVISION THRIVES ON WORKERS' COMMITMENT TO HIGH QUALITY, LOW COSTS

Raymond E. Smith, 44, sold used cars for 20 years. For the past three years, though, he has been running an extruder at the Kennett (Mo.) hose manufacturing plant of Uniroyal, Inc. Says Smith: "I've enjoyed every minute of it."

Smith's enthusiasm for his job may be unusual, but morale at Uniroyal's nonunion Kennett plant, set in the midst of Missouri's cotton and soybean fields, is unquestionably high. After three years of operation, the plant is producing high-quality hydraulic and automotive hose at 120% of its projected capacity, according to plant manager Lloyd Spalter. Moreover, the scrap rate is half what it was at an older plant, absenteeism is a mere 1.7%, and only four of 140 employees have quit within the past year—none, apparently, for job-connected reasons.

To 40-year-old Spalter, all of this proves the value of a new way to manage a factory. And at a time when the so-called blue-collar blues are prevalent at many plants, the Kennett experience could be instructive:

All employees earn salaries instead of hourly wages. This fact makes the low absenteeism rate all the more remarkable.

Machine operators inspect their own output, draw up work rules, and participate in other management decisions.

Managers work constantly on improving communication, up and down.

None of these policies is unique to the Kennett plant. Many plant managers in the U.S. and abroad are experimenting with so-called participative management. And "total salary" systems have become commonplace, especially in the petrochemical industry. But Spalter's superiors in Uniroyal's Industrial Products Div. think that the Kennett approach goes further than most others in seeking employee commitment. So convinced are they of its success that they are extending it to two more hose plants—in Red Oak, Iowa, and Maryville, Mo.—that are just starting up. A few years ago the Kennett plan "seemed bold to top management," says Howard Norris, production manager for the Industrial Products Div., "but we must have sold them."

RESPONSIBILITY

Norris' aim has been to develop a management style that would rate "nine-nine" on the familiar managerial grid—that is, maximum efficiency coupled with maximum concern for people. To start up the Kennett plant in 1969, Norris picked John W. Gorman, who was then managing a department in the division's now-defunct Passaic (N.J.) plant. Gorman visited a number of plants that were operating on a total-salary basis, including some in Uniroyal's own chemicals and plastics divisions. And, says Gorman, who is now managing the new Red Oak plant: "I read a lot," especially on the theories of management psychologists such as Frederick Herzberg and Saul Gellerman.

Out of this came a system that leans heavily on a worker's sense of responsibility or, as Norris says, "trust." After initial training, a machine operator is trusted to know what has to be done and to do it without direction. This seems to make sense to Kennett's machine operators. Says Bernard Boren, who runs the bobbin winding line in the braiding shop: "We don't need a man to watch someone else work. Right?"

Trust also vastly reduces the amount of in-process quality inspection needed, as well as the manpower and paperwork that goes with it. "I think it's demeaning to check an operator," says Spalter, Gorman's successor. "You get better quality if you don't."

The degree of trust that is evident today at Kennett developed gradually as Gorman experimented. "The biggest thing Gorman learned," says Spalter, "was that the more trust you put in people, the more they respond." Not everyone measures up, of course, Spalter has fired a few employees for falsely reporting output or the reason for an absence.

Another key word in the Kennett vocabulary is respect. "We keep selling the philosophy that every job is important," says Norris. "So we have to treat everyone that way." At Kennett, that means no executive dining room, toilet, or parking slots. It means attention to cleanliness and safety in both the plant and the workers' leisure areas. (One inconsistency: Though the offices are air-conditioned, the plant is not.) It also means that a machine operator's request for time off to take his mother to the hospital is treated the same as if it had come from one of Spalter's management staff. "There is no caste system here," says Spalter. "I don't get any privilege that the sanitation operator doesn't get."

INVOLVEMENT

Trust and respect lead naturally to involvement of workers in making all kinds of decisions, from choosing the colors that their machines are painted to setting their own output standards—"sometimes too high," Spalter notes. Some operators also are experimenting with rotation of jobs. And when Kennett ran into an epidemic of yarn breaks in the braiding room, a braiding machine operator sat in on the troubleshooting meeting with the yarn supplier.

Spalter and his staff put high priority on communication. The most regular contact is a daily notice called "Didjanodat?" (for "Did you know that?"—which Spalter suspects is a gibe at his Brooklyn origin) that tells employees how much each department produced the previous day and how the outputs compare with the past and with goals. It also spotlights quality problems, lists expected visitors, and is likely to end with someone's favorite new joke.

Meetings with employees are held at least once a month. At one recent meeting, for example, workers heard about changes that Spalter was making in his staff organization, about a new system for control of raw material inventory, about a planned trip to a St. Louis Cardinals baseball game, and about revisions being made in the annual competition for individual ouput. Special meetings are also held to get operators' suggestions on quality problems. Other meetings are gripe sessions out-and-out.

In addition, any employee can walk in to see Spalter without an appointment. "We want to know what those people are thinking—or may be worrying about," says Spalter. He has even been asked for advice on investments, medical problems, and kids in trouble.

FEEDBACK

Employees get direct feedback on their performance when salaries are reviewed every six months. Ratings of excellent, good, satisfactory, or unsatisfactory are determined by a rigorous point system keyed to attendance, volume and quality of output, acceptance of overtime, housekeeping, and

so-called "critical incidents." The ratings determine the increases in weekly salaries.

"Most of our people rate 'excellent,'" says Spalter. However, employees have challenged their ratings often enough to convince him that even more frequent discussions of individual performance are needed.

The unusual environment was hard enough for many workers to adjust to, says Spalter, but it is even harder to supervisors, including himself. "Everything I learned as a production supervisor at Passaic," he recalls, "I had to throw out the window." In a traditional plant "it's very disturbing to walk past a machine and find the operator missing," he says. "Here, he may be playing Ping-Pong in the rec room, but you know that he has been getting tremendous performance. You have to think in terms of total output.

Ordinarily when problems crop up, "you apply pressure, adds Donald J. Slowicki, Spalter's 31-year-old production manager. "Here, you continually work to develop morale and rapport."

The learning has been hardest for first-level supervisors, the so-called unit managers who coordinate the work. Says Spalter: "We expect them to develop a one-on-one relationship with each of their people, not to crack the whip." He recently began a series of meetings aimed at helping supervisors cope with their role.

The result of the management approach at Kennett is "terrific commitment from the operators," says shift manager C. Ray Wayne. "People enjoy coming to work, They know what they're making. They take pride in it."

LOW LABOR COST

Workers' salaries at Kennett, while competitive in the area, are far below the wages paid at the old Passaic plant. Yet, as intended, the plant has so far proved a tough target for organizers of the United Rubber Workers. They lost an election in 1971; now, claims Spalter, "there is zero internal activity." The area is "pretty depressed," complains a URW executive, "and they've never seen this kind of wages before.

The low salary scale and the high productivity, coupled with some advanced processes, make Kennett a low-cost plant for Uniroyal. If Red Oak and Maryville, also in low-labor-cost areas, work out as well, the company fully expects to increase its share of the $400-million industrial hose market.

But Norris, Gorman, Spalter, and others who have been part of the Kennett experiment are convinced that the plant's operating philosophy need not be limited to new, nonunion plants in Middle America. "There are certain things you can't do in a union evironment," says Spalter, "but you can be fair and take a personal approach. I would love the opportunity someday to go into an existing plant and put in these programs."

COMMISSIONER MARY GARDINER JONES SUPPORTS ESTABLISHMENT OF STRONG CONSUMER PROTECTION AGENCY

Mr. RIBICOFF. Mr. President, last week, Mary Gardiner Jones, Commissioner of the Federal Trade Commission, testified before the House Government Operations Subcommittee on Legislation and Military Operations in support of establishment of a strong Consumer Protection Agency. Commissioner Jones' statement explains the need for consumer representation before Federal agencies and courts and emphasizes the necessity of adequate information gathering authority for the Agency.

Mr. President, Commissioner Jones has been a member of the FTC for 9 years. She is one of the Nation's foremost authorities on consumer protection matters. Her views on this subject should be given serious consideration by the Congress. Accordingly, I ask unanimous consent that the text of her statement be printed in the RECORD.

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

STATEMENT OF MARY GARDINER JONES, COMMISSIONER, FEDERAL TRADE COMMISSION

I am very honored to appear before this subcommittee to discuss with you what I regard as the single most important consumer proposal to come before the Congress even taking into account the Federal Trade Commission Improvement Act which of course I also regard as a very important piece of legislation.

The United States is facing a critical period in its history. We are wracked with serious inflation which is of great concern to all citizens. In addition to rising prices we are confronted with serious problems of pollution, energy shortages, soaring health costs, population control and the like. Super-imposed on all of this is a deep sense of powerlessness on the part of our citizens and an unfortunately increasing sense of mistrust of all institutions, particularly government.

Thus, it has never been more important that we find realistic means to integrate the views of the American people into government decisionmaking. The bill which you are considering at these hearings, I believe, will go a long way both to contribute to the quality and responsiveness of government actions and to give American citizens a realistic sense that their government is indeed concerned to listen to their views and is taking their interests into account in their decisions and policy determinations.

I am just now completing my ninth year of service as a Commissioner on the Federal Trade Commission. I have watched—and I hope participated in—the transformation of the Commission from an agency which used to look at its function primarily as one of stamping out violations of law wherever they might appear to an agency which today sees its role essentially as one designed to identify and respond to the needs and concerns of consumers in the marketplace so far as these may be within our jurisdiction. I am convinced that the principal factors in producing this important shift in the Commission's approach to its responsibilities has been the existence of a vocal consumer constituency, the ability of that constituency to make its voice felt in the day to day decisions of the Commission, and finally, the willingness of the Commission and its staff to listen and to respond to the real interests and needs of consumers in the marketplace.

I believe that the Commission's experience illustrates two things: first, the value of effective consumer access to government decisionmaking; and second, the need to institutionalize and mandate that access so that it is not dependent on agency discretion and the personal predilections of particular agency staff and members.

Today the consumers' access to the Federal Trade Commission is wholly dependent on the Commissioners' discretion and willingness of its staff to listen to consumer viewpoint on issues before them. The Commission has never been willing to grant consumer representatives a right of intervention in Commission proceedings. Commissioners still today must be constantly reminded of the value of periodic meetings with consumer groups. The Commission staff could tomorrow discontinue their open-door receptivity to the consumer groups and their representatives.

This is in sharp contrast to the Commission's relationships with industry members and their representatives. Both Commissioners and staff members are in constant contact with industry representatives and spokesmen simply as a part of their day to day regulatory investigatory activities. Industry viewpoints are listened to both as a matter of due process as well as a matter of simple courtesy and a desire on the part of Commissioners to be fair and not to be labelled as biased or antibusiness. Commissioners today unfortunately seem to have less concern about appearing anticonsumer than they do about appearing antibusiness.

Yet I am convinced that consumer viewpoints are as essential as business viewpoints for the Commission's effective decisionmaking. They are essential because the Commission must receive a balanced sense of the issues in order to try and determine where the public interest truly lies. I do not equate the public interest with the consumer interest even though all of us frequently refer to consumers as the public.

Both industry and consumers have an identical interest in our actions: industry because they fear that affirmative action on our part may hurt their business and consumers because they fear that inadequate action or, more frequently, inaction on our part may perpetuate or permit the continuance of conduct which hurts their interests or be inadequate to redress their injuries effectively. If government is exposed to only one side of a problem and hears the points of view and arguments of only one interest group, its action will be to that extent deficient. Nor can it be said, as my fellow commissioners so frequently say, that they know the interests of consumers and hence do not need that input. They could just as easily, perhaps more easily, say they "know" from their own experience the interests of the businesses affected by their decisions. None of us can ever "know" the interests of a particular group as well as the group itself. We owe it to ourselves to be forced to listen to all parties affected by actions of ours before taking that action.

With these as my premises, let me discuss briefly three of the major issues which I understand are of concern to this Committee in their consideration of this legislation: (1) the form in which consumer input should be mandated by this bill; (2) the scope of the consumer agency's participation in departmental action; and (3) the powers which the consumer agency will need in order to discharge its critical responsibilities of representing consumer interests in agency or department decisionmaking.

I am convinced that the Consumer Agency must be able, as a matter of right, to participate in government agency actions to the extent and with sufficient timeliness so that the decisionmaker—be he an individual or a body—has before it all of the facts, including those deemed relevant by the Consumer Agency, which bear on the decision. Let me elaborate this general statement with a few specific examples of government agency decisionmaking in which I believe the Consumer Agency must have an advance participatory role.

There seems to be general agreement that the Consumer Agency can and must participate in all adjudicatory and rulemaking proceedings which result in final actions of some type—promulgation of orders, rules or dismissal of the actions. Questions have been raised about the Consumer Agency's participation in settlement negotiations which are such a predominant part of these formal government agency proceedings. I am convinced that this participation is equally essential. Moreover, such participation can be feasibly accomplished without in any way interfering with these negotiations by requiring the governmental agencies to provide a means by which the Consumer Agency will receive notice of matters under negotiation for settlement, information about the terms of settlement being discussed, and an opportunity to present its views on adequate settlement at least to the staff, and perhaps

also to the decisionmaker, before any decision—whether preliminary or tentative or final—is made about the acceptability of a settlement proposal recommended by the staff.

I recognize, of course, that if you limit your bill to only rulemaking and adjudicatory proceedings, you will be affecting only a very small percentage of critically important day to day government decisions which vitally affect consumer interests. I believe, therefore, that it is essential that your bill provide that the Consumer Agency has a right to some type of advance input into these other governmental actions. Sections 204(b) and 206 of H.R. 14 attempt to achieve this objective. Perhaps another way of achieving this objective would be to authorize the Consumer Agency to enter directly into agreements with individual agencies or departments in which the precise categories of decisions made by that Agency which most directly affect consumers interests as well as the most feasible form of participation by the Advocate in each such agency or department decisions or category of decisions would be spelled out.

Each of these special Consumer Agency participation agreements would then be published as a matter of public record. They would be subject to an annual review and modified or amended annually. This approach would enable agencies to know definitively—at lease on an annual basis—which of their decisions or actions might be of concern to the Consumer Agency. At the same time it would protect the Consumer Agency from being inundated with notices of agency decisions—by the Weather Bureau for example—which are unlikely to be of concern to it even though the agency or department has previously listed itself as a government agency with consumer responsibilities. Such a public register of agreements would also enable members of the public to monitor the actions of the Consumer Agency's office so that they can have confidence in its performance.

Another alternative—or supplementary provision—would be for your bill to require agencies or departments to maintain a public roster of decisions—by categories or individually—which they make which in their judgment affect the interests of consumers. This could assist the Consumer Agency in determining which matters require consumer input and it would enable consumers to monitor the priorities of the Consumer Agency in selecting the matters in which it actually provides some input.

Once the scope of the Agency's participation is worked out, it is of vital importance, in my judgment, that the nature of its participation be as broad as possible. It must go beyond the mere right to present oral or written arguments. It must extend to the right to call and cross-examine witnesses, present documentary evidence and generally participate to the same extent that business or industry participates.

I believe the Consumer Agency must also have broad powers to assemble information bearing on the consumer interests in a given matter. I recognize that full discovery powers conferred on the Agency can subject organizations to dual discovery. For this reason, other governmental agencies using discovery for their own purposes with respect to matters which they know are subject to Consumer Agency participation should be required to consult the Consumer Agency in advance and broaden their own discovery requests to encompass matters which it deems relevant. However, where the decisionmaking agency has not used compulsory process, the Consumer Agency must have its own powers to seek the discovery it feels necessary. The producing parties will be fully protected from burdensomeness, harassment or irrelevant requests since they will have the same rights to contest the scope and relevance of the Consumer Agency's discovery requests as they would have for the action agency's discovery. I believe any added burden or delay which might flow from the Consumer Agency's discovery process is the price we must and should pay in order to ensure that government decisionmaking is truly sensitive to all of the interests affected by it.

Finally, I am convinced that if the Consumer Agency's participation in governmental decisionmaking is to carry any genuine weight and influence, it is critically necessary that the Agency be given the right of seeking judicial review of the action agency's decision where it believes such decisions are contrary to the law or to the facts. Without a right of appeal, the Consumer Agency's participation on whatever terms it is agreed upon would be rendered essentially meaningless since the action agency could ignore it with impunity. Indeed unless the Consumer Agency has the right of appeal, its absence might almost create an incentive for the action agency in difficult cases to weigh the facts in favor of industry and thus avoid a review of its decisions. Again, I know of my own experience that it is much more difficult and requires far more care to write opinions dismissing cases since these latter opinions will never be scrutinized on appeal. In opinions which cannot be appealed, the discussion of the evidence can be, and frequently is, much more cursory and the rationale for dismissal can be and frequently is, either summarily put forth or is discussed much more briefly than in decisions susceptible to appeal. Moreover, I do not believe that this right of appeal should be limited to matters in which the Consumer Agency has previously participated as a party since this would have the effect of compelling him to intervene in all matters in order to protect his right of appeal when he has no reason to assume his participation is necessary.

I am deeply appreciative of this opportunity to appear before you on this very important bill. I know that in a very real sense if you approve a bill creating a Consumer Agency you will be making a critical contribution to the improved effectiveness of our democratic system at a particularly critical period in our nation's history.

VICE PRESIDENT AGNEW

Mr. HELMS. Mr. President, I would like to commend to the attention of my colleagues an article, written by Bruce Biossat, which appeared in yesterday's Washington Star News.

The article touches on several key themes relating to the Vice President of the United States.

I ask unanimous consent that this article be printed in the RECORD.

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

AGNEW'S SLOW AGONY

With each passing day of his slow, water-torture treatment from the federal judiciary and the White House, Vice President Spiro Agnew may indeed be getting closer to resigning his office.

When that idea first surfaced days ago, many friends and associates described it as "out of character." Only one I talked with insisted that, in the trying circumstances, it was not. Rechecking, I find this essentially minority view increasingly persuasive.

Says this man again, with fresh force:

"Believe me, the vice president does not have the patience to endure this."

This assessment is based upon a close-hand measure of Agnew's mood and private utterance. It has nothing to do with recent stories, now publicly questioned by his lawyers, that the vice president has been "plea bargaining," offering to plead guilty to some minor offense (out of a packet of charges) that he was involved in kickbacks and extortion while governor of Maryland, in return for resigning.

Nor is the judgment linked directly to efforts new at this writing, to block further action by U.S. prosecutors and possibly by a grand jury, until the constitutional issues surrounding the case are settled.

What is involved is this:

When Agnew publicly said he would not yield his office but would fight for his proclaimed innocence from that vantage point, he never dreamed either that the federal judiciary would perform as it has, or that President Nixon would give him so little public backing.

He is strongly inclined now to believe that the battle can be better fought from the outside.

This attitude, reported to me, is wholly understandable, despite the view of some that the office gives him a better fortress from which to mount his personal combat.

It is nearly two months now since the charges against Agnew first appeared. In this inexcusably long span without decisive action, he has been subjected to a running stream of leaked reports. A fair percentage of these unmistakably have come from federal prosecutors who, by such misconduct, should have forfeited any reasonable consideration as continuing or future occupants of public legal posts.

Admittedly, the legal-constitutional issues are complex. There is no need to review them all. Typical and central is the question whether a vice president can be indicted before he is impeached, or must first be impeached.

Nevertheless, it is unconscionably crue' and unfair that federal authorities, fully aware of the massive damage already done to the vice president's reputation and political future by official misconduct, should have allowed so much time to elapse without some sort of formal action on a single charge.

At least as cruel is the President's calculated silence through Agnew's long ordeal. His limp, second-hand expressions of faith in his performance just as vice president amount to nothing. It is hard to escape, too, the indications that the White House has been the source of many leaks, including some suggesting pressure on him to resign.

The merits of the case against Agnew are yet to be weighed. What is plain is that, in this very cruel town, his treatment ranks with the cruelest in history. Justice is a huge loser.

ENERGY REFORM

Mr. BIDEN. Mr. President, as the fuel shortage continues unabated, so, too, the experts continue to propose various remedies to the oil-auto energy crisis. Unfortunately, many of these proposals fail to consider the increase in national petroleum consumption augmented by the expanding manufacture and purchase of new automobiles. Thus, the proposed remedies often assume that a little self-restraint will solve the problem.

Stewart Udall, former Secretary of the Interior during the Kennedy administration, proposes a more workable solution in an article, "The ABC's of Energy Reform," which appeared in the New York Times, Thursday, July 12.

Describing the American car as "an economic hemorrhage and an energy disaster," Mr. Udall stresses the need to initiate "sweeping changes in our whole petroleum-based transportation system." These sweeping changes could be accomplished by enacting Dr. Paul McCrack-

en's proposal for an immediate increase of 10 cents per gallon in the Federal tax on gasoline, and allocating the additional revenues to an emergency transportation fund. The moneys in the fund would be spent, says Mr. Udall, to rebuild our public transportation systems, thereby reducing our consumption of oil and avoiding "our impending economic bondage to a few nations in the Middle East."

Under this program subsidies would be provided for current intracity mass transit systems to allow free fares, for cities to construct new mass transit systems, and for railroads to produce faster trains.

If Mr. Udall's plan were implemented, the effects on our environment and energy conditions would be more than satisfactory. Mr. Udall summarizes these benefits succinctly: Decreased air pollution, saving of precious land that guides urban growth, elimination of 15,000 traffic fatalities annually. Moreover, we would avoid the dollar devaluations resulting from dependence on other oil-producing countries.

Says Mr. Udall:

A program of this magnitude would get at the roots of the oil-auto energy crisis and force us to come to terms with our own gluttony and waste.

Although the quest for new sources of energy will hopefully yield the final solution to our present dilemma, it would not be realistic to believe that the transition to a new energy system will occur in the immediate future. And it would be equally foolish to believe that we can safely afford to wait out the interim period. We require an immediate solution. I believe the proposal set forth by Stewart Udall is a salient one that deserves consideration.

Mr. President, I ask unanimous consent that the text of the article, "The ABC's of Energy Reform," be printed in the RECORD.

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

THE ABC'S OF ENERGY REFORM

(By Stewart L. Udall)

WASHINGTON.—Various experts recently proposed assorted remedies for the oil-auto energy crisis. Dr. Arthur Burns of the Federal Reserve has suggested a horsepower tax; Secretary Morton has urged the states to lower their speed limits, and Secretary Shultz has proposed voluntary car pools. My quarrel with such proposals is that they assume the petroleum crunch will diminish if we merely exercise a little self-restraint and make some modest adjustments in our automobile etiquette. All the available facts deny the validity of such assumptions.

Petroleum consumption is increasing 7 per cent each year, and we are manufacturing and buying a record number of new autos this year. The official statistics show that the U.S. oil shortage is worsening daily—and it will grow until we take drastic action to reverse our voracious consumption of petroleum products. It is urgent to deter wasteful travel now; but it is ten times more important to initiate sweeping changes in our whole petroleum-based transportation system.

What might be the first part of such a two-step program has been proposed by Dr. Paul W. McCracken, President Nixon's first chairman of the Council of Economic Advisers. McCracken called for an immediate increase of ten cents per gallon in the Federal tax on gasoline—and an additional ten-cent tax in 1974. He reasoned that such a stiff increase in the gas tax would dampen demand by penetrating the consumer's "threshold of awareness" of the energy shortage. In all likelihood, McCracken's plan would curtail unnecessary travel and help us cut oil consumption in the near term. However, his stopgap measure does nothing to bring about the structural changes in our transportation system that can save us from a far worse crisis a few years from now.

Bold action is imperative. I propose that we convert McCracken's short-term deterrent into a dynamo for long-run reform. The McCracken tax (a ten-cent Federal gas tax will produce over $10 billion in annual revenues) should be enacted and allocated to an emergency transportation fund. This fund should be expended on a crash program to rebuild our public transportation systems, reduce our consumption of oil, and avoid our impending economic bondage to a few nations in the Middle East.

How would the money be spent?

As a starter, we should subsidize current intracity mass transit systems to the point that fares are free—or at least dirt cheap. (This would be a temporary act of equity to low-income people who would be hurt by the regressive nature of the McCracken tax.)

The cities (most of which are ready for action and begging for funds) should be given billions to build and subsidize versatile mass transit systems—everything from bikeways to modern bus systems to monorails. The construction of cheap, pleasant and convenient public transportation would make our one-man, one-car transportation system obsolete. Indeed, "second cars" would soon become an intolerable expense. (We have the technology—and the nearby example of Toronto—so let no one argue that this is an impractical plan.)

The railroads should be subsidized and encouraged to produce a new generation of fast trains that would shift much of our intercity passenger and freight traffic from highways and aircraft to fuel-saving railways.

The automakers should be encouraged (to the extreme of a partial subsidy if necessary) to bring about a swift transition to small, lower-horsepower, 25-miles-per-gallon automobiles. (And Congress could do its part by mandatory laws regulating the weight of autos and the size of their engines.)

The environmental and energy-economy dividends to the nation from such a program would be enormous.

We would cut back the air pollution which is choking our cities.

We would save precious land by slowing down urban sprawl. (In fact, we should spend 10 to 15 per cent of the fund on emergency grants to cities to enable them to purchase open space and greenbelts that would check sprawl and guide urban growth.)

We would probably save at least 15,000 lives annually by reducing and decelerating auto travel.

We would avoid the periodic dollar devaluations that will inevitably plague us if we become economic satraps of the oil-producing countries.

A program of this magnitude would get at the roots of the oil-auto energy crisis and force us to come to terms with our own gluttony and waste. Last year, for example, we burned nearly 55 per cent of the world's gasoline. The behemoth "American car" is now an economic hemorrhage and an energy disaster. Drastic reforms are needed now. Unless the President's new "energy czar" produces a program of the scope I have suggested, hardships and dislocations will impinge on the lives of millions before this decade has run its course.

TRIBUTE TO MRS. ELAINE NIELSEN

Mr. ABOUREZK. Mr. President, I would like to take this opportunity to pay tribute to a truly remarkable individual, Mrs. Elaine Nielsen of Beresford, S. Dak.

Anyone who is familiar with the needs of rural America is undoubtedly aware of the acute physician shortage which plagues many rural communities. To the residents of these areas, access to basic, quality health care is a very real and pressing problem.

While Federal officials theorize about this problem in Washington, many dedicated and hardworking individuals are at work in the field trying to help the sick and unfortunate. Elaine Nielsen is one of these people.

Elaine Nielsen is a compassionate individual who, 16 long years ago, started her own visiting nurse service to help her friends and neighbors. Today, she puts in about 61 hours a week in caring for her 110 patients, makes more than 2,500 home visits a year to patients ranging in age from a few days to 92 years, and travels over 25,500 miles to do so.

I have before me here today a copy of an article, written by Dorothy Kelly, which appeared in the September issue of the American Journal of Nursing. This fine article recounts the accomplishments of the truly remarkable Mrs. Nielsen and also highlights the unique health-care problem which affects much of rural America. I ask unanimous consent that this article be printed in the RECORD.

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

ONE TOWN'S ONE-NURSE SERVICE

(By Dorothy Kelly)

In Beresford, South Dakota, a rural town, Elaine Nielsen responded to her neighbors' and friends' nursing needs. Thus began a practice which today includes 110 patients.

Today nurses who set up their own practices make news because the idea is still relatively new. Elaine Nielsen started her own visiting nurse service 16 years ago. Today she puts in about 61 hours a week in caring for her 110 patients, makes more than 2,500 home visits a year to patients ranging in age from a few days to 92 years, and travels over 25,500 miles to do so.

On the side her schedule includes such activities as teaching first aid to girl scouts, attending workshops, monitoring special nursing classes on television, studying, and spending innumerable hours of writing records and reports relating to her patients. During a time when Beresford had no resident physician, she attended all high school athletic events at the request of school officials.

Ms. Nielsen never really hung out a shingle. Her service began after her marriage when her neighbors began calling on her to help care for elderly relatives just released from hospitals or patients with terminal illness who, because of financial burdens or preference, spent their final days at home instead of in a hospital. Prior to this she had been the administrator of a small hospital in South Dakota and worked as a general duty nurse in the emergency room of a large hospital in Arizona. She received her diploma at Sioux Valley Hospital School of Nursing in Sioux Falls, South Dakota, in 1950 and remained at the hospital for a year as a general duty nurse in orthopedic and medical nursing.

Soon she was spending more time caring for her neighbors than her own family. So, she and her husband worked out a schedule of charges paralleling fees received by private duty nurses, plus mileage.

Her first paying patient 16 years ago had a terminal case of cancer of the spine. The

patient lacked funds for a nursing home but did not qualify for welfare assistance.

Beresford is a town of 1,650 people in southeastern South Dakota, midway between Sioux Falls and Sioux City in Iowa, with approximately 6,000 people living within the 12-mile radius. For 40 years the community had only one medical doctor. Until recently there were no school nurses or public health nurses. The closest hospital is 20 miles away.

The town does have a well-equipped ambulance service, staffed by volunteers. Elaine is one of them.

HER POLITICAL SHREWDNESS

When Medicare went into effect, many elderly patients did not understand why Elaine's nursing service charges were not paid by Medicare. She learned from the state health department that applications to have a home nursing service certified had to be processed through county public health nurses and that only those counties with such an official could approve payment for her services to Medicare patients.

Her territory covers portions of four counties. Two had public health nurses at that time, and they certified her, qualifying those residents for payment of her services.

The other two counties presented a problem. Union County had appropriated funds for a public health nurse, but the pay scale, compared to adjacent Iowa, was too low to attract a qualified registered nurse to the position.

Clay County, Elaine's place of residence, had a different problem. The county had had no public health nurse for 27 years, and the county commissioners said they could make no appropriation for such an office unless citizens requested one.

Elaine hit the speaking circuit in her spare time, enlisting the aid of the county teachers' association, extension club leaders, and anyone else who would listen. Teachers in the county circulated petitions and armed with these and backed by a state nursing consultant, Elaine again met with the Clay County commissioners, who made the appropriation.

HER CASELOAD

Beresford now has the services of one physician, and she calls on this doctor's patients only when they request her services for bedfast patients. She also accepts referrals from out-of-town attending physicians, most of whom are specialists. She is quick to point out that she is not competing with the local doctor for patients; professionally, there can be no competition.

Her patients now include private patients (some of whom come to her home for visits), welfare patients, and some who are on Medicare.

Many long-distance telephone calls are made to doctors when immediate consultation is necessary, and regular hospital calls are worked into her schedule to check on patients' progress and therapy, easing the transition from hospital to home care.

In 1971, Elaine hired a part-time secretary to assist with the paper work, as well as a part-time housekeeper, a neighbor who was then a second-year student in nursing school and who used the money she earned to help pay for her education.

READY FOR EVERYTHING

Elaine travels in a red Toyota equipped to meet almost any emergency she may find. She carries a small tank of oxygen, a mask unit, dressings of all sizes, cotton balls, thermometers, a stethoscope, an otoscope, a sphygmomanometer, splints of various sizes, Fleet enemas, needles and syringes, sterile and unsterile rubber gloves, hand soap, towels, sutures, airways, injectible medications, irrigating solutions, sounds, catheters, and catheter trays. In addition, she carries, at times, equipment needed in the care of specific patients.

For times when the snow drifts are so high the car won't plow through, she has a snowmobile, equipped with a sled. During the winter of 1968–1969, when over 130 inches of snowfall were recorded, she and her husband, who pilots the snowmobile, hauled food, fuel, and other supplies to patients and others who were isolated for weeks at a time by blocked roads. The sled can accommodate a stretcher, but has not as yet been required to do so. It could get a stranded patient from a farm to cleared roads and an ambulance, if necessary.

She has a long list of equipment and supplies which patients rent from her—whirlpool baths, apparatus for Buck's extension, intermittent positive pressure breathing machines, commodes, walkers, crutches, hospital beds, and other things not available in the community.

Throughout her 16 years of nursing service, she has never advertised and has tried to avoid any type of publicity. Her list of patients has grown to the point that to add another would make her workload almost impossible. Yet, she manages to squeeze in more when a doctor or family insists on her services. Few people in the community know the extent of her work.

She acknowledges that the work is strenuous, but derives a great satisfaction and enjoyment from it. Her husband commented one Sunday morning when she remarked she was tired, "I don't know why you should be; you came to bed three times last night."

She has a deep religious faith, "It is sustaining to know I am not out there alone, whether it is night or day, or fair weather or foul. One has to have a strong faith to survive the schedule."

AMERICAN PATRIOTISM

Mr. THURMOND. Mr. President, as the 200th birthday of our great Nation rapidly approaches, it should give us pause to contemplate where we have come from and where we are going.

I have often spoken on the subject of our national heritage and the need for revitalization of the basic—but important—concepts which made this Nation. Fundamental values such as frugality, hard work, dedication, and Christianity are still valid today and must be renewed.

Two articles which recently appeared in Reader's Digest eloquently discuss these objectives. I was so impressed with them that I would like to share them with my colleagues.

Accordingly, Mr. President, I ask unanimous consent that the articles entitled "Spirits of 1776 and 1976—What We Have Lost," and "Spirits of 1776 and 1976—A Chance for Rediscovery," which appeared in the September issue of Reader's Digest, be printed in the RECORD at the conclusion of my remarks.

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

SPIRITS OF 1776—AND 1976

(Condensed from "The Spirits of '76" by Eric Sloan)

I. WHAT WE HAVE LOST

John Adams wrote: "Posterity! You will never know how much it cost the present generation to preserve your freedom!" He was right: we are not aware. Our heritage is threatened more by indifference than by anything else.

Not long ago, my editor suggested that I write a book for the occasion of the Bicentennial of the United States of America. I started thinking about it, and an idea was born. When we take a hard look at 1776, we see more clearly by comparison what America is today. There is a difference and the difference is interesting.

In America today, we tend to believe that we are exactly like the early American, only wiser and more experienced—that today is no more than yesterday grown older. We accept the fact that the horse and buggy are gone forever. But we perceive only dimly that the man who drove that horse and buggy, the godly, frugal, thankful, work-loving man of yesterday, is gone, too, replaced—all too often by the money-oriented, extravagant, discontented, thankless man of today. Somewhere along the line, the original spirits of America became obsolete.

It might be enlightening, I thought, to isolate some of the valuable philosophies of our early times, the "spirits of '76," that have weakened or vanished; perhaps, in the process, some of these lost spirits might be revived. I suppose that growing philosophical is not in keeping with the popular, gay spirit of celebration, but the approach of a 200th birthday seems to deserve serious reflection. And even if you disagree with my list of vanished American spirits, or want to add some of your own, we will both have done some useful thinking.

THE SPIRIT OF PATRIOTISM

In this age of flag-burnings, when the Stars and Stripes are being worn on the backsides of blue jeans, patriotism in America seems to be at an all-time low. As I thought about this, however, I realized that Americans have increasingly related "patriotism" to war and militarism and nationalism. I had never regarded patriotism in such a light, and I began to wonder if we had not been using the word incorrectly. I went to old dictionaries, volumes such as might have been used by George Washington or Patrick Henry, and in one of them I found patriotism defined as: "The Spirit of acting like a Father to one's country: A Publick Spiritedness." Another dictionary called patriotism "a quality of respect of one who is devoted to his family in a fatherly fashion." This has little to do with war or nationalism, but it has a lot to do with the important word "respect."

Respect for the family, respect for the nation and the land, respect for the flag and the law, respect for mankind and respect for oneself. These are the real ingredients of patriotism, and these are the values of the past that we must relearn if we hope to survive as a civilized country.

Adlai Stevenson, for one, seldom used the word "patriotism"—yet he was undeniably patriotic. "When an American says that he loves his country," he once said, "he means not only that he loves the New England hills, the prairies glistening in the sun, the wide and rising plains, the great mountains and the sea. He means that he loves an inner air, an inner light in which freedom lives and in which a man can draw the breath of self-respect."

THE SPIRIT OF HARD LABOR

As I sit in my studio and look out over the New England landscape laced together by ribbons of stone fencing, I wonder at the effort—often by old men—that must have gone into the clearing of the land two centuries ago. Once upon a time in America, such hard work was a part of life, one of the pleasures and satisfactions of living. Now the idea seems to be to try to get the most pay for the least amount of work. Hard labor seems to be considered drudgery, punishment, or at best a necessary evil. Retirement from labor has become a national aim. In other countries this is a personal decision; in America it is forced on a man, often just at the time when his talents are at a peak.

I remember Robb Golding, one of the last of that vanishing race of oldtime Maine guides. "He is an old friend," my wife said, "and he is coming this spring to prepare a

garden for us." One day in May, Robb arrived. The next morning, during breakfast, I began to wonder at what time one should awaken a 92-year-old man.

At that moment he appeared at the kitchen door. "I hope I didn't wake you," he said. "Tried to be quiet, but I kept striking your confounded Connecticut stones." He'd been hard at work since six.

At the end of two days, Robb had laid out an extraordinary garden with a split-rail fence around it. I suppose local help would have made it a week's work. When I brought up the subject of pay, Robb gave me a lesson in human nature. "Work is work when you're paid to do it," he said. "When you're not, it becomes pleasure. There's a lot of time in heaven for me to rest, so I want to get in all the working hours I can while I'm still alive."

It is rare today to find someone like Robb, someone who enjoys his work and takes pride in what he does. It wasn't rare two centuries ago. People then created beautiful gardens, built their own homes, made their own furniture, sewed their own clothes. The early American farmer left to future generations countless monuments to the spirit of hard labor. The stone walls flowing into the horizon of my farmland, and the massive beams above me in by barn studio—these things are more than decorative. They are like gifts from one artist to another, and they remind me of a sampler, obviously sewn by a young girl, that came with my farmhouse: "See only that thou work hard, and thou canst not escape the reward."

THE SPIRIT OF FRUGALITY

It has been estimated that we Americans waste more in one second than we made in a whole year two centuries ago. There were no garbage dumps in those days, because people used all their leftovers. Meat-fat scraps miraculously became scented soap; old plaster and cow dung became fertilizer for the garden; and most of the wrought-iron tools around the farm were recreated from other broken or discarded implements.

But the spirit of frugality, once an American trait, has been replaced by a wasteful, throwaway economy. Defying logic, the government seems anxious to prove that the more of our money it spends, the richer we become. Frugality is now frowned upon as being associated with stinginess or poverty; yet it is actually a source of the richer life because it is founded on the principle that all wealth has limits.

Frugality is also a sign of intelligence and sensitivity. The artist or writer knows the value of being frugal with brush strokes or words; he knows how extravagance usually produces little more than bad taste.

I recall going to buy a rag rug from an aged Connecticut farmwife. Tears came to her eyes as she contemplated its sale. "I started that center part," she said, "when we first began farming. You can still see the dyed flour sacks we used for curtains. Where you see the blue gingham—that's from the first dress Bob bought me . . . and there's even a bit of the baby's pink crib cover!" The rug spelled out a large piece of her life, all made from rags such as most people throw away. "I'll come back another time," I lied to her, "when I have the money with me." Of course, I didn't return.

THE SPIRIT OF THANKFULNESS

Pioneer Americans were rich in the spirit of thankfulness. When the *Mayflower* dropped anchor at Plymouth, the Pilgrims gathered on deck for prayers; and when they stepped ashore, they knelt in the sand for another prayer of thanks. It was the proper way of life in those days to be grateful often and to express it openly. In our 20th century world, however, voicing gratitude has gone out of fashion.

But not always. I remember Joseph Sartori, a poor immigrant who started Joe's Restaurant in Coney Island. Whenever one of his waiters was in need, an unsigned envelope containing cash would appear at his home. Joe had prospered without help from anyone, and it became his habit to dispose of his profits. But I also remember how Joe went out of business, a sad man. He had fired a waiter whom he found to be dishonest. The union, however, disagreed with Joe and surrounded his restaurant with pickets. I shall never forget an Italian busboy who marched alongside the pickets with his own handmade sign. It read: "Mr. Sartori is *not* an unfair man. He is a good man. God bless him. Please eat at his restaurant."

It is easy and popular nowadays to display discontent, but to voice gratitude is remarkable. The gifts of life are more and more taken for granted, and the general belief is that we constantly deserve more than whatever we already have. God grant that the spirit of gratefulness may again become a national trait—that we may find more occasions for thankfulness than a single feast day in November.

THE SPIRIT OF GODLINESS

I believe a great man is one who gives whatever gifts God has bestowed upon him to mankind. Perhaps there were more of them in past times because society was based on godliness. In George Washington's day, the church was not only the center of each village, but the main support of American life, tying together family, community and nation. "To attempt government without God," said Washington, "is impossible." Like it or not, accept it or not, the Bible was once the main source of America's national identity.

Today the church is only an embellishment; the churchgoer, all too often, merely decorates his life with occasional attendance. Most have to refer to the dollar bill to recall our national motto, "In God We Trust," and the worship of money—rather than God—has become ingrained. Villages are no longer born around a central church, but wherever a bank is built.

THE SPIRIT OF TIME

As in skating over thin ice, our survival nowadays is thought to lie in speed. We believe that the most efficient way to do things is to do them quickly, and we devote much of our energy to finding new ways to save time. We are always in a hurry.

Two hundred years ago, however, haste was considered vulgar; anyone who was in a hurry was regarded as not quite civilized. Benjamin Franklin expressed it this way: "Only fraud and deceit are ever in a hurry. Take time for all things; great haste makes great waste."

When the modern American observes the extraordinary craftsmanship that went into the making of many early American products, he has a ready explanation. "In the old days," he says, "they had more time." Actually, they had about a fourth of the time that we have today. To begin with, their average life-span was shorter. Without machinery, things took about ten times longer to make. Without electric lights, the workday was much shorter. And no matter what a man's business was, he had to do early-morning chores before he left for work.

Two hundred years ago, the sands of time ran much faster, but somehow there was more time, and the early American had a precious knowledge that we are too impatient to learn—how to make use of each minute. Today we have extraordinary timesavers, but when we actually manage to save a few minutes, we are not at all clever about what to do with them. Indeed, we appear to save time only to squander it, as a man hoards money in order to be extravagant. "Dost thou love life?" asked Franklin. "Then do not squander Time; for that's the stuff Life is made of."

THE SPIRIT OF AWARENESS

Boiled down to one word, the most important difference between the early American and his modern counterpart is *awareness*. Living then was a vital experience; today we often exist in a dreamlike, mechanical world where we seem to have very little role to play in our own lives.

I remember hosting a New Mexican Indian friend from the Taos reservation, showing him the wonders of New York City for the first time. "What impresses me most," he told me, "is the people. They all look as if they are running in their sleep. They have no faces." He was right: you see them now, sitting in buses and at restaurants, working in offices or walking along the streets, withdrawn from the world, hiding behind blank masks.

Living two centuries ago was a more conscious experience because each thing done was done to its fullest. Drinking water meant tasting your own water from a well that you dug yourself; now you turn a faucet and water appears from some unknown place. Illuminating a room was lighting candles which you had made yourself; now you turn on a switch and light mysteriously arrives from God knows where—often the power company itself is not certain. Eating used to be tasting food that you grew and raised yourself, then cooked at home; now we seldom know what we are eating or where it comes from.

With all the necessities of life being made for you or done for you by someone unknown, somewhere else, the only part left for us to play is to pay out money in exchange. The old-timer seldom paid out money; instead, he knew the source, the ingredients and results of his everyday life; this gave him the satisfaction of self-security and self-vitality.

One of the charms of early American objects is that the maker nearly always signed his name or initials and put down the date. We now regard this as a quaint custom, but it was really a key to the spirit of awareness that permeated those profound times. Men were conscious of their position in the new nation, and they did not want to be anonymous. When you create for posterity you are most apt to be excellent.

THE SPIRIT OF HOPE

When I gave this manuscript to my secretary to be typed, I asked her after she finished to tell me her reactions to what I was trying to say. She left me a note which said: "This is an interesting and moving piece of writing, but it is sad in its implications. It doesn't leave much hope."

I was grateful for that comment, and I added this postscript about an American spirit that has *not* vanished—the spirit of hope. The Bible tells us, "There is hope of a tree, if it be cut down, that it will sprout again." So, too, can the old spirits of America sprout up again sometime, somewhere. Once you *know* them, even as small voices from far away, they will surely endure even the loud bombardment of modern change.

The pollution of affluence, congestion, automation and lack of purpose which has so changed our moral nation is not as strong as the powerful spirits that America was born with. In living for Today we can dream for Tomorrow—and learn from Yesterday.

SPIRITS OF 1776—AND 1976

(By Robert O'Brien)

II. A CHANCE FOR REDISCOVERY

(America's approaching Bicentennial calls us, one and all, to a renewal of pride in our heritage and hope in our future.)

To our forefathers in the Thirteen Colonies 200 years ago, independence from Great Brit-

ain was by no means a universal goal. Only about one third of the colonists desired it, and were willing to die for it. Another third were loyal to the British Crown, and wanted to remain British subjects. A final third were indifferent or indisposed to fight, and wanted no part of either side. Nevertheless, the issue concerned them all, and could not be evaded.

To many people involved in planning the American Revolution Bicentennial, commemorating the 200th anniversary of the adoption of the Declaration of Independence, history seems to be repeating itself. Only one of every three Americans appears to be willing to work for the Bicentennial, and considers it a priceless opportunity to excite, inspire and unite America, and to express his or her own love of country. The other two aren't involved—yet.

Nevertheless, like the cause of independence in 1776, the national Bicentennial celebration cannot be evaded. Even though the focal date, July 4, 1976, seems comfortably far in the future, to those concerned it looms uncomfortably close. They realize that it takes time, planning, energy and money to gear up to a Bicentennial effort that the country will be able to look back upon, proudly, for generations to come.

So, already, in cities, towns and crossroad hamlets, there is beginning to be heard a call to action with the urgency of Paul Revere's midnight ride. Committees are raising the cry for ideas on the national theme "A Past to Remember—A Future to Mold." "Maybe you're a printer, an architect, a housewife," claims the Rhode Island Bicentennial Commission to the state's 968,000 citizens. "If you can type, hammer a nail, drive a car or make telephone calls, we need you. Individuals, groups, corporations—young and old—sign up now and volunteer for '76!"

To be sure, the American Revolution Bicentennial Commission (ARBC) has experienced tough sledding in the past year: the Iowa state legislature voted against support of the World Food Exposition at Des Moines, long counted on as a major Bicentennial event; Colorado citizens voted not to hold the 1976 Winter Olympic Games in their state, planned as a major opening event of the Bicentennial year; Philadelphia's plans for an international Bicentennial exposition were dropped.

Despite these major setbacks, the commission *has* registered solid achievements. It has taken a vague, amorphous concept, anticipated ultimately to involve the entire nation, and imposed a solid foundation for the Bicentennial. ARBC's three major theme committees, conceived to honor the nation's past, present and future—Heritage '76, Festival USA and Horizons '76—are well established and functioning.* ARBC has encouraged the states to initiate their own Bicentennial efforts, securing from Congress $90,000 in operating funds for each, and deserves much of the credit for the fact that Bicentennial commissions are off and running in all 50 states and five U.S. territories.

Now, as the efforts shift from organization and planning to action, Congress feels that ARBC has served its purpose. And a Presidential recommendation for reorganizing the 50-member panel, meeting only six times a year, with a small, efficient task force working closely together on a full-time basis, is at this writing before Congress.

Meanwhile, under Presidential directive to get on with the job, federal departments and agencies are undertaking national Bicentennial projects. And at a recent Washington meeting, government spokesmen outlined programs to channel $200 million to $300 million into the Bicentennial over the next three years. Among them:

The Smithsonian Institution's plans for a summer-long Festival of American Folklife, on the Mall in Washington, in which the museum and some 2500 performers will demonstrate the "origins and continuities" of American culture; and its opening, on July 4, 1976, of the $40-million National Air and Space Museum.

The Department of the Interior's volunteer Johnny Horizon program, to rally all Americans to help prevent pollution, to "clean up America for our 200th birthday," and to plant 200 million trees along streets and in parks, via the nation's schoolchildren.

The Library of Congress' publication of some 18,000 letters and documents of delegates to the Continental Congress from 1774 to 1789.

Plans of the National Endowment of the Arts, part of whose annual $50- to $60-million budget will be devoted to "bringing back the arts to the center of American life" through Bicentennial activities of the nation's 5600 choral groups, 2600 community theaters, 6000 museums, 320 regional dance companies, 100 major and metropolitan symphony orchestras, and its 140 professional theater, dance and opera companies.

Out across the nation, state and local commissions are united in a new, emergent "Spirit of '76," pitching in to help make the Bicentennial a thrilling and festive commemoration. Colorado, rebounding from its turndown of the Winter Olympics, plans to rebuild historic forts and trails and to construct 100 small parks in communities all over the state. Philadelphia, likewise resurgent, is hard at work on $160-million plans for the "Historic Square Mile," from Independence Mall east to the Delaware River; for summer-festival programs along Benjamin Franklin Parkway and in Fairmount Park; for neighborhood environmental improvements.

Alabama is forming '76 action communities in every city, town and village. "This way," says director Bobby Bowick, "we'll give every Alabamian an opportunity to do something. We've got some big, exciting things going in our state, but there'll be lots of little ones, too—maybe just plant some daisies, fix up a store front, put up a park bench, anything at all that will express our appreciation for being an American, and that will make this a better, happier country to live in."

There's enthusiasm everywhere. D. D. Nicholson, program chairman of the Charleston, S.C., County Bicentennial committee, reports, for example: "We've got unbelievable excitement—more than 100 organizations with their own plans, some with 30 or 40 plans each." California, which until November 2 of last year operated with no funds or staff, has recently released the state commission's plans, proclaiming the Gold Rush as its Festival USA theme, and naming a corporation to raise funds for its program.

Arkansas citizens are mobilizing behind the state commission's program for a Mid-America culture center at Hot Springs, and a state-wide immunization drive to eliminate communicable diseases. Says Mrs. Glennis J. Parker, the commission's executive director, "We're not a wealthy state, and we can't do big things. But that's not what it's all about. The Bicentennial is a spirit, a demonstration of love for our country. In Arkansas, we're going to have a people's program for everybody—in the hills, in the villages, on the country roads—all about our pride in being Americans."

The Parkers, Nicholsons and Bowicks are not unique. Nor is Gladys Warren, Oklahoma's executive director, who has organized Bicentennial committees in 46 Oklahoma cities and towns, and who gets up before dawn, if need be, to make a Bicentennial breakfast rally 200 miles away. "Our forefathers gave us a free land," she says, "and we are going to shoulder the responsibility that goes with freedom. Out here, we're plain people. We still attend church. We still sit down to family dinners, have community sings, take an apple pie to a sick neighbor. There's a lot of old-fashioned America left here, and we're going to put on a glorious celebration—all the way from painting the fence and fixing the screen door to building a Bicentennial Plaza on the state-capitol grounds and blazing Bicentennial Freedom Trails across the state. The people make this great land, and it's going to be their birthday present to America!"

"I like the dreams of the future better than the history of the past," said Thomas Jefferson. Our country has gone through momentous times since Valley Forge and Yorktown—tragic times that divided us, challenging times that brought us together, times that have tormented us with doubt. As we move toward the Bicentennial, it appears that we are nearing a time for remembrance and renewal that will help unite us, perhaps closer to our dreams and our heritage than we have ever been before.

* * * * *

Archibald MacLeish, the poet and playwright, recently wrote in the New York *Times:*

"Time is famous for its ironies; a national anniversary falls in an incongruous year. For months we have been preparing to celebrate the Bicentennial of the establishment of the first, self-governing people in history. Now, on the eve of that celebration, we discover what appears to have been a conspiracy to undermine precisely the institutions and practices of self-government. . . .

"All of which leaves the Bicentennial where? Where it ought to be, I think: at the center, the focus, of our concern. What we need precisely at this moment of our history is something which will compel us to face ourselves as we once thought we would be and as we are, and the celebration of our Bicentennial can give us such a time. Not a year of self-congratulation, but a moment of truthfulness when all of us together can look Watergate and Thomas Jefferson in the eye, first one and then the other: not our present corruption only but our once and almost forgotten greatness as a people. And the expectation that remains."

DEBT POOLING BRINGS CONSUMER COMPLAINT

Mr. BIDEN. Mr. President, an article in the September 1 issue of the National Observer focuses on an area of increasing consumer complaint. The article, entitled "Those 'Debt Pools' Are Full of Sharks," was written by Morton C. Paulson.

Debt pooling, also called debt adjusting, debt consolidation, or budget counseling, is a mail-order operation in which a company takes money from its debtor clients and parcels it out to their creditors, for a fee which may run from 6 percent to over 25 percent of the customer's total indebtedness, as well as an initial enrollment fee. Mr. Paulson, however, points out that none of the names for this service quite fits:

Mail-order poolers do little if any counseling and they do not pool or consolidate debts by lending people money for paying off their creditors.

While certainly all companies are not dishonest, nor are their services necessarily worthless, the industry is certainly a source of substantial complaint. How-

*See "Ring Out, Liberty Bell!" The Reader's Digest, July '72.

ever, because of the limited financial injury an individual typically suffers, this widespread problem has gained little notoriety. But to the individual who must bear the loss of a few hundred dollars, the burden may be very large.

I, therefore, bring this article to the attention of my colleagues, in the hope that by publicizing the problem it will warn the unwary.

I ask unanimous consent that it be printed in the RECORD.

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

THOSE "DEBT POOLS" ARE FULL OF SHARKS

(By Morton C. Paulson)

One spring day in 1966 Mr. and Mrs. Roy C. Yokeley of Richmond, Va., noticed a small advertisement in a national television magazine. "Bill troubles?" it read, enticingly. "We can help you pay your bills and GET OUT OF DEBT. Let us set your mind at ease."

The Yokeleys—he is a deaf-mute typesetter and she is partly deaf—were caught in a deepening financial morass. Belligerent creditors badgered them incessantly. Anxiety engulfed them. So they sent the ad's coupon to Atlantic Associates, Inc., here in Providence. A few days later an Atlantic Associates representative called and said that if they would send in $65 a week for an unspecified period, the company would take care of all their obligations.

THE POOLERS EXACT A PRICE

There'd be no more harassment, they were told. Their credit rating would be restored.

The Yokeleys did as instructed. Nothing happened. Weeks passed; collectors kept hounding them. Mrs. Yokeley called Atlantic several times—to no avail.

Puzzled and angry, the couple finally stopped the payments. They were $500 poorer and worse off than ever.

The Yokeleys had been victimized by one of several mail-order concerns that engage in "debt pooling," "debt adjusting," "debt consolidation," or "budget counseling." None of these designations quite fits; mail-order poolers do little if any counseling, and they do not pool or consolidate debts by lending people money for paying off their creditors. They simply take money from their debtor clients and parcel it out to their creditors. For a price, of course.

To recruit clients they advertise extensively in mass-circulation publications. A reply to an ad usually brings an application form by return mail—and a request to telephone the pooler's office at once.

When he calls, the debtor is told that as soon as his first check arrives the company will contact all his creditors and arrange to pay them. Some poolers use high-pressure phone salesmen with fictitious names who represent themselves as "budget counselors" or the like.

If the pooler does in fact use the payments to prorate money to creditors, he collects an initial fee—typically $40—plus a charge based on the customer's total indebtedness. Normally this runs about 6 per cent, but it has been known to exceed 25 per cent.

Some poolers say they attempt to mollify creditors or to get them to allow more time for repayment. Others just send checks as long as the customer does. And some do neither.

At best, then, the mail-order debt pooler does little if anything that a reasonably intelligent debtor couldn't do himself—or have done for him at little or no cost in any of the more than 140 U.S. and Canadian communities that have nonprofit debt-counseling services that are affiliated with the National Foundation for Consumer Credit. Moreover, budget-planning advice and guidance is available to many people from nonprofit groups such as the AFL–CIO Community Service Activities. And overburdened debtors may be able to obtain loans to consolidate debts through credit unions, banks, or other lenders.

"THEY'LL BUY ANYTHING"

"Frankly speaking, the average person doesn't need our service," an employe of one mail-order pooler here candidly acknowledges. "The people we deal with have low incomes. They're not very intelligent. Half of them are illiterate. They have kids, two cars, a boat, and a home. They can't afford all that—but they'll buy anything."

Such people abound. Their ranks have increased dramatically with the enormous growth of installment buying. Hence, debt pooling can be quite profitable.

It would be unfair to suggest that most debt poolers are dishonest. Besides the nonprofit counseling services, there are individuals and small firms who, for fees of 10 to 15 per cent of indebtedness, help debtors work up repayment schedules and try to negotiate better terms from creditors. They do not ordinarily conduct business by mail, many or most of them are licensed, and they provide customers with written contracts. An estimated 300 such services are members of the American Association of Credit Counselors, Waukegan, Ill.

Commercial debt pooling has an unsavory past, however, and 29 states and the District of Columbia have outlawed it except by lawyers, who routinely adjust debts for clients. (The legal establishment spearheaded many of the state bans.) Some foreign countries, including Canada and Great Britain, likewise disallow commercial adjusting. In a 1961 resolution the AFL–CIO executive council publicly expressed its conviction that the "debt adjustment business, regulated or unregulated, is not economically or socially desirable as a commercial activity and should be eliminated."

There are probably no more than 25 to 30 national mail-order operators, but they take in millions of dollars annually from financially distressed families. Rhode Island has attracted several mail-order outfits because a curious state law gives poolers free rein if they don't deal with Rhode Island residents. Several attempts to repeal or modify the statute have failed despite condemnation of mail-order debt pooling by law-enforcement officials, prosecutors, and consumer-protection agencies in and out of Rhode Island.

"It's a dirty, rotten business," exclaims A. Michael Marino, president of the Rhode Island Better Business Bureau (BBB). "Some of the calls we get are heartbreaking." His bureau has received thousands of complaints from all over the country. In Washington, D.C., a member of the House Banking and Currency Committee assails mail-order pooling as "an atrocity—an abomination."

A FLOOD OF COMPLAINTS

Louis J. Lefkowitz, New York state's attorney general, declares: "A debtor who gets caught in this plan is worse off than when he started. He is saddled with high interest charges, service charges, and other costs."

In Providence the BBB, the police department, and other agencies have been deluged with complaints for years. The stories are pretty much the same: People thought their debts would be paid in a lump sum. They sent in their weekly payments but creditors weren't paid or even contacted. When they inquired why, their phone calls or letters were ignored.

"I don't know what they did with my money, but they sure didn't pay any bills," Mrs. Ronald Beidelsich of Upper Sandusky, Ohio, told The Observer in relating her experience with United Security Corp. of Providence. She sent the company $206, but a year later only one creditor had received any money—$10. Finally she complained to the BBB, and United Security returned her money.

Frank J. Randazzo of Oaklyn, N.J., made three $20 payments to the Fidelity Deposit Corp. but quit because none of his seven creditors received a dime. "I feel this is very unjust," he wrote the BBB. Arnold Green, Fidelity's office manager, contends that the $60 wasn't sufficient to start paying the bills after deducting the $39 initial fee. Randazzo received a $21 refund after the BBB interceded.

DOZENS OF VICTIMS

The Yokeleys of Richmond went beyond the BBB. In 1970 they paid a visit to Rodney Sager, the aggressive assistant U.S. attorney for the Eastern District of Virginia. Their story prompted a wide-ranging, year-long investigation in which Sager and U.S. Attorney Brian P. Gettings tracked down dozens of other Virginians who had been bilked by Atlantic Associates.

The following year a Federal grand jury returned a 21-count mail-fraud and conspiracy indictment against Max Gittman, now 52, president of Atlantic Associates; Thomas H. Rosenfield, an attorney for Atlantic and a cousin of Gittman's; and Mayard Weisinger, a telephone salesman for Atlantic.

Gittman and Rosenfield were later convicted on all counts. Gittman was sentenced to three years' imprisonment and five years' probation and fined $24,000. Rosenfield drew a three-year term with all but 60 days suspended and was fined $3,800. He was later disbarred. Weisinger, convicted on two counts, received a three-year suspended sentence and three years' probation.

The Government proved at the trial that Atlantic Associates, contrary to its extravagant promises, did little for its customers. Actually the firm pocketed some $260,000 a year, or more than half of the money clients sent in to pay creditors.

"The victims were mostly poor people—not illiterates but blue-collar types who had become overextended and desperate, with marginal income, maybe $80 to $100 a week," Gettings recalled recently. One man lost his car and others lost furniture and other things when unpaid creditors repossessed the purchases.

In its heyday Atlantic Associates had an estimated 40,000 accounts and was adding 100 new ones a week. "We calculated that Gittman made $1 million himself in four or five years," says Sager.

A STRING OF FRAUDS

Credit Advances, Inc., a Detroit-based outfit with 56 offices nationwide, was even more lucrative. U.S. postal authorities estimate that the public was bilked of $15 million by proprietor Rudolph Barden, who was convicted on 51 counts of mail fraud several years ago. Eugene M. Greene, who operated Debt Aid, Inc., in Detroit prior to his indictment on mail-fraud charges in 1969, "filched $40,000 to $50,000 annually," the Postal Service estimates.

Altogether, 53 debt poolers have been convicted of fraud in Federal prosecutions since 1963. Several others have been restrained or closed down by states or the Federal Trade Commission. Postal inspectors are currently investigating poolers in Arizona, Indiana, Maryland, Pennsylvania, Louisiana, Rhode Island, and the District of Columbia.

Foes have been trying since 1956 to banish the poolers from Rhode Island, but every effort to ban or curb them has failed. Gittman's trial produced testimony suggesting that payoffs had been made to keep restrictive legislation bottled up.

GITTMAN'S BRAIN CHILD PROSPERS

In this permissive climate the poolers thrive. The BBB here gets 20 complaints a month about just one outfit, United Security Corp. Gittman's old company is defunct, but another that he started, Interstate Ac-

ceptance Corp., is prospering. Gittman sold it a year ago to Henry Walaska, a former loan-company and bank employe who insists he runs a clean shop.

United Security's chief executive calls himself Robert A. Scott (his name is listed as Robert A. Schettini in the corporation's charter at the Rhode Island secretary of state's office). Reputedly a former Gittman associate, Scott was reluctant to discuss his business with a reporter.

What about the complaint volume? he was asked. "Well, a person in debt tends to get nervous. If a man takes 20 years to get himself in debt, we can't get him out in a month." Would he identify some of his satisfied customers? No, said Scott, "I wouldn't want to get into specifics about our customers." His qualifications as a debt counselor? A previous career in "general merchandise."

"BOOKKEEPERS," THAT'S ALL

Thomas Rosenfield, the disbarred Gittman codefendant, is as active as ever in debt pooling. He's sole owner of Fidelity Deposit Corp., one of the larger outfits.

Another former Gittman confederate, Wallace A. Sharp, runs International Acceptance, which is based in Phoenix but has mail drops in Warwick, R.I.; Great Falls, Mont.; and New Orleans. He was indicted with Gittman in the Arizona case but the charges were later dismissed.

The poolers say they render a service by inducing people to systematically pay their debts. "The average person doesn't know how to budget," one pooler says. "We do it for him. We're registered as a bookkeeping service. That's all we are."

Perhaps such budgeting *has* helped some people. Yet five poolers here refused a request for names of satisfied customers. "We get fine letters from people all over the country," bragged one pooler. Could a reporter see a few? "Well, no. That would violate a confidence."

WARNING VOICES IN U.S.S.R.

Mr. BROCK. Mr. President, I have previously spoken on the subject of detente, and warned that the word does not mean the same thing in Russian as it does in English. My concern is that the American people not be misled into an overly optimistic view of our relations with the Soviets.

If this were to happen, I am fearful that we would lose our will, and inevitably, our capacity for resisting any new Communist expansionist moves that may develop.

It is a fallacy to believe that all Communists are alike, but it is equally fallacious to fall into the trap of believing that just because Comrade Brezhnev is willing to negotiate with us on various issues, his regime is more liberal, more free, and more open than previous Soviet dictatorships.

The Kremlin is negotiating, because they perceive the talks to be in their best interest. That is of paramount importance. The talks may also be in our best interest, but that will only be true if we approach them clear-headed and hard-nosed, ever mindful that individual agreements are only acceptable if, in fact, they are in our best interest.

Trade agreements, for example, may or may not be in our best interest, and I plan a detailed discussion of this aspect of our relationships in the near future.

Events in recent weeks inside Russia have demonstrated that those who saw a new spirit of freedom developing in the Soviet Union under Brezhnev were sadly mistaken. It is now clear that simple, old-fashioned repression is still the order of the day.

Several rather spectacular examples of this fact have recently been noted by Western observers, and in that regard, I would like to call to the attention of this body a particularly incisive editorial which appeared recently in the Memphis Commercial-Appeal, the largest newspaper in my State. Because of its cogent analysis of what it appropriately headlines "Warning Voices in U.S.S.R.," I ask unanimous consent that this editorial be printed in the RECORD.

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

WARNING VOICES IN U.S.S.R.

Alexander Solzhenitsyn, in the 1970 Nobel Prize speech which he was not permitted to deliver in person, cried out from the closed society of the Soviet Union, "One word of truth shall outweigh the whole world."

The voices of other Soviet intellectuals and writers have been crying out of late, begging the West as it barters for detente with the USSR to demand some concession for the thinkers within Russia who dare to dissent. And Communist officialdom, petrified by what the exposure of its oppression of people may say to the outside world, is striking back.

Nobel author Solzhenitsyn used the means of an interview published in Paris last week by the newspaper Le Monde to warn that if he dies suddenly the world should know that he was killed by Soviet security agents. The writer branded a series of threatening letters which he has received recently as a "masquerade" on the part of the Soviet secret police.

The Times of London said the other day that oppression of dissident Russian intellectuals appears to be "increasing in direct proportion to the pursuit of detente abroad." The Swiss Review of World Affairs said, "The Soviet Union is haunted by the Chinese problem and its own economic insufficiency. It aims to open up Western economic potential for its own purposes. And in addition it desires to protect its empire in East and Central Europe from latent dangers by obtaining Western confirmation of that empire in the form of nonaggression pacts or the like, by blocking undesirable influences and forces of attraction from the West, by maintaining a rigorous and totally repressive domination, by maneuvering America out of its European outposts and by weakening and dividing the Western European allies."

In other words, in all the dealing going on at the summit, the United States had better not turn a deaf ear to the few brave Russians who dare to warn us of snares and deceits. Nor should the United States stand by passively when these Russians are threatened and punished for sounding their warnings.

We know they are being made to suffer. The story of Andrei Amalrik, young author of a book called "Will the Soviet Union Survive Until 1984? has become well known in America. Amalrik served three years in a Siberian labor camp for criticizing another writer who fled Soviet persecution and blackmail instead of staying to fight it. Upon release he was retried and given another year's term, mainly for defending his belief in "the principle of freedom."

Zhores Medvedev, a noted Soviet geneticist, was stripped of passport and citizenship while in London Aug. 8. The Presidium of the Supreme Soviet said he had discredited "the high title of citizen of the USSR."

The Chronicle of Current Events, an underground publication, has not appeared in print since October, 1972. Pyotr Yakir and Victor Krasin, two key figures in its publication, are under arrest. It is reported that Case 24, code name for investigations into the Chronicle, has resulted in a major civil rights trial in the USSR which is underway.

Perhaps the most impressive warning of all to the West has come from Dr. Andrei Sakharov, the famed physicist known as the father of the Soviet hydrogen bomb. Accused of giving away "state secrets," Sakharov has lost the perquisites that went with membership in the Academy of Sciences. His and his wife's children have lost jobs or posts as students. On Aug. 15 he was summoned to see Mikhail P. Malyarov, first deputy prosecutor general of the USSR. In a dialog the next day, which Sakharov has tried to reconstruct, the Soviet prosecutor (equivalent to Atty. Gen. Elliot Richardson in the United States), accused the physicist of "meeting with reactionary newsmen," delivered a "serious warning," and said, "It is up to you to draw your conclusions."

It was through a meeting with 11 foreign newsmen in Moscow that Sakharov warned the West not to be suckered by Soviet maneuvers in the negotiations for arms and trade deals.

As President Nixon and Secretary of State-designate Henry Kissinger continue to work on detente with the Soviets, let us hope they do not overlook the warning cries from within that nation. For every concession the United States makes in a deal, the Kremlin should make a matching concession. The International Committee for the Defense of Human Rights in the Soviet Union, with headquarters in Belgium, says there are today at least 1.2 million men and women serving time in 1,000 Soviet labor camps, and many more locked in psychiatric hospitals. Among them are the dissidents, the writers like Andrei Amalrik. Our leaders should not forget them.

Said Solzhenitsyn in his Nobel speech: "The simple step of a simple, courageous man is not to partake in falsehood. Not to support false actions."

If America is to do business with the Soviet Union, it cannot afford to permit the appearance of any semblance of support of the Soviet policy of oppression. America must test the good faith of the Kremlin even more stringently than have Solzhenitsyn, Amalrik and Sakharov.

AIR TRANSPORT SERVICE

Mr. CHILES. Mr. President, the quality of air transport service is of particular importance to me and to the people of my State. Shippers, business, and pleasure travelers and many thousands of other Floridians are dependent upon the continued health of the entire travel industry.

And that is why I am deeply concerned about the effects of a bill now pending which would make a fundamental change in the nature of this Nation's air transportation system.

The legislation—S. 1739—has generated much controversy, and has developed vigorous opposition from a great number of individuals, business associations, and newspapers.

Back when Congress created the Civil Aeronautics Board, this body gave the CAB a duel responsibility; to regulate the air transport industry, but at the same time to foster and encourage the development of a sound air transportation system that would be both economically viable and responsive to the public convenience and necessity.

The supplemental carriers, which were authorized by Congress to do just what their name implies, "supplement," the scheduled airline services, have consistently over the years attempted to get the CAB to liberalize its charter regulations. Just as consistently, the Board has been unable to find economic justification for permitting the supplementals to compete with the scheduled carriers in the manner that would be permitted by S. 1739. I too feel that the CAB ought to be looking for ways to aid the growth of charter service, but this bill does not answer my concern.

Certainly, travelers to major vacation-oriented areas such as those in Florida would be the principal targets of the inclusive tour charter operations that would be permitted under this bill. It might be contended that areas such as Miami would be among those most beneficially affected by any increased tourism.

However, both of the major newspapers in Miami have strongly denounced this bill in well-reasoned editorials.

"Bill on Non-Sked Airlines Mustn't Get Off the Ground" is the way the Miami Herald headlined its editorial. The Miami News urged, "Don't Cripple (the) Airlines."

Obviously, if editorial writers in major resort-area newspapers have the ability to look beyond the trees to see the forest, we here in the Senate must be able to, as well.

The News stated that:

> We think Congress should kill the measure for two reasons. First, it is bad fare policy that could damage the total airline industry. Second, it is bad government, setting a precedent of congressional intervention in matters properly reserved to the CAB.

And the Herald noted that to permit nonscheduled carriers to provide point-to-point, individually ticketed air transportation would be to encourage "privilege without responsiblity." The editorial continued:

> Over the last quarter century the scheduled airlines have developed one of the most remarkable transportation networks in the world while maintaining fierce competition. It links 500 U.S. cities and involves more than 14,000 scheduled around-the-clock direct and connecting flights.
>
> Many of these flights barely break even. Others lose money. One airline estimates its profitable business at 20 per cent, its break-even at 40 per cent. Thus the profitable business enables the airlines to "subsidize" the unprofitable business and keep the network intact. Air cargo is well served, too, by the system. If it were not for scheduled air flights Southwest Florida's lucrative flowergrowing industry, for example, could not reach distant markets efficiently.
>
> The argument is made that Europe gets along with vigorous non-scheduled and scheduled competition, but the telling fact is that under it point-to-point flights are fewer and fares are about 70 per cent higher than in the United States.
>
> Which system serves the consumer better, the per cent one or the pale European copy projected by S. 1739? We think the answer is easy and hope that the Senate will find it so.

The Miami editorial makes what I consider to be a key point that the words of those who oppose this bill are "self-serving" words, but they also serve the best interests of most of this country's air travelers.

That, in essence, is my concern and, I hope, that of all my colleagues. I am not specifically worried about the profit level of the scheduled carriers if the restrictions on inclusive tour charters are removed. I am sure the scheduled carriers will survive, since they are keen competitors and innovative marketers. However, I am concerned about the effect that this competitive situation might have ultimately on the availability of scheduled service to the people of the smaller communities in my state. As scheduled carriers are forced to concentrate on the most lucrative markets in "aerial free-for-all" proposed by this bill, it seems inevitable to me that there would be a general constriction of the system, with a loss of service to many smaller communities. The editorials I have quoted from clearly indicate what the consequences of S. 1739 could be. Although this would not happen overnight, I am convinced that the handwriting is on the wall. And I ask all of my colleagues to consider whether we and the people we represent might not be the real losers, if this bill passes.

It is my intent to vote against this legislation, and I urge all Senators to do the same.

FREE MASS TRANSIT

Mr. HART. Mr. President, in passing a bill to authorize Federal subsidies for operating mass transit systems, the Senate accepted my amendment to provide $20 million to test the concept of free mass transit service.

Unhappily, consideration of the entire bill has bogged down in the House.

Fortunately, testing the concept of free mass transit is not awaiting congressional action.

The September 24 edition of Newsweek magazine, in a story entitled "Borne Free," reports on free public transit experiments in Dayton and Seattle.

I ask unanimous consent that the article be printed in the RECORD with the hope it might encourage the Congress to allow the Federal Government to help expand what looks to be a promising experiment.

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

BORNE FREE

For years, urban experts have argued that one antidote to the stagnation of the central cities would be the creation of free public transit. The service, they argued, would be financed by taxes on merchants and residents, would pay its own way and yield extra dividends in the process. Free busing would end the ruinous cycle of spiraling fares that had driven away so many riders; it would draw new customers into dying downtown shopping areas, and thus justify the added tax burden. Finally, it would reduce pollution by helping to cut traffic and ease the daily tie-ups at rush hours.

In Dayton, Ohio, tax-subsidized free busing in the heart of the downtown shopping area has steadied a faltering transit system and helped stem a loss of riders and revenue. Reduced fares for the elderly are in effect in many cities. In Atlanta, fares have been rolled back from 40 to 15 cents for everyone, leading to a 15 per cent increase in riders. Last week, Seattle became the first major U.S. city to take the next step; it eliminated downtown bus fares entirely.

Begun as a one-year experiment, Seattle's new "Magic Carpet" bus service will give free rides to anyone traveling within the 77-square-block area containing most of the city's major department stores, office buildings, hotels, theaters and restaurants. Intended to lure people out of their cars and onto the buses, the system was conceived by aides of Mayor Wesley C. Uhlman, partly to help meet strict air-quality standards laid down by the U.S. Environmental Protection Agency. It is being helped by a $64,000 city-council appropriation and operated by Metro Transit, which runs all transit operations—free and fare-paid—in a 2,000-square-mile area in and around Seattle. Optimistic planners hope Magic Carpet may entice enough new riders onto the buses to eliminate the need for subsidy.

Whether or not these rosy predictions are fulfilled, free busing is already resoundingly popular among downtown merchants and property owners. After watching business trickle away year after year to suburban shopping centers, they now sense an end to the dollar drain. Restaurant trade in Seattle's Pioneer Square historical district, half a mile from downtown, has been booming since fares were abolished, and midtown workers feel a newfound mobility. Riders rarely have to wait more than a minute for a bus, and are being won over to the system in droves. "It's great!" exclaims one downtown civil servant. "I can leave city hall, catch a bus to shop, or to Pioneer Square for lunch."

Even the bus drivers, who estimate they are carrying double or triple the number of passengers they once did in peak hours, seem delighted to be a part of it all. "Sure, the number of people slows us down a little," says one. "But now that we don't have to watch over the farebox, we can get them on and off a lot faster."

GLOW

Encouragingly, Magic Carpet is already attracting a more varied cross section of passengers. Suburban matrons and downtown executives now mingle with public transit's hard-core clientele of children, the poor and the aged. Even Mayor Uhlman himself now makes a point of riding buses to meetings. In the glow of the noble experiment, in fact, there is evidence of a growing esprit. "We moved out of Seattle twenty years ago to the suburbs," confides one happy shopper. "But if this is what the city is going to be like in the future, I feel like moving back in!"

A more demanding measure of Magic Carpet's value, however, will be whether it succeeds in keeping cars off the streets. But for the moment, free busing itself—at least in such a limited area—has the look of a thumping success. "The people love it, the drivers love it, the businessmen love it!" exults Mayor Uhlman. "I predict that inside a year every major city in the U.S. will have the same program, or will be working on one."

URBAN HOMESTEADING

Mr. BIDEN. Mr. President, the increasing deterioration of the urban environment has become one of the major problems facing our Nation. The cities, once the center of American life, have been abandoned in the move to suburbia. Portions of our major cities have decayed incredibly, and now, unfortunately, house those American citizens who lack the financial resources necessary to reside elsewhere. The existing state of our urban environment presents us with an increasingly negative aspect of American life.

Mayor Thomas C. Maloney and the city of Wilmington, Del., have, however, attempted to reverse this disheartening trend. Adopting a creative, new program, "urban homesteading," Wilmington and Mayor Maloney are relying upon "city people," individuals with pride in themselves and their environment, to combat urban blight. Under urban homesteading, the city gives abandoned housing to qualified applicants who agree to bring the building up to housing code standards and to reside there for a minimum of 3 years. As the mayor has stated:

Why not give them away. The city will eventually get out of the real estate business, tax revenue will increase, housing will be provided for families and stronger communities will be built.

The plan for urban homesteading, first implemented in Wilmington, is being studied throughout the Nation. Already adopted in Philadelphia and Baltimore, urban homesteading has instilled new hope and activity related to improving the quality of life in our cities.

I commend Mayor Tom Maloney and Wilmington for taking the leadership in this important area.

The New York Times has published a front-page article about the Wilmington effort. The article, appearing on September 16, 1973, discusses the efforts of the urban homesteaders and the encouragement given them by Mayor Maloney and the city government.

Mr. President, I ask unanimous consent that the text of the New York Times article be printed in the RECORD.

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

HOMESTEADERS COMBATING URBAN BLIGHT

(By Wayne King)

WILMINGTON, DEL., Sept. 15.—At 61 years of age, burly, barrel-chested James Hadrick has been a number of things—carpenter, bricklayer, prizefighter, longshoreman, husband and father of 11.

Now he is the contractor on his own house on West Fourth Street here, spending time away from his job on the Wilmington docks. He is renting scaffolds, buying bricks and boards and hiring a man to help him renovate the old abandoned brick house in Wilmington that the city gave him at a lottery last month.

He and nine others in Wilmington are the nation's first "urban homesteaders," part of an experiment in breathing new life into blighted neighborhoods. Quite clearly, they will not be the last.

Under urban homesteading, the city gives abandoned housing to qualified applicants, either free or for a nominal fee, and the recipient agrees to bring the building up to housing code standards and to live in it for an agreed-upon period of from three to five years.

ADOPTED BY MAJOR CITIES

The urban homesteading plan, first implemented here in Wilmington, shows every sign of becoming an idea whose time has come. Already, Baltimore and Philadelphia have adopted the program and Boston is expected to do so soon. A score of others are in various stages of inquiry and study.

In Philadelphia, Councilman Joseph E. Coleman, who ushered a homesteading bill through the City Council recently, has received inquiries about how to set up programs from cities as diverse as Toronto, Halifax, Nova Scotia, Cleveland, St. Louis and Roseville, Minn.

In New Jersey, inquiries have come from Trenton, Camden and Atlantic City, all cities with urban blight problems. Buffalo has asked about the program and housing officials in New York City, where homes are abandoned almost daily, are watching the Wilmington and Philadelphia efforts has some 15,000 abandoned units, mostly owned by the Federal Department of Housing and Urban Development, is expected to adopt the plan soon.

Under the homesteading plan, according to Wilmington's modish 31-year-old Mayor, Thomas C. Maloney, everybody benefits. His city, the Mayor notes, has 1,500 to 2,000 abandoned and dilapidated homes bringing in no tax revenue and blighting surrounding neighborhoods. Eventually, the city takes over the homes in lieu of taxes and usually has to pay to have them torn down.

"So," the Mayor reasons, "why not give them away. The city will eventually get out of the real estate business, tax revenue will increase, housing will be provided for families and stronger communities will be built."

WALK TO WORK

After the required occupancy period, the owner-occupant is free to rent, sell or continue to live in the house.

There are no restrictions on the recipient's income—or, so far, on his existing place of residence. Wilmington's first urban homestead was awarded to Daniel S. Frawley, a tall, blond suburban Philadelphia resident who is a tax attorney for the E. I. du Pont de Nemours & Co. The company has headquarters in Wilmington and Mr. Frawley will be able to walk a few blocks to work once he takes occupancy.

Other applications came from California, Illinois, South Carolina and Georgia, however, the rest of the homes were awarded to Wilmington residents.

Like Mr. Hadrick, Mr. Frawley plans to do some of the work on the house himself and estimates renovation costs of $10,000. Mr. Hadrick estimates his at $5,000.

In Mr. Frawley's case, the renovation costs will pose no great problem. For others—those who needed housing the most, the very poor—financing problems are substantial.

"Banks are the key to the program," observed Robert Kavin, a Boston housing official. "They have shown interest at this point, but have made no firm commitments."

A bill pending in the Massachusetts Legislature would underwrite a percentage of housing renovation loans.

Philadelphia's Councilman Coleman is exploring means to allow very-low-income families, including welfare recipients, to get enough money to renovate homestead housing.

So far, by starting small, with only 10 homesteads, Wilmington has been able to gain cooperation of local banks in providing low interest loans on suitable terms.

CONVENTIONAL FINANCING

So far Mr. Hadrick is the lone homesteader to actually begin work on his home—"can't get anywhere standing around," he says—and his costs for material and contract labor will be met as they are incurred. He will submit his bills to city officials, who are arranging his loan, and the money to pay them will be turned over to him. Those who are able to do so will obtain conventional financing at normal rates.

Advice and supervision are also provided by building inspectors, who will see that all work conforms to housing regulations.

Although the basic approach to the homestead plan is similar in the cities now implementing it, there are variations. In Boston, homesteaders will be allowed to rent part of large houses so long as they themselves live in them, alleviating the housing squeeze and helping out with the city's tax bill, one of the highest in the country.

Boston's proposal, which is expected to run into no trouble on its way to adoption, will, like Wilmington's, award city-owned houses by means of a lottery in instances where there is more than one qualified applicant for a particular house.

Wilmington received more than 100 applications for its initial offering of 10 houses. Another 10—possibly 20—will be awarded next month.

In Philadelphia, where details are to be worked out by a board to be appointed by Mayor Frank L. Rizzo, it has been suggested that where more than one applicant seeks a particular house, the award be made to the highest bidder. Although this would provide city revenue, it would also penalize poorer applicants unless some income formula were incorporated.

While there are now more than 30,000 abandoned homes in Philadelphia, more than the total number of homes in the city of Wilmington, the city government at the moment owns only about 1,200 of them, because of a lag in tax foreclosures.

A similar situation exists in many cities because of the complexity of acquiring a house through tax default. In many cases the delay means that a structure deteriorates beyond repair.

In Baltimore, where an urban homestead program was announced last month, an initial unit of 42 houses is being offered.

MORTGAGES ON 250,000

Renovation of the Baltimore houses is expected to be relatively expensive—$15,000 to $20,000 for a contract job, $7,000 to $8,000 for a buyer doing his own work—but a bond issue already approved makes $2 million available for rehabilitation loans.

Although housing officials are optimistic about the possibilities of homesteading—the Department of Housing and Urban Development owns or holds mortgages on some 250,000 abandoned dwellings across the country—no one expects a miraculous transformation of blighted neighborhoods.

Beyond the problem of high loan rates, there is the fact that a high percentage of abandoned housing is beyond repair at any reasonable cost. Also, officials are not convinced that the high initial public interest will be manifested in applicants willing and able to follow through on the renovation.

However, Wilmington's Mayor Maloney figures the odds are in favor of men such as James Hadrick—"and if he succeeds, we succeed."

HANDGUNS AND MURDER RATES

Mr. HART. Mr. President, a newsstory today quotes William Beardsley, Georgia Division of Investigation director, as saying:

If I had my way they would take every handgun ever made and throw them in the river.

The basis for that comment doubtless was Mr. Beardsley's awareness that FBI data show that Atlanta's murder rate for each 100,000 population led the Nation in 1972.

According to the newsstory, printed in today's edition of the Washington Post, the cities with the next 5 highest murder rates were in a 12-State Southern region, as were 42 of the 53 "metropolitan areas that reported 12 or more homicides per 100,000 population."

Those are startling figures which I do not believe we should attribute to some flaw in Southern character.

Rather, I think the answer may lie in

Mr. Beardsley's plaintive wish to have handguns thrown in the river.

The suggestion that the cause of those murder rates may have something to do with private ownership of handguns is suppported by Dr. Eugene Czajkoski, chairman of the department of criminology at Florida State University.

Dr. Czajkoski noted, "Generally in the South, restrictions on gun ownership are rather loose" and that Northern cities generally have stricter gun laws.

Perhaps the case cannot yet be documented as well as it should, but should not we begin to ask why five cities from an area with loose gun ownership restrictions have higher murder rates than New York City, Baltimore, Chicago, and Detroit?

And I think the answer to that question will support legislation prohibiting private ownership of handguns.

Let me quickly add that the bill I introduced to S. 747—does not order that guns be thrown in the river, but rather provides funds to purchase handguns at a fair market value.

The cost may be considerable, but it is one cost our society ought to be willing to meet in order to get these instruments of violence out of the bureau draws in homes across our country. Contrary to the bumper-strip argument, the honest citizen is safer without that handgun.

I ask unanimous consent that the Washington Post article be printed in the RECORD.

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

GUN LAWS LINKED TO MURDERS

ATLANTA, GEORGIA, September 25.—An absence of gun control legislation in Southern cities may be one reason why those metropolitan areas are dominating the nation's murder statistics according to some professional observers.

FBI data show Atlanta leading the nation in 1972 with a rate of 23 slayings per 100,000 population, followed by Gainesville, Fla.; Little Rock, Ark.; Greenville, S.C.; Columbus, Ga.; Tuscaloosa, Ala.; Richmond, Va., and Savannah, Ga.

Out of 53 metropolitan areas that reported 12 or more homicides per 100,000 population, 42 were in a 12-state Southern region.

"Generally in the South, restrictions on gun ownership are rather loose," said Dr. Eugene Czajkoski, chairman of the department of criminology at Florida State University.

He said although statistics are unreliable, he is personally convinced that gun control legislation would reduce the murder rate. In a telephone interview from his Tallahassee office, he claimed Northern cities have tighter gun restrictions.

Based on per 100,000 population, New York reported 19.1 murders last year while Los Angeles reported 12.8. Las Vegas had 18.3, Baltimore 17.6, Detroit 17.3 and Chicago 11.5.

By comparison, Gainesville had 22.3, Little Rock and Greenville 20.4, Columbus and Tuscaloosa 20.2, Richmond 19.8, Savannah 19.2, Raleigh, N.C., 18.7, Lubbock, Tex. and Memphis, Tenn., 18.6, New Orleans and Jackson, Miss., 17.9 Charlotte, N.C., 17.6, Chattanooga, Tenn., and Jacksonville, Fla., 17.4.

Houston reported 17.3 murders per 100,000 population, Birmingham, Ala., and Augusta, Ga., reported 17.1 and Wilmington, N.C., had 17.

"If I had my way they would take every handgun ever made and throw them in the river," said Georgia Division of Investigation director William Beardsley.

AMERICAN INITIATIVES AT THE U.N.

Mr. McGEE. Mr. President, in this morning's edition of the Washington Post, there appeared an editorial analyzing Secretary of State Dr. Henry Kissinger's speech to the United Nations General Assembly on Monday of this week.

Since I have been a long-time supporter of the U.N.—and my belief in this institution was further enhanced as a result of my service as a delegate to the General Assembly last fall—I was particularly interested in Dr. Kissinger's remarks. I find myself in full agreement with the assessment of the Post editorial, particularly the writer's closing comment which noted:

A speech is only a speech. In this one, however, the new Secretary of State launched at least two significant initiatives. These have merit in themselves. They allow the United States to play a responsible international role. And they can serve as vehicles for precisely the kind of international cooperation that the United Nations was set up to provide.

I was heartened by the Secretary's speech which, while realizing the realities of the United Nation's limitations, nevertheless accented its strengths and the need for the United States to actively search for meaningful ways to make the U.N. a more effective international force.

I believe the tone and the content of the Secretary's remarks will go a long way to alleviate legitimate fears that our Nation is losing interest in the U.N. I commend the Secretary for the thoughts he expressed in his address and I would urge the Congress to follow suit. It is important that the Congress work closely with the administration in building a more effective commitment to, and participation in, the United Nations. The new Secretary of State has taken the lead and it is up to us in the Congress to assist him in this endeavor.

I ask unanimous consent that the editorial be printed in the RECORD.

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

AMERICAN INITIATIVES AT THE U.N.

Many foreign nations fear that the Nixon-Brezhnev advances in Soviet-American relations have not brought comparable gains for them. Understandably, this apprehension is much in evidence at the United Nations, the world's principal international assembly. It was, then, with a nice sense of what the times and the occasion require that Secretary of State Kissinger assured the United Nations on Monday that the United States intends to move "from detente among the big powers to cooperation among all nations, from coexistence to community." Dr. Kissinger delivered this message, moreover, in a tone combining both respect and restraint toward the United Nations. He did not treat the world body as a sacred object deserving veneration in its own right, as do some of its less realistic partisans who forget that it is an assembly of sovereign states. Rather, he accepted the U.N. as a forum capable of being used more effectively by its members, if they choose, for their own legitimate national purposes. "Shall we proceed with one-sided demands and sterile confrontations?" he asked. "Or shall we proceed in a spirit of compromise produced by a sense of common destiny?"

The answer Dr. Kissinger offered for the Nixon administration was commendable, we thought, in two special areas. First, peacekeeping. All of the United Nations' efforts in this area have been improvisations; many have been controversial, some almost crippling. Article 43 of the Charter, calling on members to compose peacekeeping forces and procedures, has never been implemented. No new peacekeeping venture has been authorized since 1964. A U.N. subcommittee has been trying fruitlessly to write peacekeeping ground rules since 1965. This group has been deadlocked: the United States has demanded that the Secruity Council give the Secretary General certain leeway in administering peacekeeping missions, while the Soviet Union has insisted that the Council keep the SG on a tight leash. To break this deadlock, Dr. Kissinger said Monday, the U.S. will consider "how the Security Council can play a more central role in the conduct of peacekeeping operations." Was this matter discussed at the Moscow or Washington summits? If so, the Russians may also be prepared to compromise, specifically, to loosen the leash on the SG. It would be a helpful demonstration by both great powers that they can work together for a cause which is important, at least symbolically, to others. Dr. Kissinger, we note, held out the prospect of success "during this session" of the General Assembly.

He showed a good face too on the major issue of the world's food supply. In recent years, as commercial demand for American food exports has grown, the United States has been reluctant to acknowledge that some countries needed food but could not pay for it. The official tendency has been to deny there is a serious problem and, when confronted by it, to pass it off as the result of a temporary spell of bad weather. Dr. Kissinger, however, seized the problem forthrightly. He said that world grain consumption is outpacing production and that even with bumper crops, world reserves may not be rebuilt "in this decade." Accepting the implications of this stark diagnosis, he went on to urge the calling of a world food conference in 1974. A conference is the right way to focus concern and to internationalize responsibility for a condition of world food scarcity which the United States can no longer handle on its own. The U.N.'s Food and Agriculture Organization presumably would provide the staff work for such a conference, although the Russians have yet to join it. But any successful approach can only be made by engaging member states at a high political level. This seems to be what Dr. Kissinger has in mind.

A speech is only a speech. In this one, however, the new Secretary of State launched at least two significant initiatives. These have merit in themselves. They allow the United States to play a responsible international role. And they can serve as vehicles for precisely the kind of international cooperation that the United Nations was set up to provide.

DELAWARE ACTS TO PROTECT ITS ENVIRONMENT

Mr. BIDEN. Mr. President, one of the major concerns in the Senate recently has been with legislation to control and protect our environment. At the last session of Congress the Coastal Zone Management Act was passed to provide a Federal program for protecting one of our country's most valuable assets. In the present session I was pleased to sup-

port the land use planning legislation recommended by the Committee on Interior and Insular Affairs and adopted by the Senate. I hope that the House of Representatives will act promptly on this legislation so that we can develop adequate and effective land use controls at the local level throughout the Nation.

I have personally been deeply concerned with proposals to construct deep water ports, particularly off the shores of Delaware. I believe that these ports and the almost inevitable industrial development that would follow such port facilities would impair the coastal areas in which we in Delaware take such pride. Many committee hearings, in which I participated, have been held in the Senate to air all aspects of this critical problem.

I am pleased to see, however, that the State of Delaware has not waited to move ahead to develop controls on development and threats to its environment. In a recent report to the people of Delaware, "Guiding the Coastal Zone," Gov. Sherman W. Tribbitt has spelled out what Delaware is doing to help itself.

Mr. President, I am proud of the accomplishments in Delaware, and I request unanimous consent that portions of Governor Tribbitt's report be printed in the RECORD.

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

THE GOVERNOR OF DELAWARE,
Dover, Delaware.

DEAR FELLOW DELAWAREAN: Delaware's environmental movement is unequaled by any other state

It has moved far beyond talk and emotionalism to hard facts and thorough study.

Above all, there's a commitment by a responsible and responsive legislature, dedicated public officials and an aware citizenry.

Perhaps the small size of our State contributes to this strong commitment. All of us know that everyone pays for the loss of our natural resources, whether air, water, beaches or marshes.

Naturally, I am proud of the accomplishments of my administration. But as I pointed out in my "Quality of Life" message, I am particularly proud that they have been attained through a spirit of cooperation which soars above the bounds of partisanship.

Where our environment is concerned, we are all Delawareans, first and foremost.

It is this cooperative spirit that must be sustained if we are to ward off the continual pressures bombarding Delaware.

One is the push for construction of a deepwater oil terminal in Delaware Bay which would have the effect of irreversibly altering the character of our State.

Another is the possibility of Outer Continental Shelf oil and gas exploration off the coasts of Delaware and New Jersey.

Some of these pressures are directed less at the State than at the counties which are called upon to use their considerable powers in behalf of all their residents and businesses. It often makes for difficult decisions; they must balance demands for public services with a concern over higher taxes. When reviewing projects, they must weigh the potential new tax revenues in respect to the impact of these projects on future land use and public facilities.

We know their problems, and we hope to help them, for they are the front line of our environmental defense.

I ask you to think about this idea—that, as our State's environment changes, so will we and, indeed, our children. Do we want this to happen without sharing in shaping those changes? I don't. And I believe you don't either.

Delaware is an open society. All are free to make their views known, to ask probing questions, to voice their concerns and to challenge the State's actions. All our environmental laws and agency procedures have this in mind by providing for extensive public hearings as well as ample opportunity to appeal to higher jurisdictions.

Beginning next week, the Coastal Zone Industrial Control Board will consider new regulations.

The law says that the Board must hold a public meeting on them. But we believe the issues are too important to be confined to a single session.

Therefore, the Board will conduct a series of meetings throughout the State during the next several weeks.

These have been scheduled at what we hope are the most convenient times and places.

And we regard them as forums, designed to tell you where we are and what we are doing, and then to let us listen closely and carefully to you.

We hope that your comments will go beyond the specifics of the industrial regulations, and will deal with the larger issues of the State role in Coastal Zone management.

Indeed, I hope many will comment on my proposals to regulate lightering in the Bay and the regulation of commercial and residential development in the Coastal Zone.

I urge you to attend. But first I suggest that you read this report.

It describes some of the problems confronting Delaware in the face of inevitable change. All of us want Delaware to be a fine State in which to live, work and play. But it will not happen automatically.

With your help, however, we will make the right choices.

Cordially,

SHERMAN W. TRIBBITT,
Governor of Delaware.

FIRM LAWS GUARD ENVIRONMENT

An environmentally aware General Assembly has stepped up its pace in considering major legislation to conserve the State's physical resources.

In 1973, the Wetlands Act (Senate Bill 217) gave the State strong powers to clamp down on undesirable filling and dredging of marshes, one of nature's unique habitats.

And the enactment of Senate Bill 218 totally revamped the State's air and water pollution laws and administrative structure, giving a single focus in the Department of Natural Resources and Environmental Control for the fight for clean air and water.

In 1971, Delaware's Coastal Zone Act drew national attention because of its firm commitment to safeguard the future of our State's shores. The Beach Protection Act the following year gave further evidence of this commitment.

The laws take on different significance for each of those who have worked for their passage.

To Rep. Andrew Knox, a co-sponsor of the 1971 Coastal Zone Act, the laws mean that "Delaware has shown it will preserve its natural environment at the State level."

A member of the Coastal Zone Industrial Coastal Board, Mrs. Gwynne Smith of Wilmington, says:

"The greatest problem now is implementation of the laws—to have a just and understandable way of administering them so that all concerned know the steps to be followed."

Some common features in these laws are that they permit extensive public participation through required hearings, and they rely heavily on planning to help shape official regulations and policies.

Finally, the laws have teeth. They give the State power to move swiftly against violators. Penalties can be stiff: up to $10,000 for each day of violation.

Still pending before the General Assembly are several bills proposed by Gov. Tribbitt as part of his "Quality of Life" package.

The most sweeping of these is the Coastal Zone Management Bill.

This would set up a State Coastal Zone Management Board to carry out, through a permit system, a comprehensive plan for coastal zone development.

The State Planning Office would prepare the plan, based on an analysis of population, natural resources, land use requirements, and the adopted plans of the counties. Under the proposed bill, permits for commercial and residential uses would be issued if a project conformed to both the local and State plans.

Rep. Knox, stating that the Coastal Zone Act was essentially negative, said that positive steps are now essential to deal with total land use.

"Land use planning is the key environmental issue of the next decade," Knox said.

The hardest task lies ahead. The State knows what has to be prevented. Now its agencies and citizens must define what has to be encouraged in the way of Coastal Zone growth.

CITIZEN PANELS CHART DIRECTIONS

During the past few years, a searching examination of Delaware's future has taken place.

An array of citizen panels, along with State agency teams, produced detailed inquiries into the States' recreational, environmental, land-use and energy prospects.

Taken together, Delaware's various studies go a long way toward laying out the issues and options for managing growth.

And in contrast with countless federal commissions and advisory bodies, the work of these groups has brought about action.

Basic work was accomplished by the Governor's Task Force on Marine and Coastal Affairs, appointed in early 1970.

Recognizing the desire of several heavy industry and transportation groups to construct refineries and off-shore terminals, the Task Force did not remain silent while completing its final report. Although the final Task Force report was not issued until July 1972, as early as February 1971 it urged immediate passage of a Coastal Zone Act.

The subsequent law closely followed the group's basic recommendations.

In 1971, the Governor named the Delaware Bay Oil Transport Committee. Its summary report in January 1973 included important basic material on the region's energy requirements.

Still another group, appointed in July 1972, was the Governor's Wetlands Action Committee. It took on the task of thoroughly studying Delaware's coastal wetlands and formulating policy. The 35-member body represented a broad spectrum of the State's citizens and interests. Its preliminary report to the Governor in January 1973 was persuasive; it helped gain passage of the Wetlands Act in June.

The urgent problems of recreation were addressed by the Delaware Comprehensive Outdoor Recreation Plan, released in 1971. Prepared by the State Planning Office, the extensive report gave an inventory of existing facilities, estimated future facility needs, and analyzed recreation demand through the year 2000.

The common theme throughout these investigations is that Delaware can and must fashion policies for the future.

This monumental effort has produced facts and recommendations. As for the unresolved issues, the public now has an unmatched source of information and evidence to assist its own decisions.

PLAN MUST GIVE CLEAR CHOICES

The Coastal Zone Act requires that the State Planning Office prepare a plan for the location of industrial activity in the zone.

Such a plan has been produced in preliminary form. If acceptable to the public, this plan can go far beyond the Act itself in shaping the land use pattern in Delaware's coastal areas.

Clearly a plan for future industrial location must consider much more than industry alone. The plan must be concerned with the multitude of development pressures and issues described elsewhere in this report.

As portrayed on the accompaniyng map, the State Planning Office proposal presents an overall development concept for the Coastal Zone. This approach follows the premises of the 1971 Act and is based on four broad goals:

1. Protection of the environment, natural beauty and recreation potential of the State.
2. Protection of the natural environment in the coastal areas by regulation of industry.
3. Affirmation of recreation and tourism as appropriate uses for the bay and ocean areas as long as these uses do not conflict with the wildlife and conservation values of the wetlands.
4. Encouragement of new industrial locations in Delaware elsewhere than in the Coastal Zone.

The State Planning Office has translated these goals into five recommended development policies for the zone:

1. New development will be built contiguous to existing development.
2. Public facilities must be provided for new development.
3. There will be minimal disruption of soils—and no disruption of marshlands.
4. Regionally dominant communities will be encouraged to allow for concentration of industry and commerce.
5. The amount of new development will be tied to the capacity of natural and manmade resources and services to accommodate growth.

It is these recommended goals and policies which have been translated into the physical location concepts suggested on the preliminary plan map.

In general, most extensive development in the zone should occur in New Castle County north of the Chesapeake and Delaware Canal, and also along the Sussex County shore. There should be very little development elsewhere as the rest of the zone has strong recreation and conservation values worth protecting for the public.

Industrial development specifically should be limited to areas in New Castle County north of the canal where there are suitable soils, sample sites and adequate public facilities.

The rest of the zone must be protected from unwise industrial use. The one possible exception is for limited manufacturing uses near Lewes.

Thus far, only the industrial locations are shown in detail on the map. Much work will be needed to spell out the commercial, residential and recreational proposals. Moreover, any development that does take place will have to comply with all federal, State and local regulations that apply in the zone.

The main question now is whether these generalized goals, policies, and land use designations are what the public wants for Delaware's future.

The State Planning Office—and the legislature—can take administrative and legislative steps to prepare a comprehensive coastal plan with teeth. Does the public want such a plan? Are these ideas in agreement with what our citizens desire?

FORUMS WILL FACE THE BIG ISSUES

During the next several weeks, five public forums will explain to the citizens of Delaware how industrial projects in the Coastal Zone will be regulated. They will also give full attention to the issues of Costal Zone management which, while not yet covered by State law, will have great future impact.

Difficult questions must be considered, not only by lawmakers and officials but also by you and your neighbors:

How do you feel about the concepts of strict regulation of lightering operations and the requirement of State approval of commercial and residential development of the Coastal Zone as proposed by Governor Tribbitt in his "Quality of Life" message?

How can Delaware and the federal government work together to deal with current proposals for superports?

Is the approach of the present Coastal Zone Act fair in judging whether new industry is acceptable?

Would incentives be useful to attract environmentally sound private enterprise to the Coastal Zone?

What public programs are needed in the Coastal Zone to add to its use and value for all Delawareans?

Your active participation in the forums is invited. There will be ample opportunity to ask questions, give testimony and submit statements as part of the record. For more information about the forums, call the State Planning Office, Dover, at 678-4271; or you may use FAST, the Governor's Free Action State Tieline, statewide by dialing 1-800-292-9570, or in New Castle County by dialing 658-4311.

KILPATRICK COLUMN ANTIDOTE FOR DESPAIR

Mr. McINTYRE. Mr. President, these are grim days. A war we thought was over goes on and on. Inflation is rampant. Disenchantment with leaders and institutions endemic. Traditions, values, and standards questioned as never before.

But just about the time when despair descends like a lowering cloud, some ray of hope or cheer or reassurance breaks through.

Sometimes it is a dramatic demonstration of individual courage, or of personal integrity tested and proven true, or of an institution that has weathered attempts at its compromise.

But other times, Mr. President, other times it is simply something that lifts and comforts the heart by warming the currents around it.

Such a ray of reassurance was James J. Kilpatrick's column in the Washington Star of July 30, a column titled: "Advice to a Granddaughter Turning 3."

Mr. President, I do not share Mr. Kilpatrick's political views, but I have long admired the grace and the skill of his writing, and the deep sense of humanity his columns so frequently reflect.

This particular column had it all. It was whimsical. It was warm. It was witty. And the advice it offered a granddaughter turning 3—"Discover, Heather, simply discover," we could all take to heart.

Perhaps we should all take the time to rediscover the precious fascination of the natural world around us, rediscover the purity of unquestioning love, rediscover that the strength of our Nation derives from the strength of our people, and that strength, in turn, derives from the strength that flows from the roots of family.

Mr. President, as long as there are grandfathers like James J. Kilpatrick, as long as there are granddaughters like Heather, as long as there is this kind of loving link between generations, this Nation need not despair.

I ask unanimous consent that Mr. Kilpatrick's column be printed in the RECORD.

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

[From the Washington Star-News, July 30, 1973]

ADVICE TO A GRANDDAUGHTER TURNING 3

(By James J. Kilpatrick)

SCRABBLE, VA.

Dear Heather: Three! You are honest and truly three years old today? I might have guessed two and a half, or two and three-quarters, but three? Why, it seems only day before yesterday, or maybe week before last, that you were honest and truly two. Heather, you are practically middle-aged.

A year ago, when you were honest and truly two, we were counting your vocabulary. You had picked up all kinds of strange and interesting words, but somehow they came out in very few sentences. Now you are talking not just in sentences, but in paragraphs, essays, and books.

You are turning into a talker, Heather, in the tradition of your great-great-aunt Lucille. She laid down the family rule that in any given conversation, whenever the speaker takes a breath he loses the floor. Your father was in the direct line of her inheritance, and you take right after him.

In the past year, I rather regret to say, you have discovered the telephone. Not the play telephone. The real telephone. By next year, maybe you will learn that not all questions need to be answered, "I'm fine!" It is a little baffling, after all, when I ask, "Is your father there?" and you reply, "I'm fine!"

You are discovering many other things also. You have discovered why people go to the bank: They go to the bank to get lollipops. And why do people go to the shoe store? They go to the shoe store to get a balloon. You are discovering the eternal truth that sandwiches taste better if they are cut into triangles instead of squares. You are discovering colors—red, blue, purple, and polka-dot.

Last year, learning the alphabet, you bogged down at G. This year you bog down at wubbiya. Your favorite book, at the moment, is the Sesame Street book, from which you have learned an imperishable assertion: "You're bananas!" You also have mastered, through the doubtful grace of your Uncle Kevin, "Go to the head of the class!"

What you have mainly learned in the past year, though, is how to be helpful. If you have a favorite sentence, this is it: "I want to help." So you help in weeding the garden, you help in shelling peas, you help in watering the lawn, you help in cleaning up the dishes, you help in making the beds, and now and then your mother wonders how in the world she ever got things done without your assistance. Mostly, however, she wonders how she ever gets things done with your assistance.

I like so many things about you it is hard to say what I like best. Maybe it is the way you bounce into a room. You come on like the happy princess in "Once Upon a Mattress," with your blue eyes shining and your blond hair flying, and you talk all in capital letters: "Hi, grandfather! I'm fine!" You sort of clear the air, Heather, like a small hurricane or a three-year-old typhoon. And when you let the collies in with you, barking and pawing and licking your face, the Marines, believe me, have landed.

But I think what I like even better is your lovely conception of time. Everything that has happened before, even if it happened five minutes ago, happened "yesterday." And

everything that will happen hereafter, even if it is five minutes hence, will happen "tomorrow." Thus the yesterdays pile up very fast, and the tomorrows are all just ahead. You have your nose snubbed tight against the passing hour, and your world is pretty much bounded by lollipops yesterday and gumdrops tomorrow. When you are three years old, my small friend, that is not such a very bad world.

One of these years, I doubtless will give you, because the books say I should, a vast deal of Very Sagacious Advice. Having been a newspaper editor, your grandfather is full of that. But at honest-and-truly three, a little advice will suffice: *Discover*, Heather, simply *discover!*

Discover the taste of rain, and the taste of mint, and the slippery feel of mud between your toes. Discover June bugs and fireflies and hummingbirds. Discover how the wind blows and a dog's tongue drips and the toad in the garden goes hop. Never stop discovering! And you will discover, a few tomorrows from today, the excitement of having a baby brother or sister who soon enough will discover, like you, how fine it is to be three.

I love you,

GRANDFATHER K.

THE FOOD SPECULATORS—PART III

Mr. McGOVERN. Mr. President, I shall soon introduce legislation which, I believe, can serve as the basis for needed improvements in the system of Federal regulation of our commodities trading markets.

That Federal commodities regulation needs substantial reform is no longer debated.

The Administrator of the Commodity Exchange Authority, the agency of the U.S. Department of Agriculture which now has limited regulatory authority, recognizes some degree of need.

The major grain trading companies have, for the most part, urged reform. Commodity brokers speak of the need for reform. Telephone calls and letters to me from farmers in South Dakota and from other States attest to that need.

The inadequacy of our present regulatory system has been documented well in a series of articles in the Washington Star-News, two of which were printed in the RECORD earlier this week, and the third of which I ask unanimous consent to be printed following my remarks in today's RECORD.

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

(See exhibit 1.)

Mr. McGOVERN. While my bill is being put into final form, I would like to describe some of its tentative contents.

It will call for removal of the authority for commodity trading market regulation from the Department of Agriculture and the creation of a new, five-member Commodity Exchange Commission with expanded powers.

Rather than ex post facto recommendations, which are the basis of today's regulation, the CEC would have power to issue cease-and-desist orders and seek court injunctions to prevent violation of the Commodity Exchange Act.

The bill would direct the CEC to prohibit undue speculation, bar conflicts of interest between and among traders, brokerage houses and suppliers and users of commodities. It would extend regulation to a number of commodities not now regulated at all.

In short, my bill offers more than just surface reform.

Our commodities trading regulation, it seems to me, is analogous to the state of securities regulation at the time of the stock market crash in 1929. Reform at that time led to the creation of what is generally regarded as an effective Securities and Exchange Commission.

Trading in commodity futures affects the lives and livelihoods of every American as intimately as trading in stocks and bonds—in some ways, more so.

The Congress faces a difficult task, but one we can complete with success, and with reward.

EXHIBIT 1

PRICING "POLICEMEN" FOUND LOOKING THE OTHER WAY

(By John Fialka)

The huge speculative waves that have swept across the nation's food pricing system have caused heavy damage to a government-regulated mechanism that is supposed to protect the food business and the public from the vagaries of price fluctuation.

According to dozens of farmers, elevator operators and others in the business of raising and handling foodstuffs, the damage is likely to appear in the form of still higher prices to compensate them for greater business risks.

There is mounting evidence that some of the damage has occurred because the "policeman," the Department of Agriculture's Commodity Exchange Authority (CEA), which is supposed to regulate commodity exchanges, has a long-standing tradition of looking the other way.

This summer the policeman has been following tracks in all directions. It has launched an investigation into possible manipulation in trading of both July corn and soybean futures, trading which produced headline-grabbing record prices of near $12-a-bushel soybeans and $3.80-a-bushel corn.

"Something's wrong there," CEA's director, Alex C. Caldwell, told a reporter. Because the futures price gyrations often outdistanced cash prices there is a possibility of someone having a "squeeze" or a kind of corner on the markets, said Caldwell.

Caldwell also thought there was something wrong with price activity in another favorite of commodity speculators—pork bellies or frozen uncured bacon. The CEA asked the Chicago Mercantile Exchange to stop trading in July and August pork bellies. The exchange complied.

There was also something apparently wrong with August and September soybeans at the Chicago Board of Trade. The CEA asked the board to stop new speculation in those months.

Meanwhile the exchanges themselves have had to wrestle with extremely volatile prices by raising margin requirements and constantly adjusting trading limits.

All of this, the price volatility, the apparent manipulation, the frantic attempts to keep the mechanism under control, have caused a kind of erosion of faith in the system by people who have used it for years.

For years, the nation's futures markets have served as a kind of insurance company for the food business.

The speculator, the man who buys a contract for the future delivery of a commodity makes a kind of bet that the price will increase. He has had his counterpart in the "hedger," the farmer, the elevator operator or the food processor who must keep stores of grain or other foodstuffs on hand as part of his business.

The hedger sells contracts for future delivery of whatever he has on hand in a kind of bet that the price will go down. If it does, he will lose money on his grain, but make money on his futures transaction, thus he "hedges" himself against loss from price fluctuation.

In theory, the speculator takes the risk and the hedger buys peace of mind. Not so this spring.

Mike Graves, who operates three small elevators near Estherville, Iowa, was one of the lucky ones; he saw the waves coming.

Because of a chronic boxcar shortage in northwest Iowa, Graves had hedged tons of grain he could not move. As the first early surges of prices hit, he began getting repeated margin calls from his commodity broker. Finally, he noticed he had borrowed $1.2 million.

That was about four times more money than he'd ever owed in his life. He did not sleep nights.

Finally he sold all of his hedges, taking a small loss. "I said, boy let's get out of this thing or it will kill us," Graves recalls. "The interest was eating us up."

Graves is not sure what he will do for protection this year. If he can't get the farmers to store their grain until boxcars materialize, he feels he will have to take an "awfully big" profit margin to assume the risk himself.

Some were not so lucky. According to Argie Hall, principal grain trader for the Farmers Grain Dealers Association of Iowa, the "runaway markets" created an "impossible hedging atmosphere" in which hundreds of small elevator operators were forced to put up enormous margins or were "trapped" in hedges that they could not remove before the hectic trading drove prices up to the daily limits.

L. C. "Cleil" Carpenter, vice president of a Missouri farmers association, recently told a congressional committee that the "excessive paper trading" in soybeans contributed to the killing of pregnant sows and smothering baby chicks by farmers who watched the price of soybeans—the principal ingredient of the animals' feed—rocket from $7.00 to $12.90 a bushel.

The gyrating prices also damaged another traditional use of commodity futures prices, that of a basic demand indicator.

According to George Lawrence, vice president of Penick & Ford Co., a major Iowa corn processor, trading in the last months of futures contracts this year "have gone crazy" making them a poor guide for merchants.

"Take September corn for example," he added, "that's a marbles game."

And there are signs that even speculators are losing faith in the system. The Chicago Board of Trade, which had a booming year in almost every other category, recently announced that speculators in soybeans dropped by about 8 percent over last year.

Dick Collins, manager of H. S. Kipnis Co., Washington's oldest commodity brokerage firm, said he has been advising his customers in recent months to "stay out of the market."

The main reason for the move was for his own protection in the face of bouncing prices. "What do you do if a guy suddenly gets in debt to you for $100,000. Jesus, how do you collect it?"

On one occasion, Collins said, a Kipnis broker was physically unable to nudge his way into the soybean meal pit at the Chicago Board of Trade to carry out a customer order because of the jam of traders in the pit.

"I've advised my brokers to get equities from new customers and put them in treasury bonds. The time will come when this whole damn thing corrects itself," said Collins.

"Meanwhile you just don't go to Las Vegas and stand there and blow your money. We plan to be around for a while," he added.

The Commodity Exchange Authority was created by Congress in 1936 to "provide a measure of control over those forms of speculative activity which too often demoral-

ize the markets to the injury of producers and consumers and the exchanges themselves."

Recently investigators from Agriculture's Office of the Inspector General (OIG) who performed an internal audit on the CEA and its dealings with commodity exchanges dredged up a small mountain of evidence that the agency has not been doing its job.

The study, a copy of which has been made public by a House Appropriations subcommittee, concluded that the CEA "did not make adequate analysis, inquiries and conclusions" on trading "where there were strong indications of price artificiality or manipulation."

In examining records at the nation's major commodity exchanges, the OIG investigators found "evidence of direct and indirect bucketing of consumers orders, accommodation trading, excessive trading between brokers . . . and matching customer orders."

(Bucketing is the filling of a customer order to buy or sell a futures contract at an inflated price without bidding for the contract on the trading floor. An accommodation trade is a non-competitive transaction between two or more conspiring floor brokers at an inflationary price.

(Matching a customer order is done by a broker who places a similar order for his own personal account before executing his customer order. If the market moves during the transactions, it is the broker who gets the cheaper price.)

(All the above practices are illegal.)

"We found transactions," the investigators added, "where the same broker was on both sides of a trade and where trading between combinations of brokers (was carried on) to such an extent to indicate that such trading was prearranged."

One case of manipulation unearthed by the OIG happened in November 1969, under the very nose of a CEA investigator who later wrote that trading in November potatoes at the New York Mercantile Exchange ended "in an orderly fashion."

According to the OIG, one contract for delivery of a carload of November potatoes was sold and resold 35 times on the final trading day by a team of three brokers at ever increasing prices.

On occasions when the CEA has caught brokers performing all manner of market manipulations, the report notes, the penalties imposed have amounted to little more than a slap on the wrist. For instance, in a trade practice investigation in 1969 at the Chicago Mercantile Exchange:

"Violations included matching customer orders, taking the opposite side, trading noncompetitively, making fictitious trades, entering into prearranged transactions, making false entries on trading cards and causing false records to be made."

In February 1971, the CEA rounded up 22 members of the exchange and made them sign statements promising that, in the future, they would comply with trading rules.

The classic case of non-punishment, however, involves Cargill Inc., one of the nation's largest grain trading companies, which was found guilty of manipulating the wheat futures market in 1963. The CEA took 7½ years to mull over the case before handing down its decision.

Although the agency has the power to ban a company from trading, it decided to put Cargill's top officers on probation instead. Later, one of Cargill's traders admitted to a House subcommittee that he could not remember whether he was still on probation or not.

The OIG investigators found that one reason CEA has difficulty making cases is that many of its reports "were filed incorrectly or not filed at all."

"Large traders are not policed for trading in excess of (maximum) limits if they do not report or are not required to report."

And the OIG discovered that no one in the eastern or central regions of the CEA could recall "any instance where administrative action was taken to invoke the penalties" for failing to file required reports. One large trader was discovered to have systematically filed erroneous reports since 1948.

"CEA investigators," their report added, "had little investigative background" and were "poorly trained." During a recent reorganization of the agency, it noted, most of the knowledgeable field investigators wound up in Washington.

Although CEA staff sometimes referred complaints to the disciplinary committees of the Chicago Board of Trade and other major exchanges, the OIG found little evidence that the Board of Trade and other major exchanges did much in the way of self-regulation.

"Our audit disclosed that the CEA cannot rely to any great extent on exchanges carrying out their responsibilities of maintaining adequate surveillance over the trading activities of floor brokers," the investigators stated.

Finally, the OIG noted that the CEA was not making studies that would show whether "scalpers" or floor traders trading for their own accounts were a cause of volatile price movement.

"This has been due primarily to the lack of a staff able to understand the intricate mechanism of the marketplace," the study asserts.

Despite the damning conclusions of the OIG report and evidence of the recent chaos of the marketplace, Caldwell and other Agriculture officials appear to remain convinced that floor trading activity does not tend to influence prices and that traders can still do much of the job of policing themselves.

For instance, Caldwell had a "test study" made by his staff on potato futures trading in 1968 at the New York Mercantile Exchange which concluded that scalpers "restricted" price movements.

"That shows you really don't need a big study on that," said Caldwell, who has recently focused his staff's efforts on more random, smaller market investigations.

"I don't think that should be top priority," said Caldwell's boss, Clayton Yeutter, assistant secretary of Agriculture, referring to the possibility of a thorough study of the operation of scalpers.

"We have bigger fish to fry than that," Yeutter added. Among the "big fish," he added, are proposed legislative changes which he said he could not disclose, a computerized remedy to CEA's report filing problems, and a major effort to persuade commodity traders that they should do a better job of collecting data and investigating themselves.

"We ought to make sure that the exchanges regulate more vigorously," said Yeutter, who said that he has "jawboned" traders at every opportunity in recent weeks.

Yeutter also hinted that there might be a "small" increase in CEA's staff. (The CEA has 160 employes to regulate a business that generated a trading volume of $268.3 billion in the 1973 fiscal year ending June 30. The Securities and Exchange Commission, which regulates the stock market, had 1,656 people to monitor a trading volume of a little over $195 billion during the same period.)

According to both Yeutter and Caldwell, much reliance will be placed on a new computer system that will be trained to collect data and decipher floor activity.

The computer effort began in 1971, when Caldwell, who has traditionally been wary about asking Congress for more staff, cut 20 staff positions to help pay for a computer.

CEA staffers pumped much of the data from the million reports they receive each year from traders into the machine and asked it to pinpoint suspicious trading patterns. The computer kicked out numerous trades, most of which, upon further investigation, turned out to be legitimate.

"The computer," Caldwell later explained to a House Appropriations subcommittee, "broke down on step 2. It could not sell us which particular trades really needed investigation. So it was really of no help to us at all."

Still, Caldwell felt there was a future in using the computer to track manipulators. He searched among the "handful" of agricultural economists in the world who understand commodity trading for a man who knew floor trading activity and could harness a computer to track it.

He found the man at the University of Hawaii and gave him a grant to develop the system. Midway through his efforts, however, the expert died.

"He apparently didn't tell any of his associates much of what he was doing," Yeutter said. "Much of what we've seen is not going to be usable."

While the CEA struggles to find another way to use its new computer, world events have provided some additional pressure for accurate trading data.

Investigators from the Senate Government Operations Committee who were combing CEA records found that major trading companies understated their reports of futures trading during the 1972 Russian wheat deal by millions of bushels.

They also found that it would be virtually impossible to see whether there was manipulation at the Kansas City Board of Trade during the Russian deal because there was no requirement that traders' buy and sell orders be timed, thus no way to tell the order in which trades were made.

Then there is the problem with foreigners. Caldwell told the Senate committee that he could not be certain whether the Russians were or were not in the futures market at the time of the trade.

And Caldwell refuses to comment on persistent rumors that part of the reason for gyrations in recent soybean trading was because Japan and certain Common Market countries were using the futures market to hedge later orders for soybeans.

Despite the turmoil, the CEA has strong defenders. Most of them are in the group of futures traders that the agency is supposed to be regulating.

"Boy are they tough on us," asserts Lee B. Stern, a broker and head of the public relations committee of the Chicago Board of Trade. "If we miss a report or something, they are on the phone the morning after."

Among the merchants who are principally engaged in trading the real, cash agricultural products, however, the CEA's support appears to be dwindling.

"I have yet to meet one of those guys," said one Chicago grain buyer, referring to CEA employes, "who really knew much about the grain business."

Last week executives of Cargill, Inc., told a House subcommittee that they felt the CEA should be removed from the Department of Agriculture, given a larger more expert staff, and set up as an independent agency similar to the SEC.

Their recommendation and others similar to it may fall on deaf ears in Congress, however. According to sources close to the House Agriculture Committee, William R. Poage, D–Tex., the committee's chairman, has been reluctant to get involved in an investigation of futures trading because of the complexity of the subject.

He is also, they asserted, opposed to the removal of the CEA from the Department of Agriculture because, as one source put it, "that would take it away from his jurisdiction. He regards it as part of his turf."

If there is a good sign emanating from the growing controversy over the CEA, it may be that it has generated some new ideas for reform within Agriculture. Caldwell accepts some, others he rejects out of hand.

For instance, he believes that the CEA should have injunctive powers to stop apparent manipulation on the spot. He also thinks that futures contracts should be

changed to include more places for delivery outside Chicago. This would make it harder for speculators to operate during the final, delivery month of a futures contract.

Could the CEA require exchanges to keep track of the exact times that floor trades are made, thus permitting a true study of trading patterns?

Caldwell doesn't think so. "We've thought of that, but it would slow down trading," he said.

WILMINGTON EVENING JOURNAL COMMENTS ON TRANS-ALASKA PIPELINE BILL

Mr. BIDEN. Mr. President, on July 19 the Wilmington Evening Journal commented editorially on the Senate's action on the trans-Alaska pipeline. I feel that the comments are thoughtful and well-reasoned and I ask unanimous consent that the text of the editorial be printed in the RECORD.

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

PIPELINE RUSH UNNECESSARY

The U.S. Senate, in giving the go-ahead to construction of the trans-Alaskan oil pipeline from Prudhoe Bay to Valdez, may have been guilty of the wrong thing for the right reason.

The North Slope of Alaska can provide the United States with at least 10 billion barrels of much-needed oil, and there is little opposition to the exploitation of this natural resource. The problem comes in transporting the oil from Alaska to the continental United States. None of the alternatives is especially attractive; all are expensive, and pose environmental hazards.

The two leading alternatives are the trans-Alaskan route, nearly 800 miles of pipe that will cut across Alaska from north to south, carrying 2 million barrels of crude oil a day to a terminal where it will be transferred to tankers to complete its trip to the refineries of the West Coast, and a much longer pipeline across Alaska and Canada, ending in the upper Midwest.

The trans-Alaskan pipeline must be laid across hundreds of miles of tundra and permafrost, vast areas where the caribou roam and where man is a rare species. The environmental problems it poses are to the wildlife (will the migrating caribou cross the pipeline like the planners say they will?) and at the two terminals where the oil will be loaded to and from tankers.

A trans-Canada pipeline's problems are more political than environmental; basically, the Canadians are not sure that they want a pipeline built across their country, and they are not sure that they would want it owned by Americans. Therefore, a trans-Canadian pipeline would take at least five years longer to construct, while the demand for oil would continue unabated.

So the trans-Alaskan pipeline is the favorite, and therefore it is appropriate that action be taken to speed its construction. What the Senate did this week, however, was to in effect vote that the environmental considerations be ignored, that no further court challenges against the pipeline be allowed under the terms of the 1969 environmental protection act. That can be considered a case of "Damn the ecology, full speed ahead!"

It is always difficult to maintain the balance between tampering with the environment for good reasons and tampering with the environment without using good sense. The 1969 environmental law was carefully written to require that the impact of any changes on the ecology be carefully studied, and that those studied be open to challenge in the courts.

The trans-Alaskan pipeline has been going through this process for several years. Although the progress through the courts has been slow, the pipeline has been consistently winning. It was in all probability unnecessary for the Senate to have tampered with this process; it was certainly unwise, no matter how badly the oil is needed.

JUSTICE IN A CAMDEN COURT

Mr. HART. Mr. President, the question of amnesty—or perhaps the question of understanding the dictates of the individual conscience—for persons who refused to serve in the military during the Vietnam war because of moral convictions is one that this country must face sooner or later.

As it has in the past, amnesty, on some basis, will come when the wounds of that conflict heal and the passions it generated cool.

Perhaps that cooling process began and understanding progressed in a little-reported trial in Camden, N.J.

The trial involved charges against a number of persons who admittedly broke into a building and destroyed draft records.

The story of the trial and of the verdict reached by 12 residents of New Jersey is reported in the current edition of "The Progressive" magazine.

In their own way, the members of the jury in reaching a not guilty verdict, even more than the defendants who argued their own case, have taken the lead in helping us all understand why in a country which would be free, the individual conscience must be honored.

I ask unanimous consent that the article be printed in the RECORD.

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

[From the Progressive, October 1973]

JUSTICE IN A CAMDEN COURT

(By Betty Medsger)

The second more likely place in the United States to be mugged or killed is Camden, New Jersey, a grimy little city across the Delaware River from Philadelphia. Outranked in per capita crime only by Newark, Camden is a boarded-up, depressing urban wreck that affluent Philadelphians rush through on Fridays on the way to their Jersey coast summer homes. No one spends summer vacations in Camden.

But in 1971 a congenial group decided to summer in Camden, renting places downtown or, in one case, living in an apartment on loan from its owner, a local physician.

The summer visitors did no sunbathing. They slept all day and came out only at night. Some would spend hours on the roof of the Rutgers Law School building, a block behind the Federal building. Others would linger on the roof of the Townhouse Apartments a block away. Some were stationed on the ground. Some of them clocked night traffic light patterns, others the police patrols. One woman, a former art student at Temple University, did appear in daylight to sketch the Federal building meticulously. They talked to each other by walkie-talkie.

Their dress was varied and usually casual but had a common characteristic: They wore dark clothing, some because of imperial decree from Rome, as one of them would later say in court, and the others for the more immediate reason that they were learning to be burglars.

During that summer probably none of the defendants-to-be perceived that they would be the principals in a trial two years later that would produce the first findings of not guilty on all counts in the long line of Government cases against antiwar protesters (other trials resulted in convictions or hung juries or dismissal for technical reasons).

This five-month trial was different not only in result. It had none of the theater of the absurd of the Chicago Seven, or the superstars of the Harrisburg Seven, or the high-establishment actors in Ellsberg-Russo. It received only scant coverage by the media. The trial was distinguished by an astonishing, free-flow dialogue resembling a sensitivity session on a large scale—on war, religion, ethics, patriotism, conscience, parents and children. It was a dialogue that involved not only seventeen defendants who acted as their own lawyers, but a Nixon-appointed Republican judge who was occasionally moved to tears, jurors who asked questions in court, and prosecutors who came to admire their adversaries.

In August, 1971, as the Camden plot was being planned, the protesters never expected to see the inside of a courtroom. They were going to destroy local draft records and run. At that point the group's most helpful supporter was Robert Hardy, local builder, politician, and parishioner of one of the priests in the group. He bought food for them, procured their walkie-talkies, crowbars, drills, and other assorted instruments essential to the burglar's trade. He trained them in speeding up operations and contributed a ladder cut to exactly the right length to reach the roof of the loading dock behind the Federal building. From the roof they took the fire escape up to the fifth floor, the goal of their months of efforts. He also taught them how to drill holes in glass to remove windows quietly.

Hardy had been told by a close friend, Michael Giocondo, in late June, 1971, about the group and that they had decided to abandon the raid plan because they thought they had been discovered by the FBI. Hardy said he would like to meet the members. A few hours before they met he went to the local FBI office and was hired as an informer. At that first meeting with the group, Hardy convinced them that they should persist with the raid scheme. With his skills and FBI money, they did.

From 2 a.m. to 4:30 a.m. the morning of August 21, 1971, six members of the group were in the Selective Service office on the fifth floor of Camden's Federal Building. They were quietly destroying draft records and stuffing the 1As in mail pouches and plastic bags to be burned later. Two members were lookouts on the fifth floor. Others from the twenty-eight-member group were in the churchyard across the street and at a nearby house keeping watch.

Shortly before 4:30 that morning Hardy was driving home in his van. He had communicated with the FBI daily during the past two months from a radio transmitter in that van. At about the time he was pulling into his driveway, eighty FBI agents arrested his trainees, some at gunpoint.

It seemed to be a clear case of burglary and a humiliating failure. Even some friends of those arrested who believe in civil disobedience as protest labeled it a futile stunt. But the case took on a different perspective six months after the arrests when Hardy filed an affidavit in Federal court saying that the FBI had told him it had been ordered by the White House not to prevent the crime but to let the raid and destruction of draft records take place before making arrests. Hardy described himself candidly as an *agent provocateur* who provided food, burglary tools, and training, all paid for by the FBI.

The day after the arrests, then Attorney General John N. Mitchell and the late FBI director, J. Edgar Hoover, issued a confident press release. They had broken the back of the Catholic Left, not only with the Cam-

den arrests but with the arrest the same night of another group inside the Federal building in Buffalo, New York.

After spending two weeks in jail, the Camden group quickly disappeared into anonymity. Unlike Daniel Ellsberg, or the Harrisburg Seven, these defendants were not asked to give speeches, appear on television, or go to chic parties. They were little people, as unknown as the southern New Jersey citizens who would judge them.

They were a mixed group. Among them were Margaret Inniss, an elementary school teacher from Boston. John Swinglish, a Navy veteran from Washington. Father Michael Doyle, an Irish-born priest from Camden. Jesuits Edward McGowan, Ned Murphy, and Peter Fordi from New York City. Milo Billman, a Lutheran pastor from Camden. John Grady, a sociologist from the Bronx who had once run for Congress. Joan Reilly, a Long Island teacher of retarded children. Gene Dixon, a local factory worker. William Anderson, a local physician who lent his apartment to the group. Their ages ranged from the early twenties to forty-seven, but most of them were young people who had interrupted college educations and career plans to work fulltime against the Vietnam war.

The case did not come to trial until February, 1973. Twenty-eight persons were indicted in all, but between indictment and trial, eleven of them were severed for later trial. As soon as the trial ended, the prosecution dropped all charges against those who had not yet been tried.

The seventeen who did go on trial were granted their request to go *pro se*—to be their own lawyers. They were offered (but frequently did not take) advice from three lawyers who sat with them in the courtroom but participated minimally.

In many ways it was an ordinary courtroom—dark gothic walnut paneling, ornate chandeliers, a raised judicial bench backed by a marble arch and flanked by oil portraits of obscure judicial predecessors, wall-to-wall plush avocado carpeting, a jury box, and three Federal lawyers dressed with conservative reserve.

The defendants' side looked like a furniture discount house, with four oak tables squeezed at odd angles and twenty-three chairs jammed together in such a way that all defendants faced the judge and jury. Defense dress ranged from denims to straight suit and tie, skirt and sweater, and clerical black. Bench conferences, usually a matter of sedate whispers among three or four lawyers and the judge, were mob scenes with defendants on the fringes asking, "Louder! What?" Or, "This is no secret. Let's do it in front of the jury."

In the spectator section were nuns, priests, parents, sisters, brothers, friends, and children of defendants in a variety of dress. They ranged from fashionably garbed matrons to many in faded jeans and shirts. Infants crawled under the benches. During recess baby bottles came out, and the defendants' children took the judge's chair or tried balancing themselves on the jury rail.

That casual courtroom atmosphere, however, did not exist at the outset. The trial opened in the usual manner of Mitchell-era prosecutions. There was tight, surly courtroom security. Guards checked all persons entering the building downstairs and again when they entered the courtroom. U.S. marshals were as forbidding as they had been at other movement trials.

The Nixon appointee who presided, Federal Judge Clarkson Fisher, exhibited traditional courtesy to the professional lawyers but was formal with the defendants throughout the prosecution's case. He dismissed all of the defense's pre-trial motions. In the early stages of the trial he threatened to clear the courtroom, when there was laughter or other spectator reaction.

John Barry, the chief prosecutor, presented a predictable and earnest case. He introduced a succession of FBI agents who testified about the night of the arrests. But Barry operated under a serious handicap: Hardy, the informer, had chosen to testify for the defense, not the prosecution.

Several months after the arrests Hardy got in touch with his old friends, defendants Michael Giocondo and Father Doyle, told them about his relationship with the FBI, and admitted that he had since concluded that he, at the Bureau's urging, had been an *agent provocateur* and a leader of the group. He told them he wanted to make his role public. He did, in an affidavit and later in the trial.

Throughout the case, Hardy was a man whose conscience apparently was torn between the FBI and the defendants. He agreed with the antiwar views of the defendants and seemed to admire them personally, but he said he was repelled by the idea of breaking the law and destroying Government property for any reason. When he told the jury the details of his months as an informer, he added that he still disagreed with the actions of the defendants. On the other hand, his lifelong admiration for the FBI was shattered by its use of him not only to watch the "crime" but to cause it.

Still, even with Hardy's defection, the prosecution seemed to have an iron-clad case. Barry claimed it was a simple case of conspiracy and breaking and entering. Either they did or they didn't.

The defendants were the first to say they did. Swinglish, the twenty-eight-year-old Navy veteran, testified that he did it and if necessary would do it again. Cookie Ridolfi said she destroyed as many of the draft files "as I could get my hands on."

Once the defense began presenting its case, Barry found he had obstacles more subtle than a turncoat informer. A defendant would take the stand on his or her own behalf and in the midst of being cross-examined by Barry would assume the role of witness and *pro se* attorney simultaneously and say, "I object." A baffled and irritated Barry would helplessly shout, "Your honor!"

As if the loss of his informer were not enough, the prosecutor had to sit through the testimony of an Army major who testified for the defense. *His* files had been destroyed by the defendants. Major Clement St. Martin, U.S. Army (Ret.), commanding officer of all induction centers in New Jersey from 1968 through 1971, testified that he had become completely frustrated after years of futile complaints through channels about gross unfairness in the way the draft cheated the poor and released the rich, especially the sons of state and Federal officials. He said his frustrations grew particularly deep in 1969 when a "very high" Selective Service official responding to complaints filed by the major, told him, "Mind your business. We have twenty million animals to choose from."

Prosecutor Barry asked the major whether the inequities in the system justified "private individuals breaking into buildings in the middle of the night." The major startled everyone in the room by replying, "If they plan another raid I might join them."

The atmosphere in the courtroom quickly changed as the defense pursued its case. Having admitted everything they were accused of, the defendants presented themselves and others as evidence of the moral justification of what they called "aggressive non-violent civil disobedience."

Some of them had unique courtroom styles. For example, Paul Couming, a twenty-three-year-old from Boston's low income Dorchester section who looks like a cherubic-faced Little League player (and sometimes wore a Little League visor cap to court), began questioning his mother, Rita Couming, with a reassuring, "Hi Mom." When he cross-examined the FBI agent who had arrested him the night of the raid, he began, "Hi, Mr. Smith."

Couming enlisted in the Air Force after he graduated from high school but later became a conscientious objector. His aging father told the Camden jury, "I tried to get Paul to relax . . . I told him to stop his worrying about conditions in Vietnam and in other places, because . . . the men that we had elected to represent us would do a good job for us in taking care of these things . . . But later on I changed my opinion . . . In fact, I at times had thoughts of myself leaving the country with Paul."

The white-haired old man, his voice trembling, concluded, "Whatever you do in your life, you square with your conscience because that is God in you . . . I say to you men and women that God gave you laws and God gave us conscience." The prosecution said it had no questions for that witness.

A few prominent persons testified, including Philip and Daniel Berrigan and historian Howard Zinn, who had testified just a month earlier at the Pentagon Papers trial. Writings of the Berrigans and their own dramatic civil disobedience had motivated many of the defendants, and Judge Fisher permitted the priests to give lengthy testimony.

Robert Williamson, twenty-two, hair below his shoulders and wearing a dashiki, told the jury how in 1966, when he was in high school, he won the annual American Legion oratorical contest with a strong condemnation of burning draft cards.

Father Michael Doyle, speaking in a gentle Irish brogue, talked of life and death in local parishes he has served. As a Camden priest he once had to visit the morgue to identify five children burned to death in a house fire. It was then, he said, that he realized what Daniel Berrigan meant when he wrote of Vietnam as "the land of burning children."

Father Doyle brought the war home to the twelve towns of each of the jurors, most of them from small conservative strongholds in southern New Jersey, as he listed the sons killed in Vietnam: ten from Vineland, five from Millville, one from Lindenwold, three from Pennsauken, nine from Salem, two from Pine Hill, six from Penns Grove, twelve from Atlantic City, two from Cinnaminson, eight from Gloucester, four from Hamilton, and thirty-one from Camden.

In his summation, Father Doyle told the jury it would be "incredibly beautiful" if "people like you could redeem our action with your own decency . . . and lift it to the level of acceptance."

One defense witness was a surprise to even the defendants and to her own son. Over the past four years Betty Good had been troubled by Bob, the eighth of her ten children. She did not understand the people he had been associating with. Most of his new friends' names had a good Irish Catholic ring—Murphy, Grady, Berrigan, Reilly, McGowan—but the things they did—destroy draft cards, break into Federal Buildings, become conscientious objectors, refuse to bear arms—were not what she expected of good Irish Catholics, at least not in America. Like other parents in the courtroom, some of her children had given her serious ethical dilemmas in recent years. She had finally agreed that the war in Vietnam should end. But could she possibly condone burglarizing a draft office to make this point? Like the jurors, she was middle-aged, fifty-six.

After a few days in the courtroom Betty Good began evolving into a new person. About a week after she arrived in Camden, Betty Good took her son aside and said, "Bobby, why don't you put me on?" Remembering how disappointed she was when he dropped out of a seminary and went to work in a soup kitchen in Cleveland, how she always talked about how we must get rid

of Communism, and how she did not understand why he went to Cuba a few years ago, Bob Good was stunned. He acceded to her request, but with caution. The day he called her to the witness stand he asked her a few general questions about how he had been raised. Such questions, he hoped, would elicit a brief comment about how she and her carpenter husband found it difficult to argue with Bob when he told them in 1969 he was going to become a conscientious objector because he did not believe in killing.

Instead, his mild questions to his mother elicited an account that transfixed the courtroom and moved Judge Fisher to tears. Basically, it was the story of two of her sons:

Bob, who for three years has lived as though the Vietnam war was next door, as though he could see the killing, hear the bombs, as though he was responsible for it and responsible for stopping it.

Paul, who was Bob's closest brother and had proudly joined the Army. Betty Good last saw Paul when she and her husband drove him to the Pittsburgh airport six years before the day she testified. Less than two months later Paul Good was killed in the Mekong Delta and brought home to Sharpsville, Pennsylvania, to be buried with full military rites.

Betty Good had been like her son Paul and had not paid much attention to the world outside Sharpsville, she said. As Bob Good later told the jury, his brother Paul "had no great feelings about the war. . . . When it came time to get drafted in our town . . . especially in 1967 . . . it was as automatic as going from eighth grade to ninth. . . . They didn't have any argument with the Vietcong. They didn't have any argument with the American Government."

Bob Good was shocked as he stood at the courtroom podium and heard his mother respond to his questions. He explained later that he had not known until that moment that she had just gone through the same changes he and his fellow defendants had experienced a few years earlier.

Never in a courtroom before, Mrs. Good looked at the jury steadily and said, "We ought to be ashamed of ourselves. I know I am. I am ashamed of the day I took my son to that airplane and put him on. I'm ashamed of any pride that I had when taps were played. And I did have pride then. I am proud of my son because he didn't know. *We* should have known, but he didn't know. A kid that never had a gun in his life . . . And to take that lovely boy and tell him, 'You are fighting for your country.' How stupid can we get? He was fighting for his country! Can anybody stand there and tell me how he was fighting for his country?"

Mrs. Good told the jury that the realization that her dead son had not died for his country had come to her only a few days earlier after she had listened to Boston University historian Howard Zinin, testify how in 1941, according to the Pentagon Papers, American interest in Indochina was based on tin, rubber, and oil, while the public later was told the main U.S. interest was in saving Vietnam from Communism and "to save America from attack."

Apologizing for her past tendency to blame every new idea of her sons on Communism, she told the jury, "I was hung up on it. I feel that is the way most of us middle-class Americans are. We're so hung up on Communism . . . that we don't know what our own Government is doing."

A few days earlier Bob Good had delivered a legal paper to Judge Fisher in his chamber. The judge told him he had been reading more about the war in recent weeks and regretted not doing so years earlier.

"I'll tell you, Bob," said the judge, "if you're convicted I'm going to have a very rough time."

A man who says strong words gently, Bob Good replied, "We won't make it easy for you, judge."

By that time Judge Fisher had changed his approach to the defendants. He did not hide the fact that he liked them. To his obvious relief they were not Chicago Seven Yippies. Even when eight of them would rise simultaneously as *pro se* lawyers to object to a prosecution question to a witness, they did so calmly. Gradually the judge began to call the defendants by their first names and permitted a broad spectrum of testimony, despite the frequent objection of chief prosecutor Barry, who was yearning, as the trial days passed into weeks and then [redacted] be back in U.S. Attorney Herbert [redacted]s office in Newark trying organized crime and government corruption cases.

By the end of the trial, far from threatening to clear the courtroom at any spontaneity; the judge tolerated applause, commented freely, and made humorous ad libs. Marshals pleasantly chatted with defendants. Commemorations became an all-court ritual with defendants, judge, and jury participating in formal acknowledgements of anniversaries that included the Easter Rebellion in Ireland, the shootings at Kent State and Jackson State, birthdays of defendants, and the second wedding anniversary of Juror number twelve.

Jurors took an active part in the trial long before their deliberations began. They were given an extraordinary invitation to ask questions of all witnesses. A defendant had suggested jurors should have that opportunity. Judge Fisher, apparently finding no precedent for or against it, allowed their questions.

Nearly all jurors took advantage of the invitation, but none more than Sam Braithwaite, a fifty-four-year-old black cab driver from Atlantic City. During much of the trial, Braithwaite sat on the edge of his chair, his eyes eager. Before the trial ended he had written more than eighty questions for the judge to put to witnesses. Having made up his mind early in jury deliberations, Braithwaite said he spent much of the time reading the Pentagon Papers—which had been admitted as evidence after some of the defendants argued that reading the Pentagon Papers in the summer of 1971 had been a strong element in their decision to enter the Camden draft offices.

Judge Fisher instructed the jury not to consider the motivations of the defendants. But probably ninety per cent of the defense testimony had been on motivation. Luckily for the defendants, the judge's instruction to ignore motivations was somewhat like serving guests a sumptuous banquet, relishing it with them, and then saying, "Pretend we never ate this."

The jurors were faced with two primary choices before they could deal with the guilt or innocence of each defendant. They could reach a verdict on the basis of whether or not they thought the Government had overreached its participation through the informer, Hardy, or they could decide whether the defendants' act of civil disobedience was a proper thing to do, something the jurors agreed should have been done. If they agreed that was so, there was no crime to society and no criminal conviction. The latter route—chosen by a few jurors, including Braithwaite—was a political verdict based on the jurors' perceptions of the war, not a verdict based on the immediate facts of the case.

In an unusual charge, Judge Fisher told the jurors they could acquit the defendants if they found the Government's participation in the crime had been so unfair as "to be offensive to the basic standards of decency and shocking to the universal sense of justice."

This was a departure from the typical case involving informers in which the most the defense can hope for is a charge of entrapment. In such cases, mere furtherance of a crime by an informer is not considered legal grounds for acquittal of defendants; the original idea for the crime must have come from the informer for acquittal to be recommended. But in this case the defendants had gone to great lengths to prove that they had harbored plans for the raid long before they ever met the informer.

By the afternoon the jury began grappling with those issues, it was evident that the emotions and politics of the trial had reached into the prosecution ranks. Late that afternoon chief prosecutor Barry, in his mid-thirties and from the same Catholic background of most of the defendants, found himself drinking at the Plaza Hotel bar alongside some of the defendants and their friends. The judge showed up there, too. It was the only bar in the vicinity of the Federal building.

As afternoon became evening, Barry admitted he had not liked prosecuting the case and even conceded that he admired the defendants' principles. This was a startling departure from other Catholic Left trials where Catholic prosecutors expressed deep personal bitterness at secular agitation by priests and nuns.

Two days after the jury began deliberating basic issues, the jurors returned to the courtroom to report they needed a replacement for their exhausted foreman. The occasion required the return of all parties to the courtroom, and after the jury retired again the room looked like a day-care center. A young woman played a guitar. Defendant Terry Buckalew, twenty-one, guided his child with a baby bottle along the jury rail. Jesuit priest Ned Murphy had injured his coccyx in a fall and had to sit on a pneumatic rubber "doughnut." During the hours awaiting a verdict the younger children appropriated the "doughnut" for use as a basketball hoop in a corner of the courtroom. They tossed baskets with a patchwork cloth ball borrowed from a baby. The atmosphere was a mixture of tension and hope.

Less than twenty-four hours later, on a gray and rainy afternoon, the jury returned its verdict: *not guilty on all counts for all defendants.* The courtroom was silent for a split second. Then an explosive gasp. Some began to sing *Amazing Grace,* but the almost universal weeping drowned out the singing. Defendants and spectators hugged each other and cried. Carolyn Ellis, one of the assistant prosecutors, impulsively hugged a spectator and said, "Tell them congratulations for me," and fled from the courtroom. That evening all of the Federal marshals would show up at the defense's victory party at St. George's Church in Camden's Lithuanian neighborhood.

After the jury left the courtroom, John Barry stood by his prosecutor's desk for a while. Slowly he approached the defense side in the traditional adversary courtesy. He started to shake hands, but the handshakes quickly became embraces as he drifted from defendant to defendant. There were tears in his eyes.

He walked up to me, shook hands, and said, "It ended the way it should have ended."

NEED FOR MANDATORY ALLOCATION OF FUEL ADMITTED BY HIGH ADMINISTRATION OFFICIALS—WHY DOES NOT THE PRESIDENT ACT?

Mr. HUMPHREY. Mr. President, I have been urging prompt action for mandatory allocation of home heating oil, diesel fuel, and propane gas since last May.

Hearings before my Consumer Subcommittee then and last week presented

an overwhelming case that a mandatory allocation system is urgently needed.

But the administration does not act, and the time is late.

I am sure Senators read with interest a report in the Washington Star last evening of the speech by Stephen A. Wakefield, Assistant Secretary for Energy and Minerals, Department of Interior.

He warned that without mandatory allocation and effective conservation of available fuel, we will have "men without jobs; homes without heat; children without schools."

Mr. Wakefield told a Baltimore audience that—

The harsh reality is that without anything less than the best of luck, we shall probably face shortages of heating oil, propane and diesel fuel this winter.

Mr. President, we cannot leave to luck the health of our citizens, the functioning of our institutions and the operation of our crucial agriculture and industry.

I ask unanimous consent that the article by Roberta Hornig be printed in the RECORD.

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

OUTLOOK FOR FUEL DARKENS

(By Roberta Hornig)

In the direst official assessment yet of this winter's energy supply situation, an Interior Department official warned today that a cold winter and a lack of energy conservation measures will bring serious hardship to those living in areas heavily dependent on home heating oil.

"Let me be a bit more definitive. I am talking about men without jobs; homes without heat; children without schools. That is what I mean by hardship," Stephen A. Wakefield, assistant secretary for energy and minerals, said.

"This year the comfortable words are hard to come by. The truth is that I can give you no assurance whatever that there will be an adequate supply of heating oil," he said.

Wakefield made his remarks in a speech to the Maryland State Chamber of Commerce legislative conference in Bedford, Pa.

The speech is apparently part of an effort within the administration to press the White House toward mandatory fuel allocations.

Wakefield is reportedly among a group of administration officials who plan to sound such warnings, fearing that the White House energy staff is not moving fast enough or not grasping the immensity of what they believe to be a serious energy shortage.

A similar speech is planned for delivery tomorrow by Duke Ligon, chief of Interior's Office of Oil and Gas.

A proposal for a mandatory fuels allocation program, or equitable sharing of scarce supplies, is now being studied by President Nixon. Such a program was scheduled to be announced by now but reportedly has been held up by differences within the administration over whether it should be put into effect.

Nixon's energy "czar," John A. Love, for several weeks argued against a mandatory program but then came out for one for heating fuel only last week.

He changed his mind after an Interior survey reporting that even under the best of circumstances, meaning warm winter weather, the country faces a heating fuel shortage of at least 100,000 barrels a day.

(Love yesterday told Western governors meeting in Oregon that he expects Nixon to announce soon a mandatory heating fuel allocation program for this winter, the Associated Press reported.

(But Love said that mandatory controls on energy sources, particularly petroleum, should not be regarded as "a panacea for the current energy crisis," United Press International said.

(A mandatory program "would work well if there was a surplus pool to draw on, but production and imports are falling behind demand," Love said. A more likely solution, he said, would be to dampen the demand.)

Wakefield, who has been arguing for several months for a mandatory sharing program, Friday said that the only immediate [illegible] to get through the winter are "the most effective distribution of existing supply and above all, conservation."

"The harsh reality is that with anything less than the best of luck, we shall probably face shortages of heating oil, propane, and diesel fuel this winter."

Wakefield also said that conserving energy, which a choice now, may be "what we are going to be compelled to do later in any event."

"The only question is, are we going to do it gracefully and sensibly—and voluntarily—or are we going to force the issues of . . . consumer rationing?" he said.

Wakefield warned further that the coming winter fuel outlook is only "the tip of the iceberg."

"Everywhere, in every fuel source, there is trouble, not just this winter or next summer, but for as far ahead as we can reliably foresee," he said.

OFFSHORE OIL DRILLING

Mr. BIDEN. Mr. President, there has been a growing concern over the past few months about the inability of our present system to supply necessary fuel oil to meet this country's consumption needs.

One aspect that has come under extensive study by the Senate is the need for construction of an offshore port facility. As a representative of a State that might be significantly effected by such construction, I have become deeply involved in the debate surrounding such a proposal.

Although the question of whether or not to build a port facility off Delaware's coast has not yet been resolved, we are now confronted with another oil related proposal, which would pose even greater problems for my state—drilling for offshore oil.

Preliminary reports have indicated the possibility of such oil deposits off the Delmarva peninsula, and studies are now being conducted to ascertain the feasibility and ramifications of such a proposal.

The September 13, 1973 issue of the Delaware Coast Press contains the first part of a series on offshore drilling in relation to Delaware.

It reads, in part:

The deepwater oil port controversy which swept the state last year, has yet to be resolved, but it is clear that even the implications of such a port are minor by comparison with off-shore oil.

I request unanimous consent to print the article "Offshore Oil Drilling," which discusses the background of this proposal, in the RECORD.

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

OFFSHORE OIL DRILLING

(By Dick Carter)

Seventy percent of the Earth's surface is covered by water, a substance which during man's existence has been both the most essential resource and the most foreign environment.

In the past, seamen have been able to ply their trade on the surface of the seas. More recently men have ventured beneath the surface searching for riches.

As man has expanded he has dominated the Earth's lands. In that domination, he has expanded many natural resources on land. It has become necessary for him either to find similar riches elsewhere or do without them.

Thus, man is going to have to turn to the seas for more of his necessities or face the possibility of extinction.

Because the United States, with six per cent of the Earth's population, consumes about 60 per cent of the world's natural resources, the U.S. in going to the seas before most other nations.

Oil is now the most sought after and the most vital resource in maintaining this nation's standard of living.

The U.S. reserves of the fossil fuel on land are severely limited and may well be expended before the year 2000.

Traditionally, we have used our position, as one of the wealthiest and most powerful nations, to obtain the oil we couldn't produce ourselves from other nations. The Middle East, wealthy in oil and poor in most other resources, has been a supplier.

As the demand for oil has increased, political implications have been raised.

We need it. They've got it. Therefore, many nations, which once supplied the U.S. with oil, now do so on the condition that this country adopt a favorable diplomatic position . . . a form of diplomatic blackmail

While being as alien to man as outer space, the ocean floor has largely untapped reserves of oil. Obtaining the oil is dependent on advanced technology.

Oil has been pumped successfully from the sea bed in the Gulf of Mexico off the coasts of Texas and Louisiana and in the Santa Barbara Channel off California since the 1940's.

However, those undersea oil fields are no longer sufficient to supply this country's increasing demand for oil. The political situation in the Middle East adds more complexity to the situation.

Other sources are needed and preliminary oil exploration has determined that the most promising potential sites of further exploitation of undersea oil are the east coast of the U.S. and the Gulf of Alaska.

Along the Atlantic coast, the three most promising are: Georges Bank Basin off New England, Blake Plateau Basin off Georgia and Florida, and the Baltimore Canyon Basin 40 miles off the coast of Delmarva.

The Baltimore Canyon Basin is an undersea area surrounding the Baltimore Canyon, an oceanographic landmark very similar to a land canyon except that it is more than 600 feet underwater.

It is here that geologists and oil explorers feel that pumping oil from the ocean floor would be most successful.

As the so-called energy crisis developed last winter and a continued supply of cheap crude oil from the Middle East seemed more tenuous, President Richard M. Nixon ordered the Department of the Interior to triple the amount of offshore oil drilling leases along the Atlantic Coast and in the Alaskan Gulf.

At the same time, he charged the Council on Environmental Quality to prepare a report by spring on the feasibility of drilling for oil in the area. The study will also include consideration of the possible economic, environmental and social implications.

The Council on Environmental Quality will hold public hearings on off-shore drilling

on Oct. 11 in Ocean City, Md. Residents can register thier views on them.

Delmarva wore specifically those parts of the peninsula bordering on the ocean-Sussex County, Ocean City, Md., and Eastern Shore Virginia find themselves at the very center of a question of global proportions.

Most experts in the oil industry, as well as in government and in such institutions as the University's College of Marine Studies, say that every indication points to rich deposits of oil off the coast. The big question is, "who controls it?" Gov. Tribbitt, in his opening remarks at the seminar, touched that question when he said, "My major concern is that the states themselves appear to have no control over the drilling, and so we are at the mercy of the federal government and the companies who will do the drilling."

"Delaware stands to suffer from probable development but not to profit from any results . . . this is an untenable situation." the governor concluded

He called for immediate federal legislation to give the states affected by development of off-shore oil resources at least some say in that development.

The chances of enactment of legislation favoring the states is doubtful, however, in view of the fact that states like Louisiana and California have been in litigation in the courts on similar issues for more than 20 years.

Atlantic seaboard states, however, may have some claim to the sea beds off their coasts because of their status as former colonies of Great Britain before the U.S. government existed.

A case which should decide that question is now being heard before the U.S. Supreme Court, Delaware and nearly all the other original 13 colonies are joined against the federal government over the issue.

State Geologist Robert Jordan who has been preparing facts for such a situation for years, said that no actual exploratory drilling has yet taken place in the Baltimore Canyon area but all methods of testing, shot of drilling, indicate strongly that oil is in the area.

"Exploratory drilling is extremely expensive and difficult and shouldn't be expected to produce immediate results," Jordan said.

He added that it could be 1977 or 1978 before any definite results are known, but, "the process must start now before it is to go ahead."

Jordan added that although the state role in the search for development of offshore oil is "generally stated to be advisory only, the state has many avenues of approach concerning sharing the profits, as well as having some say over environmental factors involved.

Secretary of Natural Resources and Environmental Control John C. Bryson said that among the problems the state can expect in the immediate vicinity of off-shore wells are the possibility of explosions at the top of the well, fires and leakage of oil onto the ocean floor.

Whether the state gets a controversial deepwater port in the area of the Delaware Bay remains to be seen, but Bryson noted that many of the same hazards concerned with an oil port will be present when oil is transported to and from off-shore wells.

Among those hazards are large oil spills and slicks caused by oil tankers pumping their bilges off the coast.

Bryson said that the record of the oil industry has been good in other areas where off-shore drilling has occurred.

He noted, for instance, that there have been 1,095 recorded oil spills from off-shore wells off the coast of Louisiana which makes up less than one per cent of the oil spilled from all causes annually.

"But that one per cent isn't good enough when you're talking about a state which has less than 100 miles of ocean and bay coastline," he said. Another factor involved is the difficulty of cleaning up deep sea oil spills. Bryson concluded, "Deep-sea drilling and pumping is still an infant technology. There are still major questions involved such as how to control weather and human error.

Delaware state planner David R. Keifer said last week that off-shore drilling will have major effects on the state's coastal zone laws and its economy if a significant oil industry develops.

He said that while it is hard to foresee all the possible effects, down-state Delaware could be turned into another northeastern New Castle County, with its huge build-up of heavy industry and residential development.

"Surveys show that off-shore wells would require large supply vessels, skilled manpower, planes and helicopters, land bases of operation, tugs, barges, huge off-shore platforms to house equipment and much more," Keifer said.

He said that the greatest factor affecting the state's coastal zone could be the tendency of such an industry to attract related businesses such as refineries, petro-chemical industries, and many different types of supporting businesses.

At the very least, Keifer feels, the town of Lewes would very likely become a substantial home port for much of the off-shore oil operation.

Thus, even a cursory investigation of the effects of an off-shore oil business in the waters off the Delaware Coast, indicate that such an industry could have vast impact on the downstate area in nearly every aspect of its life style.

The deepwater oil port controversy which swept the state last year has yet to be resolved, but it is clear that even the implications of such a port are minor by comparison with off-shore oil.

REDTAPE AND THE PAPER SHORTAGE

Mr. McINTYRE. Mr. President, I would like to call to the attention of my colleagues the latest shortage in the American "storehouse": The supply of paper products. The production of paper has become the Nation's 10th largest industry. The average use per person today amounts to 615 pounds per year. This is an increase of more than 33 percent over the consumption in 1962 which was 453 pounds.

Paper manufacturing companies currently have reached their capacity for production. There are a number of reasons why these companies have been unable to expand their production facilities. One is the impact of new Federal environmental legislation on their industry, and another is the aggravation of price controls.

There have been numerous suggestions to help solve the paper shortage. One which I find to be most interesting is a recent admonition by the General Services Administration to all Federal agencies asking them to "exercise maximum page coverage in the future." Federal employees are notorious in their ability to generate paperwork. I have long advocated that Federal agencies cut down on excessive use of paper. I would suggest that, rather than exercise "maximum page cover," the Federal agencies reduce the 2 billion forms per year that they require from all citizens. These 2 billion forms—or 10 for every man, woman, and child in the Nation—require massive amounts of our paper resources.

The Subcommittee on Government Regulation of the Senate Small Business Committee, which I have the honor to chair, has been conducting hearings into the Federal paperwork burden, which I call "Federal forms pollution," for the past 2 years. Our subcommittee has identified many excessive, duplicative and overlapping Federal forms which can be eliminated and still maintain the necessary reporting requirements of individual Government agencies.

The extent of the paperwork problem is evident in the announcement on August 13 of the General Accounting Office which said that the Federal costs of writing memos, signing directives, keeping files, and issuing reports now total an estimated $15 billion a year. Reports and forms alone account for $3.72 billion of this amount. Official records stored around the country now total 11.6 million cubic feet, or an amount 11 times larger than the volume of the Washington Monument.

At a cost of $15 billion per annum, paperwork accounted for approximately 6 percent of Federal expenditures in fiscal 1978. It now costs $7 billion more per annum to process Federal paperwork than it did 6 years ago, and $11 billion more per year than paperwork costs in 1955.

Mr. President, I strongly urge the agencies of the Federal Government to take the lead in solving the paper shortage in this country. If the Federal bureaucracy will reduce its reporting demands on the citizenry, especially on small business, this will go a long way toward alleviating the paper shortage and saving the taxpayers money by reducing the costs of shuffling, processing and filing all of this vast amount of paper.

Two recent newspaper articles on this subject have come to my attention, one from the Wall Street Journal of September 4 and the other from the Washington Post of September 22 which highlight this growing problem in the paper industry. I ask unanimous consent that these articles be printed in the RECORD at the conclusion of my remarks.

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

[From the Wall Street Journal, Sept. 4, 1973]

HEARD ON THE STREET

(By Charles J. Ella)

The market's boomlet in stocks of paper companies seems almost like virtue rewarded to some market analysts. Seven paper stocks were on last week's new-high list, a convincing indication that even some institutional investors are reappraising basic industry values.

Maybe so. Certainly few industries seem to have so much going for them as the paper sector—high demand, short supplies, full-capacity operations and a tremendous gush of earnings improvement this year. However, the action in paper stocks needs to come into clearer focus before some money managers conclude that a lasting change has occurred in market psychology.

"A lot of money has gone into the stocks pretty quickly, and I question whether it's money that will stay in or come out just as quickly," says one pension fund manager. "You can take a meaningful position in cyclical stocks like this only if you feel the larger institutional investors are going to support

them over the long-term, too, and I have to see more evidence of that."

Such skepticism may be a minority attitude at the moment if research recommendations and the course of stock prices are any guide. Leading institutional brokers, such as Baker, Weeks & Co. and Oppenheimer & Co., and a widening number of others have grown notably more bullish on the industry. Standard & Poor's eight-stock paper industry index advanced nearly 12% last week, a 1973 peak, 37% above its earlier low. Over the past four weeks, paper stocks have ranked only behind farm machinery makers in market performance.

Behind much of the push is the belief among analysts that the paper industry may stay in a shortage-induced seller's market for its wares for some time ahead. That situation coincides with a decidedly unusual dry spell for industry expansion plans. In the past, the industry tended to greet strong business by bringing new capacity on stream and, almost invariably, slipping into over-capacity status.

The analysts say that that isn't going to happen this time, and that paper companies will lose some of their cyclicality even if the economy slows down. With plants operating at full capacity and still unable to supply demand, the analysts see paper companies in good position to continue getting top dollar for their products.

Industry estimates call for a mere 2% addition to capacity in 1974, and it's widely believed paper makers are keeping a closer eye than ever before on any new expansion. The industry has indicated its product prices—and profit margins—would have to go much higher to induce any additions of capacity.

Hardly anyone in Wall Street analytical circles demurs on this score. What is producing some hesitancy among professional money managers who haven't yet bought the story on paper stocks is the compression of time horizons that seems to be part of recent interest in the stocks.

For one thing, recent buying has been keyed in large part to exceptional earnings gains for 1973 that have become highly and broadly visible. It has an unusual aspect because the more sophisticated managers tend to anticipate earnings gains, rather than buy coincidentally with them. In several cases, first half earnings of paper companies, already reported, were up more than 100%, and second half net, while still unusually good, won't be up as much.

Perhaps more important is the fact that Wall Street itself is sharply split over how well the companies will do next year. As a whole, the industry may improve earnings 5% to 10%, some analysts believe, but differences in company-by-company estimates are great, and fall far short of the industry's 1973 showing.

H. C. Wainwright & Co., an institutional research firm that analyzes stocks and industries without making specific recommendations, has recently boosted 1973 earnings estimates and says the industry "appears to have entered an extended period of sustained practical-capacity operations."

Uncertainties of Phase 4 price controls "preclude confidently estimating" 1974 earnings, Wainwright says, but the firm believes the basic trend is still upward. However, tentative Wainwright estimates for nine companies are mixed. The firm forecast flat earnings in 1974, versus 1973, for International Paper, St. Regis Paper, Scott Paper and Union Camp; a 9% decline for Crown Zellerbach; a 5% decline for Mead; a gain of 11% for Hammermill; a 14% gain for Westvaco, and a gain of 5% for Kimberly Clark.

Oppenheimer & Co., on the other hand, recently raised its 1973 estimates for three companies and forecast 1974 increases as well. Oppenheimer analysts now look for earnings of $3.80 to $4 a share this year at St. Regis, and $4 to $4.25 in 1974, versus $2.92 in 1972; $3.40 to $3.60 a share this year and $3.70 to $3.90 next year for International Paper, versus $2.30 in 1972; and $3.70 to $3.90 this year and $4 to $4.25 in 1974 at Union Camp, versus $2.57 a share in 1972.

Until the effect of price controls becomes clearer—or they end—earnings estimates for next year are likely to carry less assurance than many institutional investors prefer before establishing long-term positions. Disparities in estimates currently are wide. A survey of institutional research houses, for example, produces forecasts in some cases that vary as much as 50% between lowest and highest for the same company.

The most crucial decision-point on the paper stocks, say some money managers, is whether the industry can demonstrate it has really modified its traditional vulnerability to the up-and-down cycles of the economy.

The industry may soon face this test if leading economists are right about 1974. Alan Greenspan of Townsend-Greenspan & Co. advised his consulting firm's clients yesterday he is expecting a "modest recession" beginning next spring and reaching bottom in early 1975.

He expects after-tax corporate profits to drop 15% between the first quarter of 1974 and the first quarter of 1975, although he thinks full-year net should be little changed for all of 1974, compared with 1973.

[From the Washington Post, Sept. 22, 1973]

LATEST SHORTAGE ITEM: PAPER

(By Peter Milius)

Safeway and Giant have told their employees to cut down the double-bagging of groceries.

Peoples Drug Stores has run short of school notebooks several times this fall, and was out of its own brand of toilet paper briefly last month.

Federal employees are about to be asked to use less paper in the paperwork for which they are notorious. The General Services Administration is sending a memo to all federal agencies. It will ask them among other things, to "exercise maximum page coverage" in the future.

What all this means is that you can add another item to that list of things you used to take for granted, and that you now sometimes can't get. This time it is paper.

The American Paper Institute says there isn't quite a paper shortage, and that may be true. The country is hardly in danger of having to go back to slate and chalk. As even the institute concedes, however, there is a "tightness" of supply, and it is likely to last for a while. Estimates of how long range from one year to five.

The reasons are the classic ones.

Demand for paper and paperboard—which is the industry name for what the rest of us call cardboard—has gone up astronomically in the past 10 years.

Consumption of paper and paper products stood at 453 pounds per person in this country in 1962. In 1972 it was 615 pounds, an increase of more than a third.

Part of that increase is traceable to our lifestyle, part to the growth rate of the economy.

The Commerce Department says that the manufacture of paper and "allied products" is now the nation's 10th largest manufacturing industry. Because it is disposable, things are being made out of paper today that used to be made out of other materials; diapers are a familiar example.

Alongside these new products has been a rising demand for the old ones. The more the population and the economy grow, the greater the volume of goods that are manufactured and shipped. The greater the volume of goods, the greater the demand for containers to ship them in. Those containers—a lot of them, at least—are made out of paperboard. Paperboard consumption has thus gone up sharply in the last 10 years.

So, for a similar set of reasons, has the consumption of newsprint, the paper that newspapers are printed on. Paperboard now makes up about 45 per cent of the tonnage of paper and paper products consumed in this country each year; newsprint, about another 16 per cent.

The increasing demand for paper and paper products didn't bring about a shortage in the 1960s because paper companies were at the same time increasing their capacity to produce the stuff. Capacity, in fact, stayed a little ahead of demand. That meant there was always plenty of paper. In fact, because the paper industry is still pretty competitive, it also meant that paper prices didn't go up as much as industrial prices generally.

In the past few years, however, there has been no such expansion of capacity. There are several reasons why.

The simplest has to do with the 1970 recession, which reduced demand. The volume of goods being produced and shipped declined; so did the number of boxes needed to ship them in. Newspaper advertising fell off, and newspapers shrank in size. The paper industry responded by cutting back on its plans for expansion. When demand picked up sharply again last year, and continued strong on into this year, the industry couldn't meet it all.

That always happens in boom times; there always are some "tightnesses" in supply.

For paper, however, the tightness this time has been aggravated by two other factors.

One is that the country now wants, in addition to paper, clean air and water. The paper industry has always been a notorious polluter of both. Recent legislation has forced the industry to spend millions of dollars on pollution abatement. Those same dollars might otherwise have been spent to expand production.

Total capital outlays by paper companies haven't changed much in the past few years, but last year about 40 per cent of those outlays went into counteracting pollution. Some paper mills, meanwhile, have simply been shut down. Their owners decided it wouldn't be worthwhile to spend what it would cost to clean them up.

The second factor that has aggravated the tightness this time has been price controls. The paper companies haven't been able to raise their prices as much as they like—as much as they would if demand was this great and there were no controls. They have gotten around that, to some extent, by shifting production away from those kinds of paper on which profits are low, and into those kinds on which profits are high.

This is why Peoples has had trouble getting tablet paper. That is also why office supply companies in this city of lawyers were running out of legal-size file folders this week.

This week, the paper industry went before the Cost of Living Council seeking permission to raise its prices. According to government indexes, they have gone up 8.1 per cent in the past year. The industry says that has not been enough.

James W. McSwiney, chairman of the Mead Corp. the nation's fifth largest paper producer, told the price controllers, that, by one estimate, the demand for paper and paper products in this country will go up by 8 million tons in the next three years. But the industry, he noted, is currently planning to add only 4.4 million tons to capacity in that period. Higher prices, he said, might stimulate a higher rate of investment.

He also told the controller he didn't think a paper price increase would be all that inflationary. A 5 per cent rise in the price of paper, he said, would produce only an .055 per cent rise in the cost of living as measured by the consumer price index.

The controllers may make up their minds next week. In the meantime, though, it is hard to find anything that has come to an actual standstill for lack of paper.

A number of newspapers recently have had

to make cutbacks for lack of newsprint. Some have cut their size; some have stopped making out-of-town deliveries; a few have skipped some days of publication. The reason for that, however, is a spate of strikes in Canada, one against the Canadian railroad, the other against several big paper companies.

About two-thirds of the newsprint used in this country comes from Canada, and the strikes choked off the supply. Some of the paper strikes still are unsettled.

The strikes apart, the problem with newsprint is the same as with all other paper.

Saying nothing has come to a standstill, however, does not mean the shortage has had no effect.

Magazines, for example, are still publishing, but many are having to publish on heavier paper; that is the only kind their suppliers are making and will sell their customers. The heavier paper costs most; it also has the effect of increasing postal costs, which are based on weight.

Other users of paper have been put on quotas by their suppliers; they can't get all they want. When they get it, moreover, it often is late. Booms in this sense are self-limiting; the economy grows to a certain point, and then just can't grow any more for a while. It lacks the capacity, and new plants take time to build.

The question no one can answer is how long paper will stay hard to get. The machines that make paper are huge things that take a long time to build; from the time a company decides it wants one to the time it gets it is usually two to three years. So capacity is going to be expanding slowly for a while, with or without a rise in prices.

Demand is what is harder to forecast. Some people think the economy will keep growing next year, some think it will flatten out, and some think there will be a downturn. Demand would slacken in a downturn, but that's a high price to pay for paper.

Another question is simply how long the country can keep on increasing its consumption of paper. Can we keep growing trees as fast as we are cutting them down? That isn't part of today's problem, but it may be tomorrow's.

COVERAGE FOR MENTAL HEALTH IN NATIONAL HEALTH INSURANCE

Mr. HUMPHREY. Mr. President, the establishment of a system of national health insurance for all Americans must remain a priority matter on the legislative agenda of Congress.

Many of us have differing opinions as to the national resources we should allocate to such a system, how it should operate, and to what extent our present pluralistic method of health service delivery should be expanded, modified, or even changed. We have many pressing questions to be answered before we reach consensus about what would be a reasonable approach to dealing with what is now commonly accepted as an important national need. It will take much concerted time, study and energy before an adequate national health insurance system is developed. First, we must thoroughly examine all the issues so as to ensure that the final product is an improvement—not a retrogression in the quality and quantity—of the services now available.

All Americans have the right to quality health care. It is essential that there be no discrimination in the delivery of that care. Equally important is the need to make sure that those who suffer from a particular form of illness have the same right to treatment as those who suffer from any other type of illness. From a humanitarian standpoint, it would be inequitable to treat those we believe most amenable to effective treatment and exclude those we believe more difficult or more expensive to treat.

I specifically refer to mental illness, the Nation's No. 1 health problem. Twenty million Americans suffer from some form of mental or emotional illness. Unfortunately, some people still labor under misapprehensions about this kind of illness. They still believe its treatment is so expensive that adequate coverage cannot be included in national health insurance or that effective treatment cannot be rendered. They believe it might be wise from a fiscal standpoint to either exclude the mentally ill from national health insurance altogether or provide only a very limited benefit. This would not realistically deal with this vast national problem. As a consequence of this kind of thinking, some plans for national health insurance introduced in the Congress of the United States provide little or no coverage for mental and emotional illness.

The American Psychiatric Association, which represents 21,000 of the 25,000 psychiatrists in the United States, has published a study, entitled "Health Insurance and Psychiatric Care: Utilization and Cost," and based upon a variety of health insurance approaches. This study was directed by Louis S. Reed, Ph. D., a prominent health economist, and coauthored by Mrs. Evelyn S. Myers and Mrs. Patricia L. Scheidemandel, of the staff of the association. The project was advised by a committee of consultants of Blue Cross, Blue Shield, the commercial insurance industry, group and individual prepaid group practice plans, labor organizations, and eminent psychiatrists.

The results of this study, the most extensive ever conducted in this field, demonstrate that the cost of providing insurance coverage of mental conditions both in and out of the hospital is relatively low—a few dollars per covered person a year and a relatively small proportion of the cost of coverage for all conditions.

The study also noted that health insurance coverage of mental illness, even though it is hemmed in with special restrictions and limitations, is widespread. At the end of 1970, 63 percent of the civilian population—80 percent of the total with hospital coverage of general illness—had some coverage of hospital care for mental illness, and 37 percent of the total population had some coverage of outpatient psychiatric care; this latter represents 85 percent of all those with such coverage for general illness.

Not to dwell on statistics, I would like to illustrate the feasibility of covering mental illness by noting that under the largest and probably the most comprehensive plan studied, the Blue Cross and Blue Shield plan covering Federal employees, total charges for hospital care of mental conditions in 1969 amounted to approximately $4.13 per person covered per year, equal to 6.3 percent of total charges for all conditions. In-hospital physicians' visits averaged 66 cents per person covered. In regard to outpatient care, there were 13 claims per 1,000 population in 1969 for reimbursement of physician charges for mental conditions. Eligible charges amounted to $2.99 per covered person; benefit payments were equal to approximately $2.16 per covered person. Thus, the total benefit payments in this comprehensive plan, which treats mental illness the same as other illness, were less than $7 per covered person.

Canada has Federal-Provincial programs of hospital and medical insurance covering virtually the entire population. Hospitalization in general hospitals is provided for mental illness on the same basis as for other conditions, and physicians services for mental conditions in and out of hospital are also covered on the same basis as such services for all other conditions. In 1967 hospital discharges and days of care were equal to 3.1 and 4.6 percent, respectively, of the rates for all conditions. Benefit payments for physicians services in and out of the hospitals in 1970 ranged from 43 cents to $2.37 cents per covered person, representing 2 to 4 percent of benefit payments for all conditions.

The advances in the treatment of mental illness have made great strides in recent years. The efficacy of the psychoactive drugs, along with the development of community mental health centers and other treatment resources, has brought about a decline in the resident population of State mental hospitals from 559,000 in 1959 to approximately 275,000 today.

But there is no evidence that the incidence of mental illness is declining; there are, in fact, more admissions to State mental hospitals than ever before. The difference is that mental patients in general are being treated more effectively, and the length of stay in psychiatric facilities has been dramatically curtailed. Many former mental patients can resume active roles in the community within a very short period of time. Custodialism for the mental patient and confinement in the wards of State mental hospitals is far less common than formerly.

Dr. Alfred Freedman, president of the American Psychiatric Association, pointed out in recent testimony before the Senate Appropriations Subcommittee on Labor and HEW that in the post-World War II period, we have witnessed enormous gains in our ability to treat serious mental illness. He referred particularly to the treatment of depressions and schizophrenia. He cited as an example one form of depression from which only 40 percent of individuals formerly improved after 3 years of treatment. Today about 80 percent improve within a very short period of time.

And yet many special groups of the mentally ill are receiving little or no care. The first in a recent series of articles by Wayne King on child mental health, in the Washington Star-News, July 30, 1973, stated that 10 percent of all children have sufficient emotional problems to warrant professional attention, but only a miniscule number are getting help.

Besides the problems of children and adolescents, our society is beset with

other serious problems with a psychiatric component: Alcohol and drug abuse and addiction, psychiatric disturbances relating to aging, and to crime and delinquency, and the adjustment problems of the Vietnam veterans. Yet, it is estimated that only approximately 3.6 million persons in our country receive any kind of specialized psychiatric treatment annually. Worse yet, it is a fact that mental health services remain least available to those in greatest need—the poor and minority groups.

As the American Psychiatric Association has stated in its position statement on national health insurance, which advocates equal coverage for mental illness, health insurance plans that ignore or discriminate against the mental disorders are not only grossly unjust and inadequate, but also anachronistic, in view of the state of the art and the needs that currently exist. Also, they fail to take into account that there is a strong likelihood that covering mental illness will cut down on the utilization of other health services. It is commonly acknowledged that more than 50 percent of patients presenting themselves to physicians with physical complaints suffer from a mental illness component. The recognition and proper treatment of this illness will often avoid prolonged and expensive laboratory testing in diagnosing the disease and in many cases will cut down on the need for other medical treatment.

I heartily endorse the principle advocated by the American Psychiatric Association that national health insurance cover treatment of mental illness in the same way as other illness. This treatment should be allowed to take place in all professionally approved facilities, public or private, that furnish active treatment for the mentally ill—all accredited hospitals, community mental health centers, outpatient or ambulatory care facilities, and intermediate care and nursing home facilities. Treatment by private physicians should also be covered to the same extent as for other illnesses. The elaborate system of peer review being developed by the psychiatric profession will insure that the patient receives the most effective available treatment and for no longer than the time needed to reach the therapeutic goal.

I urge that all Members of Congress follow this just and rational approach toward the mentally ill.

THE GENOCIDE CONVENTION AND FREE SPEECH

Mr. PROXMIRE. Mr. President, during discussion of the Genocide Convention, the question has arisen as to the impact of ratification on free speech in this country. This is a legitimate concern and deserves a forthright answer.

There is only one article in this Convention which affects free speech. This is article III, subparagraph (c) which makes it illegal to conduct direct and public incitement to commit genocide. This section clearly states that the intent of the provocateur must be to cause violation of the law. This is perfectly compatible with existing U.S. law. Currently it is illegal for an individual to incite others to commit crimes. For example, in Brandenburg against Ohio, the Supreme Court made it clear that inciting to riot or inciting to violate the law may be punished, provided that there is clear intent to cause law violation and there is probability of it happening.

Mr. William Rehnquist, then an Assistant Attorney General, testified before a subcommittee of the Senate Foreign Relations Committee that the terms of this treaty would not and, moreover, could not be used to alter our constitutional protection of the right of free speech.

Mr. President, this treaty offers no threat whatsoever to our constitutionally protected freedoms. Rather it accords in every way with our highest principles and I urge this body to consider its immediate ratification.

REHABILITATION ACT OF 1973 IMPORTANT TO MINNESOTA

Mr. HUMPHREY. Mr. President, recently I was invited to address the annual kickoff dinner of the Minnesota Rehabilitation Association, attended by some 400 professional people working in this vital area and handicapped persons who have benefited from vocational rehabilitation programs in our State.

It was with deep regret that at a late hour I found it necessary to decline this invitation due to an extended session of the Senate which necessitated my remaining in Washington. Fortunately, my son, State Senator Hubert H. Humphrey III, graciously consented to read my prepared remarks to this distinguished assembly. I am advised that, while he delivered the major part of my text, he also noted the important work in which he had been involved in the State legislature to strengthen human rights statutes with respect to the handicapped. I have highly commended such initiatives, which are precisely in line with the thrust of my prepared remarks.

This address, as prepared for delivery, focused on the importance to Minnesota of provisions of the recently enacted Rehabilitation Act of 1973, H.R. 8070. It is my belief that this vital legislation can enable our Nation to take a major step forward in guaranteeing the rights of handicapped Americans to self-respect and to succeed to the best of their capabilities.

Mr. President, I ask unanimous consent that the text of my prepared remarks to the Minnesota Rehabilitation Association dinner be printed in the RECORD.

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

REMARKS BY SENATOR HUBERT H. HUMPHREY

A heavy responsibility has been laid upon you as the major professional organization representing the interests of handicapped citizens in the state of Minnesota. You must be the spokesmen, in a crucial time, of the right of the disabled to comprehensive rehabilitation services.

It is unconscionable that for millions of handicapped persons across America, the promise of an equal chance to learn and to work to the maximum of their abilities, and to live as equal, contributing members of their communities, remains only a distant mirage, despite the enactment by Congress of some four major vocational rehabilitation laws over the past three decades.

Americans who are physically, mentally, or behaviorally disabled are not asking for a handout. They ask only for the opportunity to be counselled, to be evaluated, to be trained, and to have employment commensurate with their abilities without prejudice. They ask for this compensatory or vocational rehabilitation help only to make them productive, self-reliant, and competitive, and they ask that this be done without further delay.

The time has come to firmly establish the rights of handicapped Americans to self-respect and to succeed to the best of their capabilities—In short, to be an integral part of American society, no longer shoved aside with condescending pity.

I think something is terribly wrong with the priorities of the Administration in Washington when, as a result of Presidential vetoes, it has been necessary to bring *seven* times to the Senate floor in the last year legislation for the extension and improvement of the Vocational Rehabilitation Act.

I strongly hope that this time we have succeeded, with the recent adoption by both the House and the Senate of the conference report on H.R. 8070, the Rehabilitation Act of 1973.

The President has confronted a tenacious, stubborn, driving Congress on this matter. We have come back again and again, presenting a bill to the President that demands that the Administration widen its narrow range of vision on what constitutes a program of comprehensive services and genuine priorities on behalf of the handicapped.

And we have insisted that these programs be backed up by adequate funding, with a bill authorizing $1.54 billion over two fiscal years, or $138 million more than the President wanted.

I am advised that full funding of this authorization would provide over $12 million for rehabilitation programs in Minnesota in fiscal 1974—a $1 million increase over fiscal year 1973.

The need for the immediate implementation of this legislation is crucial. As August Gehrke, Assistant Commissioner for Vocational Rehabilitation, State of Minnesota, commented in a recent letter to me about current Federal evaluations of vocational rehabilitation services:

"I consider this perhaps the darkest hour for the rehabilitation of the handicapped. . . ."

Yet the facts which Gus also provided me on the activities of the Division of Vocational Rehabilitation over the past fiscal year demonstrate clearly what can and must be accomplished. A total DVR caseload of over 41,000 included 6,331 who were rehabilitated, including priority groups of alcoholics, drug addicts, public assistance recipients, and social security beneficiaries. If the national Administration does not understand what this means in terms of the restoration of human dignity, then let it attend to one solid economic argument: The annual income of rehabilitants in our state totaled over $36 million, resulting in a return to government of $3.8 million in personal income taxes.

The Rehabilitation Act of 1973 builds upon such records of accomplishment and reaches out to further client groups who can and must be served.

In addition to extending basic state grant programs, this bill calls for a new focus in rehabilitation services upon individuals with the most severe handicaps—those who have been too long ignored under the guidelines of current assistance programs.

Reflecting congressional concern over an inadequate level of priority on vocational rehabilitation in federal domestic social welfare programs, the bill places new responsibilities upon the Rehabilitation Services Administration to insure the effectve implementation of state basic programs.

And it provides that the RSA Commissioner will now be appointed directly by the President, rather than by the Secretary of Health, Education, and Welfare.

Other provisions of this important legislation call for:

New directions toward solving the problems of handicapped persons, through reoriented research and training programs, and through maximum utilization of science. technology, and medical resources toward overcoming current barriers to rehabilitation;

A Federal mortgage insurance program for the construction of necessary rehabilitation facilities; and

The establishment of an Architectural and Transportation Barriers Compliance Board to help enforce statutory requirements that these facilities be made accessible to handicapped persons.

I am particularly gratified that the Rehabilitation Act of 1973 requires a new affirmative action program by all Federal agencies, under the oversight of the Civil Service Commission, and that a similar program is mandated for all Federal contractors and subcontractors. I believe that under such measures the Federal Government can assume a long-overdue leadership in setting the example for the Nation on the employment and job advancement of handicapped individuals.

These new initiatives on the employment rights of the handicapped respond to an original bill which I jointly sponsored, to extend to the handicapped the anti-discrimination protections of the Civil Rights Act against unfair employment practices.

A further bill which I introduced was incorporated in the Rehabilitation Act, to require that there be no discrimination against qualified handicapped individuals in any program or activity receiving Federal funds.

Two other amendments which I sponsored are also carried through in this legislation.

One would add a program of rehabilitation services for public safety officers disabled in the line of duty. And a provision in the bill for an intensive study of the problems of long-term clients in sheltered workshops constitutes an important step toward implementing the intent of my amendment to assure these persons an adequate supplementary income, enabling them to live independently in their communities.

It is my sincere hope that the President will quickly sign this major legislation into law. The physically handicapped, the mentally retarded, and the mentally ill are not only worthy of the compassion and care of the people of this country. Their human dignity also merits the respect of society and our government.

Before this Administration makes any more snap judgments on national priorities and on where federal moneys should be saved, I suggest that it see the hope and the promise that are in the eyes of thousands enrolled in these vital rehabilitation programs. And I suggest that this Administration must totally reform its value system that has denied people in need such crucial opportunities to obtain gainful employment and to know self-respect in being enabled to live independently.

It is clear that Congress must maintain close scrutiny of the implementation of this Act, due to recent reports of contingency plans in the Department of Health, Education, and Welfare to implement administrative actions that run completely counter to Congressional intent.

One well-known proposal under consideration in HEW is that the training and rehabilitation features of the vocational rehabilitation program be replaced by a new cash assistance scheme. I am amazed at the failure such a proposal reflects, to recognize the vital necessity of carefully developed health and educational services.

However, such a study in diametrically opposed philosophies, such a dark hour for the rehabilitation of the handicapped, can and must be transformed into a new day of opportunity.

The American people must be made aware of the true issues and of the great resource which millions of handicapped citizens represent for this nation, so that they can respond affirmatively and demand that our government in fact help these people to help themselves.

The time has come to place this Administration on notice that the needs of handicapped persons are a vital national concern that must no longer be ignored. It is incumbent upon you and upon Congress now to be the spokesmen for these fellow citizens. We must insist that the responsibilities of national leadership include responsibilities of compassion and of respect for human dignity.

This is our obligation. But this is also our great hope and opportunity, to make this nation become what it was truly meant to be for all its people.

JUSTICE AT JUSTICE

Mr. KENNEDY. Mr. President, in the midst of the present governmental turmoil, the Justice Department has found itself on trial. The people of the United States have learned of illegal wiretapping and bugging restrictions on the first amendment, lack of equal protection, and collusion and influence peddling—all sanctioned by some of the men in key positions in the Justice Department. Now, if public confidence is to be restored in the workings of justice, the Justice Department must make some strong moves toward reform.

In a recent speech, former Attorney General Ramsey Clark outlined what he called a "Declaration of Indpendence for the Justice Department," suggesting procedures for departmental reform. His suggestions are excellent, and most heartening is the fact that while Mr. Clark was delivering his remarks, Attorney General Richardson was already taking steps to implement swift and thorough changes to restore the department to its former position as a place of law—not a part of a political administration. I am confident that the Justice Department, under such sensitive and innovative leadership, will begin to move effectively toward its goal of equal justice for all.

I ask unanimous consent that the statements of Ramsey Clark before Ralph Nader's conference on the Legal Profession, and of Attorney General Elliot Richardson before the American Bar Association, be printed in the RECORD.

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

DEPARTMENT OF JUSTICE RELEASE,
AUGUST 8, 1973

Attorney General Elliot L. Richardson today outlined to the nation's lawyers the steps he has taken to restore public confidence in the Department of Justice in the 10 weeks since his Senate confirmation.

He said his first duty as Attorney General is "to do what I can to eliminate the causes of distrust, having taken office in the midst of the darkening cloud of suspicion and distrust engendered by Watergate."

"This is the undertaking to which I have devoted my principal efforts since becoming Attorney General," Mr. Richardson said in an address to the American Bar Association convention in Washington, D.C.

To counter the suspicion that political considerations or political influence can color the administration of justice, Mr. Richardson said he has:

Directed that no key positions be headed by a person "who is perceived to be an active political partisan" and requested his principal colleagues in the Department foreswear any political activity.

Issued a Departmental order today establishing a procedure for recording all contacts by outside parties with Departmental personnel. The existence of the reporting system "will discourage approaches to the Department by those who are not confident of the purity of their motives," he said. Contacts by representatives of the news media are excluded.

Members of Congress will not be given advance notice of Justice Department grants to eliminate the public impression that the Senator or Congressman had some sort of influence on the result, "when, in fact, he had nothing to do with it."

"Confidence is as fragile as it is precious, as hard to restore as it is easy to destroy," the Attorney General said. "Whatever stains the integrity of the Department of Justice damages confidence not simply in the Department but in government itself."

Mr. Richardson said he was concerned about the Department's relationship with the news media and First Amendment guarantees.

"The prosecutorial power of the Department should never be used—not even by indirection or innuendo—in a way that could weaken the exercise of the First Amendment rights."

He cited the Departmental guidelines issued in 1970 which require the Attorney General's approval before a subpoena can be issued to a representative of the news media as an example of the Department's concern for protecting the First Amendment.

"We are now considering an additional Departmental directive which will require my specific approval before a newsman can be questioned or made a defendant in any federal court proceeding."

One of the major areas where the Attorney General said he is attempting to counter suspicion and create confidence in the Department "is in the candor and openness of our conduct of the administration of justice."

"We have a responsibility to help assure the public that they are as fully informed as possible about what we are doing and why."

"The burden of proof should always be on establishing the need for withholding information," he said, "but there is a legitimate need for confidentiality in the conduct of an investigation, to protect the identity of a source or to safeguard an individual reputation."

The Attorney General said he has also called for a comprehensive government-wide study of the Freedom of Information Act by Department attorneys to guide the Executive Branch and Congress in improving the administration of the Act and clarifying its provisions.

Mr. Richardson said he has notified other Executive agencies that Justice attorneys will not defend Freedom of Information lawsuits unless the Department has been consulted prior to the denial of the request.

Mr. Richardson said he also was considering establishing an Inspector General's Office in the Department. "It is imperative—not only morally requisite but practically requisite—that our commitment to fairness across the board be matched by consistent performance."

The Attorney General said the proposed new office would have the responsibility to assure that those who have the public trust "are consistently worthy of that trust."

To help insure greater consistency in the application of legal standards across the country and across levels of government, the Attorney General said that he had established an advisory committee of United States Attorneys and taken steps to foster more frequent and more systematic contact with the National Association of Attorneys General.

"It is my hope that, working together, we may find ways to develop and implement coherent and consistent approaches to matters of widespread public concern—in such areas as consumer protection, drug abuse prevention, and protection of the environment."

Another method by which public confidence in the Department can be enhanced, according to the Attorney General, is in the improvement of performance.

Saying that his predecessors had generally shown little interest in the planning and management of the Department, Mr. Richardson said he will focus greater resources in this area and will create a new Division for Management and Budget.

"Our ability to determine what works and what does not work—our capacity, in other words, to evaluate—is rudimentary."

As an example, Mr. Richardson said that there had been a two per cent drop in crime nationwide in 1972, "but no one knows with certainty what the causes of the reduction are, and finding out is one of the things we need to work on."

CRISIS AT JUSTICE

(Address by Ramsey Clark, before Aug. 4, 1973)

The beginning was modest. The Judiciary Act of 1789 which established the federal system of courts created the Office of Attorney General providing it should be filled by the President with ". . . a meet person, learned in the law." The first Attorney General, Edmund Randolph, as most of his successors, filled that prescription. Like his father before him, he had served as Attorney General of his state. He was at General Washington's right hand through the Revolution and an important delegate to the Constitutional Convention in Philadelphia, though he did not sign the final draft because he wanted the greater protection for individuals later afforded by the Bill of Rights. The salary was $1,500 per year with no funds for office rent, clerks, secretaries or supplies. While the salary doubled in the first decade to $3,000, it was thirty years, 1819, before the Attorney General of the United States was authorized a single clerk. William Wirt who became Attorney General November 13, 1817, wrote by hand, the first record of the office which began, "Finding on my appointment, this day, no book, document or papers of any kind to inform me of what has been done by any of my predecessors . . ." This merely reflects the nature of the office in that epoch. It provides no precedent for L. Patrick Gray to destroy records.

In 1853, Caleb Cushing became the first Attorney General to abandon the simultaneous private practice of law. Most of his predecessors had engaged extensively in major cases and legal matters of the day for powerful private interests while serving as Attorney General. All had practiced law on the side.

President Andrew Jackson first proposed the creation of a law department for the government. His proposal was defeated, largely through the efforts of Daniel Webster who said it would make the Attorney General ". . . a half accountant, a half lawyer, a half clerk, a half everything and not much of anything." Prophetic words.

Decades passed before the Department of Justice was established July 1, 1870 with a total budget of $67,000 and a single Assistant Attorney General. A century later Departmental employment approaches 40,000 people and its budget exceeds a billion dollars.

There have been times of tragedy, of politics and lawlessness in the Department of Justice. Attorney General Mitchell Palmer led the Department in open violation of the Bill of Rights. Attorney General Harry Daugherty was indicted, but not convicted, for his role in Teapot Dome. In the main, however, it has been a House of Law, above politics, devoted to the pursuit of Justice. It has endeavored impartially to fulfill rights and enforce laws, conceiving the law as an instrument of the people's compact seeking social change. Its duty to the rule of law has tended to make its function quasi-judicial.

My view of the role of the Department of Justice appears as the Introduction to the Last Annual Report of my time there.

"The Department of Justice is not an office of flinty-eyed prosecutors. Its mission is justice. It is moving steadily toward the role of Ministry of Justice.

"It is a house of many mansions. These are among its purposes:

To secure equal justice for all, by enforcement of the civil rights laws;

To represent the United States in civil disputes before the courts;

To provide leadership for all correctional endeavors through rehabilitation of federal offenders;

To provide effective investigation and enforcement of federal criminal laws;

To light the way through research, education and law enforcement in the field of dangerous drugs;

To maintain a free competitive economy by enforcement of the antitrust laws;

To vitalize community relations by providing meaningful involvement, communication and opportunity for a people to affect their lives where they live;

To patrol our borders, service ports of entry and exit fairly and efficiently, and give meaning to citizenship by naturalization to a nation of immigrants;

To support local and state agencies of criminal justice with funds and guidance;

To advise the President and agencies of government;

To process the appointment of federal judges;

To seek more effective justice through legislation, executive action and persuasion; and

To boldly speak for justice.

"In days of turbulence filled with frustration, anger and hatred, the Department of Justice with steady purpose must move effectively toward equal justice for all, unperturbed by the emotion surrounding it. To those who suffer most it must manifest the purpose of our laws as equal justice. To those who fear most it must give confidence in its strength, its fairness and its effectiveness.

"It is an institution close to the heart of two major concerns of the American people in this day: crime and civil rights. Though its role, because we are a federal system, is wisely limited, its leadership potential is significant. We can control crime. We can achieve equal justice. We need only the will, the courage and the effort. There is no contest between liberty and security. Both can be enlarged. Neither can long endure without the other.

"The Department of Justice is a part of the bureaucracy. It faces the critical challenge of all bureaucracy: to generate sensitive, effective, efficient action fulfilling the spirit of the laws. Unless we do this, the system will fail. It is not an easy task in a mass society. Government must strive for excellence in its performance.

"The Department of Justice is a mighty institution staffed by thousands who hold their service more than a job—a cause. Their cause is justice. I am fortunate to have had the opportunity to serve with them."

For the eight years I served in the Department of Justice, excellence in law and government service were the highest personnel standards. As was usually the case in the preceding decades, no presidential appointee, no Attorney General, no Deputy Attorney General, no Solicitor General or Assistant Attorney General had ever been a political candidate for statewide office. Among those who held one of the dozen key presidential appointments in the Department, Byron White, Warren Christopher, Louis Oberdorfer, John Douglas, Norbert Schlei, Don Turner, Edwin Zimmerman and Frank Wozencraft had all clerked for Justices of the U.S. Supreme Court. Nicholas Katzenbach, Archibald Cox, Erwin Griswold, Don Turner, Edwin Zimmerman, and Clyde Martz had been professors of law. Thurgood Marshall and Lee Loevinger had served in the Judiciary. Sal Andretta, Walt Yeagley, Leo Pellerzi, John Doar and Mitchell Rogovin had distinguished careers in government service. A majority of all the Presidential appointees had been editors of their law reviews in law school. Only Robert F. Kennedy and Byron White had been significantly involved in a presidential political campaign.

A radical change unprecedented in its history, began in the Department of Justice in 1969. President Nixon staffed the Department of Justice with politicians: Mitchell, Kleindienst, Richardson, Wilson, Gray, Leonard, Ruckelshaus, Frizell, Mardian, Rehnquist, Kashiwa. These men, all presidential appointees, had years of direct political involvement in personal candidacies and presidential campaigns. Seven were candidates for or had previously held state wide political offices. Politicians can make extraordinary contributions to law and government even in the management of the bureaucracy. But when professional legal discipline is infected by political consideration, we are a government of men, a lawless society. When politicians are placed in key legal positions, the appearance of infection is immediate and the probability of its actuality high.

Political people brought political postures and political judgments to the Department of Justice under President Nixon. In crime control, civil rights enforcement, pardons and parole, antitrust and civil litigation, and First Amendment areas, among others, the Department took political positions and actions. A brief documentation will help show what has happened and must be done. It may be more than irony that President Nixon repeatedly invoked the office of Attorney General in the 1968 campaign.

President Nixon espouses wiretapping. He caused all conversations in his office to be bugged for several years with virtually no one but himself aware of it. For the first time in history an Attorney General, John Mitchell, contended there was an inherent power in the President to tap without congressional or judicial approval in domestic security cases. This view was later rejected by the U.S. Supreme Court but we do not yet know all whose constitutional rights were violated as a result.

The first Nixon Assistant Attorney General for the Criminal Division, Will Wilson, a candidate on many occasions for statewide office in Texas, took a hard political line on law enforcement. Later, he was forced to resign under a cloud. He was the private attorney for a man under federal investiga-

tion for fraud from whom he borrowed tens of thousands of dollars after becoming Chief Prosecutor of the United States. Mr. Wilson signed a check payable to a private investigator indicted for wiretapping. Who was tapped? A federal bank examiner, assigned to investigate Mr. Wilson's client.

Attorney General Mitchell met in his office in the Department of Justice with political campaign officials, listened to suggestions of wiretapping the Democratic National Committee, a federal crime and never admonished them of the law, or threatened prosecution. We have yet to learn the extent of illegal wiretapping and bugging committed or condoned by the Attorney General and his agents.

To demonstrate their strong commitment to tough law enforcement, President Nixon's first Chief Marshal of the United States was recruited from the military. The Chief Marshal is the highest civilian law enforcement officer in the federal establishment, just as the Attorney General is the highest lawyer and the Director of the FBI heads the major investigative office. When John Caulfield, a man with civilian police experience, expressed interest in becoming Chief U.S. Marshal, he reports Attorney General Mitchell stated the Administration was looking for a military man. The Provost Marshal General commands the Military Police of the U.S., numbering several hundred thousand. A paramilitary concept of civilian police is foreign to the spirit of a free, democratic society. General Carl Turner, the Provost Marshal General of the United States, was appointed Chief Marshal. He became the first Departmental Official in twenty years to be indicted for crime. His offense was stealing and converting guns forfeited by persons possessing them when arrested by U.S. Marshals and local police. General Turner appropriated the guns for his personal collection, and bank account, ironically paralleling the Administration's view of gun control, take them from bad people, give them to good people.

Soon the Administration's value patterns emerged. While abandoning social programs promising a reduction of poverty, legal services for the poor and the quest for equal justice, government acted to keep people in their place, to make them behave. "Law and order" meant control by force. Tough cops meant bully power. But most Americans will side with Thoreau, "I was not born to be forced."

For the Courts, President Nixon proudly proclaimed his intention to appoint people, not devoted to the rule of law, but to his values. The Justice Department recommended such men as G. Harold Carswell for the United States Supreme Court. William H. Rehnquist, as Assistant Attorney General in the Department of Justice, participated in developing a policy of subpoenaing newspaper reporters before grand juries, and later as Associate Justice of the U.S. Supreme Court cast the deciding vote in *U.S.* v. *Caldwell* which by a 5–4 division holds newsmen subject to compulsory process to disclose sources and information from news gathering.

Sometimes the philosophy claimed was "strict construction," but neither acts nor words could meet this test. A more sweeping and unfounded claim of executive privilege has never been pronounced than that espoused by Attorney General Kleindienst. The privilege by his definition would pull the curtain of secrecy over all executive activity.

No Justice on the Supreme Court appointed by President Nixon has agreed with Justice Black's strict construction of the First Amendment. He believed that because the Amendment provided "Congress shall make no law . . . abridging the freedom . . . of the press . . ." Congress could make no law abridging freedom of the press.

Invoking the symbolism of the death penalty, preventive detention, and a no-knock law while attacking Supreme Court rulings enforcing rights essential to justice, the Department of Justice slowly abandoned, then opposed, enforcement of the equal protection clause. By June of 1969, the Department of Justice stood with the State of Mississippi in opposing the present right of black children to an equal education. In October 1969, when young attorneys in the Civil Rights Division began the first employee protest in the Department's history over the failure to enforce the law, some resigning, Attorney General John Mitchell said, "I couldn't care less." Hindsight indicates he was pleased when successive groups of idealistic young lawyers resigned in protest against the failure of the Department of Justice to follow the law in 1969, 1970, 1971, and 1972. In a major case involving school desegregation in Mississippi in 1970, the U.S. Court of Appeals for the Fifth Circuit, using unprecedented language, referred to the "obtuse, patronizing failure" of the Department to "do its duty." And when the Department failed to enforce a court order it had sought requiring removal of the Vietnam Veterans Against the War from the Capitol Grounds in Washington, D.C., Judge George L. Hart in open court said to Assistant Attorney General L. Patrick Gray, you have "degraded the court."

The President followed the standard by politicizing the Calley trial, telling the world and the Military Courts he would be the final judge. A brave young Army prosecutor, Captain Aubrey Daniel, stood up for the rule of law and criticized his Commander-in-Chief for demeaning law.

Extending its political actions into law enforcement, the Administration authorized the largest, most lawless sweep arrests in our history, 7,000 persons protesting the War in Viet Nam in May 1971. Its conduct indicated its agreement with H. R. Haldeman that such demonstrations were "good" and "great" for its political interests.

The Department of Justice protected the violence and deadly force of the National Guard by refusing to convene a Federal grand jury to investigate the deaths of students at Kent State, Jackson State and other places. Following a police raid in Chicago in 1969, the Department of Justice first assured a private Commission of Inquiry that indictments would be returned, itself an improper act, then released a grand jury report which Senator John L. McClellan criticized as without authority in law. The report blamed everyone, but indicted no one in the death of Fred Hampton and Mark Clark and the wounding of four Black Panthers in a police raid in Chicago. FBI ballistics found one shot, at most, fired by Panthers and scores fired by police.

In the operation of the Department of Justice, numerous political and lawless acts have come to light. U.S. Attorney Stewart, in San Diego, interfered with a grand jury investigating a major Nixon contributor who supported Stewart for a judgeship. Deputy Attorney General Kleindienst sat in his office and listened to the Administrative Assistant to a Republican Senator plead for a constituent and suggest a large political contribution. He did nothing. Later he said he did not recognize the conduct as an attempt to bribe. The person was later convicted of attempting to bribe Mr. Kleindienst in the very meeting. ITT officials held private conversations, unscheduled and outside the presense of staff attorneys working on ITT cases, with Attorney General Mitchell and Deputy Attorney General Kleindienst and perhaps, we learn, the President himself.

No action has been taken by the Department of Justice in dozens of affairs involving huge political contributions: airlines, oil companies, ITT, Allen-Gulf Resources, the Dairy Industry, the Carpet Industry, Andreas, McDonald's, Farkas and others.

James R. Hoffa was granted parole swiftly and separately by a law and order administration that did not pretend to give equal consideration to other applications. (One might ask what lesson tens of thousands of offenders take from this single act.) Attorney General Mitchell is alleged to have directly interceded in a matter for Robert Vesco, then under investigation. Vesco is alleged to have given $200,000 as a political contribution, later returned.

L. Patrick Gray became the second head of a federal bureau that never had an agent charged with corruption in office. As Acting Director of the FBI, he accepted and destroyed, without or only partially reading files that might have contained evidence of federal crime. Agents in a new federal drug agency set up in the Department of Justice for political visibility, thus destroying morale among career professionals, without search warrants required by the Fourth Amendment or facts supporting their action, smashed into private homes in Illinois, terrorized the families, threatened death, used force, destroyed property—and found nothing. The head of the agency which violated concepts of federalism by engaging directly in local drug enforcement at the street level admitted he was the guest at the Texas ranch of a man later indicted for federal crime.

For the first time in history the U.S. Government, acting through the Department of Justice, sought to restrain a free press prior to publication, and a federal grand jury sought to force a newspaper reporter to appear before it bringing notes and answering questions about his sources. The illustrations presently known seem endless. How many more are there yet to see the light of day?

A former Attorney General is under indictment. A Chief Marshal has been convicted and served a prison sentence; the two heads of the Criminal Division during the Nixon Administration have been publicly identified in allegations of wrongdoing; the former Assistant Attorney General of the Civil Rights Division is under investigation for conflict of interest, having undertaken the representation of Dare-to-be-Great Glenn Turner in his various criminal and civil problems after four years of experience with which he could make a valuable public contribution; L. Patrick Gray, former Assistant Attorney General, former Acting Deputy Attorney General and Acting Director of the FBI under federal grand jury investigation; John Dean, former Assistant Deputy Attorney General under federal grand jury investigation; and how many more.

We have seen enough to know that an enormous tragedy has befallen an essential and great Department of Government. We can leave it to the new and future officials in the Department, to the Courts, the Congress and history to tell us how close we came to tyranny and irremediable corruption. For now, we can see the value patterns that guided the misadventure. They were lawless, truthless and violent values that seek power, to curb opposition, to have their way. A young lawyer ashamed of having served in the Department of Justice during these years and speaking what the thousands of career employees who care about justice must feel, was reported by the Wall Street Journal to have said on resigning "There was a time when a career with the Justice Department was all I wanted in life."

We must make that time come again. Lawyers, particularly, have an obligation to make this Department a place of justice. Our profession has failed its assigned mission of equal justice under law.

No system can prevent wrongful conduct by persons in authority while they have the will and capacity to engage in such conduct. The first need will always be the selection of ". . . meet person(s), learned in the law."

A man who believes it is more important that a President be re-elected than that the Constitution be followed and the law obeyed, is not a meet person. We must establish stern traditions assuring the selection of persons of integrity, independence, legal knowledge and experience who have not been engaged in politics.

Lawyers who have made the law their "political religion," in Lincoln's phrase, who have manifested the clear commitment to the rule of law, to the Constitution, the Bill of Rights and the equal protection amendments are meet persons. There are thousands of lawyers who would rather serve the public than bend the power of their intellects to "petty causes" and private interest, who believe in the fundamental principles of our Constitutional government—freedom, equality, and justice; who will adhere to the limitations placed by law on their power and insist others do likewise; who will recognize the essential need of the people in an open democratic society to know the truth and conceive it their duty to make known what they do; who want to be accountable to all the people for their conduct of office; who will not abuse their power, or the rights of any person however feared or despised; who will be the first to divulge to a person accused of crime any evidence relevant to his defense; who will not radicalize the country by political symbolism, with phrases full of fear and hate like "soft on crime," or "Communist conspiracy," which signify nothing; people who do what they say and need not caution others to watch what is done not what is said. Most career lawyers in the Department of Justice have these qualities. Their leadership should have no less.

The Department of Justice is not part of a political administration. It is a place of law. It must seek to enforce the laws in accordance with the purpose of Congress even as it endeavors to reform laws it deems undesirable. It must faithfully enforce the laws as finally interpreted by the courts, however it may disagree with those decisions. It can only participate in the policy views of a President where action is consistent with law. Its client is the people of the United States whom it serves by faithful adherence to the Constitution and the laws of the land.

The present crisis at Justice requires strong action and effective reform. The American bar should play a leading role in developing those measures which will best achieve the desperately needed restoration of law and truth in the Department and respect for the Department in the hearts of the people. The Judiciary Committee of the U.S. House of Representatives and now the American Bar Association have begun investigations that offer forums for those concerned with its reform. Others may be needed.

Among the measures which should be considered in a new Declaration of Independence for the Department of Justice are the following:

1. The President and the White House Staff or others acting for the President should be prohibited from interfering in cases or matters in the Department of Justice. If there is to be equal justice, discussions about pending cases or matters between the President or his staff and officials of the Department, is improper. A recent illustration is the White House conferences between President Nixon, Attorney General Kleindienst and Assistant Attorney General Peterson in the Watergate Case. It is impossible for the President to oversee all cases. The few he selects will inevitably cause discrimination. The President is often not a lawyer, but even when he is, he is not the Attorney General. President Nixon has said, on several occasions, that he will personally decide matters in the Department of Justice. This necessarily politicizes those matters and makes the Presidency the focal point for powerful interests that wish to affect cases. The President has burdens enough. President Monroe understood this when he advised his cabinet at the end of his Presidency, that all should resign except the Attorney General who could remain because his ". . . duties are different. The President has less connection with them, and less responsibility for them." President Johnson understood my belief that it was improper to discuss pending cases with him. If there is dissatisfaction with the performance of the Attorney General the remedy is his removal not to supersede his administration of the law. Congress should consider enacting a law prohibiting the President and his staff from directing the handling of any case or matter in the Department of Justice and officials in the Department from following such directions when they are contrary to law as determined by the Attorney General.

2. To prevent political direction or influence in cases or matters before the Department of Justice, the existence of every communication written or oral referring to any case or matter in the Department from the White House, the Congress or anyone not directly involved in the case or matter should be made a public record. The concealment of such communications should be a crime. The Department of Justice should regularly record the fact of each such communication in a place open to the public. Law, policy and practice should recognize the desirability of open conduct of the Department so that the President, the Congress and the public may have the fullest knowledge of that conduct, of Justice consistent with the rights to privacy of persons under investigation, the secrecy of grand jury proceedings and the necessities of criminal investigation and enforcement.

3. The Senate, in acting on the confirmation of appointees, should insist that the Judiciary Act of 1789 be enforced and that not only the Attorney General, but all other Presidential appointees to the Department be "meet person(s) learned in the law." A person whose experience and interest is largely political is not meet to serve as lawyer for the people. It would be wise to prohibit by law the appointment of any person to such positions who has participated significantly in the Presidential campaign of the incumbent President. The law could also prohibit appointment of anyone who held a high political party position, or managed a campaign, or himself sought high political office within two years of his appointment.

4. Presidential appointees and their personal assistants in the Department of Justice should be prohibited from giving, receiving or soliciting political contributions, from managing or advising a political party or campaign while in office and for two years thereafter; from attending political meetings, public or private; from political speeches and endorsements. Robert F. Kennedy asked this of his assistants when he became Attorney General. It is a small price to pay for needed insulation from political influence and public confidence in the integrity of government law.

5. Presidential appointees and their personal assistants should be prohibited from meeting with principals, attorneys or other representatives of interests with cases or matters in the Department of Justice without public notice of such meeting and the presence of staff attorneys chiefly responsible for handling the case or matter. A glaring violation of this principle which illustrates the need are the numerous off-the-record meetings by various Department officials with representatives of ITT.

6. The law should require that the Attorney General, or the Deputy Attorney General and a minimum number of Assistant Attorneys General, perhaps three, be of the opposite party from the Administration in power or politically independent. Herbert J. Miller, Jr., who served as Assistant Attorney General of the Criminal Division from 1961–1965, a brilliant and effective lawyer who participated in all criminal cases and most significant Department matters during those Democratic years, was a staunch Republican by philosophy. Erwin Griswold, Walter Yeagley and Sal Andretta all served in Administrations of the opposite party.

7. Tradition should encourage and the law might require a minimum number, perhaps three, of the Presidential appointees be drawn from the federal career legal service or held over from prior Administrations. Sal Andretta, a great Assistant Attorney General for Administration, served under five Presidents. Walter Yeagley, an outstanding career attorney, served as Assistant Attorney General of the Internal Security Division under Presidents Eisenhower, Kennedy, Johnson Nixon. Erwin Griswold, distinguished Dean of the Harvard Law School, was appointed Solicitor General by President Johnson and retained for four years by President Nixon.

8. The Congress should remove the United States Attorney from Senate confirmation. As has been true with all such offices limited to a single state or part thereof, this has placed the effective appointing power in the Senator's from the state or local politicians of the party in power and politicized this critically important law enforcement agency at the most dangerous level. Legislation to accomplish this was proposed by the Department of Justice in 1968. These positions should usually be staffed by federal career lawyers and should be insulated from political influence.

9. Congress should enact new laws requiring full disclosure of any evidence that a prosecution is undertaken for political or other discriminatory purposes as has been alleged in the Berrigan case and the Ellsberg case among others, and make it a crime to prosecute for such purposes or to conceal such evidence. The law should also compel disclosure of any evidence relevant to the defense of a criminal case in accordance with the standards of *Brady* v. *Maryland* and make it a crime to conceal such evidence. This would help prevent such incredible acts as the breaking and entering into Daniel Ellsberg's psychiatrist's office, the offer of the FBI directorship to the presiding judge and the failure to advise the defense of the facts.

10. Congress should vest in the Judicial Conference of each United States Court of Appeals power to appoint a special prosecutor on application by any member of the public, or on its own motion, when it finds the interest of justice requires grand jury review of allegations that should be presented by an independent prosecutor. Failure to convene a grand jury following the Kent State killings and the handling of the grand jury in the Fred Hampton case illustrate the need.

11. The Directors of the FBI, the Bureau of Narcotics and Dangerous Drugs and other investigative agencies should be subject to Senate confirmation and serve for terms of four years to begin at the end of the second year of each Presidential term. Total service as Director should be limited to eight years.

12. The FBI and all other federal investigative and enforcement agencies should be required to publish a current list of all investigative and enforcement techniques, the legal justification for each and the controls and limitations on their use. This would include such practices as wiretapping, electronic surveillance, and other eavesdropping, use of informers, mail interception, mail drops, phone call checks, phone dial registers, polygraphs, use of false identification

or false pretense, agent infiltration, physical observation not related to specific criminal conduct, stop and frisk, and entering without knocking. Regular reporting on the times, places, persons and purposes for each utilization should be required in a manner similar to the reporting required for wiretaps and bugs under Court order pursuant to Title III of the Omnibus Crime Control Act of 1968.

13. The FBI and other federal investigative agencies should be prohibited from accumulating information or intelligence other than in connection with a specific criminal investigation except from public sources. Information gathered from public sources for purposes of general law enforcement knowledge should be made available to the public in the form accumulated.

14. Dossiers on individuals or organizations should be prohibited and every individual should be entitled to all information about him in the possession of a federal agency that is not exclusively part of an ongoing criminal investigation, and in any event within two years after its receipt by the agency unless the release of the information might endanger life.

15. The conduct of any criminal investigation or enforcement duty by any government personnel outside agencies authorized in law should be prohibited.

16. It should be a crime for any agent to engage in any unauthorized investigation or enforcement act and aggrieved persons and the public should be empowered to compel full disclosure of the existence of such conduct, to enjoin its continuation, and to recover damages.

17. Every person should be entitled to all information about him, including any investigative practice or procedures employed involving him, in the possession of any federal agency that is not exclusively part of ongoing criminal investigations, and in any event within two years after its receipt by the agency, unless release might endanger life.

18. A Federal Investigative and Enforcement Review Board should be established from broad based citizen groups with power to hear and act on complaints of abuse and to review and recommend on practices and procedures of all federal investigative and enforcement agencies to the Congress, the President, the Attorney General and the public.

19. Responsibility for crime statistics should be removed from the FBI to the Bureau of the Census, and made as scientific as possible to assure their objectivity and prevent misrepresentations for political purposes.

20. The Law Enforcement Assistance Administration should be directed by law to establish clear priorities in accordance with statute for federal grants and the priorities should be strictly adhered to. Personnel throughout the office, including the Director and Assistant Director should be under the same limitations on political activity as other Presidential appointees in the Department of Justice. The State block grant provisions necessarily place the federal funds in political channels and should be repealed. Political influence should be prohibited in the allocation of funds. The office should be required to publish and record all decisions and grants in detail and all communications concerning them.

21. Guidelines for the release of Departmental information to the press that involve the privacy of individuals or organizations whether in relation to a trial or otherwise should be established in law to prevent abuse of such information and the coercion of, or injury to, individuals. Penalties for violation should be established.

22. The provisions of the Freedom of Information Act should be reviewed to provide for the most open conduct of the Department consistent with rights of individuals under investigation to privacy, secrecy of grand jury proceedings and the interests of justice.

If we will face our responsibility to act now, we can bring the Department of Justice to its finest hour, restore the rule of law and create finally a Ministry of Justice.

ADDRESS BY ELLIOT L. RICHARDSON, ATTORNEY GENERAL OF THE UNITED STATES

In addressing this great organization of lawyers, I speak as a lawyer who has returned to a profession he loves. Believing in the law as the organizing principle of an ordered society and the indispensable attribute of a humane one, I am sensitive to the law's imperfections and jealous of its reputation. Like you, I am eager to be called upon to play a part in assuring that all the members of our profession are held to its high ideals.

As a lawyer charged with heading the national government's legal department, I feel a special responsibility—and a special concern—toward the law. Whatever stains—whatever calls into question—the integrity of the Department of Justice damages confidence not simply in the Department but in government itself.

Confidence is not a structure built of stone that can withstand the buffeting winds of accusation and mistrust. It is the expression, rather, of trust itself. It is as fragile as it is precious, as hard to restore as it is easy to destroy. And yet it is obvious that trust is necessary to the very possibility of free self-government. The good health of the body politic needs the tonic of skepticism, but it cannot long survive massive doses of cynical acid.

Having taken office as Attorney General in the midst of the darkening cloud of suspicion and distrust engendered by Watergate, I recognize it as my first duty to do what I can to eliminate the cause of distrust. This is the charge the President placed upon me. This is the undertaking which I have devoted my principal efforts since becoming Attorney General. This will continue to be the objective of my stewardship of that office—and I hope this tour will turn out to be longer than my past assignments!

I am reminded of the words of a great legal scholar and man who gave much to the law—Mr. Justice Cardozo. As he said at the end of his "Ministry of Justice" address:

"The time is right for betterment. The law has its epics of ebb and flow. One of the flood seasons is upon us. Men are insisting, as perhaps never before, that law shall be made true to its ideal of justice."

For the Department of Justice, the first step toward betterment must be to look squarely and unblinkingly at the factors which have impaired confidence in us, however unfair their generalized formulation may be to the overwhelming majority of Department employees. Ninety-nine and 44/100% pure is not now—if it ever was—good enough.

There are, it seems to me, three factors which—in the climate of Watergate—have contributed to diminished confidence in the Department of Justice:

(1) the suspicion that political considerations or political influence can color the administration of justice;

(2) the suspicion that who you are or what you stand for is reflected in the inconsistent or unfair application of legal standards;

(3) the suspicion that the Department is not sufficiently honest in its communication with press and public.

The first of these factors—the question of political influence affecting the administration of justice—is not a new one, but Watergate has given it a new burst of prominence.

In recent history, under both parties, the Attorney General has been more than a political appointee, he has frequently been—before and after he came to the Department of Justice—a political operative as well. Now, I have nothing against political operatives. I have been one myself. And there is still a place for politics as usual—but not in the Department of Justice. To the extent we are handicapped by the suspicion of political influence, we cannot afford to have at the head of the Department—or in any of its key positions—a person who is perceived to be an active political partisan. Past Attorneys General have, I know, been able to draw a line between their political and professional responsibilities. But a citizen of the Watergate era who perceives an Attorney General wearing his political hat is scarcely to be blamed for doubting whether he ever really takes it off.

I have decided, therefore, that one direct contribution I can make to countering the suspicion of political influence in the Department of Justice is not only to foreswear politics for myself but to ask my principal colleagues to do the same. It is my earnest hope that those who follow us will see fit to make the same promise. Other Departmental employees, including the U.S. Attorneys, have recently been reminded by the Supreme Court that the Hatch Act is still alive and well, and on their part no new self-denial is needed.

I am, in addition, today announcing the issuance of a Departmental order formalizing and making uniform a procedure for making records of contacts with Departmental personnel by outside parties. The order requires Departmental employees to make a memorandum of each oral communication about a matter pending before the Department from a "non-involved party." The employee will keep one copy of the memorandum and place another in the case file. A "non-involved party" is someone with whom the employee in the routine handling of the matter would not normally have contact, including Members of Congress and their staffs, other government officials and private persons not directly concerned in the matter. Only news media representatives are excluded.

This new reporting system should result in at least two useful byproducts. One is a contemporary record of contacts with the Department that can be called upon should the need arise to rebut some accusation of improper influence. Beyond that, its very existence will discourage approaches to the Department by those who are not confident of the purity of their motives.

As one more step in the same direction we have put an end to the practice of giving a Senator, or Congressman, through advance notice, the chance to announce a grant in his state or district. While this is a time-honored practice—and there may be nothing inherently wrong with it—it does inevitably, if not intentionally, create the public impression that the Senator or Congressman had some sort of influence on the result when, in fact, he had nothing to do with it.

The second of the factors affecting confidence in the Department of Justice—the suspicion that who you are or what you stand for is reflected in the inconsistent or unfair application of legal standards—is one which, like so many, lends itself more easily to rhetorical expressions of concern than to rigorous attention to concrete performance.

It seems to me requisite that we fully appreciate what may seem like so much more facile rhetoric: that our democratic system fundamentally cannot tolerate—cannot withstand—one law for the rich and another for the poor, one law for the strong and another for the weak, one law for Washington and another for the country.

It is imperative—not only morally requisite but practically requisite—that our demo-

cratic rhetorical commitment to fairness across-the-board be matched by consistent performance.

"To ensure the consistent and fair application of legal and moral standards by the Department of Justice, I am considering the establishment of an Inspector General's Office—with full authority and responsibility to assure that those who are charged with executive responsibility for a precious public trust are consistently worthy of that trust. At my regular weekly staff meeting later today I will appoint a Committee on the Office of the Inspector General to analyze this concept and to report promptly to me on the merit of its application to the Department of Justice.

"Bill Ruckelshaus, whom the President has nominated as Deputy Attorney General, will serve as chairman of this Committee—whose membership will also include the Director of the FBI and representatives of affected components of the Department."

To help ensure greater consistency in the application of legal standards across the country and across levels of government, I have established an Advisory Committee of U.S. Attorneys and taken steps to foster more frequent and more systematic contact with the National Association of Attorneys General. It is my hope that, working together, we may find ways to develop and implement coherent and consistent approaches to matters of widespread public concern—in such areas as consumer protection, drug abuse prevention and protection of the environment.

In so doing, we must of course recognize our obligation to preserve those variations in practice which are vital to the health of our pluralistic system. But we cannot allow ourselves to foster or to preserve practices which undermine respect for the capacity of the system to treat people—all the people—fairly under law.

The third area in which we are attempting to counter suspicion and create confidence is in the candor and openness of our conduct of the administration of justice.

We start from the awareness that we are accountable to the people of the United States. The Department of Justice has no interests and no objectives separable from theirs. We have an affirmative responsibility toward enabling them to make wise and responsible choices among clashing policies and competing interests. We have a corresponding responsibility to help assure that they are as fully informed as possible about what we are doing and why. This means that information in our hands should be withheld only where in a given case some clear public interest outweighs the public interest in freedom of information. The burden of proof should always be on establishing the need for withholding information.

Where the administration of justice is concerned, there are inevitably numerous situations in which this burden has to be assumed. But most people are quite ready to recognize that the protection of a confidential source, the safeguarding of an individual reputation or the conduct of an investigation creates a legitimate need for confidentiality. The harder task is to make sure in each instance that the need is real and to insist upon the application of consistent standards.

As the Government's chief legal agency, we have a special responsibility for the administration of the Freedom of Information Act by the Government as a whole. It is vital that the justified expectations of our citizens for access to Executive information not be thwarted by administrative delays or inconsistent responses from the various agencies. Accordingly, in my testimony before three Senate subcommittees on June 26, I announced four new steps that the Justice Department would undertake immediately to insure that the Act fulfills its promise of opening up Government and bringing it closer to the people. As the first of these steps, I have advised all Executive agencies that our litigating divisions will not defend Freedom of Information lawsuits unless the Freedom of Information Committee in our Office of Legal Counsel has been consulted prior to denial of a request.

I am, further, initiating a comprehensive government-wide study of the Freedom of Information Act for the guidance of both the Executive Branch and the Congress in improving the administration of the Act and clarifying its provisions.

The way in which the Department of Justice carries out its functions in any situation where reporters or news media are involved is also important. Reporters have a primary responsibility to the public, just as we do. This responsibility can lead them into controversial situations. But the prosecutorial power of the Department should never be used—not even by indirection or innuendo—in a way that could weaken the exercise of First Amendment rights. Responsive to this concern, the Department of Justice in 1970 issued guidelines restricting issuance of subpoenas to the news media. These have worked so well that only 13 subpoenas have been issued and only 2 of those were contested. These guidelines have been viewed as a model for the nation.

With the same concerns in view, we are now considering a new Departmental directive which will require my specific approval before a newsman can be questioned, served with a subpoena, or made a defendant in any Federal court proceeding.

Such, then, are the measures for dispelling suspicion and restoring confidence presently in effect or under consideration. More can certainly be done, and we are continuing to look for additional such measures. Suggestions will be welcome. But there is another—and more affirmative—side of the confidence-building process, and that is in the improvement of performance.

One obvious opportunity is in the management of the Department. My predecessors, by and large, have had little interest in this area, perhaps because they have thought of the Department as first and foremost a law office and only incidentally as a government department like other government departments. Having come to Justice directly from four and a half years in other bureaucratic institutions, I tend to emphasize its latter aspect. It is a fact, at any rate, that the Department includes nearly 50,000 people, of whom only 6½% are lawyers. Its biggest components are the FBI, the Immigration and Naturalization Service, the Bureau of Prisons, and the newly created Drug Enforcement Agency. These agencies, together with the Criminal Division, the Parole Board, and the Pardon Attorney, embrace all the elements of a criminal justice system except the courts. And yet, ironically, the Department has never had a comprehensive criminal justice planning capacity, notwithstanding our consistent preachment to the states and their subdivisions through LEAA that comprehensive planning is a prerequisite for the efficient allocation of criminal justice resources.

One of my aims is thus to build at the Federal level the kind of comprehensive planning capacity we have been urging on the states. More broadly, we need to apply the same approach to the allocation of resources for all Departmental functions. Our review of fiscal 1975 budget requests is just now getting under way, and each part of the Department, including the litigating divisions, is being asked to explain not only what resources, in terms of money and manpower, it allocates to which existing tasks, but also to rate those tasks on a priority scale. New requests will be similarly rated, and Assistant Attorneys General and bureau heads will be required to make tough choices whether to scrap old programs or whittle them down in order to accommodate new priorities.

To assist in this process I plan to create a new division in the Department to be headed by an Assistant Attorney General for Management and Budget. It is much too soon, however, to make any grandiose claims for the rigor and rationality of the likely results. To plan, to budget, to allocate is to choose, and in all too many areas of Departmental responsibility, we lack the criteria for intelligent choice. Our statistical data base is inadequate. Our ability to determine what works and what doesn't work—our capacity, in other words, to evaluate—is rudimentary. And while it is inherently difficult to measure the comparative costs and benefits of alternative approaches to dealing with any human situation, to recognize that the task is hard is no excuse for the failure to tackle it.

Take, for example, today's announcement of the Uniform Crime Report for 1972, which showed a two per cent drop in crime nationwide—the first in 17 years. Violent crime increased two per cent last year, which is certainly nothing to brag about, but it does represent the smallest increase in 11 years.

I wish I could tell you with certainty what caused that decrease. I certainly believe the strenuous efforts of the Justice Department, the Law Enforcement Assistance Administration's massive grants to all parts of the criminal justice system, and coordinated planning in each of the states had a lot to do with it. But the truth is no one knows with certainty what the causes of the reduction are, and finding out is one of the things we need to work on.

For us at Justice the opportunities that lie ahead are full of promise and excitement. We can help people to be less afraid by giving them less reason to be fearful. We can cut the toll of drug abuse and prevent young people from seeking employment in crime because no other employment is open to them. We can speed the administration of justice and promote the consistency of sentencing. We can bring honesty and realism to the question of why our correctional systems so seldom correct. We can cut through restraints on the freedom to compete and protect the victim of consumer fraud. We can bring greater equity and efficiency to the administration of our immigration laws. We can help bring about a cleaner environment. We can show by the promptness and courtesy, as well as the fairness and responsiveness, of our dealings with all our fellow citizens that we recognize their individual worth.

In all of this we shall work closely with you, for we know you share the same ends and the same devotion to the law as a means to their achievement. By our actions, singly and in combination, we can take part in the building of a new confidence.

CVN–70: EXPENSIVE, VULNERABLE AND UNNECESSARY

Mr. CLARK. Mr. President, this Friday, the Senate will debate the merits of the CVN–70 nuclear aircraft proposal and decide its future.

To build this one ship—and provide it with the planes and nuclear escorts it needs—will cost the American taxpayer about $3 billion. We simply cannot afford to spend that much money for another nuclear aircraft carrier, not when the need to cut Federal spending is so great, not when the effectiveness and usefulness of the CVN–70 itself are so open to question. Because of that, I have introduced the amendment No. 519, which will be considered Friday, to delete the Navy's

request for $657 million to build the aircraft carrier.

After considerable debate last year, the Senate authorized $299 million to pay for initial construction work on the carrier's powerplant. However, only $10 million of that actually has been spent, and if the CVN–70 was a questionable proposition at $299 million in 1972, it is even more questionable now at twice the price.

Mr. President, the arguments against the CVN–70 project can be summarized succinctly:

Right now, this country has 14 attack aircraft carriers. Even without CVN–70, there still will be 12 in 1981, three of them nuclear powered.

Other ships—like the "Sea Control" ship already proposed by the Navy—can do many of the carrier's jobs better and at far less cost.

For all of its vulnerability to enemy attack, for the small amount of military effectiveness it provides, the CVN–70 simply is not worth the investment: $1 billion for the ship, $1 billion for the planes, and $1 billion for escort vessels. Total price: $3 billion—$10 billion altogether over the next 30 years.

In many ways, the vote on Friday will be the Senate's last opportunity—the last opportunity to stop the carrier project, the last opportunity to responsibly reduce Federal spending in the military procurement bill. I hope the Senate will take that opportunity.

I ask unanimous consent to print in the RECORD a unique and valuable study of CVN–70, prepared by the Center for Defense Information under the direction of Rear Adm. Gene R. LaRocque—U.S. Navy, retired—Admiral LaRocque has commanded a U.S. aircraft carrier in the Mediterranean, and he brings his experience and knowledge to this study.

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

THE SINKABLE AIRFIELD

Would you spend several billion dollars for a ship that may be put out of action by a motor boat?

That of course is putting the question crudely. But it is essentially the issue raised by the Navy's request for a fourth, nuclear-powered aircraft carrier.

If the ship is built, it will be the most expensive in the world. It would also be unnecessary.

The Navy thinks it needs this ship. Many naval experts however don't agree. This Monitor sets forth the pros and cons.

The Center for Defense Information concludes that:

Construction of a fourth, nuclear-powered carrier can be safely deferred, without any risk whatever to national security.

11 carriers are quite adequate in the 1980's, instead of the 12 carriers the Navy wants.

An 11-carrier force, with 1,000 modern aircraft, would be very powerful. To it, a fourth nuclear-powered carrier would add only a 1/12th increment. And that incremental addition is not worth the billions of dollars it would cost.

PROS AND CONS OF ATTACK CARRIER CVN–70

The Navy is asking Congress for $657 million this year as part of the cost of constructing a fourth, nuclear-powered aircraft carrier, the CVN–70. The Navy estimates the carrier would cost $972 million to build, but this figure is only the tip of an iceberg. It excludes the costs of building the aircraft and the escort ships without which the carrier cannot operate. And the costs are rising steeply.

The Navy's first nuclear-powered carrier, the Enterprise, was commissioned in 1961, and it cost $451 million. Two others, the Nimitz and the Dwight D. Eisenhower, are now under construction. The Navy estimate is that these two together will cost $1.3 billion to build. The Nimitz (CVAN–68) is scheduled to undergo sea trials in August, and the Navy says the vessel's delivery date is to be March 1974. The Eisenhower (CVAN–69) is scheduled for delivery in September 1975.

The CVN–70, if it is built, would join the fleet in 1981. There are at present 14 attack aircraft carriers in service, but older carriers are to be retired, which means that in 1981 there will be 12 carriers including CVN–70, or 11 carriers without CVN–70. (The Navy estimates the life-span of a carrier at about 30 years.) In 1981 the oldest carrier would be the Forrestal, which was commissioned in 1955.

A force of 11 modern aircraft carriers, three of them nuclear-powered, carrying 1,000 modern war planes, would be formidable. It would be big enough, without the CVN–70, to maintain an adequate level of six aircraft carriers stationed in the Atlantic and Mediterranean, and five carriers in the Pacific three of which would be nuclear-powered. The Sixth Fleet would still have two carriers full time in the Mediterranean, the same as now.

The question arises whether it is really worth spending a minimum of $1 billion to build a fourth, nuclear-powered aircraft carrier, when aircraft carriers have no role in the direct defense of the United States in the nuclear age, and also are unlikely to have a mission in a nuclear war with the Soviet Union.

For a long time, the Nixon Administration was dubious about the practicality of building yet another highly expensive, and probably highly vulnerable, nuclear-powered aircraft carrier. When the CVN–70 was being considered by Congress in 1970, the Administration said it might not build the carrier. The following year, the then Deputy Secretary of Defense, David Packard, declared that the Administration would not spend funds for the CVN–70 even if Congress appropriated them. Later, however, Defense Secretary Melvin Laird intimated that the money would be spent if it was appropriated.

Nevertheless, Mr. Packard explained that he had included the CVN–70 in the 1973 budget only as a marginal item, "because it looked as though we were going to be allowed a little higher total" for spending on defense. He also gave his reasons for regarding the ship as just a marginal item. "The carrier," he said, "has a useful function in certain types of show of force, or application of force, around the world. It is not very important in our nuclear deterrent posture. It is not very important in our sea control." This is a billion-dollar ship he is talking about. Senator Goldwater has conceded that "there was a lot of (Navy) pressure to build CVN–70. I did not intend to vote for it."

The Navy is undergoing major modernization and federal budget authorizations for naval construction are 50% higher than the average for fiscal years 1962 to 1969. The Navy's plans call for spending $50 billion over the next 10 years, solely for ship construction and conversion. This excludes operation, maintenance and other costs, all of which can be very severe.

Much of the Navy's budget revolves around carriers, their aircraft, and the other forces that supply and defend them. The Navy plans, for example, to have four nuclear-powered guided-missile frigates for each nuclear-powered carrier.

Carrier-related programs in this year's budget, in addition to the CVN–70 itself, are F–14 aircraft, Phoenix missiles to be fired by those aircraft, S–3A carrier-based anti-submarine aircraft, escort ships, and submarines. Funds for these systems total $2.5 billion in this year's budget.

A decision on construction of CVN–70 has to include consideration of the costs of major weapon systems used for the defense of the new carrier or otherwise related to it. The carrier itself will cost $972 million to build, according to the Navy. But the carrier, its aircraft and its ship and air crews will cost about $10.4 billion, over the possible life-span of the ship. The Navy's estimated cost of building just the carrier itself has already risen by $300 million, between 1970 and 1972, and the ship will take another seven years to construct.

There is considerable doubt concerning the degree of usefulness of an aircraft carrier and its accompanying aircraft, ships and submarines in the modern age. For example, this June 7 the Senate Armed Services Committee was told by Dr. Richard Garwin, a leading scientist who is an IBM Fellow at the Thomas J. Watson Research Center, and until last year was a member of the President's Science Advisory Committee: "While I believe that an aircraft carrier if it is to be built should have nuclear propulsion, my best advice is to recognize the lack of survivability of carriers, in war with the Soviet Union, and to cancel the carrier building program, the F–14 aircraft and most of the S–3 aircraft procurement."

The tasks that the aircraft carrier can successfully perform may be quite few. There may not be many wartime situations it can hope to survive. Many of its weapons are for its own defense, not for attack. The carrier's vulnerability may make it more a liability than an asset.

But there can be little question about the enormous costs attached to carriers and their operations.

Based on the 1973 budget, the one-year cost of operating and maintaining 14 attack carriers, as well as construction and conversion, amounts to $7.6 billion.

The five-year cost of a 14-carrier force, declining to 13 carriers by 1978, comes to $35.4 billion.

The CVN–70 is designed to be 1,092 feet in length, which is as long as three football fields, and to weigh 94,400 tons. There would be 2,829 men in the ship's crew, and the air wing personnel would number 2,506.

"These numbers," Rear Admiral I. W. Linder, Coordinator of the nuclear-powered aircraft carrier program, told the House of Representatives Committee on Armed Services this year, "vary a bit according to expected operations and types of aircraft carried." This exchange then occurred:

Mr. Mollohan: You have accommodations on board for approximately 5,000?

Admiral Linder: For about 6,300.

Mr. Mollohan: That is more people than in my home county.

Costs of CVN–70 over 30 years—$10 billion [1]

Carrier procurement	$972,000,000
Aircraft procurement [2]	4,103,200,000
Escort ships procurement [3]	1,088,400,000
Task force operation and maintenance (30 years) [4]	4,218,000,000
30-year total cost	10,381,600,000

[1] In constant FY 1973 dollars.

[2] Four full buys of F–14's, A–7E's and A–6E's; and 3 buys of all other aircraft.

[3] Cost of 4 nuclear-powered escorts.

[4] $140.6 million per year.

30 MILLION MAN-HOUR

The carrier would be able to accommodate between 90 and 100 aircraft. The builder of the ship would be the Newport News Shipbuilding and Dry Dock Co. of Virginia, which is currently building the two other nuclear-powered carriers, the Nimitz and the

Eisenhower. The CVN–70 would require 30 million man-hours of labor to construct. It would have a speed of 31½ knots.

An aircraft carrier is basically an armored box, extensively compartmented into watertight and shock-resistant areas, and fitted with damage control equipment. The ship has four independent engines and four propellers. A carrier task force consists of a "mobile airfield", which is the carrier itself, accompanied by cruisers, frigates, destroyers, submarines and by clouds of aircraft: patrol planes, fighter planes, anti-submarine planes, long-range radar aircraft to detect enemy planes and ships, and airborne fuel tankers to extend the range of the fighters as well as the amount of time they can spend aloft.

The Navy says that the ships are dispersed over hundreds of miles of ocean, that they are highly mobile and elusive, and that they can strike, and they can also withdraw in face of superior force, then probe again from another direction. Admiral Linder claims that an enemy "perhaps is able to determine the location of the force at some particular time, but he will not know its position an hour later and he cannot plot its future course of movement." The enemy's missiles, the Navy explains, must be programmed before being launched, so as to strike a predetermined spot, but the aircraft carrier will not necessarily be there when the missile falls. It could by then be 11 miles away.

Enemy planes and surface ships can be detected by the task force's radar planes while they are still far from the carrier, says the Navy, and the carrier's fighters can get to them when they are still 200 miles off. The new F–14 fighters could fire radar-guided missiles, and the Phoenix missile, officially credited with a 60-mile range, in tests has sometimes hit targets that were 120 miles distant.

Admiral Linder says that new S–3 aircraft, with which the CVN–70 would be equipped should be able to "provide the speed and the improved detection equipment" required to extend the size of the area in which enemy submarines searched for; and that "these anti-submarine defenses give the task force commander a good chance to detect an enemy submarine before it can locate with any degree of precision the major ships of the task force." He says the S–3's would be able to search and attack up to two hours when they were 800 miles from the carrier, and for up to four hours when 500 miles from the carrier. But these anti-submarine aircraft cost $15 million per plane.

Enemy submarines attempting to penetrate the carrier task force's defenses face a whole series of obstacles, says Admiral Linder. "The wide-ranging anti-submarine aircraft, with their highly sophisticated underwater-listening devices, are the first problem encountered. These are backed up by the destroyers and frigates, with their large sonars." Admiral Linder says if the task force also includes a nuclear attack submarine, "the enemy commander may well find himself surprised by a silent and effective adversary operating in his own environment." Finally, he says, the carrier itself is to be equipped to fire missiles to destroy attacking aircraft and incoming missiles, and to jam and confuse the enemy missiles, by electronic means.

CHALLENGED

In spite of those claims, the aircraft carrier's alleged elusiveness and toughness have been challenged. For instance, the Navy says the carrier could be miles away before an enemy missile struck the spot where it had been, because the missile must be programmed before being launched, so as to strike a predetermined spot. But there is a type of so-called "active homing" missile, that need not be preprogrammed: it follows its prey. Then, the sonobuoys dropped in the ocean to detect submarines, as well as the other devices for detecting submarines, are anything but infallible.

Admiral Linder correctly points out that "since World War II, our carriers have not been called upon to defend themselves against an air enemy. Their operations have been relatively static: off-shore air platforms, so to speak."

And the U.S. Chief of Naval Operations, Admiral Elmo R. Zumwalt, Jr., has often stressed that the Soviet Union has 2½ times as many submarines as the United States, and that the Soviets have equipped their surface ships, submarines and aircraft with 1,400 cruise missiles: about 800 on surface ships, 400 on submarines and 200 on planes. A cruise missile is really a small unmanned plane that is electronically controlled.

Some U.S. naval commanders believe it is almost impossible to prevent an aircraft carrier being hit by several cruise missiles, if a number are fired at it. In the second World War, the Japanese directed suicide planes against U.S. aircraft carriers. These planes threw themselves against the carriers. Two out of five carriers that took even one hit from a "kamikaze" Japanese-piloted aircraft had to pull out of action and retire to port, and *all* the carriers that took more than one hit were compelled similarly to retire. An electronically-controlled cruise missile would be at least as effective against a carrier as a World War II manned plane. A cruise missile has a very small radar cross-section and is consequently difficult to detect. Any war that is likely to be fought that involves attacks on aircraft carriers will probably be so short that putting carriers out of action for two or three months would serve the enemy's purposes just as well as if they managed to actually sink the carrier.

Fiscal year 1973 costs of all 14 Attack Carriers—$8 Billion

Military personnel pay	$989,000,000
Military construction	174,000,000
Operation and maintenance	1,260,000,000
Research and development	599,000,000
Ordnance and missiles	947,000,000
Shipbuilding and conversion	830,000,000
Aircraft procurement	2,856,000,000
Total cost	7,655,000,000

COULD BE TORPEDOED

Admiral "Red" Ramage, the U.S. World War II submarine commander who sank five Japanese ships in less than one hour, thinks he could torpedo a modern carrier from a modern submarine, especially if the carrier was operating "in a locale where they are launching planes—they aren't going to be wandering too far from there. It's just a question of blocking and catching them at the right time." Commander Roy Beavers likewise thinks the odds are all on the side of the submarine against the aircraft carrier. Senator Barry Goldwater is on record as declaring: "I would say we would be very lucky if we could keep 25% of the enemy from reaching the target."

The Navy says that first the enemy has to locate the carrier task force. The task force's mobility ensures that a hostile nation will be compelled "to devote a considerable effort to attempting to find and to identify the carrier, among the hundreds and even thousands of ships using the sea"; and that even if a carrier is hit by a cruise missile, it should be able to resume operations "within hours." But the operations of a carrier that had been hit by one or more cruise missiles would probably be limited. An aircraft carrier that has internal machinery malfunction and cannot steam at 30 knots cannot operate combat-ready aircraft if the wind velocity is low.

EXPENSIVE TO DEFEND

In short, the aircraft carrier requires an expensive collection of defensive weapons in order to help it survive, but its survival is not ensured. Admiral Thomas H. Moorer, for instance, merely says he is convinced "that the attrition of carriers can be kept within acceptable bounds." Admiral Moorer is the Chairman of the Joint Chiefs of Staff.

Some believe that in the circumstances the 30 million man-hours that would be needed to construct the CVN–70 could be more effectively used for producing other, more relevant additions to naval weaponry. Dominance of the aircraft carrier in the thinking of the Navy, it is argued, is what has led to a proliferation of expensive defensive weapons all designed to protect the carrier. Another tack would be to build more nuclear-powered attack submarines and to equip more surface ships with improved surface-to-surface weapons, especially low-flying cruise missiles. Greater numbers of smaller, low-cost ships might be built instead of a CVN–70, if it is felt that the incremental military benefit from one more carrier is not worth the CVN–70's immense cost.

A critic of CVN–70 is Captain John E. Moore, who has just retired from the post of deputy director of British Naval Intelligence, and who is the editor of the authoritative yearbook, "Jane's Fighting Ships 1973–74," which was published at the end of July this year. Captain Moore says that the CVN–70's minimum price tag of $1 billion might "be better spent on smaller, less complicated, and cheaper ships." He suggests that the present trend to building bigger and costlier warships, with CVN–70 a glaring example, may be a trend that is shortchanging taxpayers, both in money and protection. Some of the money for CVN–70 ought he thinks to be channeled into developing Hovercraft, and underwater fleets, "fields in which the U.S. Navy is today a leader." Keeping down size and costs makes it possible to produce ships which can deploy over large areas for anti-submarine operations.

What, in fact, are likely to be the current and future uses of carriers?

The Navy maintains that "the carrier can be effectively employed across the full spectrum of warfare," up to and including nuclear war. After World War II, carriers were armed with nuclear weapons and Admiral Linder has told the House Committee on Armed Services that carriers still have those weapons on board (Hearings, FY 1974, Military Procurement, p. 3725). Admiral Zumwalt also told the Senate Armed Services Committee this year that "the attack carriers play a prominent role in a wide variety of nuclear plans" (Hearings, FY 1974, Military Procurement, p. 732). However, the range and power of land-based ballistic missiles, land-based bombers and submarine-launched ballistic missiles far exceed what the carrier can offer for strategic nuclear war purposes.

Neither for strategic nor for conventional war has the aircraft carrier been a primary weapon in the 30 years since carriers displaced battleships in World War II. As Admiral Linder has correctly pointed out, since World War II our carriers have not been called upon to defend themselves against an air enemy and have been static, off-shore air platforms.

CONTROL OF THE SEA

The Navy nevertheless insists that, as Admiral Zumwalt has formulated the argument, aircraft carriers still have "unique" importance for the U.S. for maintaining control of the seas, for ensuring continuity of oil imports and other essentials into the United States, and for maintaining lines of communication at sea with our military forces in Europe and our NATO allies there. At the same time, however, the Navy is prepared to concede not only the "irrationality" of nuclear war between the U.S. and the Soviet Union but also the "improbability" of a NATO war (House Commitee on Armed Services Hearings, FY 1974, Military Procurement, p. 3729).

The Navy says that, for control of the sea, "credible naval power" is required and that only the aircraft carrier can provide the es-

sential concentration of air power that is needed. The Navy says further that the U.S. "cannot conduct overseas military operations without naval support," and argues that, without "adequate naval forces," the U.S. might find itself in the same plight as the Soviet Union allegedly did in the Cuban missile crisis of 1962 when, the Navy says, the Soviet Union had to back down precisely because its naval forces were inferior to those of the U.S.

These arguments are persuasive for supporting "credible naval power." But they are not so persuasive in support of a fourth, billion-dollar nuclear-powered aircraft carrier. For the purposes that the Navy describes, the existing carrier task forces are adequate, and an 11-carrier force in the 1980's would also be adequate. These is no clear case here for adding a 12th carrier in 1980, in the form of a fourth, nuclear-powered carrier.

The Navy says that "in the low-threat areas, where the Soviet air threat and surface threat is not as high as it is, say, next to Europe", the proposed U.S. counters to Soviet threats to U.S. ships are the patrol frigate, and the sea control ship. Both of these are much less costly than an aircraft carrier. The patrol frigate is designed to provide anti-submarine protection and the sea control ship is designed to operate helicopters and V/STOL type aircraft, that is, planes that can rise vertically and can take off and land in a small space. Admiral Price told the House Armed Services Committee the patrol frigate "is a ship we can afford". And he significantly conceded: "It is very expensive to try to build one ship with everything on it, and then it can only be in one spot at a time." That is not a bad description of an aircraft carrier, as opposed to several patrol frigates or sea control ships. According to Admiral Price, the sea control ship "can adequately carry out worldwide sea control tasks in an effective manner (but) it could not carry the . . . F–14's, the aircraft the carrier has to have." (House Armed Services Committee Hearings, FY 1974, Military Procurement, p. 3908)

The F–14 aircraft that are to go on the proposed new nuclear-powered aircraft carrier would be chiefly of use against Soviet cruise missiles. But a war at sea that involves the Soviet Union but does not involve use of nuclear weapons seems highly unlikely, and it is still less likely that any such war would be a long one.

Estimated 5-year costs of attack carriers, fiscal year 1974–78—$35 billion

Ship procurement	$673,000,000
Ship operation	2,721,500,000
Air procurement	15,500,000,000
Air operation	4,214,500,000
Escort procurement	1,068,000,000
Escort operation	2,950,500,000
Missile and ordnance procurement	3,542,000,000
Supply-ship procurement	80,000,000
Supply-ship operation	427,000,000
Land support	320,000,000
Research and development	2,995,000,000
Military construction	870,000,000
Total cost	35,361,500,000

SOVIETS NOT EQUIPPED

A critical attack by the Soviets against U.S. oil and other shipments from overseas seems implausible outside of a scenario embracing a protracted war of attrition at sea. The Acting Assistant Secretary of the Navy for Research and Development told Congress that the Soviets are not equipped for a long naval war of attrition. That is the opinion of most military experts. If the Soviets attacked this country's oil shipments, they would be opening themselves to the dire prospect of nuclear attack by the U.S., just as we would be opening ourselves to Soviet nuclear attack, if we were to commit such an act of aggression. These alarming escalatory possibilities ought to give great pause to any power contemplating such attacks and serve to deter them.

Admiral Zumwalt calls the aircraft carrier "the principal tactical weapon system through which the Navy carries out its primary non-strategic mission." However, in the event of a conventional war breaking out in Europe, U.S. aircraft carriers operating off the European coasts would be vulnerable to concentrated and sophisticated attack by Soviet land-based aircraft, submarines and surface ships firing anti-ship missiles. The carriers' function presumably would be to add the power of their attack aircraft to that of the land-based tactical aircraft engaged in the fighting. But the carriers' attack planes would to a large degree be only adding to the efforts of the 2,000 land-based aircraft on the NATO side. And the sea-based planes might well find they had to devote most of their energies not to attacking the enemy but to protecting the carriers from concentrated enemy onslaughts.

Admiral Zumwalt's answer to this is to say that "the carrier is the strongest naval ship that can be constructed; it is meant to go in harm's way and to carry out its mission in the face of intense enemy opposition." And Admiral Moorer argues that "to say the carrier task force cannot survive is to imply that no forces on the oceans can survive." But to employ carriers for launching sea-based tactical aircraft into the fray in a conventional war in Europe might be a wrong use of them when land-based tactical aircraft can do the job better.

This is another indication that the missions which carriers can reasonably be expected to perform in modern wartime conditions are modest enough to be undertaken successfully by an 11-carrier force, so that it is not really necessary at this time to spend a billion dollars on a fourth, nuclear-powered aircraft carrier.

VIETNAM WAR

Since the second World War, carriers have been used in the Korean war and the Vietnam war. They were used in the Korean war because no air bases were available on land, these having been overrun by the North Korean forces. In those circumstances, and facing insignificant enemy opposition at sea, the carriers' attack aircraft were able to provide the conventional air power for bombing land targets that normally would have been provided by land-based tactical aircraft. In the Vietnam war, carriers were used as a supplement to land-based bombers. The sea-based tactical aircraft dropped a third of all the bombs that were used on both North and South Vietnam. However, there is no evidence that this bombing managed to significantly reduce the flow of munitions either into North Vietnam, from China and Russia, or from North into South Vietnam.

Elsewhere since World War II, U.S. aircraft carriers were present when the Marines landed at Lebanon and when Americans were evacuated from Jordan; in the Taiwan Straits, to screen Formosa from mainland China; and most recently in the Indian Ocean in 1971, as a show of U.S. naval strength when India was militarily assisting the people of Bangladesh against Pakistan. At the time, official U.S. government sympathy was tilted away from India and towards Pakistan (which lost the war).

Two U.S. aircraft carriers are stationed in the Mediterranean, but have taken part in no fighting there. This may have been just as well. The Mediterranean Sea is a very hostile environment for an aircraft carrier. There, a carrier is vulnerable to attack by land-based enemy aircraft, by enemy submarines, and by enemy surface ships including small boats that have high speed and that carry missiles. The Egyptians have 12 submarines and 20 missile-carrying patrol boats. The Soviet Union has 140 such boats. In the event of war, U.S. carriers in the Mediterranean would be subject to attacks by these as well as by enemy submarines and aircraft. In such a geographically circumscribed area, the carriers would not be able to be elusive and might be vulnerable even to missiles fired by motor boats, which sank the Israeli destroyer, the Eilath, in 1967.

Admiral Moorer has explained the virtues of nuclear propulsion for carriers. "With nuclear propulsion, there is no need to refuel. A nuclear-powered fleet is freed from the constraints of tankers and base support, and therefore has increased reliability, speed, range, less fuel-carrying requirements and more payload." But even a nuclear-powered carrier would still need to be resupplied with aircraft fuel, aircraft ammunition and other items, and for this purpose would have to rendezvous with replenishment ships.

U.S. CARRIERS IN 1973

	Total	In Atlantic	In Pacific
Attack carriers	14	6	8
Antisubmarine carriers	2	1	1
Helicopter carriers	7	4	3

FUTURE IN DOUBT

Admiral Moorer's argument does not prove that it is necessary to acquire a fourth nuclear-powered carrier now, or to have more than 11 aircraft carriers in the 1980's. As Dr. Garwin implied to the Senate Armed Services Committee, the long-term future of the aircraft carrier is in doubt. It would therefore seem prudent to make the most of existing carriers, rather than displace them as rapidly as possible with extremely expensive nuclear-powered carriers. Deferral of construction of further nuclear-powered carriers will buy time in which to resolve the fate of the aircraft carrier, one way or another.

This is not the Navy view. Admiral Zumwalt insists that the aircraft carrier has a "unique capability", and without it, "no other naval surface operations could safely be conducted." But the carrier has become effectively outdated as a strategic force, and, because of its vulnerability to cruise-missiles and other modern weapons, has only limited usefulness in any large-scale conventional war, especially with the Soviet Union.

Carriers may be useful in very remote parts of the South Atlantic, South Pacific and Indian Ocean, where from time to time there may be no base facilities available to the United States for land-based tactical aircraft. Carriers are also used for "showing the flag". The carrier can appear in international waters to signify an American presence, without actually involving the U.S. in a situation unless and until a decision is made to actively intervene.

This was presumably the role of carriers in the Taiwan Straits in the 1950's. Their mere presence may have helped to discourage the mainland Chinese from launching an invasion of Formosa.

POLICING THE WORLD

Dating back to about 1947, the United States has signed a number of treaties, some bilateral, others in connection with regional defense organizations like the South East Asian Treaty Organization. Excluding NATO, there are defense treaties with 21 countries in Latin America, and with at least seven countries in Asia, including the Philippines, Japan, Australia, New Zealand and Thailand. Admiral Zumwalt said last year: "As the number of our land-based forces deployed overseas declines, we will need to keep some evidence of U.S. power in sight. This will at the same time sustain our allies' confidence in us, and demonstrate by our presence both our capability and our determination to pro-

tect our commerce and our sources of strategic materials from any interruption." And he said this year: "There are areas of the world where the U.S. has no formal security commitments, but continues to have an interest in helping to maintain stability and reduce the danger of conflict."

In pursuit of those world-wide policing objectives, U.S. aircraft carriers annually "show the flag" in foreign ports around the world, in the Caribbean, the Atlantic, the Mediterranean and the Pacific, from Puerto Rico and Rio de Janeiro, to Greenock and Corfu, and Subic Bay and Yokosuka. But the Navy has not argued that it is essential to have a fourth, billion-dollar carrier in order to "show the flag". Far-flung foreign ports could continue to be visited in the 1980's with an 11-carrier force that included three nuclear-powered carriers.

If more carriers are needed in time of war, their numbers can be increased quite rapidly. The U.S. entered the second World War with only seven attack carriers, but there were 98 carriers on active service in the war's closing months. Again, there were only seven attack carriers on active duty when the Korean War broke out, but there were 16 by the time the war ended. There is however no certainty that carriers would be in great demand in the event of another war. In peacetime, the number of carriers maintained in active service has tended to diminish. That is what is happening now. The U.S. had 25 carriers in active service in 1962. It has 16 at present, 14 of them attack carriers. At the start of the 1980's, there will be 12 attack carriers, if a fourth, nuclear-powered carrier is built in time to be commissioned in 1980, and 11 attack carriers if it is not.

To repeat: At $1 billion, the CVN–70 will be the most expensive ship ever built, and this excludes all consideration of the far greater cost of the nuclear-powered carrier's aircraft and escort ships.

The CVN–70's mission is described as "to support and operate aircraft to engage in attacks on targets afloat and ashore which threaten our use of the sea." But this task can usually be done better by land-based tactical air power, whose capability the carriers duplicate or overlap and thus add a large unnecessary amount to the cost of U.S. conventional forces, which account for 75% of the budget.

And the missions carriers seem best fitted for can be carried out by the carrier task forces already in existence or, in 1981, without the CVN–70.

U.S. AND SOVIET CARRIER STRENGTHS IN 1973

	United States	U.S.S.R.
Attack carriers [1]	[2] 14 (2)	0
Antisubmarine carriers	2	0 (2)
Helicopter carriers	7 (2)	2
Total carriers	23 (7)	2 (2)

[1] These carriers attack land targets, surface ships and aircraft.
[2] Figure in parentheses means number of ships being built.

SUMMING UP

The arguments against adding the CVN–70 to the fleet were perhaps most succinctly presented by Senator Stevenson when he told the Senate: "The Navy has better ways of spending this billion dollars than on the CVN–70. Its antisubmarine role could be performed less expensively by existing land-based planes and new, less expensive multi-purpose vessels, including sea-based planes and helicopters. Its sea control mission could be performed less expensively by destroyers, patrol frigates, and other surface vessels—if sea control against the most modern nuclear submarines is possible by any means. Its shore support mission might be performed by surface-to-surface missiles launched from existing carriers, or additional less expensive carriers. Why must we place so many of our eggs in this one, most fragile and expensive basket?" This is a simple statement, put in simple language, but it is not simplistic. It seems a sensible point of view.

HEARINGS ON "AMERICAN FAMILIES: TRENDS AND PRESSURES"

Mr. MONDALE. Mr. President, this week the Subcommittee on Children and Youth, which I chair, has been holdinng overview hearings on "American Families: Trends and Pressures."

During these hearings we have received extremely valuable testimony from a variety of individuals and groups concerning the needs of families and children in America, the extent to which governmental policies are helping or hurting families, and what kinds of support systems should be available.

In order that these recommendations be available to the Congress and to the public, I ask unanimous consent that the prepared statements of the witnesses who appeared at the first day of our hearings be printed in the RECORD.

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

OPENING STATEMENT OF SENATOR WALTER F. MONDALE, CHAIRMAN, SUBCOMMITTEE ON CHILDREN AND YOUTH

Today the Subcommittee on Children and Youth opens three days of hearings on the trends and pressures affecting American families.

Our hearings are based on a very simple belief: Nothing is more important to a child than a healthy family.

During my nine years in the Senate, I have probably devoted more of my time to work with the problems of children than to any other issue. I have seen many ways in which public and private programs have helped children . . . and many other ways in which they can and should help them. But as good as some of our public and private institutions can be . . . and we have some excellent schools and foster homes, for example, . . . it has become increasingly clear to me that there is just no substitute for a healthy family . . . nothing else that can give a child as much love, support, confidence, motivation or feelings of self-worth and self-respect.

Yet, it is also clear that we tend to take families for granted . . . seldom recognize the pressures they are under . . . often give too little consideration to the role they can play in the prevention and solution of children's problems . . . and frequently ignore the implications of changes like the recent increase of one parent families.

The 1970 White House Conference on Children called this 'a national neglect of children and those primarily engaged in their care—America's parents.' And we are paying a high price for this neglect:

Teenage alcoholism and drug abuse are growing problems;

Suicide among young people is increasing geometrically to the point where it is now the second ranking cause of death for Americans between the ages of 15 and 24;

Juvenile delinquency is becoming so widespread that according to predictions one out of every 9 youngsters will have been to juvenile court by the time he reaches age 18.

And now we are discovering how pervasive this problem of child abuse is—a sickening sign that something is seriously wrong.

If we expect to deal successfully with these problems we must begin paying more attention to the needs of families. And we must start by asking to what extent government policies are helping or hurting families, and what kinds of support services should be available.

These hearings are designed to encourage exactly that kind of re-examination: they seek to explore how government policies in areas such as work, institutionalization, mobility, taxes, welfare and housing influence the lives of American families. Through the hearings, we hope to find answers to some of the following questions:

How does unemployment affect family stability? Do part-time or flexible work opportunities enhance the lives of families and children? Should children and youth be provided with more work opportunities, and more opportunities to observe and participate in the work experiences of their parents and other adults?

To what extent has family dissolution been caused by unnecessary institutionalization of children; premature removal of children from their families for placement in foster care; unnecessary incarceration of juvenile offenders; and requirements of hospital treatment for illness in order to qualify for insurance benefits? Do we provide enough alternatives such as day care, homemaker services, community based corrections programs or outpatient medical coverage? To what extent do these offer more promising results for children and families?

How does mobility—particularly forced mobility—affect families? Are there ways to deal more successfully with whatever problems result from mobility decisions?

How do welfare policies affect families and children? Do they provide a disincentive to stable families?

What is the impact of the tax system on families and children? Does it contain incentives or disincentives for family stability? Does it provide adequate deductions for the cost of raising children?

What has been the impact of urban renewal on families and children? What has been the impact of public housing regulations that require families to move once they earn above a certain income? Do zoning practices unnecessarily restrict the location of community based programs such as nursing homes in residential areas?

The task of considering the impact of policies on families and children will not be easy. Values, jobs, lifestyles and needs vary widely. To envision a single model family or a single way to raise children would do great damage to the pluralism and diversity that makes our country strong; would be beyond the legitimate concerns of government; and could produce at least as serious problems as ignoring altogether the impact of policies on families.

Our goals will be to identify and seek changes in arbitrary policies that place hardships on families with children; to develop policies that provide alternative ways of strengthening families; and to determine how we can provide the options and choices that families need to do their best job.

If we can make some progress toward these goals, and help make the question of how governmental policies affect families a larger part of the decision-making process, I believe we will have taken an important step toward increasing justice and opportunity for the children and youth of our nation.

STATEMENT OF MR. VINCENT P. BARABBA, DIRECTOR, BUREAU OF THE CENSUS

Mr. Chairman, I appreciate your invitation to appear before this Committee, to provide you with information on recent changes in the composition and characteristics of American families.

The family has been described as an institution that is essential to the perpetuation of society, as a demographic institution with the prime function of assuring biological and social continuity. The functioning of families

underlies the dynamics of population, as the numbers of births and deaths and the volume of migration emerge out of family dynamics. Statistical data collected by the Bureau of the Census in decennial censuses and current population surveys provide some essential information on recent changes and the current status of American families.

The "typical" family undergoes numerous substantial changes during the cycle of married life, from marriage through childbearing, children leaving home, and the eventual dissolution of marriage with the death of one spouse. The typical family itself has changed greatly over the past 20 years because marriage is now occurring about a year later, couples are having approximately one less child, and more couples are surviving jointly for a longer time after their children marry. Many more unmarried persons, especially young people and the elderly, have been establishing or continuing to maintain separate living arrangements apart from relatives.

Types of families.—The Bureau of the Census defines a family as a group of two or more related persons who live together in a house or apartment. Most families include a married couple who maintain a household, and two out of every three of the couples have children or other relatives sharing their living quarters. Statistics on families thus defined are available for dates back to 1940. Ever since 1940, close to 85 percent of all families were of the "husband-wife" type.

Thus, in 1940 about 27.0 million of the 32.2 million families were of this type, and in 1973 the corresponding figures were 46.3 million husband-wife families out of the total of 54.4 million families.

Although the number of families with a female head has constituted only about 10 to 12 percent of the families since 1940, these families are of special interest in the context of the problems of children and youth, and their numbers have been increasing rapidly during the last few years. During the 1960's these families increased twice as much as they had increased during the 1950's. In fact, during the 1960's they increased by a million (from 4.5 to 5.6 million), and by 1973 they had increased another million (to 6.6 million). The increase has been concentrated largely among families of divorced or separated women. Among white families in 1973, only 10 percent had a woman as the head, whereas among Negro families, 35 percent of the heads were women. Thus, the problem of female heads of families is disproportionately a problem of Negro families. Moreover, divorced women are twice as numerous as separated women among white female heads of families, whereas the situation is the reverse among Negro female heads.

The substantial increase in the number of families with a female head is related to many factors, including the sharply upward trend in separation and divorce during the 1960's and early 1970's, the rapid rise in female employment during the 1960's, the absence of many husbands from the home for service in the Armed Forces, and the continued increase in unwed motherhood.

Along with the increase in families with a female head has come an increase during the 1960's and 1970's from 8 percent to 14 percent in the proportion of persons under 18 years of age who were living with their mother only. This inevitably has meant that the proportion of young children living with both parents has been declining. Among Negro children under 18 years of age in 1973, the proportion living with both parents was only 52 percent, whereas 38 percent were living with their mother only, and 10 percent lived apart from their mother. Among whites, 87 percent were living with both parents. The sharp decline in the birth rate since 1960 has brought a corresponding decrease in the proportion of all children in the home who are of preschool age and an increase in the proportion who are of school age. The older children are of an age which makes it easier for the mother to care for them while she works in order to maintain a separate home for herself and the children.

Size of family.—Two interpretations can be given to the "average size of family": (1) the average number of children a woman bears during her lifetime and (2) the average number of family members who live together in a household including parents, children, and other relatives. According to the first interpretation, the average number of children per family among the children who were growing up around 1900 was four (about 4.3). By 1940 the average had dropped all the way down to two children (about 2.3), but by 1960 it had risen again to three children (about 3.3). The decline in fertility during the 1960's and early 1970's has once again lowered the average number of children to two per woman (approximately 2.4). These numbers include all children born alive during the woman's reproductive period, including any who may have subsequently died or left home.

The second interpretation of the size of family cannot be traced back to 1900. However, in 1940 the average number of persons related to each other and living together as one household was 3.8 persons. This figure declined by 1950 to 3.5 as the consequence of changes that occurred during the years of World War II and the immediately following period. By 1960 it had risen slightly to 3.7 as a consequence of the baby boom and remained at about that level throughout the 1960's. However, the effect of the declining birth rate in recent years has caused the average size of family, in this second sense, to fall once again by 1973 to 3.5 persons (3.48). Thus, the average number of family members has fluctuated since 1940 within the rather narrow range of 3.5 to 3.8 persons.

Ages and relationships of family members.—An important consideration in family analysis is the distribution of members between three age groups: the dependent young members, members in the main productive age range, commonly accepted as 18 to 64 years old, and the elderly. In 1973, the average number of members per family was 3.5, of whom 1.3 were in the young group, 2.0 were in the intermediate group, and 0.3 were in the elderly group. Actually, about four out of every ten families either had not yet had any children or their children had all reached 18 years of age. Therefore, if the focus is limited to those families with some children under 18, they had a larger number in the home, on the average, 2.2 children. About three-tenths of the children under 18 were under 6 years of age—preschool age—and the remainder were 6 to 17—school age.

As youths mature they generally leave their parental home to attend college, to obtain employment, and/or to marry. The median age at (first) marriage is now 23 years for men and 21 years for women. This is nearly one year older than the corresponding ages in the mid-1950's. Since men are usually older than women at marriage, they usually leave home at a slightly older age. Yet for both sexes combined, approximately one-fourth of the children 15 to 19 years of age have left home, and a large majority of those who have left home must be 18 or 19 years old. Only one-tenth of the children living with their parents are over 20 years of age, and the majority of them are 20 to 24 years old. Besides the family head, his wife (if any), and their children (if any), there are sometimes other relatives sharing the home. These other relatives constitute only 8.7 million, or less than five percent, of the 182 million family members in the United States at the time of the 1970 census. Of the other relatives, 2.5 were grandchildren of the family head, 2.3 million were parents of the head or wife, 2.1 million were brothers or sisters of the head or wife, one-half million were sons- or daughters-in-law of the head, and the remaining 1.3 million were uncles or aunts, cousins, etc.

Households with and without families.—The term "household" is used by the Bureau of the Census to mean the entire number of persons who occupy a house or apartment that constitutes separate living quarters. Most households have a family as the core members, but they may include partners, lodgers, or resident employees, and, again, they may consist of one person living alone. With the aging of the population, the expansion of social security benefits, and the increasing availability of housing, the number of elderly persons who maintain a household after all of their relatives have left the home has increased quite rapidly in recent decades. Moreover, an increasing number of young unmarried persons have been maintaining a home apart from relatives. Consequently, the number of these "primary individuals" with no relatives sharing their living quarters has increased from 10 percent of all household heads in 1940 to 20 percent in 1973.

Because the rate of household increase has exceeded the rate of population growth since 1940, the average size of household has declined. In 1940 the average size of household was 3.7 persons; by 1960 it was 3.3, and by 1973 it was only 3.0 persons. This decline reflects the net effect of changes in the birth rate and the decrease in doubling up of married couples with their relatives as well as the large increase in the number of one-person households among both the young and the elderly.

Particularly impressive has been the rapid rate of increase over the past decade in the number of young adults who have been maintaining their own households apart from relatives. The number of women under 35 years old living thus increased by one-fourth in the 1950's, and then the number doubled in the decade of the 1960's and increased an additional 40 percent since 1970. Meanwhile, the number of men under 35 years old maintaining an apartment or house apart from relatives has more than doubled each of the past two decades and increased 60 percent more since 1970. The recent rapid growth of apartment dwelling on the part of young "unmarrieds" has occurred at a time when college enrollment has been rising but college dormitory dwelling has decreased; and when more and more young people have been postponing marriage until after they have had a few years of work experience away from their parental home. The total number of these persons under 35 in 1972 who maintained a household apart from relatives was 2.8 million, three out of four of whom have never married.

The young family head of today is better educated, the median number of years of school completed by adults being 12.3 years in 1973 as compared to 9.3 years in 1950. The wife's task as a homemaker, with smaller families and modern appliances, is easier, and she has more education to prepare her to be a more stimulating parent and to help her to accept greater responsibilities outside the home.

Migration.—Most of the people who change their residences move as family groups or in connection with the formation or dissolution of a family. Every year about 20 percent of the population moves to a different residence. However, from 1948 to 1971, there has been little change in the pattern or percent of persons who report having moved in the preceding year, except for some recent decline in local movement. With minor fluctuations, of the 20 percent of the population who move to a different house, about 12 percent moved within the same county, 3 percent moved to a different county in the same State, and 3 percent moved between States.

Moreover, the percent of the total population born in the State where they currently live has remained relatively stable since 1850. For the country as a whole, this percentage has fluctuated between a low of 64 in 1860 to a high of 70 in 1940. Since 1940 there has been a slight but steady decrease of about 2 percent per decade to 65 percent in 1970.

The likelihood of moving is related to age. Typically, peak mobility rates occur among persons in their early twenties—the age when children normally have left or are leaving their parental homes and are in the process of finding employment, marrying, and setting up households of their own. Between March 1970 and March 1971, the residential mobility rate for persons 22 to 24 years old was 44 percent (48 percent if movers from abroad are included). After this peak is reached, mobility rates generally decline with increasing age. Persons who first married during the year had, as might be expected, an extremely high residential mobility rate of 83 percent.

Blacks have a higher residential mobility rate than whites. The residential mobility rate was 20 percent for blacks and 18 for whites between 1970 and 1971. The higher mobility rate reported by blacks, however, was due to greater local mobility, that is, movement within counties; 17 percent of the black population moved within the same county, but only 11 percent of whites made such moves. The migration rate, or movement between counties, was 7 percent for whites and 4 percent for blacks. Whites had higher rates of migration to other counties within States and between States.

Among men there is a clear relationship between employment status and mobility status. Both the local mobility rate and migration rate are higher for unemployed men than for employed men. Similarly, of men who were employed in 1970, both rates were higher for men who worked less than 50 weeks in 1970 than for men who worked 50 weeks or more.

Migration is also related to a person's class of work and occupation. The wage and salary workers are about twice as likely to move within a year as the self-employed workers, 19 percent and 10 percent, respectively. Self-employed farmers are among the least mobile and wage and salary farm workers are among the most mobile.

Families in which the wife works are more likely to undertake short-distance moving and slightly less likely to undertake long-distance migration than families in which the wife does not work. The wife's employment has a greater effect in raising the family's local mobility rates than in lowering migration rates. The migration of husbands interferes substantially with their wives' career development and in this way contributes to explaining why women earn less than men at the same age, occupation, and educational level.

Education also has a consistent effect on the migration rates of men. Among men 25 years old and over, those who had completed four or more years of college had higher migration rates than those who had completed only high school. Men who were high school graduates, in turn, had higher migration rates than men who had completed only elementary schools. On the other hand, men who were not high school graduates were more likely than better-educated men to make moves within the local community.

Married couples without young children are more geographically mobile than those with such children. Among husband-wife couples with children, ages of children exercise a consistent mobility differential; within families classified by age of the head, families with children under 6 years old only are the most mobile both within and between counties, followed by those with both children under 6 and 6 to 17 years old, and followed in turn by families with children 6 to 17 years old only. Female family heads with children are generally more geographically mobile than male family heads (wife present) at the same age and with the same number and ages of children present.

Frequent moving impedes progress in school for children whose parents are not college graduates. For children of college graduates frequent moving does not seem to hinder normal progress through the school system. Thus, children who have made several interstate moves are less likely to be behind in school than less mobile children simply because frequent interstate migration is most likely to characterize well-educated parents and well-educated parents tend to have children who do well in school. The predominance of the well-educated among long-distance movers and among those who settle in new residential developments may offer a partial explanation of the fact that growing communities tend to have children of above average scholastic ability.

Urban and rural residence of families.—The exodus of rural population to the cities has been largely a movement from farms to nonfarm areas over the last several decades. Farm families constituted one-third of all families in 1900, one-fifth in 1940, and only one-twentieth in 1970. However, there has been no absolute change of significance between 1940 and 1970 in the number of rural families—including the rural-nonfarm as well as the rural-farm families. In 1940, there were 14 million rural families and in 1970 there were also 14 million rural families. Thus, all of the increase in families between 1940 and 1970 has occurred in urban areas.

Employment of family members.—An important recent trend that has influenced the pattern of American family life has been an increasing number of multiple-worker families. In 1962, there were 16.1 million husband-wife families in which both the head and at least one other family member were in the labor force. This constituted 45 percent of all husband-wife families in which the family head was working. By 1972, this proportion had increased to 55 percent and the number had grown to 21.3 million families.

The primary contribution to this increase in multiple-worker families has been the growth in labor force participation among married women. For example, in 1950 less than one-fourth of the wives in the United States were in the labor force and for those women with children under 6 years of age the labor force rate was only about 12 percent. However, in 1972 over 40 percent of all wives were in the labor force, and even among those with children under 6 years old 30 percent participated in the labor force.

Several developments have contributed to making work in the marketplace more possible and more acceptable for many women. The expansion in employment opportunities for women is probably the most important factor leading to their increased labor force participation. One relevant development has been the growth in the service sector of the economy in general. Another has been the expansion in such fields as teaching and clerical work and also in retail trade (with its flexible hours and opportunities for part-time employment—characteristics important to married women, especially those with children). Also, there have been more opportunities to work as trained nurses and in other health fields which have been traditional enclaves for female employment. So important, in fact, have new openings in the service and white collar industries been to women that virtually all the increase in female employment between 1960 and 1971 was in one or the other of these two sectors, continuing patterns established between 1947 and 1960.

Other developments that have encouraged women to enter the labor force include increases in the earning potential of women resulting from better education; changes in attitudes about women participating in the labor force in general and in certain occupations in particular; efforts through legal and social means toward greater equality of opportunity for women in the labor force; and declines in the fertility rate.

Income of family members.—A particularly valuable socioeconomic indicator in the United States is the average amount of money income received by families. The different levels of income received by the various segments of the U.S. population can best be represented by median family income—a dollar value which divides the distribution of income received into two equal groups—half of the families having incomes below the median and the other half having income above it. The Bureau of the Census has published family income statistics annually from the Current Population Survey since 1947 and in reports of the decennial censuses since 1950. During the last two decades (1952–1972), median family money income in the United States has nearly tripled and even after accounting for the effects of inflation over this period, it has still doubled, resulting in higher levels and standards of living for the American family.

One of the main reasons for this overall increase in family income is the fact that more and more wives are going to work to supplement the family income and thereby taking advantage of increasing opportunities to achieve more comfortable levels of living.

In March of 1973 nearly 41 percent of the wives in husband-wife families were in the labor force, whereas twenty years earlier in March 1953 only 26 percent of the wives were working. The median income in 1952 for husband-wife families with the wife in the labor force ($4,900) was about 29 percent higher than the median income of families with the wife not in the labor force ($3,810), but between 1952 and 1972, this difference has widened in both absolute and relative terms. The median income of the husband-wife family with the wife in the labor force ($13,900) was 32 percent greater than that of the family with a nonworking wife ($10,560). Statistics from the Special Labor Force Report Series published by the Bureau of Labor Statistics for the years 1958 through 1970 support the observation that the wife's contribution to family income has climbed steadily in recent years. These data show that in 1958 the wife's earnings accounted for about 20 percent of total family income, but by 1970 her earnings accounted for 27 percent.

Although the Bureau has not produced any statistics on the contributions of family members other than the head or wife to family income, data have been published annually since 1948 on the distribution of family income by the number of earners in the family—including the head, wife, and other relatives with earnings. In 1948, only 10 percent of all families reported three or more earners but the corresponding proportion in 1972 had risen to 15 percent. In 1948 the median income of families with three or more incomes ($5,210) was 80 percent higher than that of families with one earner ($2,900), but by 1972 the median income of families with three or more earners ($17,930) was 89 percent greater than that of families with one earner ($9,490). Thus, the proportion of total family income that was contributed by additional earners has risen somewhat over the last twenty-four years.

This, then, is a brief summary of what our statistics tell us about the American family. Thank you, Mr. Chairman. I will be happy to answer any questions.

AMERICAN FAMILIES: TRENDS AND PRESSURES

(Opening statement by Dr. Edward Zigler)

I would like to thank you for the opportunity of testifying before this committee. I, as a long-time admirer of your efforts on behalf of children and youth, feel that your

activities are especially critical at this particular juncture in our nation's history of social concern inasmuch as the consensus among astute observers of our social milieu is that we have entered a fallow period in regard to any meaningful new initiatives on behalf of children and families. There seems to be a moratorium on any large and bold efforts to solve the problems plaguing many of our families. But for the fact that a few older programs, some of debatable value, are still in operation, the current attitude toward the crisis of the American family is one of benign neglect. This apathy, which has even overwhelmed once forceful advocates for children and families, can be traced to a number of causes.

In recent years, we have seen the two initiatives most critical for determining the quality of family life fail to become law: the Administration's Welfare Reform Plan and the Child Development Act of 1970. The considerable amount of effort and energy expended on these two pieces of legislation appears to have made people weary and to have given rise to a "what's-the-use?" attitude. In addition, a scholarly, but nevertheless questionable, literature has developed asserting that children's destinies reside in their genes, that admired preschool programs such as Head Start are failures, that variations in the quality of schooling make no real difference, and that a variety of recommended intervention efforts would probably be failures if implemented. This undue pessimism of the early seventies is greatly at odds with the optimism of the sixties, but, nevertheless, has fallen on receptive ears as it can so readily be adopted as the intellectual rationale for the apathy which seems to have infected so many of our decision and opinion-makers. The hearings which you will conduct here on the American family will serve as an antidote to the nihilism that I have been describing.

Whatever the attitudes or actions of decision-makers may be, the lives of America's families go on. In many instances, these families know exactly to what unreasonable pressures they are being subjected and which problems must be solved if their lives are to become more satisfying. The problem is as equally obvious to the family whose breadwinner works full time and whose salary is still below the poverty level as it is to the more affluent family which, because of inflation, is no longer able to meet its expenses. The working mother who cannot find satisfactory child care arrangements for her children at a fee she can afford to pay knows exactly what the problem is. No further analyses are necessary to illuminate the problems of Indian families whose children are sent to distant boarding schools or of families with severely retarded children whose only recourse is to institutionalize them in settings known for the dehumanization of their residents.

In other instances, many families experience a sense of malaise or a lack of self-actualization due to forces too subtle or too huge for them to fully comprehend. What must be noted here is that the family is but one institution in a complex ecological system consisting of a variety of other institutions. The family is in many ways unique since it lies at the intersect of all of the other institutions in our society and is therefore continually influenced by the policies being pursued by such institutions as government, industry, schools, and the media. When the government concerns itself with the movement of cars from place to place and uproots neighborhoods in the process, this has impact on American families. When industries pursue a policy of moving their personnel every three or four years, or when they convert to a four-day work week, this has impact on American families. When schools decide to treat parents as hostile outsiders or when they determine that day care for school age children is not within their legitimate charge, this affects American families. And when the media inundate our young and our not-so-young with the message that smelling good is the essence of social success and that families should be judged by the amount of things they possess, this, too, affects the American family.

I am in agreement that the American family is the foundation stone of our great nation. However, I am also aware that how well a foundation stone does its job is determined by the soundness of the material of which it is comprised and by the pressures to which it is subjected. I agree with many others who feel that a varity of historical, economic, and social factors as well as current pressures make family life in America more difficult today than it once was. I refer here to the decline of the extended family, to the extremely important phenomenon of the ever-increasing numbers of working mothers, to the increased mobility which has come to characterize the American people, and to those types of urbanization and suburbanization that tend to isolate American families one from another. All of these phenomena have taken away supports that families once relied upon. The wisdom of grandparents, aunts, and uncles is no longer readily avail ble to young families. The children of working mothers are without an essential nurturant figure for many hours of the day. The life of a mobile family is burdened with discontinuity and upheaval. Our communities are likewise in a continuous state of flux, so that families once able to rely on the immediate neighborhood for assistance in child rearing or crisis intervention find that they are no longer able to do so.

If all of this sounds unrealistic, I would invite any among you to ask yourselves if you know the names of the children living in homes three doors away from your own, and if the adults in those homes know the names of your children. Indeed, even within families there has been a demarcation of activities across age lines, so that parents no longer interact with their own children to the degree that they once did. We find more and more that children are socializing one another, to their own detriment and to the detriment of the quality of family life. The materialistic emphasis in our society is such that a father thinks that he is doing more for his family by obtaining a second job than he does by devoting time to his own children. Both long-standing male chauvinism and current excesses of the women's liberation movement have led to a devaluation of the role of the woman as mother and homemaker. We have deluded ourselves into believing that women contribute little to our nation's productivity by remaining within the home, although homemakers and economists alike know better. Unfortunately, such myths are translated into our social policy; note, for example, the feature of HR–1 which required mothers of children as young as three years of age to enter the work force if they were to receive benefits.

What we need now is not more rhetoric or empty platitudes concerning the importance of the American family but, rather, a close examination of families as they exist in their major current forms and a course of action directed at enhancing their viability. This is so obvious that one immediately wonders why no such effort has been systematically and continuously implemented by the federal government. The answer is simple and unfortunate. Unlike other democracies, America has never committed itself to a coherent family policy. We have avoided coming to grips with this problem by taking refuge in the view that the American family is so sacrosanct that the government should not meddle in its affairs. The fact of the matter is that the policies of the government, as well as of all the other institutions in the family's ecology, inject themselves into the affairs of families every day. These effects, as a totality, thereby constitute a national family policy by default, and it is my view that these effects are as often destructive as they are constructive to healthy family functioning.

Families are the constituencies of the elected members of both the executive and legislative branches of our government and, therefore, there is an attitude that families are everybody's business. However, in social policy making, when an institution is everybody's business, it becomes essentially nobody's business. Who in government speaks for families and advocates in their behalf on the basis of sound analysis? The one agency that could play such a leadership role in developing an explicit family policy is the Office of Child Development, providing that its mandate were enlarged and that it were to become both in name and in mission the Office of Child and Family Development. When I speak to you of a coherent social policy, I am not raising the spectre of family policies found in certain nations where authoritarian governments massively invade the everyday lives of the nation's families. There is no one at any point on our nation's political spectrum more opposed than I to this sort of governmental intrusion. When I speak of a family policy, I am speaking of a phenomenon not only in keeping with the American ethos, but with the best values and traditions of that ethos.

The construction of a family social policy at the national level would have three facets. First, it would involve identifying what major problems interfere with sound family functioning and determining what solutions to these problems are available, assessing the cost effectiveness of the various solutions that are suggested, and assigning priorities to the specific policies to be implemented. Secondly, a family policy would entail the continuous analyses of the impact of other governmental policies for their effects on family life, so that any cost benefit analysis of these policies would include in its equations the factor of whether the policy in question helps or hurts American families. Finally, a national family policy would make use of the regulating, taxation, research, and moral powers of the federal government in order to persuade other institutions to adopt policies conducive to healthy family life. Again, I wish to avoid the vision of the federal government acting as Big Brother. What I have in mind with respect to this third facet are such possible activities as providing tax credits to industries that provide day care, government-sponsored research to examine the effects of the four-day work week on family life or the value to both industry and families of tailoring the length of the work day to coincide with the length of the school day, and informational and technical assistance to schools willing to do more to strengthen family life.

I am aware that formal family policy construction will come slowly to America and I am certainly not here to present any highly-polished, final product. Rather, it is the purpose of my testimony to make this committee, and through it, perhaps, the nation, aware that we have no such policy and that we are operating instead with the aforementioned family policy by default. Your hearings will be successful if they do indeed produce an awareness on the part of the American people that the federal establishment seems to be less concerned with formulating a well-articulated family policy than with formulating an agricultural policy or a military policy. Then, at least, a dialogue could commence over exactly what role the American people would like to have the government pursue in regard to issues that affect how well the family functions.

There has, of course, never been a dearth of general suggestions as to what might be done to improve the lives of children and their families. Professionals, lay people, and even federal bureaucrats regularly convene

to make policy recommendations. Within the past five years or so, we have all had access to the deliberations and recommendations of the Presidential Task Force of 1967, chaired by J. McVicker Hunt, the Goreham Committee of 1967 which brought together persons from federal agencies dealing with children, the Joint Commission of Mental Health of Children of 1969, and the White House Conference on Children of 1970. The Office of Child Development will soon have available the report of the Advisory Committee on Child Development which was commissioned by OCD through the National Academy of Sciences and chaired by Harold Stevenson. The recommendations made in these various reports, though well thought out, have never received adequate response from either the executive or the legislative branches. One reason for the minimal impact of past reports is that there is something of the laundry list about them, with everything and anything that might help families included. If each and every recommendation had been acted upon positively, America's families would indeed be experiencing a modern utopia. Unfortunately, it is much easier to create paper utopias at conferences than it is to get a single piece of legislation with some minimal, but nonetheless obvious, benefits for families enacted into law. The fact of the matter is that our committees and commissions do not deal sufficiently with the economic and political feasibility of the many recommendations with which they present us. Furthermore, the producers of the plethora of recommendations that we have all examined are not sufficiently aware of the fact that social policy construction essentially involves establishing priorities and selecting among alternatives. This is, of course, not to belittle the efforts to which I have been alluding. As a body of work, this collection of recommendations comprises a conscience which the nation can employ when dealing with the problems of children and their families. Furthermore, it represents the raw materials that any administration or legislative body can utilize in the construction of a coherent national family policy.

Perhaps as a result of my two years of service in Washington, I am now so aware of economic and political realities that I cannot come before you to champion the frequently heard recommendations for improving family life, such as a guaranteed annual income of $6,000 for a family of four, and universal developmental day care available free to every family in America. If such phenomena ever become realities, it will probably be generations hence and therefore of little use to American families who need help now. I have much more modest aspirations for the actions that could be taken by this committee. I cannot help but think of an incident that occurred when, as Director of the Office of Child Development, I was informing an audience of the high quality of day care that was to be provided in the President's Welfare Reform Plan. A member of that audience asked why, if OCD was so concerned about the quality of day care, it was not doing more to improve the quality of day care already being provided through Title IV of the Social Security Act. Unfortunately, I had no very satisfying answer to this query and therefore did little more than waffle in the best, or probably worst, bureaucratic tradition. The point of this story is that, while this may not be the time for large new initiatives, it is certainly time for decision-makers to examine extant social policies and practices important to families so that we might at least correct those policies which are, at one extreme, thoughtless and uneconomical, and, at the other, involve the government as a co-conspirator in the abuse of children. It also behooves us to examine existing social policies for those features which are so valuable as to demand their greater implementation.

In dealing with current problems of the American family, certainly a government responsive to family needs must come to grips with the issue of day care for America's working mothers. This is a problem of immense proportions and one for which a solution is not attainable overnight. Its magnitude and difficulty of solution are so great that it appears more politic to ignore it than to engage in efforts that would be helpful to a relatively small percentage of families needing day care. What the nation really needs is a 20-year plan for a child care system that would involve realistic increments in public and private funding as the development of facilities and personnel warrants. Good quality day care was given the number one priority at the last White House Conference on Children. In a needs assessment carried out to develop a state plan for children in Texas, 60% of those queried spontaneously listed day care for their children as their most pressing need. While I think that the real solution of the day care problem can only come from careful long-term planning, there are several things that can be done immediately to improve the day care situation in our nation.

Approximately a billion dollars was spent in the last fiscal year by the federal government for child care, with the bulk of this money going to two programs: Head Start, administered by OCD, and the Title IV day care program, administered by the Community Services Agency within SRS. It should be noted that approximately one-third of the Head Start monies is being spent for day care for working mothers. There has been no real coordination between these two sizable programs, and the rules, regulations, and philosophy of each of the two programs are at odds with those of the other. Were these two programs combined and operated by a single agency, some order as well as new economies could be brought to the child care effort which the federal government is already funding. Indeed, such a combined program would finally give the nation at least an embryonic national child care system providing parents with a variety of child care services including the all-important service of day care for working mothers. Such a unified system could be held responsible for ensuring the quality of child care that is necessary if children are not to be harmed by programs mounted and funded by the federal government. I think that Head Start has been sensitive to the quality issue while the Title IV program has not.

When we think of day care, we often think of centers serving 30 or more children. This accounts for only a small percentage of the day care funded through Title IV. A much larger percentage of these funds is paid by local welfare agencies to unlicensed family day care homes which typically serve six or fewer children. Some of these homes are good, but others are ghastly and, thus, we are witnessing federal funds being spent to place children in circumstances detrimental to their development. If combining the Title IV and Head Start programs into an organized and unified child care system strikes you as a too demanding task, then I would suggest to the Committee members that they at least direct their attention to the problem of implementing and enforcing some minimum standards for every kind of day care that is subsidized by federal funds. Such a set of enforceable and realistic standards was developed under my direction at OCD and, after a close analysis by others within HEW, was approved by the former Secretary of Health, Education, and Welfare, The Honorable Elliot Richardson. These standards were then sent to the Office of Management and Budget over a year ago and, to the best of my knowledge have never again surfaced. Until such standards are promulgated and enforced, children will continue to experience the horrors documented in the Council of Jewish Women's report, *Windows on Day Care*. Even within the present framework, day care can be improved and made more available. Family day care can be of good quality and should continue over the years to be an important component of the total day care picture. It is necessary to provide day care mothers with training and general support by those equipped to give it. We have available to us common-sensical and practical models of how to do this. One good example of this is the Pacific Oaks model in which family day care homes are tied into a network with a central training and technical support facility.

The present day care picture also suffers from a serious lopsidedness in which concern is almost totally limited to the preschool-age child. The fact of the matter is that two-thirds of the children in this nation who require day care are of school age and need adult supervision before and after school and during vacations. Because of our slowness in developing day care models for school age children and inducing schools and other institutions to employ such models, we are now witnessing the national tragedy of over a million latch-key children, cared for by no one, with probably an equal number being cared for by siblings who are themselves too young to assume such responsibilities. The human cost of this situation to families and to the nation as a whole is great indeed. While there is an escalating concern over rising juvenile delinquency figures, few have forcefully pointed out the relationship between the growing phenomenon of young children socializing one another and the rise of delinquency. If this nation is interested in preventing the delinquency rather than punishing it, a major component of such an attempt would be an expanded school-age day care program.

Another child care problem that can and should be dealt with immediately is that of the need for personnel. Our nation simply does not have an adequate cadre of appropriately trained individuals to care for even the present number of children in our child care systems. The development of such a cadre should have top priority and should consist in large part of personnel whose salaries can be met without making day care costs astronomical. OCD moved forcefully into this area by creating a new child care profession in America, namely, the Child Development Associate. The national implementation of the Child Development Associate concept is now in the hands of a consortium consisting of major early childhood education associations and associations representing a variety of consumer and child advocacy groups. A key feature of this new thrust is that accreditation and certification would occur through demonstrated competency rather than on completion of academic programs. However, if this program is ever to produce child care workers in sufficient quantity, it will require the infusion of some new federal money, probably in the neighborhood of 10 to 20 million dollars. This is a relatively small amount of money when one thinks of the annual billion dollars being spent, much of which is buying poor day care primarily because well-trained people who can be employed at a reasonable cost are simply not available. While funding to the CDA program has, to my knowledge, been a feature of two bills, neither have been passed into law.

Let me now turn my attention to other problems facing children and families that are of such magnitude that they constitute a national disgrace. The foster care system in this nation is in need of a major overhaul. Often, the failure of this system can be traced to lack of money. In other instances, the problem rests on our commitment to questionable procedures and our failure to utilize

the know-how readily at our disposal. We find children taken from their homes because no homemaker services were available to aid the family through relatively short periods of crisis or stress. Such mother's helpers are readily available in nations such as Sweden and England, and it may be noted that this service is 13 times more available in England than it is in the United States. When children are placed into the foster care system, it is not unusual for them to be lost in its maze, being transferred from social worker to social worker, from family to family, without ever experiencing the stability, affection, and sense of belonging so necessary for normal development. In many cases, foster children are never returned to their biological families and, in view of the cost to the state of raising a child to maturity, estimated to be between $40,000 and $60,000, one might ask why such children are not permitted to be adopted by families who can provide them with the emotional environment they so badly need. The answer resides in controversial policies of our state social welfare agencies. For instance, in New York, a foster child cannot be placed for adoption if the biological parents do so much as send one post card per year to the child.

What is tragic about this state of affairs is that much of it can be avoided. I would refer you to a demonstration project funded by OCD's Children's Bureau and conducted in Nashville, Tennessee. This project, involving comprehensive emergency services for children, is now beginning its third year. As a result of its activities, whereas 322 children were placed in children's institutions in 1969, only 22 had to be so placed in 1972. In 1969, almost 200 of these children were less than six years of age. During the past six months of this program, not a single child under six was institutionalized. The Nashville program is an excellent one and there is no reason that it cannot be implemented in every community in America.

This nation must do all it can to help children out of institutions. It has become all too apparent that the typical large institution, be it a state hospital for the emotionally disturbed, a school for delinquent boys, or a state school for the retarded, is destructive to the lives of children and a source of despair for these children's families. This situation was made abundantly clear in the impressive documentary entitled, "This Child Is Labeled X." While we should do all we can to avoid institutionalizing children and to remove from institutions children who do not belong there, some children absolutely require institutionalization.

Given my own 15 years of professional activity in this field, I am particularly concerned with the lives of institutionalized retarded children. The Willowbrooks, the Rosewoods, the state schools of Alabama, are all too representative of what our institutionalized retarded children experience. This committee is to be commended for the light it has shed and the action it has taken regarding the problem of parental abuse of children. However, if our nation is concerned about child abuse, it must take immediate action on the legalized abuse of children in our state institutions. These institutions invariably receive federal funds which makes the national government a co-conspirator in the abuse to which these children are subjected. A national effort involving the cooperation of the federal and state governments should be immediately begun to correct the national disgrace of our treatment of institutionalized children. My own research as well as the experience of the Scandinavian countries indicates that humane institutionalization constructive to the child's development is possible if we would simply commit ourselves to such a policy. Given the numbers involved, I would give first priority to the problem of institutionalized retarded children.

Finally, I would propose a much expanded effort related to education for parenthood. A small program has already been initiated by OCD and the Office of Education which makes available to schools and youth organizations model courses in parenthood prepared for an adolescent audience. An important feature of this program is that it allows adolescents to work with younger children in Head Start and day care centers as part of the curriculum. We must convince schools and other institutions that they must provide increased support for family life. Teaching young people about the most important role they will ever assume, namely, parenthood, is one such effort. Others should also be undertaken. Schools could become involved with families long before children reach school age. They can provide needed information to mothers beginning with pregnancy and become a meeting center in which mothers and fathers can learn from one another by exchanging knowledge concerning cognitive and emotional development that can be most helpful to young parents in their child rearing tasks. Model programs of this type are already underway in the Brookline, Massachusetts, and Little Rock, Arkansas, school systems. Child support centers need not be confined to schools; a number of effective non-school models are also available needing only greater implementation. I am thinking here especially of the Parent and Child Centers administered by the Office of Child Development and certain more experimental programs being conducted at the University of Florida, University of Illinois, and Syracuse University. I also see great promise in the experimental Child and Family Resource Program recently initiated by the Office of Child Development. This program has created centers which provide a wide array of needed services to children and their families.

Let me conclude by saying that it is my conviction that we can spend the money that we already have at our disposal more effectively. We certainly know how to do much more than we are presently doing. Frequently, relatively small expenditures will result in the correction of many practices which currently are detrimental to family life. Perhaps we cannot reasonably expect at this point major new commitments, but we can and should demand the rejection of apathy and negativism and expect a renewed commitment to the proposition that families are indeed important and that it is the federal government's role to reduce the stresses and to meet the problems confronting families. Such a renewed commitment would at least constitute a first step in developing a real family policy for America.

STATEMENT OF ROBERT COLES, M.D.

Since 1960 I have been working with a range of American families: rural black families of the South; white families from the region's small towns and cities; migrant farm workers' families; Appalachian families; white and black working class families who live in our Northern and mid-Western cities, or to their near suburbs, so-called "streetcar suburbs"; Chicano and Indian families out west; Eskimo families in Alaska. I have also visited the very well-to-do families whose lives intersect with these people—the plantation owners, farm owners, factory owners who hire and fire, issue orders and expect compliance. As a child psychiatrist, my particular interest has been the children of these families: how do boys and girls grow up under the swiftly changing circumstances of our time—a momentary crisis in this nation's history? But no one can speak with children long without coming into contact with their parents and grandparents, their grown-up next door neighbors. So, the three volumes of *Children of Crisis* I have to this date written (Volume I: *A Study of Courage and Fear:* Volume II: *Migrants, Sharecroppers and Mountaineers:* Volume III: *The South Goes North*) give one observer's view of how certain American families are managing, often in the face of severe stress; I hope to complete the series with two more volumes: Volume IV: *Chicanos, Eskimos, Indians:* and Volume V to chronicle the way children grow up who belong to families from the upper middle class world.

Rather obviously one can single-mindedly study the difficulties certain children have, the economic forces that exert themselves on certain workers, the pressures certain mothers have to deal with as they try to get a good education or proper medical care for their children. But in each instance there is something larger at stake—workers or housewives or children belong to families, and what is experienced by one person in a family soon enough affects others who belong to that family. We tend to think of a child with problem A, a man who is going through dilemma B, a woman who faces struggle C; in fact, it is entire families which rather quickly have to respond to the various impasses or quandries particular individuals have to deal with. Perhaps the only thing I can do before this subcommittee is indicate some of the pressing issues I have witnessed American families facing in recent years—often with little or no help from others.

To start, there are families headed by fathers who can't find work. Today many claim to be tired of hearing about the poor—or picture them hopelessly their own worst enemies: lazy, indifferent, wasteful, given to bad habits. Yet, I think of Kentucky or West Virginia counties I have worked in, where one meets in town after town, and up hollow after hollow, tall, sturdy, decent and honorable men, yeomen descendents of people who came to this country centuries ago, explored it and helped build it—and those men are idle not by choice or out of personal inadequacy or wrongdoing, but because there is no work. The same situation holds in other counties in other regions of this nation—and the effect upon thousands of families is the same: fearfulness, anxiety, sadness, a sense of desperation and futility. A jobless man's situation becomes a wife's mood, a child's feeling about what is in store for him or her, too—all of which is the purest of common sense. Yet, I fear we sometimes don't want to notice what is thoroughly obvious and evident.

Then, there are families where the father works alright, and maybe the mother, too. I think at this point I had best let a factory worker speak: "Work: I have plenty of it—so much that it's my whole life. I work my regular shift, then I work over-time—whether I want to or not. Like I say to my wife: it's a bind, because we need the money, just to keep our heads above the water, but it means that I practically never get to see the kids, except on Sunday, and then I'm so tired I can barely do anything but sleep and eat and get ready for the next week. My wife is working too; she has to—or else we'd be drowning in bills. As it is, with the two of us working, we're still in trouble. The money just pours out, as soon as it comes in: food and the mortgage and clothes and the dentist for the kids' teeth and the doctor for my girl—every week. My brother, he doesn't work over-time, but the poor guy had to take a second job on Saturday, or else he told me he'd be borrowing from me. 'Don't try,' I told him: I have none to lend anyone.

"I feel like a guy running hard just to keep in the same position. And let me tell you, it makes a *difference* at home: my wife feels it, so do the kids, when you're living like that. The other day I went with my wife and daughter to the doctor's. He wanted to see both of us. I had to call in 'sick'; you don't get days off in my plant without a month of red tape—only that two week vaca-

tion once a year. We went to the doctor's office, and then we went over to the hospital and we met another doctor; he's a bone specialist. Then I took my wife and daughter to lunch. I decided to splurge—a restaurant instead of the hospital cafeteria we're used to. We were sitting there and I was trying to have a good time and so was my wife, and our girl. She was in seventh heaven. But every once in a while my wife would look at me and I'd look at her and we'd both look back at the prices on the menu, and I'd swallow so hard I was afraid I was choking.

"But we tried to be cheerful for the sake of the kid, and I kept reminding myself that I could always go and get an odd job on a Sunday, if worse came to worse. So, we kept talking and I told my daughter she could have anything she wanted. But she is such a good kid; she said, 'Daddy, just a hamburger, and I hope it's not too expensive.' I told her no, no. Then I sat there, and the next thing, she and her mother went to the ladies' room, and I was sipping my coffee and wishing it was a beer, and all of a sudden I hear these guys behind me talking. They're arguing, only they're laughing at the same time: 'No, I'll take it,' one says, and 'No, I'll take it,' another says, and finally there's a third guy and he says, 'Look, it'll all come out of the United States Treasury, so why should we argue over the check!' For a second I didn't even know what they were talking about, but all of a sudden it dawned on me: they're having their lunch on *me*, that's what. They skim off all that tax money from me every week, and who has the time or money or know-how to get back even a small amount for deductions? Meanwhile, these guys are writing off their lunch, and tomorrow they'll have another 'business' lunch, and God knows what else they're writing off. Can I write off the money I spend taking my kid every week into the hospital; the bus and subway both ways, the lunch she has with her mother, or this time with both of us? You can live off the fat of the land in this country and the ordinary wage-earner, he's the one who pays for it with his taxes. They have the oil-depletion allowance. We're so tired by Sunday with work and over-time and odd jobs now and then and my wife's work—well we're running out of oil ourselves!"

He lives in a neighborhood of working-class families west of Boston, and as I think of the problems I have met up with that his family and others like them face, I can only contrast the attitude our society has toward those families—as measured by laws passed, money expended, institutions supported—with the eagerness we have shown to support other elements in our society. There are dyslexic children, one in ten of all our children, plagued by a medical and educational difficulty which becomes for thousands of families a prolonged and bewildering crisis: what is wrong that my child, apparently so intelligent, can't read, and what can I do—to whom can I turn? To whom, indeed? How many cities or towns have the doctors and teachers who know how to diagnose and come to terms with this widespread difficulty? (Again, it affects whole families, not just the child.) There are runaway children and youth—living symbols of troubled families. A horrible story in Texas crosses our television screens, and for a moment we are appalled; something ought to have been done! But what—and by whom? What are the parents of runaways to do, to whom are they to go, and with what hope of getting the kind of help they need? The police say it is not their problem. Teachers have their own field to plow. Doctors are too busy or too expensive or too few in number—and on and on. Then there are "battered children" whose bruises, inflicted by parents, unfortunately make up only the more apparent evidence of family disorder. Or the plight of families that have a retarded child, an emotionally distressed child, a child plagued by severe or chronic illness, a child who is blind or deaf. Do we need yet additional studies to document the inadequate facilities or professional help or the overwhelming financial burden such children or their parents, such *families* have to sustain?

Nor only are the poor or working-class people up against hard-to-solve family problems. In the course of my work in the Southwest I talked with a man who manages a factory just outside of Albuquerque. He was proud of his company's policies toward Spanish speaking people—and it was on that account that I was seeing him: to find out how some of the Chicano people I knew were getting along at work. "They're doing fine," he told me. "We have some problems, but mostly it's fine." A while later he gave the conversation a dramatic shift: "I wish someone would worry about *my* family. Everyone worries about the minorities. My wife says she's sick and tired of hearing it: the minorities *this* and the minorities *that*. Everyone here worries about Mexican-Americans or Indians. Back East it was the blacks. Life is no picnic. I think someone ought to go study us. Look at my family—first I was in the army, moved about from base to base; then I got out, and I started working my way up in the company. It's been one move, then another. My children know how to smile and tell everyone they love it, they just love it, because they see the country, the whole world. But I hear them giving to the city we are in the name of the city we were in, and I hear them telling their mother that they miss so-and-so, and somebody else—and I stop and ask myself: for *what*, that's right, for *what* is all this moving about? To rise, to make more and more money? That's fine—but there comes a time when you begin adding up the costs, and you get a sick feeling in your stomach: you're paying for 'success' with your family's blood! You mentioned those migrant workers a while back; well, we're migrant workers, too. I'm not asking for anyone's pity, mind you. I love my work. I'd do it again, if I had a choice. I just want to go on the record: no one has a complete monopoly on problems!"

One can only agree. One can only warn, too, against the danger of quickly conceived "solutions," however generous and well-intentioned. The family, poor or middle-class or exceedingly well-to-do, stands in the midst of dozens of "forces," private and public, neighborhood or emanating from far off Washington, D.C. Laws affect families; customs do; and needless to say, economic cycles. Then, there are social upheavals, wars, court decisions: a boy goes to war, abortion is declared legal, mortgage rates spiral upward, a company lays off workers, a new tax law goes into effect, school desegregation begins or a new bussing program to ensure it starts—those are just some of the more obvious "events" which for millions become intimate family matters. I would hope that American families get close and sustained scrutiny from this committee and elsewhere. Many of the families I visit are for one reason or another in some difficulty; but for the most part they are working hard, or trying to, each member in his or her own way. Often they are isolated from other families. Often they have small or no contact with schools, never mind the other institutions which affect them—a city hall, a medical center, a tax or transportation or communication "authority". To call upon the worker I quoted earlier: "Who asks us anything? Do they really go out to us, try to let us know in advance what they're thinking of doing in the schools, or about a road they're building, or about the kind of television our kids are going to be looking at? You hear all the time that people don't care, they're apathetic. But it takes two: the companies and the government—do they really want to get a lot of people down their backs, speaking up with their ideas? I doubt it. It's easier just to go ahead and start something, then take on the few people who complain! Sure I'm tired, and how many hours do I have left each day, when I come home? But if there was something really important going on—some meeting or program that affected my wife and kids, that really meant something to us, I'd try to find the time."

Hopefully without being presumptuous, one is entitled to be a touch skeptical. Just as some youths, whatever the government suggests or offers or prompts—through a Peace Corps or a Vista—show little interest in idealistic social or political activities, so a good number of families are quite insistent that, whatever their troubles, they and they alone will come to terms with them. On the other hand, there are many youth who do indeed want to exert themselves on behalf of others, but find no real opportunity to do so; and there are many families who know full well what they and others like them need and might respond to: new and stimulating ties with schools, with hospitals, with certain governmental agencies, with regulatory agencies of various kinds—sanctioned and encouraged rather than sporadically allowed in response to some crisis: a highway to go through a neighborhood; an airport being enlarged; a court order for desegregation; a new curriculum, emphasizing sex education.

I want to be cautious at this point. The people in the families I visit have no interest in being subjects of yet another "social experiment"—with bureaucratic red tape, a new army of "professionals," all too sure of themselves, and maybe brazenly intrusive when it comes to others. Enough rights of enough citizens have been violated in this country over the years without subjecting families to well-intentioned laws which may, finally, render them increasingly vulnerable to the political power of the state. It behooves people like myself, anxious for various social changes, to remember that federal authority, especially when directed at something as ultimately individual, and one hopes, private as a family must be carefully wielded indeed. But equally important is the almost crying need one hears over and over again for various kinds of help or direction on the part of particular members of various families. And there are the questions; over and over they get repeated as one becomes a regular visitor to homes: What is happening to this country—with the ever rising delinquency in middle class neighborhoods, never mind the ghetto? How can we deal with the drug problem—as a family, and before a legal problem develops? What do we want our children to believe in—apart from winning or succeeding or getting ahead? What should they learn in school, apart from "reading, writing, arithmetic"? Who can one turn to—in this enormously complicated and increasingly impersonal society? Those are the actual questions of parents I have known, and there are others: why do I have to move, just when I have settled in? Why do I have to move, just because I'm making a little more money, and they say I don't belong here, in the "project"? Why do I have to move—because it's "company policy", they say, just like they used to say, when I was in the army, "because Uncle Sam says so!" Why do I have to stay away from my husband, in order to get welfare money; I mean, he can't find a job, and I have children to feed, and isn't it a job, taking care of children, bringing them up, so why do they come here, the welfare people, and make me feel like two cents, and my kids, too? Why do they tell me one thing about my child, then another, call him "sick" or a "severe delinquent", then take him away, then bring him back: I mean, why don't they sit down and try to teach me, so I can help my boy and help the rest of the family, and not always be appearing in court with him?

Perhaps some of those questions are plaintive or self-pitying. Perhaps there is little the

federal government can do to supply answers to them. Yet, it is the federal government which writes tax laws, earmarks funds for schools, courts, hospitals, housing projects. It is the federal government which helps build roads and airports, which licenses television stations, sends men from military post to military post, influences in all sorts of ways various business and economic policies. And it is the federal government, through what it does or does not do, which affects family life in America initimately: by a failure to help through tax legislation the worker I quoted from, whose wife makes a weekly trip with their daughter to a doctor's office and then a hospital, the government is making a judgment about this aspect of family life in America. I hope this subcommittee will spend a good deal of time listening to various American families and to those who work with them and try to be of help to them—and eventually, perhaps, find itself in a position to make some judgments of its own about how more American families might live what they feel to be less harassed, calmer and surer lives.

TESTIMONY OF DR. JAMES J. O'TOOLE

Mr. Chairman, members of the subcommittee: This morning I should like to make a few brief remarks that are a distillation of the report on *Work in America* and this last summer's Aspen workshops on Education, Work and the Quality of Life. For the record, I would like to submit documents from these two projects as extensions of my remarks.

I shall confine my comments here to some of the national labor and welfare policies with which you are concerned, and particularly to how these policies relate to family life in America. My testimony is in three parts. First, I shall present some evidence about what work means to the life of an individual. Specifically, I will focus on the effects on family structure of either the lack of work or of work that offers insufficient financial, social or personal benefits. Secondly, I shall present an illustrative framework with which one might view the impact on the entire generational spectrum of Americans of the way we allocate work opportunities. Finally, I shall present an argument for a reformulation of national work and welfare policies in order to strengthen family ties among the poor.

I. WORK AND FAMILY STABILITY

Work is a word that is overworked by politicians, news commentators, educators, clergy and parents. That we use it indiscriminately and incorrectly in common speech is of little consequence to the subcommittee, but that we define work narrowly and carelessly in the creation of federal policies and programs should be of prime importance to these investigative hearings. In almost all federal programs, work is equated with paid employment. Using housework as an example, we can see the harmful social, economic and psychological consequences of the current definition. A housewife, by this definition, does not work. But, ironically, if her services are replaced by a housekeeper, a cook, or a babysitter, these replacements are defined as workers because their salaries contribute to the Gross National Product.

It is clearly an inconsistency to say that a woman who cares for her own children is not working, but if she takes a job looking after the children of another woman, she is working. The economic consequences for mothers and their children of this logical inconsistency are seen in the eligibility requirements for federal programs in welfare, child care and social security, to name only a significant few. In social and psychological terms, this equation of work and money has produced a synonymity of "pay" and "worth." Accordingly, work that is not paid is not considered to be as valuable as paid work. One wonders what the effects of this denigration of unpaid work are on the current, apparent unwillingness of some mothers and fathers to devote time to the proper care and upbringing of their children. As a society, we may have dangerously downgraded the most important work a human can perform.

For the sake of our children—and the future of our society—an alternative definition of work might, therefore, serve as a better guide to policy makers in the Congress and in federal agencies. The *Work in America* task force suggested that, for official purposes, work should be considered as "any activity that produces something of value for other people." This is more than a semantic quibble; we shall see the operative importance of a redefinition of work when we come to our discussion of welfare policies.

Now that I have offered that it is useful to view work as an activity that produces something of value for other people, I would like to call attention to the things that work produces for the worker himself. The first personal function of work is economic. We work to provide food, clothing, and shelter. There are also several less obvious psychological purposes or functions of work:

1. Work contributes to self-esteem—Through the mastery of a task one builds a sense of pride in one's self. The job tells the worker that he has something of value to contribute to society. The work place, then, is the major focus of personal evaluation.

2. Work is also the most significant source of personal identity—We identify who we are through our jobs. We say, "I am a college professor" or "I am a housewife" when someone asks "who are you?" A consequence of this work-connected identification is that welfare recipients and the retired become nobodies.

3. Work is a prime way for individuals to impose order, control or structure on their world. From this perspective, we see that the opposite of work is not free time or leisure; it is being victimized by disorder or chaos.

In short, work offers the individual self-sufficiency, status, identity, self-esteem and a sense of order and meaning. Consequently, if the opportunity to work is absent, or if the nature of work is not sufficiently rewarding, severe repercussions are likely to be experienced by the individual worker and his or her family. To document this relationship, I should like to refer to findings from several major studies of family life and employment:

1. Loss of work has been found to produce chronic disorganization in the lives of parents and children. Among the long-term unemployed, attitudes toward the future and towards the home and community, have been shown to deteriorate. Family life loses its meaning and vitality for these individuals.

2. The children of long-term unemployed and marginally employed workers uniformly show poorer school grades.

3. Despite the popular notion that unemployed people fill their free time with intensified sexual activities, studies show that the undermined egos of former breadwinners lead to diminished libidos

4. The physical and mental health of the unemployed tends to deteriorate. For example, there is a clear correlation between unemployment and the onset of schizophrenia.

5. There is a demonstrable relationship between a family breadwinner's work experience and family stability. Sociologist Frank Furstenberg reviewed 46 separate studies of work experience for the *Work in America* project and concluded that "economic" uncertainty brought on by unemployment and marginal employment is a principal reason why family relations deteriorate."

6. Sociologists have attributed the high rate of illegitimacy among poor people to the occupational uncertainty of men. Lee Rainwater found expectant mothers rejecting marriage if their sexual partners were unemployed or had poor occupational prospects.

7. Manpower economist Michael Piore has developed a Dual Labor Market Theory that helps to explain the relationship between the nature of employment and the ability to sustain a nuclear family. He describes a secondary labor market that is distinguished by low wages, poor working conditions, considerable variability in employment, little security, harsh and arbitrary discipline and little opportunity for upward mobility. Poor people are drawn to this market because they do not have the social or skill characteristics required for employment in the primary market. What is significant for these hearings is that Piore has shown that the secondary market does not meet the social and economic requirements of those who wish to establish a stable family.

8. Anthropologist Elliot Liebow has found a relationship between the frequency and nature of employment of men on the one hand, and their willingness to form stable, nuclear families, with the mothers of their children on the other. Liebow's landmark research among ghetto dwellers in the District of Columbia offers the most poignant evidence we have of the correlation between mother-headed families and the underemployment and unemployment of street corner men.

9. My own research in Watts in Los Angeles and among the non-white population of Cape Town, South Africa reveals a striking similarity in family structure in these two geographically distant communities. In both Watts and Cape Town, there is a high percentage of mother-centered families found among the poorest people. In both communities, mother-centered families are more frequent when the father is chronically unemployed, employed irregularly or employed in a job that will not permit him the social and economic dignity and security needed to assume the breadwinner's role in his family.

10. Divorce and separation rates for the poor are not greatly different than the rates for the middle class. Significantly, however, the *remarriage* rate among the poor is considerably lower than among the middle class. Poor women, once they have been the victims of an unsatisfactory marital experience, tend to be unwilling to repeat the experience with another high-risk mate. For this reason, and not looser morals, statistics for mother-headed households are higher among the poor. Unemployed or underemployed men simply are not seen as good remarriage material.

In summary, the evidence is overwhelming that unemployment and underemployment among breadwinners is the primary factor leading to continued marital instability among the poor. The absence of work, or work that fails to fulfill the function of economic security, self-esteem, identity and a sense of mastery over the chaos of one's environment, will not provide the stable basis required to build a lasting familial relationship.

II. ACCESS TO WORK

Although the work and family problems of the disadvantaged deserve the lion's share of our attention because these problems are so terribly damaging to human development, it is still worth a moment to analyze the way we allocate access to work across our entire population—if only to put the problems of the poor in sharper focus. This not terribly sophisticated perspective, illustrated on the chart I have posted, serves to point up differences in sex, race and generational access to work and helps us to identify some of the possible effects these differences might have on family life. In looking at the chart, we should keep in mind that most of the major pieces of federal social legislation either are responsible for the divisions and problems

that we find here, or they were designed to support existing divisions.

I should like to make three preliminary points about the uses of the chart. First, the way in which our society is now structured *promotes* a particular canonical path through life for its individual members. The ways in which we are supposed to attach meaning to life, to develop opportunities, and to generate our senses of societal purpose derive their sanction from the architecture of our culture.

Second, certain of our social structures do not do very well what they are meant to do. What I wish to emphasize here is that even the established and approved ways of living are difficult to come by.

Third, probably no one passes successfully through life along the prescribed canonical path. There is nevertheless the likelihood that those of us who do not proceed down the mainstream do so with a lively awareness of the tension between our own choices and the path which is supposed to be encouraged. Although few approach the norm, it is the norm against which people measure themselves.

The chart helps us to visualize the canonical path that begins with an infancy of two or three years, during which the family is the controlling presence. As in traditional societies, the family is the basic unit which embraces living, working, and learning. There follows a period of childhood, when peer groups, the school, and, especially recently, the various media compete in influence with the family. During the period of youth—which is more and more being prolonged—it is the institution of education that becomes a controlling presence: today, the structure of our society prescribes that youth means schooling, mostly formal. Here, too, but growing less common, may be located some first passes at trial employment.

Freed from the educational institution, the new adult embarks abruptly on his career. His work occupies most of his time, and it is sharply set off from his two other prime concerns: leisure (the whole nexus of entertainment, social and civic and recreational activities, and whatever amount of continuing education he decides to engage in), and, most importantly, family. And at the end of his working life—which is more being shortened—the adult enters a period of retirement. Free time, either voluntary, enforced, or some combination of the two, becomes the key motif. His dependence increases as he becomes older, and finally he may be placed in an institution at the approach of death. Viewed in this manner, life becomes a kind of maintenance path along which we are expected to slide irreversibly.

For which groups is society not prepared to ease the passage along the linear progression? An obvious group—suggested by the fact that we use the masculine pronoun when we describe the canonical path—is women. In spite of our equalitarian motives, girls and boys do not receive the same kind of socialization and education. Nor, perhaps, should they. Nevertheless, girls' expectations of life are different because they are taught to stake different claims on life. Sex stereotypes and the role which they play in encouraging widely divergent life choices have only recently begun to be understood. On the whole, it is still very much the case that the careers which girls are supposed to pursue are meant to be secondary to the careers that men do pursue. John will grow up to be a lawyer, Jill his secretary.

And the labors in the home and with their children that adult women engage in are not "really" work, because they are not rewarded financially, as I have said. And a lifetime of housework does not provide eligibility for retirement.

Disadvantaged minorities, too, are not well served by the canonical path. They receive inferior educations, and they experience difficulty in entering and staying in the work world. At the end, they often find themselves without adequate retirement funds. Other outgroups—the insane, the chronically ill, the involuntarily unemployed—spend their lives in warehouses designed to contain them. Adulthood, for them, is not a period of earning which follows education. It is not a period in which work supports family and leisure activities.

What this chart helps us to do, then, is to identify certain problems associated (a) with the ways we divide the time of our lives, (b) with the ways we provide access to institutions like work and the family that validate our legitimacy as contributing members of society and (c) with the ways our national programs and policies support the current structure. Let us further examine four of the problems.

1. THE SEGMENTATION OF LIVES

As I have said, most working Americans follow a monolithic path through life in which education is synonymous with youth, work with adulthood, and retirement with old age. Several problems result from dividing life into these discrete, age-graded functions:

Work, "the badge of adulthood," is the only fully legitimate activity of maturity. There is "something wrong" with someone who is not working: the adult non-worker is considered to have and to be a social problem. Women who take care of their children, the unemployed and the underemployed, the dropout, the elderly—none have full "working identities." They suffer both economically and psychologically from their second-class status, and so are excluded from some of society's rewards. If one were to place a transparent overlay on our chart that listed the major federal programs and the age groups they were designed to serve, we would find that the programs encouraged this segmentation of lives and did little to help the groups excluded from the mainstream. For example, almost all of our educational expenditures go to the age group between six and twenty-six. Our approach to the excluded is to build warehouses—jails, mental institutions, youth and age ghettos—rather than to integrate people into the community through providing them with jobs.

Family activities are segregated from other activities. In the middle years of life, particularly, the worker is separated from his family for many hours during the day. Often, workers must choose between their jobs and their families—and many men (and, now, increasingly, many women) choose to sacrifice their families for their jobs. Indeed, it is not overstating the case to say that many children today are raised by one parent only—during crucial stages of growing up, the fathers of these children are too occupied with career matters to take an active or significant role in their upbringing.

2. THE SEGREGATION OF GENERATIONS

Education, the activity of youth, occurs at schools, which become youth ghettos. Work, the activity of adulthood, is performed in similarly age-segregated institutions. Retirement, the activity of the aged, occurs increasingly in "leisure communities" cut off from the rest of the world, both spiritually and physically. As a result the segregation of generations becomes a corollary to the segmentation of lives.

Young people seldom, if ever, see adults at work. As James Coleman and Urie Bronfenbrenner have noted, this leaves youth improperly socialized to the work world and prolongs their adolescence. Such problems as campus unrest and drug cultures may result from this age segregation.

Cut off from older generations, from aspects of the essential guides of experience, tradition, and history, young people face a special difficulty in coping with important value questions in our rapidly changing society.

3. ACCESS TO WORK

One of the clearest social problems in the society is the scarcity of jobs due to the national choice of low inflation over low unemployment. But this scarcity does not run evenly across the demographic groups of society; indeed, for middle-aged white males the problem is minimal. To keep the problem at bay for this group, we have kept young people out of the labor market until they are older and retired workers at an earlier age. To create employment for middle-aged women in answer to recent demands, we have increasingly excluded the young, the old, and minority men from the work force.

4. INSTITUTIONAL FLEXIBILITY

Most jobs are organized in an authoritarian fashion built upon the ethic of conformity and obedience learned in the schools. They follow a model of set and simplified tasks, rigid schedules, and tight discipline and control. This has significant consequences for family life. Shift work, for example, has been shown to have a devastating effect on marital stability. More important, perhaps, research shows that adults who work in authoritarian settings impart a sense of inadequacy to their children. These children tend to adapt poorly to change and to have trouble succeeding in school.

Most of us work from 9 a.m. to 5 p.m. for fifty weeks a year. These forms apparently suit many individuals. Increasingly, however, workers—particularly the young—are demanding greater flexibility on their jobs: in scheduling, in educational opportunity, in clothing, in personal autonomy and in job design. From the point of view of family life, it has been suggested that we need more half time jobs so that mothers and fathers can each have a paying job and can each spend half a day with their children. Alternatively, if one parent wishes to devote himself or herself full-time to child care while the other works half-time jobs will offer the opportunity for work during school hours when the child grows up.

I have offered here only a partial catalogue of problems related to family and working life. As a society, we can organize the blocks of time on the chart in any way we see fit. What appear to be natural divisions are actually the artifacts of one particular society. For example, the length of adolescence is as arbitrary as what we eat for breakfast. It comes as a surprise to many Americans that adolescence does not exist in many cultures. But I assure you that that is as true as the fact that not all peoples eat eggs and bacon for breakfast.

But that we can change these blocks of time around at will does not argue that we should. Indeed, great questions of personal values and individual freedom are involved in meeting any of the problems that I have outlined. Given the myriad alternatives before us, and the lack of consensus in favor of any one alternative, I would argue that we should concentrate our national efforts on eliminating the gravest injustices of our society in this area, rather than scattering our resources and energies on problems that are real, but cause little pain and suffering. For this reason, I offer you only one policy suggestion: you should write legislation that would provide work for those who want it.

III. A FEDERAL WORK AND WELFARE STRATEGY

The conclusions of *Work in America* on the question of welfare illustrate—if nothing else—the unrequited role of the intellectual in national policymaking. Almost every researcher who has studied the problem of family disorganization in the ghetto has

come to the same conclusion: The causal factor is most probably the lower-class father's inability to get and to hold the kind of employment needed for a stable family life. The solution to the "welfare mess" then is to provide good, steady jobs in order that the men who are the fathers of welfare children can have the same marriage and remarriage opportunities as middle-class men, and so that poor woman can have the same kind of reduced economic risks in marrying and remarrying as middle-class women have.

Although many of these studies have been prepared specifically for our national leaders, welfare proposals and programs still ignore the relationship between the underemployment and the unemployment rates of ghetto men on one hand, and the numbers of women and children on welfare on the other. Even the latest welfare proposals unfortunately offer only punitive measures designed to force welfare mothers (not the fathers of welfare children) to work. This approach contradicts much of what we know about work and welfare: 1) we don't have to force people to work—almost all people will choose to work because of its economic, social, and psychological rewards; 2) welfare mothers are already working—they are taking care of their children; 3) to forcibly remove the mother from a home where the father is already absent is to invite further costs to society in delinquency, crime, drug abuse, and remedial education; and 4) the lower-class ethic calls for the man to support his wife and children—and any other arrangement is cause for the disintegration of the family bond.

Because of these facts, *Work in America* called for increased employment opportunities for the *fathers* of children who are on welfare (men who probably are not on the welfare rolls themselves) as the long-range solution to the "welfare mess." In effect, we offered an indirect, macro-economic solution instead of a direct, transfer payment solution contingent upon mothers taking jobs in the secondary labor market.

In conclusion, I urge this subcommittee to create a federal work and welfare strategy that will aim at creating jobs for all who want to work. There is plenty of work that needs to be done in our nation, we need only create the jobs to do it.

In *Work in America* we suggested that the jobs can be created in the private sector, that they can be good jobs, and that anti-inflationary measures can be taken at the same time.

The existence of a job will be sufficient in most cases to get people to work—the importance of work to life obviates the need for compulsion. There will remain some for whom the availability of work is not enough—they will need training. Again, motivation not coercion should be sufficient to bring people into training programs. Finally, there will remain those who cannot work (for physical reasons) and those who choose to care for their young instead of taking jobs, and these people will require maintenance assistance. This three-pronged federal work strategy establishes the primacy of employment policies and leaves income maintenance as a truly residual category—a fallback for family support.

EXTENSION OF REMARKS

I wish to acknowledge the contributions of Work in America task force members William Herman, Harold Richman and Elliot Liebow to the chapter on "Federal Work Strategies" that follows. Liebow is the primary author of the last section on "Work and Welfare." The excerpt is from *Work in America* M.I.T. Press, Cambridge, 1973.

The chapters on education and work are from a draft of a report on a series of workshops held this summer at the Aspen Institute, Aspen, Colorado. I wish to acknowledge the contributions of Martin Kaplan, John Sunderland and William Harrison to the report. The workshops were sponsored by the Aspen Institute, the Educational Testing Service, the Institute for Educational Development and the Academy for Contemporary Problems.

Further documentation will soon be available in the form of a collection of papers commissioned by the Work in America task force. This book (James O'Toole, ed. *Work and the Quality of Life*, M.I.T. Press, Cambridge 1974) will contain the following relevant selections on work and welfare: Frank Furstenberg "Work Experience and Family Life," Lee Rainwater "Work, Well-Being and Family Life," Thomas Thomas "Work and Welfare."

CENTER FOR APPLIED RESEARCH IN THE APOSTOLATE

Mr. HUMPHREY. Mr. President, we are all aware of the extraordinary challenge facing our Nation's cities as they strive to provide quality educational opportunities for all our children, especially children from poor and minority families. One of the resources which we possess to help face this challenge is the private and largely Catholic parochial school system which provides a wealth of educational resources to our urban communities. As is increasingly evident this private system is undergoing a severe crisis, arising in large measure from financial factors. Under the pressure of events and circumstances and motivated by the desire to replan their activities so as to better serve our communities, many diocesan school systems have turned to research and planning to find answers to the challenges before them.

A leading institution in this effort to reshape the thinking of both church and community about the future role of parochial schools in our urban centers is the Washington-based Center for Applied Research in the Apostolate—CARA, the highly professional, and independent national Catholic "think tank." One observer has written that despite its short 7-year history, CARA is now "by far the most influential leader in the field of religious consulting services," certainly a high tribute to the vision of its founders.

To assist dioceses to come to grips with the many-sided nature of the educational problems facing them, CARA has developed a unique plan for diocesan action built around a total self-study process. Under this process a diocese does not set out merely to examine, for instance, the problems involved in maintaining its schools, which is only a part of its objectives. On the contrary, through the use of evaluation, reflection, and planning, an attempt is made to explore the total objectives of the diocese here and now. This means not just examining the parochial schools but every activity of a diocese that brings its work into the lives of people. This could include general and religious education, CYO, adult education, campus ministry, the liturgy, preaching, the media—religious and secular—family life and so forth.

A total self-study process of this kind is both a creative and a demanding experience. It involves much pulling and hauling until all opinions, not just the strongest ones, can be heard. It must be an ongoing movement which does not stop when the first reports are finally in. The process should continue over time to help the diocese continuously adjust its course of action to the shifting challenges before it. If developed with skill, this process can prove to be a healing instrument whereby the different elements and components in a diocese learn to consider their own goals and needs in terms of the total diocese.

Research on the schools is built into this process. But so is research on all aspects of the diocesan educational program. Nothing is to be viewed in isolation.

Most importantly, this process does not involve the imposition of a preconceived "master plan." Nor does it entail outside experts or consulting firms telling a diocese what everyone already knows. All segments of the diocese are invited to study, explore, and plan the educational mission together. This process, which, of course, benefits from guidance by consultants and research expertise, springs up from the life of the diocese itself.

Using this self-study approach CARA has recently guided a 2-year self-study of the archdiocese of Washington, perhaps the largest and longest project of its kind in U.S. church history. The diocese and the parochial school system are now engaged in planning their educational future on the basis of this massive project. If there are answers to helping concerned Americans find their way to resolving such challenges as those facing the Nation's private schools, one key instrument to assess these will be through research and planning like that done by CARA. The center does not pretend that its work offers any panacea but its work is proving extremely helpful to both church and community as we face up to one of the greatest challenges before us—the education of tomorrow's Americans. I congratulate his Eminence Patrick Cardinal O'Boyle, the Washington Archdiocese and CARA for their vision in developing this project which offers such substantial benefits not merely to one denomination but to the entire population of the Metropolitan Washington area. No doubt other mertopolitan regions of the country will also find news of this project to be of serious interest and concern.

This unique study—the longest and largest of its kind—is merely one of CARA's many-sided activities, both in the United States and overseas. Mr. President, I believe that in an era when many voices want us to decide great public and private issues by emotion rather than reason, it is extremely important that we have in our private sector research organizations like CARA which seek to provide practical yet hard and objective information on which decisions can be reached.

Mr. President, I ask unanimous consent that the first issue of the CARA report be printed in the RECORD. This offers a brief 8-year history of CARA and describes not only the center's Washington project but its broad-gaged policies and programs.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

CARA: CHURCH "THINK TANK" USA

I. BACKGROUND

Many persons are only remotely aware of CARA—the Center for Applied Research in the Apostolate, now an eight-year old national Catholic research and planning organization. And that may continue for some time to come for the Center's complex operations, like those of similar research bodies such as the much larger Brookings Institute, and the RAND Corporation, are not easily popularized.

The Center, however, was a direct American response to the Second Vatican Council which challenged the Church to bring apostolic research and planning into every phase of its life and mission.

To be sure, the need for research and planning was recognized long before the Council. As early as 1951, the religious superiors of U.S. missionary institutes had called for the creation of a national research center to help reshape the missioner's role with the emerging Third World churches. This vision was realized in 1961 when the late Richard Cardinal Cushing worked with the religious superiors to create a Study Commission to plan the establishment of such a national research center. In turn, this group spent two years charting the groundwork for the future CARA.

The Study Commission charged the Center to focus its efforts on the total mission of the Church, at home and overseas, rather than on explicitly overseas apostolates. It was further advised to avoid both the shoals of pure theory and the rocks of blind action—to bridge, for the Church, the gap between the worlds of research theory and dynamic action.

In charting its own course, CARA's first step in 1965 was to survey priority Church needs in the research field and to develop a capacity to meet them. Several critical areas of immediate concern turned up. The Church was looking for ways to develop and make better use of its personnel and talent and to respond more effectively to critical urban problems.

II. BASIC PROGRAMS

A. Church personnel research

As a trail-blazing operation for the U.S. Church, the Center established a Church Personnel Research Program in 1965. This has a dual emphasis, (1) on selection and training, especially seminary formation and (2) effective use of church personnel: lay, religious and clergy.

This unit has, among other things, sought to find out the real situation in the USA about such issues as the reasons for perseverance in seminaries and what factors are responsible. Its baseline work includes a 1968 national survey of seminaries and seminarians. It also completed a three-year planning project on better ways to utilize Church talent, a project done under contract to the Bishops' Committee on Clergy Distribution and produced a series of career development guidelines and handbooks. At present it seeks to encourage seminary renewal through an innovative and quite successful venture in journalistic research, "The CARA Seminary Form," and through management consulting services.

CARA takes credit for being the first to identify the roles of the nearly 500 Church-related agencies which handle Church personnel. Its research reports have been extensively used—for instance, its handbook *Assessment of Candidates for the Religious Life,* is now a standard instrument in communities of men and women religious as well as seminaries. The Center's annual *Seminary Directory,* with its data reflecting seminary changes, is extensively used as an instrument for seminary renewal.

B. Nonmetropolitan (town and country) research

A second major area of activity is focused on the role of the Church in non-metropolitan USA. Since 1966 CARA has been involved in two major thrusts: (1) research designed to help non-metropolitan parishes improve their ability to plan and set goals for a better ministry; and (2) research to help town and country people proclaim the Gospel to all those who are not members of any Church.

This program has resulted in publication of a wide variety of research studies on pastoral planning. Among these are studies relating to the theology of planning, the social dynamics of rural areas, possible future roles of the parish, and case studies of local planning. Twenty-two workshops on research results have been conducted in various dioceses, and eleven courses have been given at Georgetown, St. Louis, Michigan State and Catholic University. Experimental field projects designed to test theory have been conducted in twenty areas. CARA is presently developing and field-testing a series of exercises designed to help a rural parish improve its planning skills.

In the near future a field study designed to identify and classify the unchurched will be initiated in six representative rural counties. An inquiry into current trends in Protestant evangelism is now in process. It is expected that the program will eventually produce practical field-tested approaches to this important dimension of the Church's mission.

C. Pastoral Research and Planning

CARA is "by far the most influential leader in the field of religious consulting services." *The Priest,* May 1972.

1. Higher Education

A third CARA research thrust was initiated in 1968 to inquire into the Church's role in higher education, with special emphasis on campus ministries. This unique effort concerned itself at first with developing a research framework through which old problems and new challenges could be examined. It investigated such specific areas as the new role of the Sister as campus minister and the utility of a data bank as a planning tool for the campus ministry. Under a reorganized phase, the problems affecting higher education are being dealt with as a sub-program of the Center's Pastoral Research and Planning Program.

2. Diocesan Planning

Three years ago, CARA developed a new pastoral program, geared initially for dioceses, chiefly in response to numerous requests from Bishops, Priests' Senates and Diocesan Councils. An early and striking example of the effectiveness of this program occurred when CARA was called upon to assist the Diocese of Natchez-Jackson after Hurricane Camille destroyed 75 of 134 church buildings in Mississippi. "Emergency planning" help was sought from the Center.

As it tested this new trust in diocesan planning, CARA first examined the twenty-five years' experience of the Presbyterians and such pioneering Catholic activities as the Baltimore and Brownsville diocesan projects of the late 1960's. The Center then responded in 1970 to a request from Washington's Patrick Cardinal O'Boyle and wound up developing the most thorough diocesan self-study in U.S. Church history. According to a conservative estimate, if this project had been turned over to a leading management consulting firm the cost would have been $500,000, a figure several times over CARA's charge to the Archdiocese.

CARA's Emphasis: Shared Responsibility

The Washington Project centered on the total Christian educational mission of the diocese, fitting the "crisis" facing parochial schools into this broader context. It involved thousands of grass-roots laity in all 180 parishes. In a variety of ways, therefore, this Self-Study was indeed unique. Its foundation was the theology of shared responsibility as put into effect by a "Coordinating Committee" of 25 knowledgeable and dedicated Diocesan experts and its direction was planning from the grass-roots upward rather than imposed from above.

The Center's contractual involvement in the project ended nearly a year ago; yet each week separate teams of three diocesan priests are involved in parish visitations to foster and measure implementation of the work shaped by CARA during the course of the study.

3. "Model" Development in Diocesan Planning

Experience suggested the need to develop flexible "models" for diocesan planning. In accord with CARA's policy noted above, these could be made available on a tailor-made basis at low cost to large, medium-sized and small dioceses. To help shape these research and planning "models," as well as to help dioceses themselves, the Center geared up for new projects in such dioceses as Nassau (Bahamas), Baton Rouge, Oklahoma City and Tulsa, (an examination of the 'floating parish') and Burlington, Vermont (an inquiry into cathedral parish replanning), with several other project being negotiated.

As CARA conducts research, it also searches for ways to communicate the results of its work. In May 1971, for instance, a cross-section of knowledgeable experts and Church leaders joined the Center in examining the scope and purpose of Diocesan Pastoral Councils. Their goals, purpose and organization were probed from various angles. Conclusions and recommendations were communicated to all US dioceses. Later, to aid Church planners, CARA's staff prepared manuals on "Diocesan Pastoral Planning," and on "Planning for Planning." These manuals point to practical answers about the goals and functions of diocesan pastoral planning offices and the role of spiritual reality in pastoral planning.

D. Research and planning for religious institutes

After several years of planning, a fifth major program emerged in 1972—a CARA Program for Religious. Despite its newness, this program has already engaged in separate studies for eight religious orders. The La-Salette Fathers engaged CARA to conduct a survey of the membership, to upgrade a capacity for community self-analysis and to evaluate emerging goals and priorities. A world-wide study of the apostolate of the Atonement Friars took CARA researchers to three continents. A special project focused on Discalced Camelite parishes in Oklahoma and Texas. CARA did two separate studies focusing on promotion and management for the Immaculate Heart Missionaries, including a readership survey of their magazine. At the request of the Jesuits, CARA performed the analysis of extensive survey data on Jesuit high school graduates to evaluate the impact of Jesuit secondary schools on student attitudes.

At the present time CARA is working with the Passionist Fathers (Chicago Province) in a survey of the membership and an examination of other areas of concern; with the Marianists (New York Province) on personnel planning; with the Sisters of St. Joseph (Chestnut Hill, Pa.) on an extensive attitudinal survey of the membership in preparation for a General Chapter; and with the Divine Word Missionaries in the development of a centralized computer-based personnel information system embracing the more than 5,600 world-wide membership of the Society in 36 countries.

Demonstrating the advantages of the Center's wide scope of interests as reflected in its programs, the Religious Life Program draws upon the resources of CARA's other programs, as well. CARA's Seminary Program, for example, one of the Center's Personnel

programs, provides regular consulting services in the development of a spiritual formation program for the college seminary of a major religious order.

In addition, the Religion Life Program includes among its affiliated activities the national workshops for religious conducted by the Passionist Institute for Religious.

In retrospect, this activity developed consistently in line with a planning document prepared for itself by the Center two years earlier, a sign of the Center's policy that it must and can project its own course.

E. Overseas

With its foundations rooted in missionary institutes, CARA has, from its inception, possessed a strong overseas orientation. In 1966 the White Fathers' research and information center, AFRIC, became the nucleus of CARA's overseas clearinghouse operations. The Center also developed various studios such as a proposed National Mission Training Institute. More recently CARA staff have traveled to Brazil, Europe, Japan and Korea on research projects for religious communities as well as to help establish a Church-related institute in Japan.

III. BROAD NATIONAL ROLE

Under the direction of CARA's central management services to church clients are flexibly provided with the aid of staff, associates, and when useful, specialized external consultants. At present the Center is continuing its involvement in specialized projects such as studies on the power and influence of religious symbolism and the relationship of the doctrine and devotion of the Sacred Heart to Church renewal. Over time, some of these projects may lead to the development of a full program focusing on a specific area of Church renewal. Over time, some of these projects may lead to the development of a full program focusing on a specific area of Church life, such as career development.

As it responds to the pressing needs of Church clients, however, CARA tries not to get lost only in providing services which may help solve a specific problem. As an important but secondary consideration, services done for church clients help bring in necessary operating funds. Moreover, they enable the Center to keep in day-to-day touch with the research needs of a cross-section of the Church.

But CARA's charter and purpose require it to assume a broader national research role than the rendering of services requested by Clients. CARA was founded in the hope that it would also stimulate Church-related research and planning throughout the U.S. Church. In carrying out this purpose, the Center undertakes various activities whose impact is often not seen until long afterward. CARA was founded also to encourage coordination and cooperation among Church researchers and planners.

CONCLUSION: FUTURE PROSPECTS

CARA can be called upon by any Church body or unit needing research help. In urgent cases, the Center has even found funds to help underfinanced clients pay for these services.

America's Editors wrote in 1965 that CARA has "brains, professionalism and plans" and prophesied that "it shall be heard." Since its founding, CARA—like most Church bodies during the post Vatican II era—has had its share of ups and downs, mistakes and disappointments. As evidenced by its growing programs, however, the Center is being heard as the voice of the U.S. Church's latest and most modern apostolate, pastoral research and planning, at home and overseas.

FOREST RESOURCE MANAGEMENT

Mr. PACKWOOD. Mr. President, the President's Advisory Panel on Timber and the Environment has submitted its findings and recommendations to the President. The essential thrust of this document is that many hard questions must be faced and answered by public officials and private citizens if we are to move this Nation toward the difficult task of better management of our Nation's forest resources to meet the many and varied needs of our people.

As is the case with any discussion of an issue of such great and immediate importance to so many people, the panel's report will no doubt engender substantial controversy and debate. This is as it should be.

We cannot allow this report to be placed on a shelf alongside the reports of the multitude of commissions and panels that have been formed in the past to study every conceivable issue of interest to the American public. If we do allow this to happen, we will have perpetrated an inpardonable offense against the well-being of future generations.

As a nation we have drifted hither and yon for far too many years in our failure to face the critical issues involved in forest resource management. We are at the point where we can no longer enjoy the luxury of benign neglect of this matter in hopes that it will solve itself or go away.

I urge each of my colleagues to review this report and participate in the public dialog which is certain to follow.

I ask unanimous consent that the text of the summary of the panel's report be printed in the RECORD.

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

SUMMARY OF THE REPORT OF THE PRESIDENT'S ADVISORY PANEL ON TIMBER AND THE ENVIRONMENT

PART I(A): MAJOR RECOMMENDATIONS [1]

The Advisory Panel on Timber and the Environment recommends to the President that:

1. The President issue a statement or proclamation to the Nation, emphasizing the unique renewability of the timber resource, and the opportunities to improve substantially the productivity and the value of the Nation's forest resources to meet the multiple demands now being made and likely to be made in the future on these forests; and emphasizing that forest resources are to be cherished, nurtured, and used.

2. The President require the Federal agencies concerned with forests to prepare a comprehensive nationwide program of forest development and timber supply covering the periods 1973–85, 1986–2000, and 2001–20, which will convert into specific programmatic terms the general proposals of this report. Such comprehensive programs should include: Expansion of recreation and wilderness areas where appropriate; protection of water supplies; protection of fragile soils and erodable steep slopes by their withdrawal from timber harvest; protection of wildlife including rare and endangered species of plants, animals, and birds; improved utilization of wood fiber for all its varied uses; assistance to owners of private forest lands in the management of their forests for increased output; and harvesting of timber from the national forests on a schedule commensurate with their productive capacity and sufficient to make their proportionate contribution to national timber needs. This comprehensive program should be carefully monitored by the Forest Policy Board, proposed later.

3. The Federal land-administering agencies and the Congress accelerate their efforts to complete the National Wilderness Preservation System as rapidly as possible. The Federal land-managing agencies and the Congress should develop a system of quasi-wilderness areas in the Eastern United States, in which low-intensity outdoor recreation will be possible under natural forest conditions.

4. The commercial forest lands not withdrawn for wilderness or other specific uses should be designated for commercial timber production and other compatible uses and be managed in accordance with appropriate national policies.

5. The Federal agencies continue to reserve from timber cutting all lands under their jurisdictions where sites cannot now be logged without causing unacceptable environmental damage; such reservation to continue until the means of timber management and harvest have improved so that such lands can be safely harvested.

6. The Forest Service, the Bureau of Land Management, and all other pertinent Federal agencies, improve the environment on forest lands under their jurisdictions by establishing road building standards and logging practices that minimize site disturbances, while at the same time retaining all proven and efficient methods of timber harvest, including clearcutting, under appropriate conditions. These agencies should skillfully apply the best silvicultural and conservation measures in forest management, particularly in timber harvest and forest regeneration. The need to economically and intensively manage the new forest crop as well as manage the existing timber crop shall receive due consideration.

7. In order to help dampen short-term fluctuations in softwood lumber and plywood supply, interested public agencies and private industry representatives should make periodic (perhaps monthly) reviews or analyses of the prospective demand and supply situation for the various wood products, in order to discover possible imbalances and warn against them. Such reviews would be similar to those now made in the Department of Agriculture for agricultural commodities, but should involve both suppliers and users of wood products to a major degree for the knowledge such groups can contribute and also as a means of making the projections more widely known and more effectively used.

8. The annual harvest on lands available for commercial timber production on western national forests can be increased substantially. Analyses based upon nationwide forest inventory data indicate possibilities for increasing the old growth cutting rate in the range of 50 to 100 percent. The Panel's consultant believes that on four forests analyzed in his report, the annual harvest rate should average 39 percent more, than is now proposed in recently prepared Forest Service plans. The Panel recommends that the Forest Service promptly review and revise policies for allowable cut determinations including rotation period determinations, stocking objectives, and old growth management policies for the western national forests. The precise revised level of harvest must be worked out for appropriate geographical areas and must consider, for each area, condition of existing timber stands, road accessibility, market demands, impact on non-Federal forests, and future timber supplies and do so within the limits of sustained yield. The Panel recognizes that an accelerated harvest of old growth timber in national forests should be undertaken only provided that adequate pro-

[1] Fuller statements of these recommendations and of reasons for them are found throughout the Panel report, as are other recommendations on a number of pertinent subjects.

vision is made for financing whatever intensified timber management is needed to support the new level of harvest. If harvest on national forests during the 1970's is accelerated, it will tend to reduce pressure for harvest of timber from private forests, thereby tending to increase their growth of timber in this and later decades.

9. The Forest Service carry out an accelerated program of timber growing, stressing immediate regeneration, on national forests, in accordance with the foregoing recommendations and with the funds proposed in later recommendations. The objective of this accelerated program is to increase the growth of wood on national forests for harvest in later decades.

10. The Federal Government maintains incentive programs to encourage private landowners to follow forest management programs which protect the environment and to increase future timber supplies from their forests. Such programs should maintain Federal income tax incentives; should include advice and services to forest owners and their associations; and should include cost-sharing for intensive forest management practices, including provision of seedlings. New programs should be developed on a trial basis by providing financial assistance to lessees of land whose forests are combined by lessors of appropriate types into efficient forest management units.

11. Government and industry should conduct and support research to promote technological innovation in forest management and in wood utilization and help develop less destructive logging equipment. Particular attention should be given to methods of timber harvest on fragile sites and to commercial thinnings.

12. The President require all the Federal agencies having responsibility for management of wilderness areas to develop, in cooperation with wilderness users, democratic and equitable systems of managing use of wilderness areas within their carrying capacities, considering the nature of the wilderness experience as well as the wilderness ecosystem.

13. The President require Federal land managing agencies, especially the Forest Service, to undertake management practices to direct and control all nontimber uses made of the lands; to recognize that the day of unlimited public use of Federal recreation areas is over, and that recreation and other nontimber uses will have to be controlled and managed just as management has been applied over many years to timber growing and harvest and to grazing use.

14. The President require the Federal agencies concerned with the administration of outdoor recreation on Federal lands to devise and apply systems of charges or fees for recreation activity which are administratively feasible, equitable to users, reflect the value of the recreation opportunity, and reflect the costs of providing the recreation area and its facilities.

15. The United States continue to import and export forest products of all kinds when it is in the best long-term interests of the Nation to do so, but that, until some of the recommendations herein for increasing timber supplies can be implemented, the executive branch negotiate with Japan to reduce the disruptive log buying activities in the Northwest.

16. The President consider, as one solution, the creation of a permanent national board or council on forest policy to report to the President or other appropriate offices in the White House, with a small group of citizen (not Federal employee) members appointed by the President. The council should examine all aspects of forest policy, on lands of all ownerships, and annually or more frequently recommend action to the President, the Congress, and the Nation, as appropriate.

17. A better method of more adequate and more timely financing of forest management programs on all Federal forest lands is essential. Such a method must recognize the long-term nature of forestry and be based upon sound economic concepts of intensive forest management; programed expenditures and investments must be related to anticipated returns. It is recommended that the President direct the Office of Management and Budget, with solicited help of the General Accounting Office and independent consultants, to devise a management and financial plan that will best meet the special needs of good resource management and at the same time conform to the established requirements of good government.

18. An amendment to the fiscal year 1974 budget be processed to provide sufficient funds for the offering of the full allowable cut on every national forest where there is that volume of market demand.

19. The President propose an increased annual Federal expenditure for forest development of the general order of $200 million. This is desirable and necessary inasmuch as implementation of the preceding recommendations will, at best, take some time and the forestry programs, especially the accelerated harvest of mature timber from national forests, proposed by the Panel merit such critical support. The President should make it clear that this is an investment, not merely an outlay, which should return to the Treasury more than it costs; and he should find ways of establishing an investment account for public forestry programs.

20. Finally, the President provide a suitable forum or means of enlisting review and discussion of this report, especially the policy recommendations, by responsible and informed persons inside and outside of government. The Panel members are prepared to participate.

PART I(B): ABSTRACT OF THE REPORT

The panel's assignment

The President's Advisory Panel on Timber and the Environment was appointed to carry out the following activities:

"* * * to study the entire range of management problems. The Panel will advise the President on matters associated with increasing the Nation's supply of timber to meet the growing housing needs while protecting and enhancing the quality of our environment.

"The Panel will make recommendations on such matters as the desirable level of timber harvest on Federal lands and methods of accomplishing the harvest while assuring adequate protection of the environment; the costs and benefits of alternative forest programs; timber sales procedures; and the possibilities of increasing timber productivity on non-Federal lands."

The Panel has interpreted its charge broadly. Its report considers the entire forest resources of the United States, public and private, and their contribution to national well-being. The report examines the relationship of imports and exports to the national timber supply and the role that the U.S. forest resources have played and can continue to play in the world forest economy.

The timber controversy

The Panel's appointment was the direct result of public concern over two issues: The national housing program, and growing awareness of need for protection of the environment.

The Congress set a goal of 26 million new housing units to be built during the decade beginning with 1968. If fully achieved, this program would result in much needed housing for people of all income levels. Funding and initiating the program required builders to place large orders for lumber and plywood. Yard and mill stocks were quickly reduced and prices advanced sharply. For a time it seemed that the entire housing goal was threatened.

At the same time citizen groups in the Bitterroot Valley in Montana, near the Bridger National Forest in Wyoming and near the Monongahela National Forest in West Virginia were vigorously objecting to clear-cutting timber from these forests. They found a sympathetic forum for their protests in the Congress; also many conservation and preservation organizations quickly reinforced their ranks. Public concern over management practices and perceived priorities on Forest Service lands also involved, of course, the executive branch. If the housing program were not to stop, large quantities of timber were required. A major portion of it would have to come from the national forests as these contained 51 percent of the Nation's softwood inventory. Moreover, the fact that production and use of alternative building materials would impose greater environmental disturbance than does production and use of wood argued for its continued preferential use. Other essential uses for wood continued, hence the total volume of wood demanded increased faster than logs could be cut and processed. This set off a sharp price rise which recurred in 1972, and is still underway.

Builders blamed the lumber and plywood industry and demanded price controls; the industry blamed the Forest Service for not selling more timber; the Forest Service was unable to respond to the increased demand but responded to environmental pressures by increasing its attention to details of timber sale planning and all multiple use objectives thereby making its road and timber activities rapidly escalate in cost. Actual and threatened court injunctions instituted by the Sierra Club, the Environmental Defense Fund, and other groups against timber sales further slowed the sales program. Preservationists insisted that the National Environmental Protection Act required the Forest Service to file environmental impact statements before opening additional forest lands to harvest. This and other constraints to preserve a balanced program vastly increased the work required to prepare timber sales, while Service manpower ceilings remained constant and then were reduced under rulings of the Office of Management and Budget. Consequently, instead of increasing, sales offerings declined. As frustrations mounted, awakened emotions heated rapidly. Impatient citizens seeking improved housing were ultimately penalized by the conflicts as lumber and plywood prices soared.

Late in 1972, Japan stepped up her log buying on the west coast to support her new housing program planned to match that of the United States. Prices of logs have been bid up to double and triple past levels. Such is the fast-moving situation as the Panel submits its report.

Significance of forests

Forests are dominated by trees; yet, forests are much more than land with trees; they are the complex entities resulting from the interactions of physical, chemical, and biological forces on some unit of land. Climate, soil, and water determine which grasses, herbs, shrubs, and trees will develop; the vegetation, in turn, determines which micro-animal and macro-animal forms will exist. Animals feeding on the vegetation further modify ecological relationships as the dynamics of forest life progress.

Throughout history, forests have provided a multitude of products and services; in industrialized societies the major outputs are: Wood for construction and paper products, a site for various forms of recreation, and water. The major consumable product is wood, just as farms produce consumable crops and livestock. Unlike substitute products used in construction, such as clay products, cement, steel, and aluminum, wood is

renewable. Also its conversion from logs into finished products takes but a fraction of the energy that is required for refining and processing substitute materials. When its usefulness as a product is over, it is biodegradable to the basic elements of which it was made. Timber is a highly versatile construction material, unmatched in many technical properties. To dispense with it would be costly in money and environmental degradation.

Forests also provide water, fish, wildlife, and forage, in the commodity sense. Equally or more important are their services in building and protecting soil, safeguarding watersheds, cooling and filtering air, and providing innumerable opportunities for outdoor recreation of diverse character.

While only timber and forage among forest outputs usually generate significant financial returns for forest owners, all products and services benefit society in general and therefore are of public concern. Their perpetuation with unimpaired productivity is a solemn obligation of all forest users and government.

Critical features of American forests

No nation on earth is so richly endowed with the variety and wealth of its forests as is the United States. This has been recognized in both the legal and moral obligations which society asserts to assure the Nation that its forest resource not be profligately used. Forests have always been an important natural resource, the use of which is deeply ingrained in American experience and history. Such use is expected to become increasingly important to quality living of the future.

Hardwoods and softwoods

The total forest area of the United States is 754 million acres of which 500 million acres are classified as commercial forest land. From about 1910, when clearing for agriculture ceased to exceed reversion of farmland to forest, until 1970 the area of forests increased; apparently the timber growth rate also increased as slow growing old timber was harvested and replaced by rapidly growing young stands (table I–1). Between 1952 and 1970, both total timber harvest and timber growth rate increased.

TABLE I–1.—TOTAL COMMERCIAL FOREST RESOURCE OF THE UNITED STATES: 1952, 1962, AND 1970

Year	Area (million acres)	In billion board feet		
		Inventory	Growth	Removals
1952	495	2,412	45.1	52.5
1962	508	2,430	52.3	50.3
1970	500	2,421	60.0	62.8

The annual growth of hardwood as of 1970 was 19.7 billion board feet and the annual removal was 15 billion board feet. Hardwood timber is used extensively for flooring, pallets, furniture manufacture, athletic equipment and for paper manufacture. As of 1970, these and other uses totaled substantially less than the annual growth. The Panel does not dismiss the possibility that hardwoods may be in short supply in the decades ahead, as choice walnut, maple, ash, and oak are today. Nor is it unaware that hardwoods may be and in fact are now being used for many structural purposes for which softwoods are preferred. However, it is to the critical softwood timber supply that the Panel was charged to direct its attention.

Softwoods are used not only for lumber and plywood but also are favored for paper and paperboard where high strength and long fiber are requisites. Both softwood growth and softwood harvests on American forest lands have increased during the past 18 years but removals have exceeded growth with consequent reduction in inventory. During 1970 softwood harvest exceeded growth by 7.8 billion board feet. These aggregate national relationships differ between the East and the West and among ownership classes. Eastern forests are predominantly privately owned by farmers and other private owners and forest industry. The trees are young and grow rapidly, and growth exceeds removals for all ownership classes. The situation in the West on forest industry and public forests is the opposite. Most of the western forest are old growth forests where natural mortality offsets all or most of the gross growth. As a result, when harvests on these lands are compared with net growth, there is a current net growth deficit, even though the growth potential of these lands is sufficient to sustain current removal rates. With successful regeneration and continued good management following harvests, net growth on public ownerships will eventually equal or exceed the current rate of removals. On forest industry lands, this will be more difficult to achieve at current removal rates. On farm and other private ownerships, the forests are generally younger, and growth exceeds removals.

Ownership, Inventories, and Growth

There are four major groups of commercial forest ownerships: National forests, other public, private industrial, and miscellaneous private which is composed of farmers, other individuals, and private groups (table I–2). The differences between these ownerships are many, but the primary functional differences are the quality of the lands for timber growing and the level of investment in timber growing each group is willing and able to make.

TABLE I–2.—AREA AND VOLUME STATISTICS BY OWNERSHIP CLASSES, 1970

Ownership classes	Commercial area held (million acres)	In billion board feet					
		Total softwood sawtimber volume			Total hardwood sawtimber volume		
		Inventory	Growth	Removals	Inventory	Growth	Removals
National forests	91.9	982	8.6	12.7	39	1.3	0.4
Other public	44.2	223	4.0	4.3	40	1.7	.6
Forest industry	67.3	318	10.0	16.3	68	2.4	1.9
Other private	296.2	382	17.7	14.4	368	14.3	12.1
National total	499.6	1,905	40.3	47.7	515	19.7	15.0

[1] Commercial forest land is defined as that forest land capable of producing 20 ft³ of timber per acre per year and which has neither been reserved nor deferred.

Source of table: "Forest Statistics, 1970." FS–USDA.

The industrial group owns about 13 percent of the commercial land. Their growth rates are substantially above the others and their lands on the average are receiving the most intensive management.

Over half of the total softwood sawtimber inventory stands on the national forests; in general, these lands are overstocked with mature and over-mature timber resulting in an average annual growth-per-acre less than half that on industrial lands. National forests, because of less productive soils, use constraints, and remoteness from markets, may never match industrial forests in growth rate but the gap between the two can be drastically lessened as stagnant stands are replaced by thritfy, young timber.

Nonindustrial private lands have the smallest inventory per acre—too low in fact for optimum growth. In contrast to the other ownership classes, very close to half of the inventory on small private holdings is hardwood. These "other private" lands are the only ownership class on which softwood sawtimber growth exceeds removals. This margin between growth and removals must be expanded substantially to increase the proportion of softwoods and raise the total stocking level. Because of size, quality, and ownership objectives, these lands are unlikely to achieve the productivity levels of industrial forests.

The central policy issue

The Central policy issue for meeting the wood needs for the 1970's and 1980's is: at what rate should the old growth inventory on the national forests be converted to well-managed new stands to meet both current and future timber needs. The Panel recommends that national forest timber sales be brought up to and maintained at allowable harvest levels on all forests where there is sufficient volume of market demand. It further recommends review and revision of allowable cut determination policies to make the timber output from the national forests more responsive to national timber supply needs. Rotation period determinations, stocking objectives, and old growth management policies can be adjusted for this purpose within established sustained yield principles.

While sustainable annual harvest determinations should be made for each geographic or economic area of national forest lands, the Panel disavows any need for a strict "even flow" harvest policy at the national forest level. This recommendation is contingent on adquate provisions for financing whatever intensified timber management is needed to support the higher rate of cutting.

The remainder of the 1970's is a crucial time for action to insure future timber supply. The harvesting of presently standing timber, both old growth and second growth, will continue to be important for a few decades; but, increasingly, harvest will consist of wood grown after 1972. For the truly long run, 2020 and beyond, it is timber growth which is all important; and available timber volume in those decades depends upon measures to increase growth taken in the 1970's and 1980's. It is only confidence in a future supply of new timber that makes defensible a recommendation to accelerate harvest of present old growth.

OPPORTUNITIES FOR IMPROVING PRODUCTIVITY OF AMERICAN FORESTS

The output of all products and services of the forests of the United States can be increased materially in the next decades at costs commensurate with benefits. Greater investments of capital, labor, and materials

will be needed, but the most important need is for bold, improved quality management. Nontimber values of the forest can be thus increased while at the same time timber growth and harvest are increased. Not every acre can be made to produce more of everything at an economical cost, but total productivity of American forests can be increased greatly for all purposes and at reasonable cost.

Timber growth per acre can be increased in a number of ways. After harvest, fire, windthrow, disease or insect kill, the salvageable timber should be promptly removed and the area regenerated by natural or artificial means. Where available and appropriate, genetically improved seedlings should be planted. If such seedlings are to be used, both economics and silviculture normally dictate thinnings and intermediate selective cutting and final harvest by clearcutting. Precommercial and commercial thinnings, application of fertilizers, and control of insect pests and diseases are all well-tested measures for increasing the growth and development of trees suitable for sawtimber and veneer. Prompt harvesting at maturity, together with immediate regeneration with a new stand before weed trees or shrubs take over the site, is always desirable and often essential for success. A proper balance between harvesting and inventory is essential for maintaining optimum growth rate.

The only source of lumber and plywood during the 1970's will be from trees of merchantable size now standing, whether grown here or abroad. Growth of additional wood on these trees, growth of wood on smaller trees now standing, and growth of trees to be seeded or planted in the future, may all add to the annual timber growth rate and therefore increase the current allowable timber cut even though none of the above trees be cut during the 1970's. Measures to increase growth on these lands are extremely important for the period 1980–2020.

National Forests

The Panel makes several recommendations designed to help the Forest Service meet the legitimate interests of citizen groups and to facilitate the more efficient management of the national forests. The Panel is convinced that the present annual budgeting and appropriation practices handicap efficient Federal land management. Too little money is provided to prepare forests for present and future multiple-use requirements. Response to urgent needs for protection, salvage, and regeneration is too slow; they also provide inadequately for capital investment inherent in proper forest management. A better arrangement would be one in which national forest revenues and expenditures could be brought into some reasonable relationships and in which an adequate level of long-term funding for national forest programs, including higher levels of harvest, could be assured. The problem in achieving such an arrangement is great, because special programs for national forest administration, even though they be efficient, could create precedents for other aspects of government where they are not justified. Nevertheless, the Panel urges that continued study be given to this problem and that a long-term funding arrangement be instituted.

An immediate pressing problem is that national forest timber output is now declining at a time of unprecedented sustained demand for increased lumber and plywood production. The first step to increasing timber supply is to get national forest timber sales up to present allowable cut levels wherever there is that volume of market demand. Federal timber sales should be financed with accompanying manpower authorizations to a level so there is no fiscal restraint to attainment of this objective; otherwise there may be greater loss in receipts to the treasury than there would be savings in expenditures.

For the next decade, a greatly expanded program of quality forest management on national forests and elsewhere is recommended. The Panel is mindful that these are times of budgetary stringency and that this proposal requires large initial outlays of Federal funds in order to be effective. However, well-planned and executed timber growing programs characteristically produce more income than expenses, thus producing net revenue to the Federal treasury. Such annual appropriations need not be treated as if they were current outlays. An apparent net cost outlay often results from transactions which, under any reasonable accounting procedures, produce a net income. The Panel recommends that public land management, particularly where wood is a major end product, be carried on under accounting and financing procedures that reflect the capital investment nature of forest management.

Other Public

The Panel has noted the extensive forest lands managed by Federal agencies other than the Forest Service and by non-Federal public agencies. This category of forest land ownership is the smallest of the four in total commercial forest acreage and in sawtimber inventory, growth and removals. Nevertheless, "other public" forest lands rank second among all ownership classes in sawtimber inventory and removals on per acre basis. Many of the findings about management needs and environmental considerations for national forests apply to other Federal lands as well. Opportunities for improved productivity and better use of these public lands are both real and significant.

Forest Industry

Forest industry lands are of better than average quality for timber production, are generally well managed, and are being brought under intensive management more rapidly than are other classes of forest land. Accordingly, the Panel's chief concern is with the institutional factors in the country which affect the forest industries' role in helping to mold and synchronize growth and harvests of timber on their lands with growth and harvests on the other lands supplying timber for American needs.

A factor that for decades has plagued the lumber industry and added to the risk in timber growing has been the sharp and erratic fluctuations in construction, particularly residential construction. Public programs to stimulate housing have tended to accentuate such fluctuations. Stabilizations of residential construction and other markets, would encourage continued and increased investments of private capital in timber growing and would help to maintain a favorable economic climate for encouraging intensive management of the forest industry lands.

Other Private

A major goal of national forest policy must be to achieve, during the period 1990–2020, a relatively high timber harvest from nonindustrial private woodlands. Whether or not this goal will be attained depends largely on measures initiated in the 1970's and 1980's.

The immense area, low stocking, modest growth, and modest rate of harvest of the "other private" lands makes them the listless giant of forestry. If the growth rate of these woodlands could be increased to match that of the timber industry forests, the effect would be an increase of one-fourth in the average annual growth of all American forests. Part of the problem of getting more output from these lands is technical, part is economic, and part is motivational. Taking into account the present quality and stocking of timber on "other private" lands, one can only conclude that the current growing stock must be improved to serve as an effective "factory" to produce timber for projected future demands. The small area in the typical ownership makes many forestry operations unduly costly per acre, or provides only limited incentive to the owner to apply his resources to forest management. Many such owners are more interested in other benefits and values of their forest than growing wood for harvest.

A variety of public programs have been developed for these small private forests. Though they have aided some owners in practicing better forestry, it is clear that the overall performance of the "other private" forests is comparatively low. The possibility of a more effective type of program that involves aggregating small ownerships into larger operating units is explored in the Panel's report. Such a program would offer the economies inherent in large-scale operations while preserving for the forest owner most of the advantages of individual ownership.

Major hazards to investment in timber growing are ad valorem and other taxes. Forestry investment, because it must be made decades in advance of yield, is highly vulnerable to rapid increase in ad valorem taxes that may take as much as 40–60 percent of the gross revenue. This is especially likely to occur where land developments inflate values before the timber crop is ready for harvest.

The Panel believes that according capital gains tax treatment to timber crops has greatly stimulated investment in forestry by both industries and individuals. It further believes that without this tax provision the timber supply problem would be much more severe than now forecast.

Increasing the efficiency of wood use

The Panel is aware that loss in potential timber supply occurs through present methods of harvesting, processing, and use. Economic factors all along the line have acted to delay fuller use of the wood that is grown. Where forests are accessible by roads, dead and dying timber can be salvaged; if pulpmills are nearby, defective logs, tops, and limbwood that otherwise would be left on the logging site can be converted to chips for papermaking. Average sawmills convert but 40 percent of the log into usable lumber, yet the more efficient mills convert up to 60 percent. Lack of an assured future timber supply is often advanced as a reason for not investing in modern machinery to attain such high yields. Competent experts have found that improved management alone can often meet the same standard. Construction designs and techniques are known that make possible savings up to 25 percent in the total timber required for house construction, but their use requires new labor skills, updated building codes, close inspection, quality control, and improved management of construction operations on the building site.

Steps are being taken by a number of firms to realize such savings in wood use. As lumber prices increase many others will be induced to do so. Government can hasten the process by granting small business loans, investment credit, and depreciation allowances for equipment, and taking such other measures as will encourage adoption of efficiencies in processing, distribution, and use.

Timber imports and exports

The United States has always imported some wood products, and in recent years has become an increasingly important exporter of wood products as well. Trade in wood products is relatively free; import tariffs are low, and exports are uncontrolled except for logs originating from Federal lands. Wood is heavy in relation to its value, and transportation costs, except by water, often prohibit long-distance movement of logs and lumber. Yet, the United States has a substantial comparative advantage as a producer of softwood; its logs (and to a lesser extent,

its lumber) are being avidly sought by the Japanese who are large net importers of wood. Japan's pressing housing needs are leading to a sharply increased demand for logs and lumber. Most wood exports to Japan originate in the States of Washington and Alaska.

The United States imports lumber from Canada equivalent to more than twice the volume of our log and lumber exports. The Nation also imports newsprint from Canada and is likely to continue to do so; paper is exported to Western Europe and to Japan. Our imports of pulpwood, paper, and related products were 10 percent of our 1971 consumption. Our exports of similar materials were nearly half of our imports. Exports may be expected to increase in the near future.

Numerous proposals have been made to reduce, eliminate, or otherwise control log exports, particularly to Japan. Conservation and preservation groups opposed to increased timber harvest, timber processors interested in log supply for their mills, and consumers of lumber and plywood have all supported such restrictions. The Panel is concerned about the upsurge in log buying by the Japanese in late 1972 and early 1973 and urges the executive branch to negotiate a reduction to past levels.

There are substantial advantages, however, in retaining relatively free trade in forest products for the long term. Such trade brings in needed foreign exchange, provides more market stability for certain species and affords increased incentive for timber growing through increased prices for logs resulting from increased competition.

Environmental concerns

Many citizens, conscious of the demands modern society places on our environment, criticize operations and management objectives on the national forests. They have found much that upsets them—erosion from logging roads, streams clogged with logging debris, spawning beds silted over, huge quantities of slash and defective material left on logging sites, and large areas clearcut thus offending their esthetic sensibilities. Some question if long-term forest management can be practiced without soil depletion.

The Panel has made a thorough inquiry into these and related matters. A careful review of scientific findings together with on site inspection revealed that most of such damage caused by logging can be avoided or minimized. Many of the fears that have been expressed are unfounded, misleading, or exaggerated, often due to extrapolation from an isolated case to forest lands in general. For example, Norway spruce, when grown in pure dense stands in Saxony, did produce an acid soil condition that reduced growth. This was corrected by mixed planting with alder, or more quickly by application of lime. A meticulous study of published evidence of soil depletion from forest management reveals no case in the United States, or in Europe where records extend over a period of 300 years, in which the removal of timber crops, as opposed to annual litter removal, has led to soil impoverishment. The average annual removal of plant nutrients due to harvested timber is in the order of 1 to 3 pounds per acre for phosphorus, up to 10 pounds for nitrogen and potassium, and somewhat higher for calcium. Such amounts are readily restored by decomposition of soil minerals, nitrogen fixation and additions from rainwater and dust. The accelerated nutrient release caused by direct sunlight following clearcutting is generally small in total amount and subsides quickly as new vegetation springs up. Erosion and plant nutrient losses from well-managed forests are therefore inconsequential compared with those that occur on comparably well-managed, and long cultivated agricultural lands.

Properly executed logging operations do not destroy wildlife habitat, though they may temporarily alter it. For ground-dwelling species such as deer and other large herbivores, timber cutting stimulates the growth of nutritious herbs, shrubs, and tree seedlings at levels reachable by ground feeding animals. Clearcutting does destroy feeding and nesting habitat of some insectivorous birds and may cause them to vacate cutover areas. Meanwhile, seed eaters move in to occupy the site. Within 3 to 5 years in the case of hardwood clearcuts, the tree canopy is restored and insect feeders return. The net effect of forest management, therefore, is to increase diversity in age-classes of timber which in turn favors diversity in species of birds and other wildlife.

Weather hazards during the construction processes preclude the possibility of assurance there will be no soil erosion from roadbuilding, but constant care and vigilance can keep undesirable soil movement to tolerable and correctable proportions. Means of reducing and eliminating such damage are known and need to be applied. Revision of the contractual relationship so that the logger is performing contractual services to the Government and can be denied payment for substandard work will help. Most logging damage on national forests has occurred because of a lack of sufficient competent manpower to effectively plan, coordinate, and supervise field operations.

Large amounts of defective timber and logging slash are inevitably left when old growth timber is cut. In fact much debris is already on the ground in old growth timber but remains unnoticed until revealed by harvesting. Fortunately, as mentioned above, it is becoming feasible to remove much of this material for pulp chips whenever mills are nearby or the chips can be loaded on ships for export, primarily to Japan. Unsightliness for a brief period until the new stand reaches 6 to 10 feet in height can scarcely be avoided following harvest of old growth timber.

The Panel finds that the Nation faces neither scarcity of forest land, nor standing timber; neither scarcity of forest wildlife, nor recreational opportunities, nor existing and potential wilderness areas. It finds further that timber harvesting, where properly planned and supervised, does not cause floods, significant soil erosion nor impoverishment of wildlife habitat. However, the potential for modern logging machinery, when improperly used, to cause significant damage should not be dismissed, nor should the need for careful supervision of logging operations be disregarded.

Forest policy board

There is no single agency or group whose sole or primary concern is national forest policy, and none that brings total forest policy issues to a focus, or, better, avoids or resolves crisis problems. Forest policy in the United States is made by a multiplicity of Federal agencies, private groups and individuals. The very existence of this Panel is evidence that a different approach is needed at the Federal level. A Presidential forest policy advisory board or council, reporting to the President or other appropriate offices in the White House and with members appointed by the President and serving at his pleasure, will provide a satisfactory device for achieving a desirable focus of forest policy. Decisions on forest policy would still have to be made by the President and the Congress, and ultimately by the whole electorate, but issues could be more sharply defined, extraneous matters more quickly disposed of, and alternatives for the future more clearly drawn, by such a board than in any other way.

Conclusion

The forests of the United States present opportunities for better service to the American people. To be sure, there are many problems in the best management of forests of different ownerships and of diverse physical characteristics; but problems are also opportunities.

The Panel's considered judgment is that growth on all forests of the Nation, considered as a whole, might well be doubled by 2020 by a reasonable increase in management input.

Forests are not merely growing in the physical sense; they are growing in importance, in economic output, and in social possibilities as well. The challenge to the Nation and to those directly involved in forest management is to optimize forest multiple-use potential.

The full report provides considerable detail as to how this can be accomplished. The major recommendations address the balanced goals of increasing the productivity of forests for commodity and noncommodity uses in ways which protect and enhance the quality of the forest environment and of American life.

DEFENSE OF THE VICE PRESIDENT OF THE UNITED STATES, SPIRO T. AGNEW

Mr. THURMOND. Mr. President, in recent weeks, the Vice President of the United States has been the subject of a number of very serious charges, apparently arising from an investigation being conducted by the U.S. attorney for the District of Maryland. Because of my long-term friendship with the Vice President and because of my position as a U.S. Senator, I feel it is my obligation to speak out on this subject.

In the first place I want to emphasize that throughout my friendship with SPIRO AGNEW, I have known him to be a man of great honor and of great courage. As Vice President, he has served our country with distinction, dignity, and dedication, and has won the respect and admiration of a vast majority of the American people. I find it most unfair that he should now be subjected to character assassination and conviction on the basis of rumors, heresay, and speculation.

Mr. President, in our system of criminal justice, trials are open to the public. Investigations and grand jury proceedings are supposed to be secret, and usually are secret, for very obvious reasons. I find most distasteful the constant barrage of accusations attributed to "a highly reliable source," or in many cases, to simply, "a source." Publication of such accusations can never further the process of criminal justice; it can only polarize the issues and severely damage the right of an individual to a fair trial.

Mr. President, in an attempt to clear himself of these allegations, and at the same time maintain the principle of separation of powers, the Vice President has requested the House of Representatives to begin an official investigation of the allegations against him.

As I read article 1, section 3, of the Constitution, it clearly holds that impeachment and conviction must come before the institution of any criminal proceedings. The only alternative reading would be that the President or Vice President could be indicted, tried, convicted, and sentenced, and still maintain his office. This alternative construction is patently absurd. Given that impeachment and conviction must come before any criminal proceedings, article 1, section 2, of the Constitution mandates that the House must hear the matter first.

The course of action chosen by Vice President AGNEW is precisely the same course of action adopted, over 100 years ago, by another Vice President, the distinguished statesman and South Carolinian, John C. Calhoun. Vice President Calhoun chose this course when he was accused of war profiteering. He was, incidentally, completely vindicated and cleared in the House investigation.

Vice President AGNEW is clearly following his oath to protect and defend the Constitution in asking the House to investigate the matter.

In closing, Mr. President, I want to emphasize that the Vice President has not had the opportunity to formally respond to the charges against him in the appropriate forum. Until he has had such opportunity, I urge all Americans to remember that the Vice President, like every other citizen, is entitled to the basic presumption of innocence.

MIDEAST OIL

Mr. FANNIN. Mr. President, I call to the attention of my colleagues an article in last Sunday's New York Times Magazine entitled "Can the Arabs Really Blackmail Us?" by Robert E. Hunter. The article is, indeed, thought provoking and commendably evenhanded. Its only fault, if it has one, is that it is rather optimistic about a lack of vulnerability on the part of the United States regarding political blackmail by Arab countries involving the use of their oil. I have every reason to believe that the Arabs will, indeed, attempt to escalate their demands with respect to a change of attitude on the part of the United States toward Israel. Mr. Hunter recognizes and carefully details the economic forces which are operating in the Middle East and which would encourage the Arab countries to establish production controls. He points out that such production controls would be established at a level lower than world demand.

Apparently, when the editor of the New York Times Magazine decided to do an article on Middle Eastern oil he has solicited comments on the issue from other than Mr. Hunter alone. It appears that Mr. David Hirst was contacted by the New York Magazine and asked to submit an article. Apparently his article was rejected. However, his article was printed in the Middle East Economic Survey. It presents a view which suggests a far greater likelihood than Mr. Hunter would foresee of increasing political uses of Middle Eastern oil. I think that it is important that both of these views be made available to my colleagues.

To repeat, I believe that we will be seeing more political as well as economic uses of oil by Arab countries.

What then can we do about it? Our options are clear.

First. We can become overwhelmingly dependent upon imported oil and be willing to pay whatever economic or political tribute is demanded.

Second. We can become overwhelmingly dependent upon imported oil and be willing to fight for it.

Third. We can forego this source of oil and, failing to develop our own resources, suffer the consequences of a declining standard of living and second-rate status as a world power.

Fourth. We can go to work developing our own energy resources, free to trade with other oil-producing nations only on a no-strings-attached basis.

It seems clear to me that the last alternative I mentioned is the only one which can possibly be acceptable.

Early in our history as a Nation we adopted the motto of "Millions for defense but not 1 cent for tribute." There has been a great deal of inflation since 1797.

Unless we are willing to spend billions and move forward in our domestic resources development, we will have no choice but to pay tribute—tribute which will be much more costly, in more than an economic sense alone—than anything we have ever imagined.

This country has been faced with adversity in the past and on every occasion Yankee perseverance and Yankee ingenuity has saved the day. I know it can happen again, but we must understand that the hour is late.

Mr. President, I ask unanimous consent that Mr. Hunter's article and Mr. Hirst's article be printed in the RECORD.

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

[From the New York Times Magazine, Sept. 23, 1973]

CAN THE ARABS REALLY BLACKMAIL US?

(By Robert E. Hunter)

"We do not wish to place any restrictions on our oil exports to the United States but, as I mentioned, America's complete support of Zionism against the Arabs makes it extremely difficult for us to continue to supply the United States' petroleum needs and to even maintain our friendly relations."—KING FAISAL of Saudi Arabia, interview on N.B.C. Television.

"There must be understanding on our part of the aspirations of the Arab people and more positive support of their efforts toward peace in the Middle East."—STANDARD OIL COMPANY OF CALIFORNIA, in a letter to shareholders.

"There is increasingly concern in our country over the energy question, and I think it is foolhardy to believe that this is not a factor in the [Middle East] situation."—JOSEPH SISCO, Assistant Secretary of State, interview on Israel General Television.

"No Jewish blood for Arab oil."—Sign carried by demonstrator outside Standard Oil Company of California.

A new equation is emerging in popular American thinking about the Middle East. First, the United States is beginning to import great quantities of Arab oil; second, the Arabs remain hostile to Israel; and third, they are willing and able to use oil as a political and economic weapon against us to put pressure on Jerusalem. Therefore, the United States will soon have to choose between having an adequate oil supply and continuing its support for Israel.

This is a tempting view, with apparently enough evidence to support it, as the quotations above indicate. Then what should we do? Abandon Israel to its fate (by cutting off arms supplies and monetary aid of all kinds)? Or cut back on oil imports from the Middle East (through a stringent limit on U.S. consumption)? The choice seems unreal, and indeed it is, despite growing anxieties in the United States, a rash of statements in the Arab world and the flamboyance of Libya's Col. Muammar el-Qaddafi. There is no clear answer to the question of how likely it is that one or more major Arab oil states will use our oil dependence as a weapon to try changing U.S. policies toward Israel. We must look at the problem in detail. If we do so, instead of panicking, we will find that many of our fears are unjustified, and that our own policies can vastly reduce the difficulties of relying on the Arabs for oil.

On the face of it, the facts behind the fears are stark enough. Because someone (either the oil companies, the Government, or both) failed to anticipate our oil needs for the later part of this decade, we were unaware until recently that we now must increase our imports of oil by leaps and bounds—unless we cut back drastically on oil consumption, which neither the Nixon Administration, the Congress nor the American people are willing to do. Unfortunately, oil production in the 48 states peaked out about three years ago and Alaskan oil—what there is of it—won't be available for some time.

Of course we do have lots of coal, but we face high pollution costs in digging and burning it, and don't yet have the technologies needed to convert it cheaply into a liquid gasoline substitute for automobiles. We also have large reserves of oil trapped in shale. But it will take many years and billions of dollars (as well as strip-mining) to tap this resource. Nor will the miracles of nuclear and solar power become very important for decades or more, and, even then, they won't help to power the family automobiles. So we must face it: either we import more oil, or we stop growing economically and accept serious damage to the environment. It is simply too late to come anywhere near the goal set a few weeks ago by the President's energy czar, John Love, who called for relative self-sufficiency in energy three to five years from now.

The magnitude of the "crisis" is becoming plain: By 1980—only seven years from now—the United States will have to import more than half of all the oil it consumes, compared to one-third today, and only one-quarter five years ago. That is a staggering amount of oil imports—10 to 12 million barrels a day. Where will it come from? Our first choice—Venezuela—can hardly begin to meet our oil deficit, especially since that Latin nation is now worried about conservation of resources and about the distorting impact too much oil income has already had on its economy.

Nor does Canada offer an answer, despite potentially huge reserves in the Athabasca Tar Sands of Alberta. For quite respectable reasons Ottawa has clamped export controls on both oil and natural gas; and even if it wished, it couldn't slake U.S. thirst for oil. Indonesia? Nigeria? Brunei? These are all possible sources—and production is increasing rapidly in all three—but they also have too little oil to meet more than a small part of U.S. needs.

What about the Soviet Union? The recent flurry of American interest in Soviet natural gas has obscured the true magnitude of our prospects there: Hardly more than 1 per cent of total U.S. energy demand could come from this source. Also, by about 1980 the Soviet Union should itself become a net importer of energy. (It already imports some Middle East oil and natural gas, and exports its own energy to Western Europe for hard currency.) Thus, even if the Russians do prove to be more politically reliable than some other energy exporters—and a conservative force in world energy markets—we will still have to come to terms with the politics of the one major source remaining: the troubled and difficult Middle East.

There, at least one oil-producing country is almost guaranteed to remain friendly to the United States. That is Iran, which has a fathomless need for oil money to finance its economic development and military modernization. More important, Iran is not an Arab country; it has consistently stood aloof from the Arab-Israeli conflicts; and it is quite willing to make a profit at the expense of its Arab oil-producing neighbors (in 1967, during the brief Arab oil embargo against Britain and the United States, Iran made a killing in the European market). Unfortunately for us, however, Iran's production will definitely not be enough to meet U.S. needs in 1980, even if, during a crisis, all of it were diverted from European and Japanese customers to the United States—which in fact couldn't be done.

Only the Arab states are left, especially those in the Persian Gulf, which are sitting on more than half the world's known oil resources. As long as we import large quantities of oil—which means decades—we will have to draw on this pool of reserves, totaling (in the absence of massive restrictions on demand) perhaps one-fourth of all U.S. consumption by 1980. Saudi Arabia alone would have to sell us several million barrels a day, making it our largest single foreign source of oil.

But will they sell us the oil? Some populous, economically restless Arab states, like Algeria and Iraq, have needs for developing capital that will exert tremendous pressure to sell oil and natural gas in large quantities. By contrast, other producers—including Saudi Arabia, Kuwait, Libya and Abu Dhabi—have so much oil and so few people that they could never spend on themselves all the money they would earn if they met future U.S., European and Japanese requirements. Western demand in 1980 for Saudi Arabia's oil (20 million barrels a day, or more than twice its present production) could bring in a yearly income of more than $20-billion at today's prices—or $3,000 per person. Tiny Abu Dhabi could earn $100,000 a year per person by then. For these states, limiting increases in oil production from today's levels would appear to be quite feasible. It is small wonder, then, that so many Americans now hang on every word uttered by Saudi Arabia's King Faisal and his ministers.

In the past, fears were most often expressed about a possible Arab embargo on oil supplies to the United States during a Middle East war, like the embargoes that accompanied the Arab-Israeli wars of 1956 and 1967. In fact, if the Arabs imposed an embargo and stuck to it anytime in the next few years, we would be in serious trouble. Shortly, there will not be enough reserve capacity in the rest of the world to make up the difference, and there won't be enough surplus stocks in Europe and Japan to permit them to meet our needs during a selective embargo directed solely against us. James Akins, the State Department's former energy chief, who was recently appointed Ambassador to Saudi Arabia, has even argued that Saudi Arabia alone could cause us serious damage later in the decade by shutting off the oil tap.

But would an embargo work? There are a few good reasons why it might not. For one thing, there is the persistent myth (fostered in part by Arab talk of "brotherhood") that all Arabs are alike. They are—about the way all Europeans in the Common Market are alike. When Israel is not at issue, Saudis are contemptuous of everyone else, Syrians are outcasts, Iraqis are at odds with all their neighbors, and, in general, there is a wide variety of different opinions on any subject. Nor is there much love lost between Arab capitals when money is at stake, and that means oil. Even if there were a full-blown jihad (holy war) against Israel, every oil producer would be watching every other one to see which was trying to carve out a larger place in longterm markets by violating a proclaimed embargo. Perhaps the situation has changed with the onset of a sellers' market in oil; but this is not certain, especially since the oil companies will retain control over transport, refining and marketing even after their properties in the Arab world are taken over.

For another thing, an oil embargo against the United States today—and presumably tomorrow—would entail real risks for the oil states in return. At the moment, we may rule out future military action, and should do so, for fear of prompting the Arabs to turn off the oil tap in anger. However, possible use of American military power—or some subtle act of *force majeure*—is an implicit factor in the situation. One leading Arab economist, Dr. Youssef Sayegh, has been warning the producers about a possible Western military venture if the screws are turned too tight. And the Arab oil states were bluntly reminded of American might at President Nixon's press conference of Sept. 6 when he recalled the fate of Iran's Prime Minister, Mossadegh, who was deposed by the C.I.A. in 1953 after nationalizing Western oil properties. Of course, a naked use of American power is still most unlikely because of continuing Soviet-American rivalry in the area, which would raise any military intervention to the level of a superpower crisis. On the other hand, if Arab calculations about U.S. intentions lead them to be more cautious about using oil as a weapon, we may benefit from an unintended form of deterrence.

In any event, the United States is simply not a "pitiful, helpless giant" in the Middle East, in energy markets or in the international economy generally—nor is it likely to become one—however much we may dramatize the "energy crisis" today. Indeed, much commentary on oil has the same naive quality of early writings on nuclear weapons and the Soviet threat during the nineteen-forties: Faced with a new challenge, we in the United States tend to play down our strengths. We are also taught the wrong lessons by some oil-company advertising which stimulates fears of dependence on foreign imports. Many of the companies, however, stand to benefit if the scare over Israel's future leads to restrictions on imports. In fact, they can't lose: Either import more Arab oil through them, or at home give them new tax and price incentive for exploration, and reduce pollution controls.

We should take a leaf from Europe's and Japan's book; in those countries, overwhelming dependence on oil imports has long been a way of life rather than a source of fear. Oil imports, after all, may be vital to us during the next two decades or more, but they are only one aspect of the most powerful economy in the world. Major disruptions to the flow of oil are at most unlikely to occur. In an all-out economic conflict with us, the oil-producing states would not escape without serious wounds. Furthermore, Arab oil ministers, like their brethren elsewhere, are conservative by nature. They would have to think about long-term markets, the long-term stability of the international oil industry, and the risk that even the *threat* of pressure on us would merely accelerate the U.S. effort to find substitutes for Middle East oil, as is already beginning to happen.

Also, there is a long history of failure in the effort to use economic weapons to affect major political interests, from sanctions against Italy over Ethiopia to sanctions against Ian Smith in Rhodesia over his racial policies. When important political interests are threatened—and Israel's security certainly represents that to us—nations are wont to paraphrase the Duke of Wellington: "Do it and be damned." For us to do otherwise would be an event unique in our history, a fact that is not lost on Arab leaders, who must calculate how far they can go in putting pressure on us. We should not be so faint-hearted in estimating our long-standing and reflexive resistance to blackmail in any form.

Therefore, before sustaining an embargo, any leader of an oil-producing state will think very carefully about doing any real damage to the United States, even if a temporary embargo were imposed in the heat of the moment. Indeed, the last one—in 1967—didn't hurt the United States at all (as opposed to Britain and the U.S. oil companies), and even then, the three largest producer states prevailed upon the other Arab states for permission to call off the stoppage within three months. Thus it is one thing for oil producers in the Middle East and elsewhere to cooperate within the Organization of Petroleum Exporting States (OPEC) to push up prices and to take over control of operating companies; it is quite another thing for any of them to contemplate doing us real harm.

Nor, it must be observed, is Israel as dependent on the United States for its ultimate security as its spokesmen sometimes assert for foreign consumption, and as is widely believed here. By all accounts, Israel is the dominant military power in the Middle East, and is likely to remain so even if the United States were not quite so generous in its supply of arms and economic assistance. No Arab can have any illusions about Israel's ability and will to defend itself, even with less U.S. support. (The United States itself has never had much success in putting diplomatic pressure on Israel.) Indeed, Israeli resolve is likely to be redoubled by a heightened sense of isolation and of having its back to the wall. By the same token, the Arab states must be careful not to push Israel to far with oil pressure that would lead to a major change in our Middle East policies. Israel's military prowess is well-known and respected in the Arab world; and any serious analyst must base his estimates on Israel's being close to having nuclear weapons, if it does not have them already.

Furthermore, given the state of Soviet and American involvement in the region, it is not possible for there to be a renewal of major fighting in the Arab-Israel conflict without its being raised to an international crisis of serious proportions. All this is known by sober heads in the Arab world, who generally manage to discipline their more militant followers. (We should not underestimate Arab rhetoric directed against Israel but it is often most intense in those Arab states least likely to be clobbered by Israel.)

This is not to suggest that the United States should think about "abandoning" Israel to look after itself; rather that the room for success in Arab policy directed against Israel is much more limited than is often thought; and that estimates of the value of oil as a weapon designed to threaten Israel's actual security must be reduced accordingly.

Yet, even though we must not exaggerate the possibilities of a damaging oil embargo against the United States—because of its support for Israel—a more stealthy form of pressure is possible, especially by those states which have more than enough oil money for domestic use. Libya is most in the news today. However, its production controls and nationalization of foreign oil companies have little direct effect on our oil supplies, since Libya accounts for only 1.5 percent of U.S. consumption. What if King Faisal concludes that it is more important to increase prestige in the Arab world, through trying to use oil indirectly against Israel, than to clip a few more coupons? This possibility is far more worrisome.

Indeed, Faisal is already under considerable pressure, notably from Egypt's President Sadat, to make his position on oil felt in the conflict with Israel. (Sadat, in turn, would

welcome the use of the oil weapon as a way of reducing pressures on him from Colonel Qaddafi to reopen fighting with Israel.) Faisal may do so, because of his ambitions to play a much larger role in the Arab world, plus his great reluctance (shared by Sadat) to take part in an effort that could actually lead to war with Israel and another Arab defeat. For him, political pressure on the United States through oil could prove a happy middle ground, as a way of *avoiding* a war, while also buying him some protection against Palestinian and radical pressures on his throne. At the same time, however, he assigns a high value to his relationship with the United States, and the stature that comes from being the world's largest producer of oil. These factors on the side of "responsible" behavior certainly make his position a difficult one.

If Faisal and the other producers do choose to use oil as a weapon, their effort would therefore have to be sufficiently subtle to prevent a major deterioration of relations—or a crisis—with the United States, yet be real and substantial enough to begin pinching the toes of the American consumer. Up to a point this could be done simply through restrictions on the rate at which oil production is increased. It has been rumored, for example, that Faisal has promised Sadat to limit—Saudi production increases to no more than 10 per cent a year, short of the 14 per cent wanted by Western consumers.

It would therefore be foolish to ignore the likelihood of increased pressure on the United States to change its policies toward Israel. Of course, the Arabs would still face major risks similar to those that make an embargo unlikely. Yet, we still need to take a hard look at what we can actually do about the pressure. Short of titanic efforts to reduce oil consumption, the remedy must lie in the realms of politics and economics.

Politically, we can begin by recognizing the pluralistic nature of Arab society. Despite overwhelming concern with Israel in the Arab states during an actual crisis, our relations with many of them can still be based in part on factors that transcend the Arab-Israeli conflict. This includes concern for their economic development and for their legitimate place in deliberations on the international economy. Many Arabs are also less concerned with our support of Israel as such, than with the terms in which it is expressed. It is sometimes suggested here, for example, that the United States could show more concern for the "legitimate interests of the Palestinian people"—in the words of the Nixon-Brezhnev communique of June 24—and for the suffering of the refugees. (To point out that most Arabs themselves do little or nothing, and that we already do a great deal, misses the point. It is our attitude that is at issue.) Perhaps, therefore, there would be some value in showing more simple human concern for the Palestinians (through more financial aid), as a way of seeking greater favor in the Arab world. Yet it is doubtful that much favor would be forthcoming.

More important, we can make much more obvious to all concerned that we do not support all of Israel's diplomatic objectives, including its current policy, soon to be expanded, of creating new political "facts" through settlements, land purchases and Israeli-owned investments in occupied areas. Supporting these policies is not in our interest in any event. Nor is opposing them (particularly if we are promoting a partial settlement of the conflict) a threat to any vital Israeli interest.

In general, the United States has rarely shown much concern for the security of Arab countries against Israel. Whether valid or not, the idea of Israeli "expansionism" is a potent factor in Arab politics—an idea that the United States could offset somewhat by showing an interest in the protection of Arab states as well as Israel. (Ironically, we do support the security of Jordan, though not against Israel, without any outcry in Jerusalem. Unfortunately, Jordan tends to be a pariah among many Arab states and the Palestinians, so we get little credit from them for our aid to King Hussein.)

The U.S. arms "pipeline" to Israel may not be wide open, but it can be opened whenever Jerusalem deems it necessary. This, indeed, is one of the most important psychological factors working against the United States among many Arabs. It is not so much that we are providing arms for Israel's defense but rather that we fail to limit the flow of arms to those Israel needs for its defense, as opposed to a "blank check"—in Arab eyes—that lets Israel demonstrate its superiority over its neighbors. Israel superiority—and U.S. involvement in maintaining it—were symbolized by the use of Phantom aircraft against the Cairo suburbs in 1970, which greatly heightened the crisis and put increased pressure on the Soviet Union to supply arms to Egypt. Similarly, Phantoms were used to shoot down the Libyan airliner earlier this year, and to force an Arab airliner flying from Beirut to Baghdad to land in Israel.

We have followed an arms policy toward Israel that goes beyond its needs of deterrence and defense, and appears, in Arab eyes, to be a U.S. sanction for threats against the deterrent capabilities of Israel's neighbors. In general, however, it is in our interest to impose limits on the flow of arms to those levels and types that we believe Israel needs, without jeopardizing its ability to defend itself. Israel might have to modify its long-standing policy of reacting to guerrilla and terrorist actions with direct military attacks on its neighbors and other offensive acts, but it can be argued that this tactic has rarely profited Israel very much over the years, and at times has actually made matters worse.

Approaches similar to the ones suggested here have sometimes been called "even-handedness," a State Department phrase which is condemned by its critics as meaning "sacrifice of Israel's vital interests." Yet a U.S. policy of restraint in supplying arms to Israel does not mean "sacrificing" anything vital to Israel; and if it did, the policy should be reversed. Nor should we fall into the trap of believing that selling major weapons to Arab oil states (as we may do with Saudi Arabia and Kuwait) is necessary to buy "credit" with them "Evenhandedness" should mean arms-restraint all around.

Of course, Israel itself would oppose any significant change in U.S. Middle East policy. Indeed, the Israeli Ambassador to the United States, Simcha Dinitz, has been vigorous in emphasizing Israel's importance as "America's strong democratic ally in the Middle East, which acts as a buffer against Communist infiltration and radical Arab subversion." But few Israelis oppose improved U.S. relations with Arab states as such, and many would welcome them. In general, Israel is far more concerned with any act that might weaken its ability ot defend itself, either militarily or economically. By adopting the policies suggested here, however, we should be able to draw that distinction, and, by so doing, perhaps enhance the prospects of Israel's future.

Finally, it is clear that our possible dilemma over oil and Israel would be far less intense—and might even disappear—if there were some settlement of the conflict itself. There is now a real connection between oil and Israel, because some of the Arab states see it this way, and because the U.S. interest in fuel cannot be separated from its deep involvement in the Arab-Israel conflict. In addition to King Faisal's threat to use oil against U.S. policy toward Israel, there is also the possibility that a festering conflict could lead to guerrilla action against oil facilities.

A permanent settlement of the Arab-Israeli conflict is simply not in the cards, at least not a settlement brought about by this generation of Arabs and Israelis. However, some partial settlement may be possible—one that would also give the United States much less reason to worry about its oil supplies. U.S. support for a settlement is important, especially if we can give it without seeming to be in Israel's camp on all issues. President Nixon took a step in this direction at his Sept. 6 press conference when he said: "We're not pro-Israel and we're not pro-Arab. . . . We are pro-peace."

However much we may act as midwife at the birth of a partial settlement, we cannot father the child. Any partial settlement can be achieved in the Middle East only by Arabs and Israelis themselves—directly or indirectly—and then only if they wish it. If they don't, there is little we can do. There will be no imposed settlement: Israel alone could block it, even if others, like Syria, did not. As a result, there is a danger that we will get so deeply involved in the day-by-day details of searching for a settlement that we will get "caught in the middle" as, indeed, we are at the moment. Furthermore, we continue to foster the illusion in many Arab minds that we could "deliver" Israel any time we wanted to do so. We might be able to induce more flexibility in Israel's position on various issues, but even this is not a good bet. The illusion of U.S. influence in Jerusalem will die hard; in fact, its potency may help to explain recent militancy against U.S. positions in the Middle East—such as the murder of diplomats in Khartoum earlier this year and widespread blame attached to the United States for the Israeli raid on Palestine commando leaders in Beirut.

But the Arabs' illusion will not even begin to die as long as we see ourselves as a principal actor in the search for a partial settlement, rather than as an interested observer nudging all parties from the sidelines. The State Department has been shifting in this direction, but not yet far enough to change Arab views of our role.

Taken together, these political efforts can help to reduce any dilemma we will face with regard to Israel's actual security. There are other steps as well, including standby rationing policies, agreements to share energy during a shortage with the West Europeans and Japanese (however limited in effect this policy would be in a tight energy market), and a faster search for alternative sources of energy, at many times today's level of investment, however long it will take to realize them.

All of these efforts are important. But there is a critical economic dimension, as well. Whereas the political problem can be described as negative—how can we prevent the Arabs from limiting oil production to put pressure on us?—the economic problem is positive. Quite simply, the sparsely populated, richly endowed Arab states need positive incentives to raise production to meet Western demands for energy. This problem, along with the potential disruption of international currency markets by oil-state money for economic reasons, will probably cause us more difficulties than anything that is likely to happen in Arab-Israel relations because of our increasing dependence on oil imports. Indeed, even if the United States totally abandoned Israel, there would be no guarantee that the oil would flow in the quantities we want, unless it were in the oil states' interests. After all, how can they be convinced that pumping oil in the near future, and spending the money, will be more profitable than keeping production down until the price of oil goes up? Kuwait, for example, has already adopted a policy of

conservation, and has limited its oil production to three million barrels a day.

Many ideas have been advanced to answer this central question. First, along with other consumers, we can encourage the producer states to spend money as rapidly as possible on their own economic development, and we can sell them the technical assistance and advice that they have the money to pay for, but can't provide for themselves. We can also encourage them to diversify their economics, in order to cease being totally dependent on one resource. Iran and Algeria have both set the example, by deciding to deplete their oil and natural gas reserves as fast as they can spend the money on building modern economies.

Second, American businessmen can join in this process by recognizing how big the markets in the Middle East will be—far beyond, for example, the $190-million worth of goods we sold to Saudi Arabia last year. Saudi Arabia is now planning to build two new airports, a steel mill and petrochemical works, totaling more than $1-billion, and much more will certainly follow. Within the last few months, hordes of businessmen have descended on the area from the United States, Europe and Japan. Many more are needed.

Third, we can encourage the oil-producing states to invest money in other Arab countries and elsewhere in the developing world. Kuwait and Abu Dhabi, for example, already have development banks; Robert McNamara of the World Bank has been seeking oil-state financing. King Faisal (mindful of the political value of investment) has shown interest in increasing his role in states like-Egypt through investment of one sort or another, and the OPEC states are considering a development bank of their own, so far without much backing from the Middle East producer states. Oil-state money for development outside the region would be particularly welcomed. India, for example, faces a $1-billion rise in its oil import bill by 1980 because of price rises negotiated by OPEC.

Finally, we can help the producer states find lucrative investment opportunities for their spare cash in the rich countries. In the long run, this last idea may be the most promising. Several oil states have already expressed interest in investing in the "downstream" transport, refining and marketing of oil; Iran, for example, has just gained a 50 per cent share of Ashland Oil Company's refining and marketing operations in New York State, in exchange for guaranteed supplies of Iranian oil. And opportunities outside the oil industry itself should prove limitless.

Such long-term investments by the Arabs at home and abroad would reduce the currency speculations that contribute to instability on world money markets. There is also an added benefit for us. Every dollar of oil money invested in the outside world tends to make finance ministers in the oil states even more conservative. We may indeed see the day when the United States could threaten to nationalize investments made by oil-producing states in this country! Certainly economic dependence won't be all on one side. Even the progressive take-over of the holdings of Western oil firms by the producer states should promote the flow of oil, by giving them a greater direct stake in the stability of the worldwide industry.

Beyond these four steps, we need to recognize right now that several oil-producing states are becoming vitally important to the world economy. It is simply nonsense for a small club of rich countries to continue trying to make all of the world's major economic decisions on, say, trade and international monetary reform. With so much oil money in the world, this won't work any more; and besides, drawing the oil producers into the august councils of economic decisionmaking will help make them even more responsible for international economic order than they are today. With a piece of the action, the oil states are more likely to let go of their precious resource. (Sheiks, too, like to attend international conferences and be treated with the awe and deference reserved for the world's money managers.)

Some of today's Arab noises about oil and Israel may partly reflect our refusal to accord the oil states the recognition they merit in international commerce and finance. Having failed to get our attention by proposing special arrangements with us in oil, Saudi Arabia is now wielding a verbal club that we are sure to feel.

Of course, none of the changes in U.S. policy that I have proposed are panaceas; none are guaranteed success. Yet if we look at the problem of oil imports, without panic, as one that cannot be solved by chanting old slogans; if we analyze the problem of Middle East politics with an intensity and freedom from cant (on both sides) that we have never had before, and if we try the series of political and economic efforts that have been outlined here—we will certainly be better off than before. We will also be better able to cope with the shock of our new dependence on others for a precious commodity, and become more sanguine—like the Europeans and Japanese—about having to be more involved in the life of the outside world than ever before.

Oil is only the first of a series of commodities, among them aluminum and zinc, that we will have to import from abroad in increasing quantities. It would be ironic if we regained self-sufficiency in energy through Herculean efforts, only to find ourselves politically unprepared for increasing dependence on other countries in a host of areas. The world will not leave us alone. Far better to come to terms with it than to try unsuccessfully to run away.

[From the Middle East Economic Survey, September 1973]

ISRAEL-AMERICAN WASTING ASSET

(By David Hirst)

(The following article by David Hirst, Middle East Correspondent of the *Guardian* newspaper of London, was originally commissioned by the *New York Times Magazine* but in the event, for reasons best known to that journal, was not published. A summary of the article, however, appeared in the *Guardian* on 6 September. Here, with the permission of the author, we are printing the full version which, in our opinion, provides a first-rate analysis of the political background to the use of the Arab oil weapon.)

"It is useless to talk about the use of oil as an instrument of pressure against the United States—it is dangerous even to think of that." It is only a year since King Faisal of Saudi Arabia, in an interview with the Egyptian magazine *al-Musawwar*, turned this deaf ear to Arab pleas for the use of the "oil weapon." The "oil weapon" is the one which the Arabs are apt to invoke when they are getting nowhere with real weapons. Its most ardent advocate is Egypt, where President Sadat, unable to dislodge Israel from Sinai in a shooting war, is desperately seeking Arab help in waging an economic one. The theory of it is simple. Israel is a protégé of the United States; it could not stay in occupied Arab territory without American encouragement and support; threaten America's interests in the Arab world and it will quickly forsake its protégé, which will withdraw from the occupied territories

It is only a year, but it is already ancient history. Since then the "energy crisis" has burst upon an almost unsuspecting world. Suddenly, the industrialized Western nations have realized that oil, lifeblood of the affluent society, is not inexhaustible; they have developed such an appetite for it that not only will it start drying up sooner than anyone expected, but, as of now, they will barely find enough of it for immediate needs—enough, that is, to preserve the economic growth rates, the ever-rising living standards and the constant flow of new comforts and conveniences to which (for better or for worse) they have grown accustomed. By the end of this year "free world" demand, rising so much faster than the experts foresaw, will reach 50 million barrels a day; output may just top 51 million b/d—if all goes well. By 1980, according to a State Department estimate, demand may reach 85 million b/d—Europe 28 million, America 24 million, Japan 14 million and the rest 19 million. In the next ten years almost as much oil will be consumed as in the previous hundred. The United States, with 6 percent of the world's population using 33 percent of its energy, has been the first to feel the pinch. For the Americans, it seems, the "energy crisis" is an emotional shock; to deprive a man of his petrol is like depriving him of his constitutional rights. "This time"—says James Akins, former Director of the Office of Fuels and Energy in the State Department and now ambassador designate to Saudi Arabia—"the wolf really is at the door."

It is also ancient history because, since then, King Faisal has changed his mind: he is now definitely envisaging the use of the oil weapon. The most alarming aspect of the "energy crisis" is the power it gives to the Arabs; it has put in their hands a sword of Damocles to raise above the head of the Western world. It is in the great oil producing regions of the Middle East and North Africa that some 350 billion barrels, or 60 percent, of proven "free-world" reserves are located, from there that the great bulk of the anticipated increase in demand will have to be met. About one-seventh of the 350 billion barrels belongs to non-Arab, pro-Western Iran; the rest is Arab. Since the actual reserves of at least two Arab countries, Saudi Arabia and Iraq, could well be at least twice the proven ones the Arab share is really very much higher.

Inevitably, the "energy crisis" has brought a fundamental shift in the balance of power from the consumer to the producer. Those experts who, in the nineteen sixties, predicted a steady or even a precipitous fall in the price of Middle East crude oils are being proved startingly wrong. The price is going up by leaps and bounds.

Europe and Japan can view this situation with more equanimity than the United States. Their long-standing dependence on Middle East and North African oil—now some 80 percent for Europe and 86 percent for Japan—cannot significantly increase. Until very recently, the United States enjoyed a happy self-sufficiency of oil supplies. It has suddenly learned that by 1980 it may be importing as much as 15 million barrels a day, of which 11 million will come from North Africa and the Middle East. That is bad enough. Worse, however, is that the United States is not only becoming dependent, in a seller's market, on foreign countries for a good half of its supplies, it is becoming dependent on countries which are inherently unstable and increasingly hostile to it. It is an unnerving situation for a superpower, a vulnerable spot, if not a real Achilles heel, in America's relations with the Soviet Union, which, whatever its other weaknesses, will for the foreseeable future be getting all that it needs of this most vital commodity from safely within its own capricious frontiers.

There is really only one reason for Arab hostility: Israel. Of course, there is no doubt that, without Israel, the Arab producers would be exploiting the "energy crisis" to drive as hard a bargain as possible. From

Wall Street to the bazaars of Cairo or Baghdad that is no more than the legitimate pursuit of the business ethic. For the crisis has a strictly economic dimension; that is why Iran, at odds with the Arabs on so much else, joins and occasionally even leads, them on the oil front. Without Israel, on the other hand, and fantastically wealthy as they are going to be, the Arabs would have little motive for doing any more than drive a hard bargain. The only reason why they might do so is that the crisis also has a political dimension. Economic realities have put the sword of Damocles in the Arabs' hands; Israel, and Israel alone, gives them the incentive to use it.

It all adds up to a rich historical irony. There are many arguments which the Zionists have used to enlist international support for their cause. One, a constant leitmotif since the earliest days of Jewish settlement in Palestine, has been the strategic one. When, during the first World War, they sought the patronage of Great Britain, still in her imperial heyday, the strategic argument took the form one would expect: a friendly Jewish community in Palestine would help secure British control of the Suez Canal, the lifeline to India and possessions in the East. It was an argument that contributed substantially to the issue of the Balfour Declaration and the sponsorship, through the British Mandate, of the Jewish national home in Palestine. Now, with the United States having taken Britain's place as Israel's patron, the strategic argument maintains that the Jewish state in Palestine, militarily powerful beyond even Lord Balfour's wildest imagining, forms an integral part of the Western defensive system. The astonishing Israeli feat of arms in the Six-Day War, which Secretary of State Dean Rusk described as "quite a victory for the West," lent new strength to the argument. The Israelis became increasingly inclined, not merely to appeal to America's conscience, but to state plainly what they thought America should do for its own good. Thus, in 1968, Teddy Kollek, the mayor of Jerusalem, told American televiewers that the US supported Israel "only because it is in your self-interest and not because you are doing us any favors." With the growth of Soviet influence in the Middle East, Israel was made out to be manning the frontiers of the free world in the struggle against communism. Soviet influence has recently waned somewhat. Naturally, according to the strategic argument, American-Israeli firmness did it. But now, with Arab oil assuming such immense importance, it is clear that, if the strategic argument has any validity at all, this "bastion-Israel" should achieve a veritable apotheosis, and perform for the Western world the supreme service of keeping the oil flowing. Apparently such ideas are in the air. Senator Fulbright was referring to them when he expressed his fears that, as a result of the "energy crisis," the United States might take over the oilfields via its "militarily potent surrogates," Israel and Iran.

Unfortunately, the strategic argument has no real validity, and never did. One suspects that many of Israel's Western supporters who use it do not really believe it; they really support Israel for other reasons—moral, sentimental or electoral—but feel the need to reinforce them, for the benefit of hard-headed foreign policy makers, with suitable appeals to the national self-interest. Of course in certain circumstances, the argument does acquire a spurious plausibility; Israel can perform certain limited functions like helping keep King Hussein on his throne or deterring the Syrians from invading Lebanon. But basically, if there is any threat to Western interests in the Middle East, Israel, and the role the Western powers played in creating and sustaining it, is its root cause.

It was realized from the beginning that sponsorship of Zionism would create a hostile Arab world. In his Declaration Lord Balfour implicitly recognized the danger with the proviso that "nothing shall be done which may prejudice the civil and religious rights of the existing non-Jewish communities in Palestine." Inevitably, those rights were prejudiced. Yet only when strategic factors really came into play, only when, on the eve of the Second World War, Iraqi oilfields had to be kept out of German hands at all costs—only then did Britain act as if it valued the good will of the Arabs more than the Zionists. It issued its famous 1939 White Paper—which, if implemented, would have destroyed all hope of a Jewish state—and from that moment the Zionists became a distinctly unfriendly community in Palestine, a strategic liability, not an asset, to the benefactor without whom most of them would never have made it to Palestine in the first place. A Jewish brigade served with the Allies in the war, but after it, as the Mandate drew to its ignominious close, Haganah, Irgun and Stern were fighting against the British as well as the Arabs.

The Zionists nullified the effect of the White Paper, in the all-important diplomatic field, by switching their main effort to the United States, the emergent super-power. The United States responded handsomely; it watched over the birth of the new state, and has cherished it ever since. But, like a harrassed Britain before it, will it eventually come to see Israel as a strategic liability too? Just at present, it does not look like it. Never has the United States stood so high in Israeli esteem as it does today—and never so low in Arab. Yet it was not always so. There was a time when the Arabs looked to the United States to shield them against the colonial designs of the old European powers. They saw in President Wilson's "Fourteen Points"—self-determination and open covenants openly arrived at—encouragement for their opposition to the Balfour Declaration and the establishment of the Jewish national home. Only the United States seemed to be genuinely interested in determining the real wishes of the inhabitants of the former Ottoman provinces, who even told an American fact-finding team—the King-Crane Commission—that if there had to be a mandate they would prefer it to be an American one. The wheel has turned full circle—or almost. Now the European powers are making a comeback in the Arab world; they know where their strategic, or at least their commercial, interests lie. The U.S. stands alone behind Israel. Yet since King-Crane there has always been a strain in American policy-making that sought to modify the commitment to Israel.

The volumes of "Foreign Relations of the United States" covering the mid-forties are replete with prophetic warnings that if the Administration continued to give support to Zionist political-territorial ambitions, the balance of power would shift dangerously to the detriment of the West. In general, as in Britain during the Mandate, it has been the experts, the administrators and the businessmen—the "Arabists" at the State Department, the diplomats in the field and the oilmen—who have put the case against "bastion-Israel," while the politicians—in the White House and Congress—have put the case for it, or, more correctly, have allowed other considerations, such as Jewish votes, to sway their judgments. The politicians have almost always won. President Nixon, the politician par excellence, was able to tell the electorate last year that he had provided Israel with as much aid as the four previous presidents put together. Since his re-election, he has not only failed to take a more "even-handed" posture, he has, if anything, moved in the opposite direction.

One thing is certain. If, in the coming few years, the United States does not come to see Israel as a strategic liability, it never will. If the "Arabists" do not get the upper hand soon, they never will. For, as a result of the "energy crisis," never have America's vital interests in the Middle East seemed so perilously exposed by its commitment to Israel as they do today—never has "bastion-Israel" looked quite the glaring fallacy that it is.

It will be argued, of course, that, even if Israel is a strategic liability, it does not matter very much because the Arabs are congenitally incapable of carrying out the threats they are forever making. It will be argued—as Israel Foreign Minister Abba Eban recently argued at a fund-raising rally in Miami—that there is no cause for alarm because "the oil-buying countries have alternative places to buy and the Arab states have no alternative but to sell their oil because they have no other resources at all." And it will even be argued, by such renowned oil experts as Mr. Adelman, that "the world 'energy crisis,' or 'energy shortage,' is a fiction," that the American Government, "with light-minded folly," advised the oil companies to buy their way out of trouble at the Teheran showdown of January 1971, thereby exhibiting a fatal weakness which the producers' cartel, like "raw troops . . . welded by success into a real force," has been exploiting ever since.

It is true that at three critical points in their struggle against Israel, in 1948, 1956, and 1967, the Arabs have tried to use their oil as a weapon against the Western powers deemed to be helping Israel and that they failed every time. Yet the fact that the Arabs have failed to use the oil weapon so far does not mean that, under some all-powerful spur, they will not eventually do so. The circumstances are very different today. In 1967, the United States was importing a mere 300,000 barrels a day from the Middle East and North Africa. Moreover, King Faisal, who was then on the worst possible terms with the late President Nasser, simply did not believe the Egyptian leader's face-saving allegation, designed to bring the oil weapon into play, that American and British warplanes had helped the Israelis wipe out the Egyptian airforce on the morning of 5 June. The underlying pressures are much stronger today. Two recent events have illustrated the depth of anti-American feeling in the Arab world. One was the killing of two American diplomats in Khartoum. The other was Israel's raid into the heart of Beirut, the charges of American collusion and incitements to anti-American violence which it generated. Some of the accusations of direct operational involvement levelled by Fatah leader Yasir Arafat were clearly fanciful, and typically undocumented. But this should not obscure what, for more level-headed Arabs, appears to be the underlying reality: it is only because it is confident of complete American political backing, and a continuous supply of American arms, that Israel can get away with all forms of reprisal—conventional land or seaborne invasions, air raids in which hundreds of civilians have died, or "tours de force" of the Beirut variety—in its seemingly inexhaustible repertoire of military virtuousity.

With the growth of anti-American feeling, agitation for the use of the oil weapon, and theorizing about the best way of going about it, has also continued unabated. Every week an Arab leader, press pundit or trade union conference takes up the call. What it all boils down in the end is that it requires only one Arab regime, King Faisal's, to make the oil weapon work. That is why his change of mind, his apparent readiness to use the weapon, is so immensely important. Saudi Arabia stands in a class of its own; its proven reserves of about 150 billion barrels represent more than a quarter of the world total; its actual reserves may be two or three times that much. Not that warning noises from from lesser producers, Libya, Iraq or Kuwait, should be taken too lightly. The

supply situation is now so tight that if any one of these stopped producing, the shortfall could only with difficulty be made up from the surplus capacity of the rest. The fiery Colonel Qadhafi is itching to have a go at America. Some time ago he nationalized Bunker Hunt, thereby administering what he called "a good hard slap on America's insolent face." More recently, he took over 51 percent of the interests of all the other—mainly American—operating oil companies in Libya, and since the major international companies are resisting his diktat the result could be the loss of a further 800,000 b/d of precious low-sulfur crude oil to an already pinched world supply pattern.

But Faisal remains the man to watch. He alone can guarantee enough oil to meet the anticipated growth in world demand. Arch-traditionalist and implacable anti-communist, he is also America's best friend in the Arab world. In October last year, his Oil Minister, Ahmad Zaki Yamani, announced in Washington that his country was ready to make a handsome contribution to the easing of America's energy problems. It was ready to raise output from the 6 million barrels it was producing then to an astonishing 20 million barrels a day by 1980. Aramco, giant among Middle East oil concessionaires, is now expanding production and export facilities at a frantic pace—and at a cost of no less than half a billion dollars a year. It has as many as 24 drilling rigs on a single location where it once had four or five; offshore five or six are working where once there was one. Export capacity will rise by two and a half million barrels a day this year—more than the anticipated output of an entire new oil-bearing zone like the North Sea.

America's best friend is also an Arab, a Moslem and his detestation of Israel is second to none. He has emotions and obligations which make the friendship increasingly difficult to sustain. True, he is an absolute monarch; with Western arms and expertise he is building formidable defenses against external aggression and internal subversion; he is the unquestioned leader of the conservative Arab camp; with his money and his zeal for Islam he exerts a pervasive influence that reaches far beyond his own Arabian backyard; he is on excellent terms with Egypt, great power of the Arab world whose friendship has always been highly prized by Saudi rulers; he frequently receives Yasir Arafat, symbol of the Arab struggle, and subsidizes his Palestinian guerrilla movement. But all this is not enough. He, more than any other leader, has it in his power to punish America, the villain standing behind Israel. Not to use that power would be to bring doubt on his Arabism, to undermine all the credit he has earned in other ways; it is to risk internal resolution, to disappoint Sadat, to expose his oilfields to sabotage by Palestinian extremists. In addition, as a devout Moslem, and Guardian of the Holy Places of Mecca and Medinah, he has Jerusalem and the Dome of the Rock written on his heart. They must be restored.

So in April this year—only six months after his offer to raise Saudi output to 20 million barrels a day—the Arab world's leading oilman went to Washington again and told the Americans that Saudi Arabia would not "significantly" increase its output unless they changed their pro-Israeli posture in the Middle East. After Yamani, the Saudi Foreign Minister Omar Saqqaf said that "we do not see any justification for increasing output for the benefit of states which support an expansionist and racist state." Now Faisal himself, not a man given to public criticism of his friends, has roundly declared to an American TV audience: "We do not wish to place any restrictions on our oil exports to the United States, but America's complete support of Zionism against Arabs makes it extremely difficult for us to continue to supply United States petroleum needs and even to maintain our friendly relations with the United States."

If Faisal really is taking up the oil weapon, he will wield it in his own way. There will be no bloodcurdling threats and ultimatums. That would not be his style. It is with the exquisite manners of the indigent, desert-born chieftain he once was that Faisal, the new Croesus, will turn the screw. There is no need for him to halt the flow of oil, or anything drastic like that, no need for him to cut off his nose to spite his face. Abba Eban is out of date. Of course the Arabs have to sell their oil. As President Nasser once said, they cannot drink it. But that is beside the point; the real question now is how much they need to sell, indeed how much they can afford to sell. Round the fabulous shores of the Persian Gulf, the extra dollar no longer appeals as it used to; indeed it becomes a positive nuisance, an economic and social problem. Some oil producers already earn far more money than they sensibly know what to do with. Yet the forecasts of what they will eventually be earning—if world demand is to be met—continue to rise dizzily. It all depends on the price. But by 1980 Saudi Arabia could be getting 25 to 35 billion dollars a year, seven or eight times the 1970 revenue—$4.2 billion—of all the Middle East producers put together. Kuwait has now put a ceiling of 3 million barrels a day on its production. Libya has cut its, to just over 2 million barrels a day by a third. Is not Saudi Arabia entitled to do the same? "If we consider only local interests, then we should not produce more, maybe even less," says Yamani.

Faisal's change of mind has won widespread approval in the Arab world. Egypt is naturally delighted. But approval has also come from experienced Arab oil experts, moderates who, in their dealings with the international oil companies, have consistently steered clear of the demagogy and extremism which bedevils so much of Arab politics. They agree with Yamani that a straightforward "no-growth" policy would do the trick. Dr. Nadium Pachachi, former Secretary General of OPEC, has called on Arab producing countries to freeze their output at present levels until Israel withdraws from all the territories it occupied in the Six-Day War. Conceding that Europe and Japan would perhaps undeservedly suffer too he argues that "this should make Europe and Japan ready to put all possible pressure on the US to force Israel to withdraw"—a forecast which, given the already considerable European-American differences over the Middle East, would almost certainly be fulfilled.

The response in Washington has been the predictable one: American policy will not be influenced by threats. This, however, is an outward imperturbability which, given all the other manifestations of alarm, does not impress the Arabs very much. Nothing is more eagerly pounced upon by Cairo's highly selective news editors than an American Congressman's latest thoughts on the "energy crisis." Nothing more persuasive, for the Arabs, than the apprehensions of Senator Fulbright.

There is an "energy crisis"—pace Mr. Adelman—but because it is at least as much political, the product of the Arabs' undying grievance over the loss of Palestine, as it is economic, it follows that the United States ultimately faces two alternative courses of action. One the more difficult, not to say impossible, is confrontation. It is essentially this course, that, perhaps without really knowing it, the United States is drifting along now. Its basic premise is that, however hostile the Arabs become, the United States is a superpower which, through judicious interventions here and there, can always protect its vital interests. It involves a readiness in the last resort to occupy the oilfields by force of arms. That is not a job that could be performed by proxy; "bastion-Israel," or "bastion-Iran" for that matter, could not do it. Occupying Kuwait would mean occupying every oilfield in the Arab world, protecting every pipeline, storage tank and tanker terminal from the Arabian Gulf to Algiers. It would—as Mr. Elmer F. Bennet, Assistant Director of the Office of Emergency Preparedness said—"make Vietnam look like a picnic."

The other course is conciliation. It means seeing Israel as a strategic liability and acting accordingly. It is the less difficult course, but by no means easy. For the great question then arises: Just how far can the United States go in forsaking the Jewish state, that foster-child of her partisan diplomacy in which, at her own expense and that of the Arabs, she has invested so much money, love and pride? It would certainly have to be quite a long way to make the Arabs sheath their sword of Damocles.

GAS CYLINDER SAFETY

Mr. HARTKE. Mr. President, for some months the Department of Transportation has had under consideration a proposed regulation which would alter the current safety practices pertaining to compressed gas cylinders. At the present time, all imported cylinders must be inspected within the United States and meet U.S. standards. Under the proposal, however, the requirement for inspection within the United States would be eliminated.

The proposal is disturbing because of its safety implications for American consumers. Compressed gas cylinders are used everywhere from dentists' offices to factory workrooms. They are transported on our Nation's highways and on the streets of towns and cities. If it could be shown that foreign inspection is adequate to meet domestic safety requirements, I would have no objection to the proposed rule. The Department, however, has been able to make no such showing to date.

A report issued by the General Accounting Office on May 1, 1973, states that the present program of inspecting hazardous materials by the Department of Transportation has several serious shortcomings. Among the reported deficiencies are a small and unsystematic inspection effort and inadequate enforcement.

In the light of this GAO report, I find it difficult to understand why the Department of Transportation is proposing to turn over inspection of imported gas cylinders to foreign personnel. If current procedures involving only American personnel under American supervision are inadequate, the use of foreign inspection will not be an improvement.

Mr. President, I ask unanimous consent that the digest of the Comptroller General's Report to the Congress on this subject be printed in the RECORD.

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

DIGEST—COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

WHY THE REVIEW WAS MADE

Because of the increasing volume of hazardous materials transported in interstate and foreign commerce and the need for taking adequate safeguards, GAO reviewed the inspection and enforcement program conducted by agencies of the Department of Transportation. Hazardous materials are

those that are inherently dangerous, such as explosive, flammable, or toxic materials.

Background

Four units of the Department—the Federal Railroad Administration (FRA), the Federal Highway Administration (FHWA), the Federal Aviation Administration (FAA), and the Coast Guard (referred to in this report as the administrations)—are responsible for regulating the safe transportation of hazardous materials in interstate and foreign commerce by railroads and motor carriers and for regulating shipments transported by civil air carriers and shipments by vessels on U.S. navigable waters.

In 1967 about 1 billion tons of hazardous materials were shipped in commerce; a 36-percent increase is estimated by 1980. Many shipments are transported through or near the Nation's cities and towns and present a potential source of accidents causing death and destruction.

In calendar year 1971, carriers reported 2,292 incidents of hazardous materials accidentally released during transportation that killed 70 people and injured 434 others. The Department concluded, however, that the carriers were reporting only a small portion of the incidents.

FINDINGS AND CONCLUSIONS

The Department needs to improve its inspection and enforcement program to insure compliance with regulations for safely transporting hazardous materials. The Department's program was handicapped by (1) a lack of basic data on hazardous material movements, (2) a small and unsystematic inspection effort, and (3) inadequate enforcement actions.

The Department has not systematically accumulated data on hazardous materials carriers, shippers, or container manufacturers, or data to identify the type, frequency, and magnitude of shipments. Inspectors, for the most part, relied on personal knowledge to direct their efforts. GAO believes such data could be used to assess the risks to life and property and to more effectively direct efforts of the small inspection staffs.

Because of the broad safety responsibilities in their respective areas of transportation and the relatively small inspection staffs, the administrations, except for the Coast Guard, have assigned to their inspection staffs the responsibility to perform hazardous materials inspections as well as to determine compliance with general safety requirements.

Except for the Coast Guard's vessel and waterfront inspections, the number of inspections seemed insignificant compared with the large volume of traffic. Shippers and container manufacturers were inspected rarely.

Inspection reports indicated that carriers were frequently violating hazardous materials regulations and that shippers and container manufacturers also were not complying with the regulations. During a 21-month period ended March 31, 1972:

FRA inspections of 10 large railroads disclosed 674 violations.

FHWA inspections of 74 motor carriers disclosed 1,258 violations by 58 carriers.

Coast Guard inspections in three districts disclosed 1,819 vessels in violation. Inspection reports for 334 of these vessels showed 817 violations.

A 1971 report by the Department, the Atomic Energy Commission, and the Department of Health, Education, and Welfare on a study of air shipments of radioactive materials disclosed that 175 of about 300 packages inspected at airports or carrier facilities violated the regulations.

Many violations found during inspections of carriers' operations indicated that the shipper did not comply with the regulations.

The law prescribes criminal penalties for violating the regulations and such cases must be referred to the Department of Justice for prosecution in U.S. district courts. FRA, FHWA, and Coast Guard have initiated few criminal cases compared with the number of violations. This is due to the difficulties of sustaining a prosecution, the belief that certain violations were minor, or a lack of time by inspectors for adequately developing cases for prosecution. Cases generally required considerable time to process, were frequently closed without penalty, and many fines assessed by the courts were minimal.

FRA, FHWA, and the Coast Guard did not provide for a systematic followup on violations, although available inspection records showed that certain carriers repeatedly violated the regulations even after they had been fined or warned.

Only the Coast Guard and FAA have authority to impose civil fines in addition to seeking criminal penalties. The Coast Guard, however, initiated few civil cases, and fines assessed were minimal. There was no data available for GAO to evaluate the effectiveness of FAA's enforcement.

Because a Federal agency can directly assess civil penalties without the delays of processing criminal cases through the judicial system, GAO believes extending the civil penalty authority to cover violations of FHWA and FRA regulations would promote effective enforcement.

RECOMMENDATIONS OR SUGGESTIONS

The Secretary of Transportation should:

Establish a management information system to develop and maintain data on hazardous materials movements.

Reassess the adequacy of the Department's effort compared with the volume and danger of the materials.

Develop a plan for a more effective inspection and enforcement program.

Present the plan to the Congress for it to evaluate and consider needed resources.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department said that it found much of value in GAO's recommendations and that it plans to initiate several actions similar to those that GAO suggested.

The Department agreed with GAO's observation that it is difficult to sustain criminal prosecutions. The Department therefore is considering legislation which would permit assessment of civil penalties as well as criminal penalties on violators of the hazardous materials regulations.

The Department pointed out that too much emphasis should not be placed on the number of violations discovered without establishing their relative seriousness.

The Department added that it also has other methods to insure compliance with its regulations.

GAO believes that, because of the need to take all possible precautions, vigorous enforcement is needed, particularly against repeat violators.

MATTERS FOR CONSIDERATION BY THE CONGRESS

This assessment of the need for better inspection and enforcement in regulating transportation of hazardous materials should help the Congress evaluate the Department's plans and budget requests for carrying out a more effective safety program and any legislation that the Department submits to strengthen its enforcement activities.

OPERATION PEACE OF MIND

Mr. BENTSEN. Mr. President, I would like the following to become part of the RECORD. If this service to which I will address myself benefits just one of our youngsters, it will prove worthwhile.

Mr. President, in this so-called generation gap that supposedly separates us from our children, communication seems to be the key to mutual understanding and respect. The pressures of our present day society, coupled with the restlessness of our adventurous youth who seek to do their own thing, have brought about numerous incidents of runaway youths whose inexperienced and young lives have often been assaulted by a multitude of hurts, abuse and even tragic death. It is most fitting, therefore, that I share with my colleagues a most innovative and bold attempt by the State of Texas in seeking to help resolve this difficult problem.

In the wake of the Houston mass murders, no one can be more deeply affected than the families and friends of our young people who are missing from their homes.

With this in mind, Texas Gov. Dolph Briscoe has announced "Operation Peace of Mind"; a statewide pilot project which will transmit any message these young people have for families and friends. This service, based in Houston, Tex., will consist of two statewide, inbound wide area telephone service—WATS—lines, one national WATS line and three local Houston lines.

The facility will be manned by volunteers 24 hours daily for an experimental period of 30 days. If it is successful, the project will be extended. Additionally, volunteers are also prepared to inform runaway youths where they can obtain various other kinds of assistance.

Governor Briscoe emphasized that the service would in no way be a "detective" type of operation, or serve as an "informer" to the parents. "All that is asked is that the runaway youth communicate with his family, friends, or law enforcement officials, so his safety can be determined."

Hopefully, these young people will use this service in an effort to alleviate some of the worry and genuine concern that the parents have been experiencing.

The numbers to call are as follows: Nationwide—1–800–231–6946; Texas—1–800–392–3352; and Local—1–713–524–3821.

ILLEGAL SEARCHES AND SEIZURES

Mr. TUNNEY. Mr. President, unconstitutional raids and illegal searches and seizures are the more pressing concerns of our Nation's Latino communities.

With indignation, I would like to protest the harsh tactics being imposed on our Latino communities today by the U.S. Immigration Department. Massive roundups and scare techniques have no place in our society if it is to remain free.

Letters that follow, one written by Mr. Sanford M. Gage, president of the Los Angeles Trial Lawyers Association, eloquently expressed what should be the outrage of the country as a whole to the actions of the Department of Immigration.

I ask unanimous consent that the letters be printed in the RECORD.

There being no objections, the letters

were ordered to be printed in the RECORD, as follows:

LOS ANGELES, CALIF.,
August 2, 1973.

Mr. SANFORD M. GAGE,
Los Angeles Trial Lawyers Association, 1313 West Eighth Street, Los Angeles, Calif.

DEAR MR. GAGE: With respect to your "President's Message" damning the Gestapo-like dragnets conducted by the Immigration Department in our Mexican-American communities, which was printed in the July 1973 issue of the Los Angeles Trial Lawyers Association *Advocate*, Right on!!

Sincerely,

W. NICHOLAS INGRAM,
Attorney at Law.
ALBERT Z. PRAW,
Attorney at Law.
MARC I. HAYUTIN,
Attorney at Law.

PRESIDENT'S MESSAGE: LATLA SPEAKS OUT

At its June (21st) Dinner Meeting, Los Angeles Trial Lawyers, an organization of 1,500 trial lawyers, passed unanimously the following resolution:

Yielding to pressure to eliminate alleged competition in the labor market by illegal aliens, the Immigration Authorities have reverted to dragnets designed to detain and interrogate hundreds of thousands of residents of Los Angeles County concerning their status as lawful residents.

Search operations are being conducted, without reasonable or probable cause to believe that individuals stopped and interrogated are in fact aliens, merely because such persons appear to an individual officer to be "foreign looking."

Reports come in almost daily of immigration officers stopping and interrogating individuals at bus stops, on public streets, in private businesses, and of knocking on doors at private residences and apartments and requiring individuals therein to produce proof of lawful status in the United States.

At present the widespread practice is being directed at everyone who might possibly be here from Spain, Mexico or any Latin American country.

Other citizens and residents can draw no comfort from the fact that the present large-scale raids are being directed at Chicanos. Through the years, similar raids have been directed toward Europeans, Orientals, and others, and the same techniques could be utilized to stop any person of any ethnic background presently residing in the United States.

There is no claim that such action is justified by "National Security" nor to prevent crime. Such blatant conduct is justified by placing statistics ahead of people.

Only a rising chorus of protests (or abandonment of these practices by the U.S. Immigration Authorities) can prevent further abuses.

The emphasis is not on the alleged ten thousand or so aliens arrested in Los Angeles in six weeks of mass raids; the emphasis should be on the hundreds of thousands of persons who are subjected to indignity, fear, the threat of restraint, and the violation of their Constitutional Right to be free from such practices here in America.

Gestapo techniques did not develop in Nazi Germany all at once—they relied upon the acquiescence and toleration by citizens who incorrectly felt they were not directly threatened by such practices.

We must be ever vigilant so that neither economic nor political pressures, nor anti-aliens sentiment cause us to yield the personal rights secured by the Fourth Amendment to the United States Constitution.

The Los Angeles Trial Lawyers Association believes that *Terry v. Ohio* correctly stated the law when it emphatically condemned "intrusions upon Constitutionally guaranteed rights based on nothing more substantial than inarticulate hunches."

We condemn the practice of detaining and interrogating individuals based on nothing more substantial than the mere hunch or surmise that such person is a foreigner based solely on the apparent color of his or her skin, or the subjective opinion that such person is not sufficiently fluent in English to satisfy a particular officer.

We believe that the United States and California Constitution require that an Immigration Officer, as any other law enforcement officer in Los Angeles, must not stop and apprehend residents without probable cause to believe that such person has committed an offense or is here as an illegal alien.

We call upon the public to express its indignation by a mass of letters protesting these practices. Send them to your public official or mail them to: Los Angeles Trial Lawyers Association, 1313 West Eighth Street, Los Angeles, California.

SANFORD M. GAGE,
President, Los Angeles Trial Lawyers.

EDUCATIONAL TESTING SERVICE GI BILL STUDY

Mr. HARTKE. Mr. President, last October Congress passed the Vietnam-Era Veterans' Readjustment Assistance Act of 1972—Public Law 92-540—which increased GI bill education benefits by an average of 26 percent, bringing them more in line with the benefits available following previous wars. While I was grateful for this important step forward, I was disappointed that a number of the more generous provisions of my veterans' education measure, S. 2161, which was unanimously approved by the Senate in August 1972, were reduced or eliminated in deliberations with the House and the administration prior to White House approval.

Section 413 of this act, however, required the Veterans' Administration to assist future decisions in this area by providing an independent comparison of Vietnam era benefits with those after World War II and the Korean conflict, with regard to administration, participation rates, benefit levels, outreach efforts, and a number of other specific concerns.

The law required the Administrator of Veterans' Affairs to submit the study and recommendations for improving the present program to the President and Congress by April 24, 1973. Unfortunately, when that deadline rolled around the Veterans' Administration had not even contracted to begin this crucial investigation. As chairman of the Committee on Veterans' Affairs, I strongly criticized this failure to comply with the law, and urged prompt action to prevent a further delay in making necessary improvements in the GI bill.

Subsequently, the Veterans' Administration contracted for a study by the Educational Testing Service, of Princeton, N.J., and their final report on "Educational Assistance to Veterans: A Comparative Study of Three GI Bills," along with the Administrator's transmittal letter have just been transmitted to Congress. The full study and the Administrator's transmittal letter are being printed by the Veterans' Committee, and will be distributed to all members of the Senate later this week.

In the meantime, however, I believe my colleagues will be interested in the findings and conclusions of the Educational Testing Service study and therefore request unanimous consent that they be printed in the RECORD.

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

FINDINGS AND CONCLUSIONS OF REPORT OF THE EDUCATIONAL TESTING SERVICE, PRINCETON, N.J., UNIVERSITY ON EDUCATIONAL ASSISTANCE PROGRAMS FOR VETERANS

There is no doubt that the World War II GI Bill was one of the most important and effective pieces of social legislation Congress had ever enacted. It profoundly affected the fortunes of veterans and postwar society, and it transformed the nation's higher education system. But images from the past should not govern our perception of current realities and future alternatives. The GI Bill may not be doing as much today for veterans as it did in the past, or as it might do tomorrow.

This latter point was recognized by the Congress during its deliberation on the Vietnam Era Veterans Readjustment Assistance Act of 1972 (PL 92-540). Section 413 of that Act required that:

"The Administrator, in consultation with the advisory committee formed pursuant to section 1792 of this title (as redesignated by section 316(2) of this Act), shall provide for the conduct of an independent study of the operation of the post-Korean conflict program of educational assistance currently carried out under chapters 31, 34, 35, and 36 of this title in comparison with similar programs of educational assistance that were available to veterans of World War II and of the Korean conflict from the point of view of administration; veteran participation; safeguards against abuse; and adequacy of benefit level, scope of programs, and information and outreach efforts to meet the various education and training needs of eligible veterans. The results of such study, together with such recommendations as are warranted to improve the present program, shall be transmitted to the President and the Congress within six months after the date of enactment of this Act."

In his Request for a Proposal for the study, the Administrator indicated that the purpose of the study was:

"To compare the operation of the post-Korean Conflict program of educational assistance currently being carried out by the Veterans Administration with similar programs of educational assistance that the Veterans Administration made avaiable to veterans of World War II and the Korean Conflict in the following aspects:

The scope and quality of the educational and training programs.

The degree of veterans participation in the programs.

The adequacy of the program benefits to veterans, educational and training institutions, work force, and American society.

The available information and outreach efforts to meet the various educational and training needs of eligible veterans.

The nature and degree of abuses in the programs and the effectiveness of the safeguards established.

The execution and administration of the educational and training programs."

It should be noted that the total report consists of some 339 pages plus three appendices that have attempted to meet these named needs and purposes in the very limited time available. Because of the availability and accessibility of information, some of the aspects enumerated have been covered in greater detail than others—this does not negate their importance—but suggests that further study and information is needed in those areas before further conclusions can be reached.

Those findings and conclusions reached in the course of the study, which seem to be of

particular relevance are highlighted in the following sections. They are not, however, a total summary of the report:

A. The scope and quality of the educational and training program

Significant information is contained in the report regarding the scope of the educational and training programs currently existing. Only limited information has been obtainable regarding the quality of the education and training programs, an area that most particularly warrants further study in the future. Under current procedures the State Approving Agencies are designated to assess the quality of education of courses and training establishments for veterans. However:

1. *The Veterans Administration has currently no means of measuring the quality of the performance of the State Approving Agencies and therefore cannot be assured that the money used to reimburse these agencies was wisely spent.*

The State Approving Agencies are designated to assess the quality of education of courses and training establishments for veterans. In 1973, the State Approving Agencies were authorized to be reimbursed $10.6 million by the VA for their services. However, there is no way to determine whether this money was wisely spent.

While prohibited by law from exerting any control over the State Approving Agencies, the VA is not prohibited from evaluating their performance. Yet to date, little has been done to compile information that would allow an accurate evaluation of the performance of their agencies.

B. The degree of veterans participation in the program

2. *While the participation rate of Vietnam Era veterans is approaching that of World War II, this is not an adequate indicator of the effectiveness of veterans educational assistance.*

A fair comparison of participation rates under the three GI Bills must be based on more information than the percentage of eligible veterans who use their educational benefits. Additional factors such as the demographic composition of the Armed Forces, discharge rates, and eligibility requirements must be considered.

Since servicemen on active duty are eligible for benefits under the Vietnam Era program, participation rates which include them are not comparable to those from the World War II and Korean periods.

At the time of separation from the Armed Forces, the Vietnam Era veteran is better educated, younger, and has fewer dependents than veterans of World War II. These factors suggest that the Vietnam Era veteran should be better suited to pursue post-service education; however, Vietnam veterans have not participated at a higher rate than World War II veterans. Although enrollment in all types of postsecondary education has increased, the usage of the GI Bill over the three periods has remained about the same.

In view of these factors, equality of participation rates for the three GI Bills is not an adequate measure of their relative success in providing readjustment assistance. If 48 percent of the veterans of World War II used their benefits when postsecondary education played a much less important role in career preparation, veterans of the current period should be expected to use their benefits at a higher rate to parallel the corresponding increase in enrollment in postsecondary education.

3. *The rate of participation in educational benefits among black veterans is substantially below that of white veterans and the overall participation rate. This is partly due to differences in age, unemployment, financial stability and dependency status. It appears that current efforts need augmentations in order to further motivate the black veteran to enter training.*

The participation rate among black veterans of the Korean Conflict is estimated to be about 53 percent. However, the current participation rate for black veterans is less than 25 percent.

The participation of black veterans is also substantially below the current participation rate for all veterans. The educationally disadvantaged black, participates in training at only one-third the rate of blacks with a high school education, but at a higher rate than white disadvantaged veterans.

The VA work-study program, if expanded to include the "need to augment subsistence allowance" as a major criterion for participation in the program, together with the initiation of Advance Payment, may increase the number of black veterans in training.

4. *Educationally disadvantaged Vietnam Era veterans, both white and black, are receiving more attention with regard to special education and training programs than have disadvantaged veterans of the two previous conflicts. Nevertheless, they currently still participate in educational programs at a much lower than average rate.*

The establishment of free-entitlement, the Predischarge Education Program, and Project Transition are positive responses to the need among the disadvantaged to secure a high school education or other educational preparation prior to the pursuit of a post-secondary program. Tutorial assistance, though not a program exclusively for the disadvantaged, may be addressed to the academic problems of the disadvantaged in training.

Outreach lists (lists of the educationally disadvantaged) which are circulated by the VA to concerned organizations further illustrate the increased efforts to assist the disadvantaged.

5. *Vietnam veterans are more likely to participate at less than full time rates than World War II and Korean veterans.*

The proportion of veterans participating in full-time training has continued to decline since the World War II period. Since today's veteran is younger and has fewer dependents than veterans of World War II, one would expect the Vietnam Era veteran to participate more in full-time training; however, this is not the case.

Veterans in higher education today are slightly less likely to attend full-time than non-veterans; 68 percent of all students attending institutions of higher learning are full-time compared to 65 percent of veterans.

While enrollment in part-time educational programs is more popular today than in 1945, this is more reason to expect an increase in part-time training than a decrease in full-time training. An analysis of participation rates shows that both full-time and part-time rates for the current program are below the rates for the World War II GI Bill.

C. The adequacy of the program benefits to veterans, educational and training institutions, work-force, and American society

Only limited information is currently available with respect to the adequacy of the benefits for the work-force as a whole or their impact on American Society. The impact concentrates on the adequacy of the program benefits with respect to veterans in light of changes in the economic variables over time:

6. *In general, the "real value" of the educational allowance available to veterans of World War II was greater than the current allowance being paid to veterans of the Vietnam Conflict when adjustments are made for the payment of tuition, fees, books and supplies.*

The current level of benefits, when adjusted for the average cost of tuition, fees, books and supplies at a 4-year public institution, represent a significantly smaller proportion of U.S. average monthly earnings than did the subsistence allowance paid to the veteran of World War II. This is true whether the veteran is attending a 4-year or 2-year public college, whether he is single or has dependents.

Only when the Vietnam veteran's expenditures for tuition, fees, books and supplies are equal to or less than average for 4-year public institutions are his allowances slightly higher than the subsistence allowance paid his World War II counterpart adjusted for changes in the Consumer Price Index.

Unlike the veteran of World War II, the Vietnam Conflict veteran finds a wide variance in the portion of his educational allowance available for subsistence payments, depending on the tuition and fees of the institution attended.

Comparison of this nature does not take into consideration the real cost of living that the veterans face. From this point of view, the World War II veteran was generally better off because many institutions provided special low-cost veterans housing and other special benefits. Institutions today provide little if any special assistance to veterans with respect to housing and other services, i.e., employment for spouse, nursery care, etc.

7. *When educational allowances for the Vietnam veteran are adjusted for the average tuition, fees, books and supplies at a 4-year public institution, the benefits remaining are insufficient to meet the veteran's estimated living expenses.*

Remaining benefits available for subsistence purposes range from some 63 percent of estimated living expenses for single veterans to only 50 percent of estimated living expenses for those veterans who are married. The single veteran would require $728 in additional resources, a married veteran with no children would need $1,644 and, if he had children, would require over $2,000 in resources over and above the current allowances.

To the extent that tuition, fees, books and supplies exceed the average for an individual veteran at a 4-year public institution, that portion of his allowances available for subsistence purposes are correspondingly reduced and his need for additional resources increased.

8. *When total resources available to the veteran for an academic year are compared with his estimated living expenses for a similar period, substantial need exists for additional resources to meet educational costs.*

Estimated resources from all sources are insufficient to meet the estimated living and educational expenses of single veterans and married veterans with children. Only the married veteran with a working spouse contributing over $2,400 to his educational and living expenses has sufficient resources to meet estimated living and average educational expenses.

9. *While other federally funded student aid programs are available to veterans to assist in the financing of their postsecondary education, it appears that participation by veterans of the Vietnam Conflict has been relatively small.*

The small participation of veterans in these other federally funded student aid programs may be attributable to the policy of institutional financial aid officers of giving priority in the allocation of financial aid resources to those students with the greatest financial need.

Estimates of participation, based on those veterans attending institutions of higher education in California, ranged from less than 2.5 percent in those programs providing grant funds to a maximum of 10 percent participation in the Federally Insured Loan Program. Since the veteran has resources available to him through the GI Bill, the institution may reason that he could other-

wise attend and, therefore, reserve the other student aid funds for students who do not have significant resources of their own.

The average veteran, faced with insufficient resources to meet his estimated expenses for living plus institutional costs, must either arrange for additional financial resources outside the normal student aid funding sources or seek out a lower-cost institution where such is available.

10. *The accessibility of postsecondary education for the Vietnam Conflict veteran is a function of not only his military service but also his particular state of residence. The effectiveness of the benefits is directly related to the availability of low-cost readily accessible public institutions. The current veteran seeking to use his educational benefits finds that equal military service does not provide equal readjustment opportunities with respect to attendance at postsecondary schools. This is particularly true of institutions of higher education.*

The maximum allowance for payment of tuition, fees, books and supplies provided veterans of World War II allowed them to attend almost any postsecondary institution. At institutions of higher education, veterans were about equally divided between public and private institutions.

Since World War II, tuition levels and other costs at institutions of higher learning have increased substantially and today are two to five times greater. Concomitant with increases in tuition has come a decided shift in total college enrollment from private to public institutions. Since tuition payments reduce funds available for subsistence, the current veteran is attending public institutions to a far greater extent than his non-veteran counterpart. Veteran attendance at low-cost 2-year public institutions is over one and one-third times as great.

Those states with the most highly developed low-cost public educational systems have the greatest degree of participation by Vietnam veterans. There is a strong presumption that veterans living in states without such development benefit less from the GI Bill because they cannot meet the combined costs of education and subsistence.

11. *It appears that the states are subsidizing the cost of education for veterans of the Vietnam Conflict as compared with earlier subsidization by the Veterans Administration. Since higher costs of education appear to reduce participation, this is a significant factor in determining whether the veteran in a particular state will participate in education.*

Analysis of participation rates by state indicate a high correlation between participation and the availability of low-cost easily accessible institutions of higher learning. Veterans have been somewhat less likely to attend private institutions of postsecondary education than have non-veterans; however, the gap has increased from a 1 percent differential in World War II to a 7 percent differential today. The continued lack of a direct tuition payment is a probable cause. Due to lower costs, Vietnam veterans tend to enroll in community and junior colleges to a greater extent than non-veterans. Thirty-nine percent of Vietnam veterans enrolled in institutions of higher learning are attending community colleges as compared to 29 percent of non-veterans. Participation tends to be high in those states that spend the most money per capita on higher education.

12. *Current benefit levels, requiring as they do the payment of tuition, fees, books and supplies, and living expenses, provide the basis for "unequal treatment of equals." To restore equity between veterans residing in different states with differing systems of public education, some form of variable payments to institutions to ameliorate the differences in institutional costs would be required.*

Generally speaking, the average estimated living expenses will not vary significantly by type of institution attended. However, the amount of benefits available to meet those expenses does vary depending on the availability and type of institution attended.

The veteran residing in a state with a well-developed system of low-cost institutions has significantly more of his benefits available to help defray living expenses than would his counterpart living in a state without such a system.

D. The Available Information and Outreach Efforts to Meet the Various Educational and Training Needs of Eligible Veterans

13. *The outreach efforts of the VA have been successful in informing veterans, especially the educationally disadvantaged, that benefits are available. But in both informing and counseling, there has been a decrease in personal contact.*

There were 1,240 contact locations and 6,492 contact employees in 1947. In 1972 there were 247 contact locations and 1,835 contact employees. While the VA has reduced its personal contact with veterans, other efforts have been initiated to contact and inform veterans. The VA has shifted from a passive information role of responding to inquiries to one that actively seeks to inform the veteran of his benefits. The outreach effort includes such programs as overseas orientations, presentations at separation points, a series of letters mailed to recently returned veterans, one-stop assistance centers, mobile vans, and toll-free telephone lines.

14. *The quantity of counseling to veterans under the GI Bill has declined over the three periods.*

The percent of veterans counseled has declined from 12.9 percent under PL 346 and 10.2 percent under PL 550 to 3.8 percent under PL 358 through FY 1973. This decline is specially unfortunate in light of the success of the early counseling program which was both extensive and innovative.

15. *Public attention to veterans and their problems today appears to be of lesser magnitude than during the post-World War II period, though it may be more comparable to that of the Korean Conflict period. Public attitudes toward veterans and wars fought have also changed markedly.*

Surveys of *Readers Guide to Periodical Literature* and the *New York Times Index* show that the number of articles and stories about veterans and their problems after World War II was more than ten times as great as during and after Korea and Vietnam.

Public attitudes about the wars themselves appear to "rub off" on attitudes toward veterans of those wars. A plurality of those questioned in a recent study by Louis Harris, for example, view Vietnam veterans as "suckers" who were "taken advantage of." Of all veterans polled by Harris, 53 percent felt that the public's reception of today's veteran is worse than in the past.

16. *Vietnam veterans appear at a disadvantage when compared with veterans of World War II in terms of the attention to their needs provided and generated by major veterans organizations.*

While services performed for veterans have remained similar, lobbying and public information efforts of the major veterans group have become more moderate in recent years and contrast vividly with efforts on educational benefits on behalf of World War II veterans. Some of their recent outreach efforts show increased attention to the needs of disadvantaged veterans, but recent surveys show relatively low membership by minorities and central city residents in these organizations.

E. The Nature and Degree of Abuses in the Programs and the Effectiveness of the Safeguards Established

The singular lack of significant publicity with respect to widespread abuses in the various education and training programs today—in contrasts to those of WW II—is indicative of both safeguards and changes in conditions over time. Many of the abuses and problems in the educational and training programs following WW II were the result of the sheer volume of trainees at a particular point in time and a lack of previous involvement of federal programs in the educational process. The probability of such abuses occurring at the present time would appear to be minimized due to the widespread experience and interaction of the federal government and the educational community in a wide variety of financial programs and the absence of a large volume of veterans entering educational institutions simultaneously. Some problem areas still remain.

17. *While progress has been made toward reducing abuses in training by correspondence, some problems remain which warrant careful scrutiny and safeguards.*

Veteran participation in training by correspondence has increased substantially in recent years, but completion rates appear to be low.

It appears that problems involving the advertising and sales function of some schools remain, though they are less flagrant than in previous years.

The functioning of the State Approving Agencies and their contractual relationship with the VA does not appear to provide for any systematic assurance of the soundness or educational quality of the correspondence courses. To date, no comprehensive assessment of the effectiveness of existing home-study programs and policies has been undertaken.

F. The Execution and Administration of the Educational and Training Programs

18. *In general, the Veterans Administration has administered the education benefits programs effectively and responsibly over the three Conflict periods.*

The organizational history of the VA is highlighted by developments reflecting functional changes based on operating experience and the establishment of legislative safeguards. While great progress has been made in reducing abuses in the programs and operational inefficiencies, there are some remaining problems:

Some delays are caused by the failure of educational institutions to promptly certify veterans enrollment in their schools. Some delays are caused by errors and backlogs in the processing of educational applications and claims in the Regional Offices. The VA appears to be taking steps to improve its service to veterans in this regard through instituting several new procedures, but it is too early to evaluate the effectiveness of these changes.

19. *Differences in treatment of veterans pursuing college degrees and veterans pursuing non-degree postsecondary educational programs may be inhibiting the use of benefits for below college level training.*

There are several policies regarding progress and attendance that clearly show differential treatment between veterans in degree-granting programs and veterans pursuing other postsecondary educational programs. These policies, which include clock hour vs. credit hour policies, certification of attendance requirements, and change of course requirements, are based on an educational situation that was the standard 23 years ago, but is no longer applicable.

The application of these differential policies places constraints on veterans pursuing non-degree programs, such as vocational

or technical programs, and may be discouraging veterans from pursuing these programs. Participation rates which have indicated a decline in below college level education suggest that these policies have had a detrimental effect on enrollment in nondegree educational programs: this is particularly inappropriate at a time when there is increased emphasis on this form of education in legislation, government programs, and projections of manpower needs.

20. *The limited effect of other Federal agencies' effects to provide education and training to veterans has been due in part to a lack of overall direction, leadership and coordination. Although the degree of coordination between the VA and other agencies is greater now than during the previous two conflict periods, it remains limited. When the VA has exercised initiative and leadership the results have been good.*

The VA has increased its participation on interagency committees and increased its working relationships with Federal agencies. However, the VA's coordination effort varies greatly from agency to agency. With some agencies and organizations the VA has built ongoing working relationships at both the national and local levels. On the other hand, coordination with the plethora of local level community services is left to the discretion of the regional or field office.

21. *Other Federal agencies have increased the scope of their assistance efforts for both the general public and for veterans over what they were during the post-World War II and Korean Conflict eras. However, many of these efforts are limited in the effect they will have on the Vietnam Era veterans.*

Federal agencies other than the VA are providing a much greater degree of assistance to the education and training needs of veterans than during the post-World War II and Korean eras. In fact, the Manpower Administration, the Office of Economic Opportunity, and most of the aid programs of the Office of Education did not exist during the earlier periods so that strict comparisons cannot be made. Although the number of veterans served by these programs represent a formidable achievement, it must be placed in the context of greater Federal involvement in education and manpower policy in general. Furthermore, the special efforts to provide services to veterans have come at a late point in the Vietnam Era and some have suffered budgetary cutbacks, significantly limiting their effect.

THE COUP IN CHILE

Mr. STEVENSON. Mr. President, little more than a week ago, the constitutionally established government of Chile was overthrown. A military junta, with no legitimacy other than that bestowed by force, replaced a government that was in the midst of an extraordinary social experiment.

Severe restraints on the personal freedom of Chilean citizens were swiftly imposed. Congress was suspended, pro-Allende political parties were outlawed. Publication of opposition newspapers was halted; public demonstrations were forbidden. Even nonleftist political parties were placed in "indefinite recess"—the junta reasoning that they would not be needed since "the main function of the parties is in congress anyway."

As many as 7,000 Chileans have been imprisoned in the national stadium in Santiago. Reports indicate that there have been perhaps 500 summary executions and 10,000 to 15,000 foreign refugees are anxiously waiting for the junta to decide what shall happen to them, while the military-dominated press stirs feelings of xenophobia.

The U.S. Government has still made little response. I hope our Government's reaction will help to protect the human rights of the thousands of people either in custody or awaiting word of their status as refugees. Encouragement of humane treatment for prisoners and their families, civil trials for civilians and protection of refugees should be essential elements of U.S. policy. These rights are embodied in the international legal instruments referred to in Senate Concurrent Resolution 46. That resolution expresses the sense of the Congress that President Nixon request the junta to observe these rights. I enthusiastically support it.

And because I believe we should do what we can to restore constitutional democracy in Chile, I find it regrettable that our Government was so quick to recognize the new rulers of Chile. The United States has embraced too many repressive regimes. Let us make sure we do not become tied to yet another. There is time enough for the junta to prove it intends to renew Chile's democratic heritage.

The early signs point in the other direction. Last Friday, General Leigh announced that the junta is drafting a new constitution which would increase the role of the military in the government of a country in which non-involvement of the armed forces is a long-standing tradition. Ominously, he also announced that the constitution would not be submitted for popular ratification. It appears that the junta is settling in for a long stay.

We should use our influence to help persuade the junta that the wisest course lies in restoring democracy to Chile. Such opportunities will arise when the new regime seeks foreign aid and Export-Import Bank credits.

It has been shown that American citizens once participated in an attempt to undermine the Allende government. U.S. policy tended to subordinate our national interests to the protection of commercial interests in Chile. Aid was, for example, extended the Chilean military. Credits for the purchase of Boeings was denied Allende. Our protestations of noninvolvement in the coup are suspect and at the least exaggerated. I trust the United States was not directly involved in the coup. But it was involved in undermining Allende.

The Senate Foreign Relations Committee should make public enough of the secret testimony of the Assistant Secretary of State for Inter-American Affairs to clarify the U.S. role and, hopefully, put suspicions to rest. At the present the United States is perceived throughout the world as siding once again with the generals and against the people.

Mr. President, this is especially troubling because of the close philosophical link between the movements for independence in the United States and Latin America. In the early 19th century, the open, honest, free spirit of America spread throughout the hemisphere and helped to liberate the people of South America. That kind of revolution is rare, and probably cannot be recreated. I only hope we can recover a bit of that spirit, and conduct ourselves in a way which will foster the growth of liberty elsewhere, once more. In recognizing, once again, that morality and self-interest can converge, the United States would be enhancing its power and influence in a world which once saw it as its last and best hope.

AUTO REPAIR RIPOFF

Mr. HARTKE. Mr. President, there is not a car owner in this country who does not feel that, at some time in his driving career, he has been unjustly treated by an auto repair shop. Part of this feeling is due to our ignorance of the complex workings of modern automobiles, but part is also due to the unethical and sometimes illegal practices of the auto repair industry.

There are many honest and hard-working auto repairmen in this Nation, but their name has been besmirched by those among them who think nothing of defrauding the public. State legislature after State legislature has begun to grapple with this problem in an effort to assure the car owner of basic consumer rights and restore some measure of confidence between the repairman and the car owner.

Earlier this year, I introduced an Auto Repair Industry Licensing Act (S. 1950). That legislation is designed to encourage and assist States in establishing programs to license auto repair shops and appraisers. This is a national problem and Congress must act now to meet it.

Mr. President, I ask unanimous consent that an article which appeared in the July, 1973 issue of Soldier's magazine be printed in the RECORD.

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

RIPOFF

(By Barney Halloran)

At a run-down little gas station not far from a major interstate highway a greasy-fingered, stubbly-faced mechanic lowered the hood on a hot '70 Malibu with little more than a sniff and a glance. He grinned and said, "That'll be $75, soldier—plus parts."

With out-of-state plates on a downed car you're at the mercy of the closest repair station. But that doesn't mean you'll get any better deal closer to home. It's all part of what's been called the great American automobile repair ripoff.

If 25 *billion* crisp dollar bills were stacked in the Astrodome with guards watching them day and night and if the money was withdrawn only to pay for auto repairs, every buck would be gone in a year. A lot of them wasted. In Senate subcommittee hearings on the automobile repair industry, estimates on unsatisfactory, unsafe or unnecessary work ran as high as 60 percent. "But just assume," said Senator Philip Hart, "that 10 percent is done in an unsatisfactory fashion. It's not a nickel-and-dime operation."

In fact, the automobile repair industry is part of the second largest in the country and for good reason. Although we have only 6 percent of the earth's population living in this land of superhighways, we operate more than half the world's automobiles. For every 10 miles traveled in the United States, 9 are

by automobile while statistics show you're 400 times safer traveling by air.

If automobiles could vote we'd probably be locked up. Not including military vehicles, there are more than 100 million motor vehicles cruising the country and we generally put them together improperly, abuse them and when they're sick send them to the equivalent of a witch doctor for "the cure." The average automobile doctor bill is now in excess of $270 a year and rising. How much of that money actually buys adequate, reasonable and safe repairs is subject to whose argument you're listening to.

While there are a lot of ways a soldier and his dough are separated, stand warned; the auto repair ripoff has been developed into a fine science.

THE ESCALATING ESTIMATE

There's an old story about an optician teaching his son the business. It goes like this: "You tell the customer the charge is $10. If he doesn't blink you tell him that's for the frame, plus $10 for the lenses. If he still doesn't blink you add, 'that's for each lens.'"

That's how the escalating estimate works with automobile repairs. The Deputy Attorney General of California offered this example: "Let's say a customer is quoted $89.50 for a motor overhaul. The repairman takes the car apart, contacts the customer (usually by phone late in the afternoon—the planned psychological effect is to compel the customer to agree to anything because he wants his car back) and tells him the car flunked the micrometer test. It's going to cost him $139.40. If the customer says no, he's told it'll cost him $79.50 just to put the engine back together again and it still won't work. He's now a captive customer and in a poor bargaining position."

As often happens the customer is called again the next day and told, "Because of the condition of your car, the $139 job can't be guaranteed. It's gonna take $399 to get the job done. If the customer balks, he'll probably be offered a $349 repair that isn't fully guaranteed."

THE DECLINING ESTIMATE

Another operation works just the other way around. The declining estimate is a game often played by transmission specialists on older car owners. The customer is quoted a price of $350 for a fully rebuilt transmission with a lifetime guarantee. If he refuses he's offered a less satisfactory 6-month guarantee for only $250. If that doesn't work, he's offered the economy job for $175 with a 90-day guarantee.

The customer is in a bind. He doesn't know the value of any job he's being sold or whether it needs to be done at all.

THE PHANTOM PART

Let's say you bring your car in for a tune-up. The bill comes to $135. You're shown an old ground-up starter that looks like yours. "We had to replace it," says the mechanic. Except they didn't but you paid for a new starter anyhow. The one you saw didn't come from your car at all. Yours is where it always was but now has a fresh coat of black paint on it.

THE NONMECHANIC'S SALES JOB

According to Congressional testimony there's an increasing tendency for salesmen or service managers—without mechanical experience—to pressure or convince customers to have their cars either fully tuned or taken apart before the full extent of the car's problem can be diagnosed.

The State of California for example, has found service managers being trained and encouraged *to sell* repairs. One report from California: "When a car owner comes into a dealer's shop he is sold repairs by a so-called service salesman who often doesn't even look under the hood to find out what's needed. At best he guesses; at worst he pads the bill with unnecessary repairs to improve his salary which is usually based on a percentage of the gross business."

According to the automobile industry, for proper service there should be a ratio of one mechanic to every 60 automobiles. That isn't the case. A dealer's spokesman commented, "The shortage of trained and qualified mechanics is fast approaching a national crisis." It's been estimated that 50,000 new mechanics will be needed each year for the next 10 years just to keep up with the exploding car population. But that says nothing about training.

One large garage owner stated that in years past he had a good choice of mechanics but now he'll take anyone who comes in off the street. Except for a few states that test and certify mechanics, anyone with a tool box or access to one can call himself a mechanic. And many so-called mechanics are frankly incompetent. "There is no standardization of mechanic training," says the California Attorney General. "Many cars leave the shop in worse condition than when they arrived."

Labor charges for repairs are based on one of two methods; actual time spent doing the job or a flat rate book which breaks each job down into allowed time. (Flat rate time times hourly rate equals charge.) Unfortunately the flat rate book leaves little time for proper diagnosis and many mechanics find it easy to "beat the book" by cutting corners. If the mechanic is really untrained and working on actual time, you pay while he toys, tinkers, goofs and messes. Your bill will probably be higher than the cost quoted in the flat rate book.

THE EMPTY GUARANTEE

"25 percent off labor and parts when work is done in our garage" or "90-day guarantee on parts and labor, all parts at dealer's cost." These and similar guarantees are virtually worthless yet several large companies routinely advertise this way while instructing their shops not to perform guarantee work for free. If the car is returned under guarantee you're usually charged anyhow. The explanation is that the malfunction is not related to the work done or the car was abused.

CHARGES FOR WORK NOT DONE

Both the Federal Trade Commission and Consumers Union frequently receive complaints of charges for work not done. It's very simple. Since the flat rate manual pays a mechanic based on the job he's supposed to be doing, if he doesn't do it he still gets paid. It's completely possible for a mechanic to get paid for 18 or 20 flat rate hours in an 8-hour day. And if you're charged for parts never installed the shop makes money on the part, makes money on the nonexistent labor and the mechanic makes a commission on the sale of a part he didn't install.

BAIT AND SWITCH

The newspaper ad claiming, "Brake job, complete for $14.95," is pretty common. But when you get to the shop the service manager tells you confidentially, "The linings used are horrible. Your car won't really be safe to drive. Play it safe, get the $30 job." And for that matter the man is correct. The $14.95 job probably is shoddy but for $30 you could have gotten your brakes fixed in any reputable shop.

NONEXISTENT SERVICES

Another common come-on is the ad claiming free towing service, free loan car and instant credit. The truck is usually out, the loan car's already on loan and the credit deal is with a slick outfit up the street willing to charge you the maximum interest the law allows. Free loan cars are usually tied to buying "guaranteed repairs" or the most expensive job in the shop.

USED PARTS SOLD AS NEW

Everyone knows that rebuilt parts almost always cost less than new parts and much less than "Genuine Parts." But when you pay for a new part you should get one. It doesn't always happen that way. For example, a new starter sells for $53.45. Yours just needs a new drive gear. So your starter is removed and sent out for a rebuild costing the garage $9.80. You get a rebuild off the shelf for the full price of a new one. You bought a paint job and $9.80 worth of repairs.

HAPPY MOTORING, TROOP

Cross country trips on PCS orders and vacations give you an opportunity to learn how efficient some service stations are at getting parts. It works something like this:

Let's say your wife stops for gas. The hood opens and a mechanic squirts a shot of oil on your alternator. "Gee, ma'am, look. Your alternator's all shot. See, it's spraying oil. You get back on the interstate and in 10, 15 miles it'll just fall apart."

To which the lady responds, "Is there anything you can do?"

To which the mechanic responds, "Well, I can take a look and see if we have a replacement for it."

Sure enough. It just so happens they do and your wife cruises out with a $100 bill crunched on her credit card never knowing she was had.

FIRE

Not too long ago, a soldier's dad was driving his son's car back from California. He stopped at a gas station, up went the hood and by George, the alternator was on fire. In this case the station boys didn't feel as though the driver would go for the oil trick.

He was told the alternator would have to be replaced along with the voltage regulator. The story was the regulator points fused together and started the fire. Although no warning lights lit on the dash board and there was no smell of smoke until the hood was raised, the gentleman was stuck.

LEAN ON ME

The same situation often occurs with out-of-state cars. A sensible trooper will have his car checked before taking a long trip home. If he happens into a less than reputable garage, once the mechanic spots out-of-state plates, the game is on.

Suppose you're about to return from 2 weeks' leave and want a tune-up before heading back to post. You go to the shop and there's your engine all over the floor. You can't drive away and the man wants a month's pay. The first mistake was signing what's laughingly called a "work order." The tiny lines below your signature usually read something like this:

"I hereby authorize the repair work herein set forth to be done along with the necessary material and agree that you are not responsible for loss or damage to vehicle or articles left in vehicle in case of fire, theft or any other cause beyond your control or for any delays caused by unavailability of parts or delays in parts shipment. I hereby grant you or your employees permission to operate the vehicle herein described on streets, highways or elsewhere for the purpose of testing and/or inspection. An express mechanic's lien is hereby acknowledged on above vehicle to secure the amount of repair thereto."

"Necessary material" means whatever the boys in the shop decide to stick on. You already agreed. The "express mechanic's lien" is something else. It means if you don't pay the garage they can sell your car to cover the cost of their work. In many states your car can be sold without any court authorization and in others only summary court proceedings are necessary. In any case, it's likely your car won't draw top dollar; after all the garage just wants to get rid of it. Therefore you can't expect much of a return—if any at all—after it's sold.

NEVER A BLANK CHECK

One way to save yourself unnecessary repairs is to scratch out the last word in tiny

print on the work order. Scratch "thereto" and write "initialed hereunder." Don't stop. Ask the mechanic or service rep to list all the parts needed for the job on each line, initial them and scratch out the remaining blank lines. Leaving them blank is like writing a blank check and nobody should be that dumb.

A SHINY NEW PROBLEM

Many people feel the best way to avoid expensive repair bills is buy a new car—after all, it's protected by a warranty. However, most people don't seem to understand what is and what isn't covered by their warranty.

Let's begin at the beginning. The Federal Trade Commission concluded that warranties were first designed as a device to *sell* automobiles. An executive of one major automobile corporation went so far as to say, "But when you boil it all down, there's only *one* reason for the 5 year/50,000 mile warranty and Certified Car Care—and that reason is simple . . . to *sell cars!*"

That's one reason why warranties do not cover parts and labor for normal maintenance like tune-ups; adjustments of wheels, brakes and clutches; lubes and oil changes; replacement of brake linings, spark plugs, ignition points, filters, clutch plates and lights. That's also why deterioration of soft trim, decorative bright trim, painted and rubber parts are excluded from warranties.

POOR MR. DEALER

The new car dealer is caught between the consumer on one side and the manufacturer on the other. Look at it from his point of view for a minute. Six years ago the average dealer had $19,000 invested in his business. His total sales were $1,490,000 a year Net income after taxes was $14,000. That's a miserable 10.8 percent return on investment and 1.8 percent profit. In the meantime the manufacturers made eight times that much.

If you're wondering why warranty work is often undone or done miserably, it's partly because the dealer doesn't get reimbursed from the factory at the same rate he can charge his customers. He has to work cheaper on warranty work. The National Association of Automobile Dealers reported there are at least nine additional bookkeeping steps involved in doing warranty work for which the dealer isn't reimbursed at all. He's also required to save, tag and inventory parts replaced under the warranty. Oftentimes the factory will not reimburse him at all for work done under a warranty. If his bookkeeping doesn't meet factory specifications they may reclaim money already paid him. And the manufacturers' flat rate book allows the very least worktime for mechanics.

That, according to the FTC, is why the dealer charges you 20 to 70 percent more for parts and labor. He's trying to make up the loss he suffers doing warranty work.

INSUFFICIENT EFFORT

The editor of *Motor Age* commented that "Manufacturers are beginning to realize the crux of their dealer service problem may be the car was never designed for the convenience of the motorist and the profit of the mechanic. In short it was never designed to be serviced."

Maybe that's why a Consumer's Union poll found 20 percent of all warranty work performed unsatisfactorily, why *Newsweek's* poll showed 14 percent of new car buyers complaining of unsatisfactory dealer service, why the FTC reported "evidence available to this Commission indicates that performance under warranties has fallen short of *reasonable* consumer expectations," and why the FTC reported in plain English: "Have the manufacturers and the dealers made a sufficent effort to put cars in top-notch operating condition? Based on the evidence the answer to this question is 'No'!"

BUY A USED LEMON

Some people feel that in buying a used car they'll finally get their hands on a car with all the bugs worked out and a good bit of life left. Could be.

Dr. William N. Leonard, Professor of Economics at Hofstra University, offered this little teaser: "Because of rapid depreciation rates hastened by Detroit's planned obsolescence (the typical new car depreciates 30–33 percent the first year, 17–20 percent the second and so on) and resale prices being set at low levels, the dealer can take a used car, fix it up and resell it in a seller's market at a profit of several hundred dollars per vehicle. In fact, many dealers will make $400 on a used car selling for $2000, and only $150 on a new car selling for $3000. The result is that used car buyers—those as a rule with lower incomes—help subsidize the new car buyer who has more income to begin with."

A few years ago a former aeronautical engineer named Glenn Kriegel established one of the country's first auto diagnostic centers. His operation was and is all diagnostic. He does no repairs. Mr. Kriegel is not in the business of telling people their cars are sick so his mechanics can play doctor.

"Approximately 40 percent of our business is on used cars people are intending to buy," says Mr. Kriegel. "We find that in most cases a large percentage of the used cars offered for sale to the general public is in very poor condition. In fact, our records show an average of $175 repairs required and these are not skimpy repairs. We find in many cases these cars come from dealers who advertise them as reconditioned and offer certain nebulous warranties on them. In fact, they are not as advertised."

HOW SAFE?

Just because a used car has a safety sticker attached there is no guarantee the vehicle is safe. A late model used car being sold by a reputable dealer can be used as an example. On an independently run test lane this car was found to have its left frame horn, suspension and cross members tack-welded together. Apparently the workmen forgot to finish the welding job. The left front wheel was coming off. Driven on the highway it probably would have caused a fatality. However, the safety sticker on the window was brand-spanking new.

A safety sticker does not mean a car is road safe. Insufficient state inspections were noted in Senator Hart's hearings time and time again. Adequate inspections cost too much money.

YE OLD GAS STATION

Yet whether you have a new or used car you have to have it serviced somewhere. Most people complain dealers are too expensive, lines too long or appointments take days and sometimes weeks to arrange. Why not try the local gas station? It's at least convenient.

The fact to remember is a gas pumper does not a mechanic make. If you can find a service station with a knowledgeable mechanic on duty you're in luck. But remember anybody can call himself a mechanic.

In most stations you're paying the mechanic according to a commercial flat rate manual. The station generally has access to parts through nearby suppliers—although it must pay more than dealers for parts. But if you aren't satisfied with the work done you always have recourse to complain to the parent company.

There are approximately 200,000 stations dotting the countryside; the best thing to do is make friends and find out what kind of service the ones near you are capable of performing. For starters, remember most stations are not equipped to handle major jobs.

INDEPENDENT GARAGES

Most of the country's 112,000 independent garages are equipped to do major jobs. But there are independent garages and independent garages. The biggest ones have a tendency to treat you like just another customer while the smaller ones generally rely on repeat business and seriously work at developing a good reputation.

More than 4,000 of these shops belong to the Independent Garage Owners Association (IGOA). They're small shops often doing less than $50,000 worth of business a year. One distinct advantage of going to an independent garage belonging to the IGOA is their Verified Car Care Plan. These garages are able to service your car without invalidating a new car's warranty. It's a point often misunderstood. You are not required to have maintenance performed on a new car by the dealer, only warranty repairs. your warranty to show you're living up to your part of the warranty in having maintenance performed as prescribed by the factory.

While the independent does have some trouble getting parts, you can expect to pay lower rates in an independent garage than at a dealer's. Despite an FTC order some dealers will not sell certain parts to independents. The "captive part" problem, however, generally doesn't affect the average repair.

You might be interested to know that representatives of IGOA have testified that approximately 20 percent of the work they do is to correct repairs done elsewhere.

SPECIALTY SHOPS

Redoing work suggests someone hasn't lived up to his part of the bargain which is what the Federal Trade Commission has been busy trying to get some specialty shops to do. The companies under the Federal gun were not fly-by-night operations but franchised shops whose parent companies have been stung several times by the FTC for using deceptive sales schemes and false and misleading advertising.

Specialty shops offer promises of quick service, all sorts of guarantees and special sales. But the best promise is one you should make to yourself. Buy only what you went for. It seems your car can be diagnosed as having more problems in a specialty shop than almost anywhere else. The FTC and Office of Consumer Affairs both agree you should shop carefully.

THE MASS MERCHANDISERS

The fastest growing chains of repair shops are related to the country's giant department stores and mail order companies. Their biggest advantage is low prices on parts. It's the old story of buying power: the more they buy, the cheaper they get it. However, complaints registered seem to indicate the large department stores do not have the best mechanics and their shops are not equipped for much more than the general repairs available at most good service stations.

If you have a gripe about the work done some lawyers feel you have a better chance of settling your complaint with the big boys. But if you refuse to pay your bill you can be almost certain your credit rating will suffer. First thing to go will be your company credit card, then comes a big black mark on your general credit record.

MORE THAN MONEY

Since the American automobile yearly becomes more complicated, involving more gadgetry, buzzers, lights, electric windows and air conditioning systems, it pays the owner to know more about it. The more gear on a car, the more chance for failure and costly repairs. Interestingly enough, Dr. Robert Brenner, while Deputy Director of the National Highway Safety Bureau, commented that according to their studies, a full 32 percent of all safety related defects on today's automobiles were design related. In simple English the design was unsafe from the start.

With the passage of the Motor Vehicle Safety Act of 1966, manufacturers are now required to notify buyers of any safety re-

lated defect. Last year 12,081,803 vehicles were recalled but only 70 percent of the owners showed up to get their free repairs.

Unattended safety defects, faulty repairs and the high cost of repairs can do more than ruin your budget, they can end your life. Senator Hart said, "If consumers are wasting conservatively one-third of all repair dollars . . . obviously some of that bad work must end up in death or injury."

Donald H. Decant, a member of the Society of Automotive Engineers and owner of the country's first independent auto diagnostic center, testified that 85 percent of the cars tested in his shop had safety related faults. Twenty-six percent had hazardous braking faults and 16 percent more had potentially hazardous brakes.

The Department of Transportation has flatly concluded the quality of repair is inadequate. From available data, DOT found repairs to safety-critical systems—brakes, front end, steering, suspension and tires—were inadequate 23 percent of the time when work was performed under warranty and 12 percent of the time when the customers paid.

Those defects translate into accidents. In a recent limited study of turnpike accidents 11 percent were the result of a vehicle failure. Is the figure higher? In most cases, without an auto autopsy it's hard for police investigators to determine failure. If a car goes off the road and the driver dies, the accident is usually chalked up to driver error or fatigue, not vehicle failure. Systems known to fail most frequently are tires and brakes.

So when it comes time for new tires, forget retreads and cheapies. Consider how much a $14.95 brake job might eventually cost. Before buying a new car figure the cost seriously. DOT estimates a new car should last 100,000 miles or 10 years to be economical. (Yet the Government sells its own cars at 60,000 miles.) If you make a comparison, even as the clunker gets older, repairs each year still cost less than depreciation which makes keeping an old car cheaper than buying a new one. And before buying a monster consider a smaller car. They are cheaper to operate, maintain and insure.

"If consumers have been finding it impossible to get the car that takes fewer repairs from domestic manufacturers—obviously we have some explanation for the increase in imports," said Senator Hart.

"Of course, not all repair problems can be—nor should be—blamed on incompetent mechanics. We have been told by industry that incompetency exists. We have been lectured about the need for many more mechanics.

"But overspending for repairs grows from many seeds. Some grow from incentives in the present system, some from human error, some from out-and-out fraud—a lot from design."

IS THERE NO JUSTICE?

The solutions offered to the motorist are legion. Consumer groups, legislators, economists and safety groups all have solutions to offer but then so do the manufacturers.

The best defensive policy is of course to learn more about your automobile and how it functions. Junior colleges, YMCAs, posts, some independent garages and women's clubs often offer basic courses for beginners. Considering how much money people tie up in their automobiles over a life-time, a basic course or two could certainly be considered an investment. In the meantime play defensively.

DEFENSIVE MEASURES

Read warranties and guarantees carefully, look for the loopholes that will cost you later. Do they include labor?

Get an estimate in writing before signing anything.

Ask to see the flat rate book and ask what the shop's hourly rate is.

Don't let a dealer show you a commercial flat rate book for repairs. Commercial books allow more time than factory books.

Get the work order filled out in full before signing.

Cross out all blank lines on work order.

Initial repairs on work order. Scratch out "thereto" and write "initialed hereunder."

Don't take verbal promises from anyone. Get it in writing.

Get out of your car in a strange service station—especially on the highway—and make sure it's not sabotaged.

Don't let any shop take your transmission or engine apart until you're sure it needs it. Get a second opinion from another shop.

Avoid places that advertise heavily; the odds are against you. Good shops don't need to buy ads.

Paint or scratch an identifying mark on major parts to prevent being sold your own gear.

Don't give in to "The Phone Call." Stick to what work you wanted done.

Don't be afraid to back out if the price sounds too high.

Contact your local Better Business Bureau to check out local repairmen's reputations.

If work isn't done properly, tell the hombre after talking with your legal assistance officer you intend to blow the whistle to—the FTC, the DA's office, your state's office of consumer affairs, the Better Business Bureau and anybody else you can think of.

RESIGNATION OF PRESIDENT ROBERT PANTZER OF MONTANA

Mr. MANSFIELD. Mr. President, in the past decade, one of the most difficult professions has been that of presidency of a college or university. Ten or 15 years ago, the position of university president was highly regarded and greatly sought. Today, the situation is considerably different. There are many colleges and universities—large and small—with vacancies or attempting to seek new administrators. This is due, in part, because of the student protest movement, which appears to have waned, and the complexities of financing higher education and that becomes more difficult each year.

In the State of Montana, we have been fortunate in having a president at the University in Missoula who has weathered the storm and done an excellent job. Robert Pantzer has always fairly represented the interests of the students, the faculty, and the Montana taxpayers. After nearly 9 years, Bob Pantzer has decided to step down. This is his own decision and one I regret as I had hoped that Bob Pantzer would remain in the position he has executed so well. I do understand, however, and I hope that he will go on to other pursuits which will benefit the State and Nation.

President Pantzer survived some difficult years during the student protest movement and I know of few who have been greater advocates of the interests of the students. In recent years, because of the financial problems facing a State like Montana, the university system has had to absorb some serious budget cuts. President Pantzer has met these directives head on and has continued to administer the university in line with the fiscal realities of this day and age.

Bob Pantzer is a Montanan who knows and understands the State. He will go down in history as one of the great presidents of our university and I wish to take this opportunity to wish Bob and his wife, Ann, success in whatever they plan to do in this academic year.

Mr. President, I ask unanimous consent to have the attached editorial printed at the conclusion of my remarks.

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

A DECENT MAN IS STEPPING DOWN

Bob Pantzer's resignation as president of the University of Montana, announced Tuesday at a faculty meeting, was expected. He will step down next July 1 after nearly nine years in one of Montana's most exacting jobs. His action is voluntary.

He's been a fine president, but as he noted in his gracious resignation statement, vast changes are under way in higher education generally and at the UM particularly. "The time for new, different and vigorous approaches seems to be at hand," he said.

In addition to the need for new blood, Pantzer cited his own exhaustion with a job that requires him to work seven days a week, 12 months a year. He also mentioned the frustrations caused him by the budget crunch, which occurred this year when the legislature declined to fund the university at all well. Pantzer's administration of the budget crunch last spring brought him into sharp conflict with elements of the faculty, especially in the College of Arts and Sciences. That conflict still simmers warmly and might heat up again this fall.

So it was wise for Pantzer to step down. Thankfully, he will be around this academic year to try to solve various conflicts, and will provide an experienced hand as the entire Montana University System enters a new administrative era with a new board of regents, a new commissioner of higher education vested with extensive powers, and a new Commission on Post-Secondary Education which will try to bring order to Montana's nonsensical system of higher education. Pantzer is hitting it just right: He will be around when his experience is needed, and step down at the proper moment.

His predecessor, Robert Johns, used to cite indignantly a Time magazine article that described the UM as a "graveyard of presidents." It was no such thing, said Johns, who hit the bone pile after slightly less than three years in the job.

So Pantzer took over a tough job and held it. He held it through tough years, especially during the hot period of student anti-war protest. His performance on May 5, 1970, when more than 2,000 students gathered before Main Hall to protest against the Cambodian invasion and the Kent State killings, was superb. He lent support to the aims of the protest, counselled against violence or destruction, and never once then or later gave in to the maniacs who felt the university should crack down hard on non-violent protest.

Pantzer is a man of spirit and backbone. He has been good for this institution; the right man at the right time. Now it is time for him to step down, and it speaks well of his intelligence and acumen that he recognizes this.

The problem now facing the university system is to find a replacement who is not merely as good, but better.—Reynolds.

POWHATAN'S HISTORICAL COURTHOUSE

Mr. FULBRIGHT. Mr. President, the beautiful old courthouse in Powhatan, Ark., which stands on a hill overlooking the Black River, is being restored through

the efforts of a dedicated group of citizens of Lawrence County and with the aid of a grant from the Economic Development Administration.

I am pleased to have been able to work with the local citizens in assisting them in obtaining the grant from EDA.

An article in the Arkansas Gazette of September 23 tells of the efforts to restore the courthouse and the years of work by the Powhatan Restoration Committee and the Lawrence County Development Council. The restoration committee raised $30,000 for the project.

According to the Gazette article, not only has the courthouse been restored, but there are strong signs of new life in the community of Powhatan. The Gazette article states:

Seeing their six years of work for the court house coming to fruition, the committee and Powhatan have a foundation for their hopes that the town, once the center of commerce and justice in the county, may now become a center for the rich history of Northeast Arkansas.

Mr. President, I ask unanimous consent to have the article from the Gazette printed in the RECORD, along with an earlier Gazette article, dated September 14, 1972, announcing the EDA grant and the beginning of the restoration work.

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

[From the Arkansas Gazette, Sept. 23, 1973]

POWHATAN'S HISTORICAL COURTHOUSE GETS NEW LIFE

(By Brenda Spillman)

The 85-year-old county courthouse at Powhatan, standing like a monument over a Northeast Arkansas that already was dying when the Lawrence County seat was moved to Walnut Ridge in 1963, soon will have new life when its restoration as a state historical site is completed in this month.

New life is what many residents hope the restoration will mean for Powhatan, county seat for 94 years and formerly the main trade center for the county. Once a thriving Black River port with nearly 1,500 residents, Powhatan began its decline in the 1880s when the railroads passed it by.

Now the courthouse, standing on a hill overlooking the Black River, dwarfs the town, which today probably has fewer than 100 residents and not more than 25 buildings.

"This restoration just may bring this community alive again," said Mrs. Robert Flippo of Lake Charles, president of a committee of the County Development Council which began the restoration campaign in 1967.

Now that the courthouse restoration is almost complete, Mrs. Flippo and other members of the committee and the community are looking to a larger dream which was suggested by a team of visitors from Colonial Williamsburg in 1968. They are hoping eventually to restore several other buildings that date from the 1800s, from the old schoolhouse, now used as a church by a Baptist congregation, down to the old river landing.

"We even have dreamed that we might have a new landing on the river and operate an excursion boat," she said, "but of course that's only a wild dream so far."

But it is not just a dream for the 100-year-old Methodist Church, which will be restored in the near future by its congregation.

"But we're going to get the courthouse finished first," Mrs. Flippo said. "Then we'll see about the church."

Bill Thompson of the state Parks and Tourism Department, which will take over the maintenance and operation of the courthouse when restoration is completed, said that the old county jail, located behind the courthouse, probably also would be restored, although no firm plans had been made.

He said the department also was interested in restoring other old buildings such as the school, the old postoffice and a log house across from the courthouse which is believed to date from the 1830s. However, he said that so far the further restorations were "just talk, without budgeting."

"That doesn't mean to say we wouldn't li' e to investigate it," he added.

The restoration committee is well aware of the problems involved in getting money and interest in such a project after their six-year campaign for the courthouse restoration.

"Of course, we all think the restorations of the other buildings would be wonderful, but just try to raise even the $30,000 we raised for the courthouse in a small farming community like this," Mrs. Leon Stewart of Lake Charles, past president of the restoration committee, said.

"A lot of people right here in Powhatan said they would just as soon see the courthouse burn as restore it," she added.

She said that from the first the project had been nursed along by the "faithful few" in each community who thought the restoration was worthwhile.

As early as 1964, residents were talking of making the courthouse into a museum, but it was not until 1967 that the Development Council, which ironically was instrumental in the campaign to move the county seat to Walnut Ridge, formed the restoration committee.

In 1969, a drive to raise $25,000, the committee's estimate of the cost of repairing the exterior of the courthouse, began. The rest of the restoration was to be done in stages as the money became available.

However, by the end of July 1970, more than $27,125 had been raised for the project through every means the finance committee could imagine from raffles and rummage sales to solicitations from former residents of the area.

Mrs. Elizabeth Myers of Black Rock, president of the finance committee, said more money was raised from former residents by letter than from within the county. She noted that contributions had come from 17 states and included gifts from United States Representative Wilbur D. Mills of Kensett and then Memphis Mayor Henry Loeb. A former resident, who now lives in Florida, contributed $5,000 to the project.

In 1970, the committee applied for a grant from the Economic Development Administration, with the backing of the Parks and Tourism Department. The only stipulation was that the courthouse be used as a restoration of a courthouse of the period rather than as a general museum.

"There has been some bitterness that the courthouse is not to be used as a museum," Mrs. Stewart said, adding that many residents had hoped to donate items to be displayed at the courthouse.

The grant was approved in the fall of 1972, and work on the project, funded with the committee's $30,000 and $120,000 from the EDA, began last January.

Hardy Little of Jonesboro, the architect for the restoration, said the courthouse, an example of the Victorian architecture prevalent in the United States around 1888 when it was built, had been restored as closely to its original condition as possible using the architect's plans which were found in the vault of the circuit clerk's office. The only change made was the addition of electrical lighting and outlets.

Little said the building was built on a foundation of native stone with brick that was manufactured locally at a kiln in the woods near the courthouse. He said the major work done on the building was the replacing of the roof and the support of the main staircase, which had been removed, causing the stairs to sag and crack the exterior walls.

Other than repainting and replacing of hardware and moldings, the major work necessary for restoration of the interior was the replacing of the courtroom ceiling which had sagged under the weight of "literally tons" of pigeon droppings, according to Mrs. Stewart.

She said her son and Mrs. Flippo's son had shot "thousands" of pigeons that had roosted in the space between the roof and the courtroom ceiling during the period when the courthouse was not being used.

When the committee and members of the community went inside the courthouse at the beginning of the project to inspect the contents, Mrs. Stewart said they found the jury room off the courtroom "piled to the ceiling" with old documents, some of which dated back to 1813. During the period of disuse, the documents had been rained on and some of them had been spoiled by pigeon droppings. Mrs. Stewart said those documents and the ones found in the Circuit Clerk's vault were organized somewhat and removed to Walnut Ridge until the restoration was complete.

Thompson said the state did not plan to open the courthouse to the public until next spring and said that in the meantime the old records and documents would be further organized for display in two rooms to be set aside for a historical library.

Mrs. Stewart said the Development Council hoped to get a grant to microfilm the documents and planned to make recordings of old trial records, found in the circuit clerk's vault, which would be played for visitors to the courtroom.

"We plan for the library to be open to interested students from the universities in the area," Mrs. Flippo said. "I understand some already are planning to write theses on the records we've found here."

The records date back to before the county was formed in 1815 and include the plans for old Davidsonville, the county seat when Lawrence still was part of Missouri Territory. The county, second only to Arkansas County in age, is known as the *Mother of Counties* because 31 present-day counties were formed from its original area.

Powhatan had its beginnings in the 1830s as a community which sprang up around a ferry crossing established there by John Ficklin, for many years the only resident. By 1839, the population had grown sufficiently to warrant the establishment of a steamboat landing. In 1866 the town was incorporated, according to the secretary of state's office.

Lawrence County historian Walter McLeod wrote that Powhatan was a "thriving town when the county seat was moved there in 1869, and then it took on new life." The first courthouse was built there in 1873 and burned in 1885. A safe, built the year the courthouse burned, still stands in the restored courthouse which was built three years later.

But McLeod's testimony of the prosperity of Powhatan when it became the county seat was short-lived. By 1887, the county had been divided into two districts with the Eastern District headquarters located at Walnut Ridge. Around that time the Frisco railroad, unable to get the right of way to the Black River at Powhatan, routed through Black Rock, sounding the beginning of Powhatan's decline as a trade center.

Evan Smith, father of Mayor C. A. Smith and a resident of Powhatan for 71 years, remembers better days at Powhatan.

"You used to be able to go all over town on wooden sidewalks without ever getting on the ground," he said, adding that the town used to be a full half mile square and

extended to the river with a livery stable, packing house, sawmill and other businesses associated with the river trade.

But Smith also remembers the ferry leaving around 1935 and the swing bridge, Powhatan's last link with the other side of the Black River, being removed around 1957.

"Why sure, I helped take it down," he said.

When U.S. Highway 63 was built across the county, it, like the railroad, jumped over Powhatan, leaving the little town isolated on old state Highway 25. But while Powhatan was being cut off from efficient means of transportation, Walnut Ridge, crossed by U.S. Highway 67 and the Missouri Pacific Lines, was assured of growth.

By the time the move to consolidate the Eastern and Western District of the county, a bone of contention between the districts since early years finally succeeded in 1963, Powhatan already was all but dead. The vote was an overwhelming 11 to 1 in favor of the move, and even in Powhatan, the only township to oppose the consolidation, the vote was a slim 16 for and 24 against.

Somewhere along the way, although the county and circuit clerks could not find a record of it, the city government at Powhatan had gone inactive. According to Mrs. Vurnece Jones, circuit clerk at Walnut Ridge, part of the reason was because residents were not willing to pay city taxes.

At the time of the consolidation, then County Judge Brooks Penn said he thought the newly approved state park at Lake Charles outside Powhatan, would mean more to the community than having the county seat there.

But whether or not the park has meant a great deal to Powhatan, something has brought back at least a spark of life. The restoration committee has found enough interest to make the restoration of the courthouse possible. In 1971, the town charter was reactivated, according to Mrs. Jones, and new city officials were elected.

"The City Council is real active now," Mrs. Flippo said.

Seeing their six years of work for the courthouse coming to fruition, the committee and Powhatan have a foundation for their hopes that the town, once the center of commerce and justice in the county, may now become a center for the rich history of Northeast Arkansas.

[From the Arkansas Gazette, Sept. 14, 1972]

COURTHOUSE RESTORATION WILL BEGIN

POWHATAN.—With the approval this week of a $120,000 Economic Development Administration grant, restoration of the old, abandoned Lawrence County Courthouse here will get under way within 90 days, according to the architect for the project.

Hardy Little III of Jonesboro said plans were complete and have been approved by both federal and state authorities.

The building will be restored to its condition at the turn of the century when steamboats passed along the Black River. Some beautification of the bluff site also will be done.

The project will employ 28 persons, Little said.

The office of Senator J. William Fulbright (Dem., Ark.) advised earlier this week that the grant had been approved. The EDA grant is being matched by $30,000 from Lawrence County residents.

Mrs. Leon Stewart of Powhatan, the old Western District county seat, was chairman of the Powhatan Restoration Committee. Mrs. Jay Myers of Black Rock served as finance chairman.

When the old two-story brick courthouse was constructed in the late 19th Century, it was one of two courthouses for the county, the other being at Walnut Ridge. Lawrence County often has been called the state's "mother of counties" because 31 counties were carved from the original Lawrence County.

In the early 1960s, Lawrence County residents voted to consolidate the districts into one and build a new courthouse at Walnut Ridge, which had become the county's commercial and governmental center after the railroad and highways bypassed Powhatan.

The restoration project will be incorporated into nearby Lake Charles State Park as a museum.

IN DEFENSE OF HUMAN RIGHTS

Mr. RIBICOFF. Mr. President, last week my good friend and colleague Senator KENNEDY received a Human Rights Award from the Jewish Labor Committee's Trade Union Council for Human Rights.

I can think of no other person more deserving of such an award. Whenever and wherever fundamental human rights are in danger, Senator KENNEDY's eloquent voice is always raised in defense of freedom. Whether the repression has been in the Soviet Union, in Pakistan, in Ulster or in Greece, it diminishes all of us, and Senator KENNEDY, realizing this truth, has never been afraid to speak out.

The Senator's remarks on this occasion about the situation in the Soviet Union are particularly noteworthy. He stated:

The iron regime of Stalin is gone from the Soviet Union, and tensions between East and West have eased. But still we see Soviet man and women brutalized by the apparatus of state repression. Still we find writers and scientists and poets in the prisons and the mental institutions of that vast country. Still we find Soviet Jews denied the right to free emigration.

Still we wait for a sign of protest from the government of the United States.

We ask our country why there is no protest when Solzhenitsyn is condemned? Why is there no protest when Sakharov is condemned? Why is there no protest when Soviet Jews are condemned?

What all of us here want is a government that, even as it pursues its peaceful policies with the Soviet Union, will speak up against the human injustices and indignities that still plague that land.

I ask unanimous consent that the text of Senator KENNEDY's remarks be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY AT THE THIRD ANNUAL HUMAN RIGHTS DINNER OF THE JEWISH LABOR COMMITTEE'S TRADE UNION COUNCIL FOR HUMAN RIGHTS, CHESTNUT HILL, MASS., SEPTEMBER 21, 1973

I am pleased and highly honored to be here this evening and to accept the Human Rights Award of the Jewish Labor Committee's Trade Union Council for Human Rights.

I want to especially thank Jack Sheinkman for his kind words and to express my pleasure at being able to join with Ed Milano, Julius Bernstein, Chick Chaikin, Mike O'Keefe, Joe Tonelli, Bill Cleary, Milton Kaplan, Massachusetts State AFL–CIO President Joe Sullivan and Rhode Island AFL–CIO President Tommy Policastro and so many other friends from the New England Labor movement.

As a United States Senator, I can think of no greater accolade, no greater honor, than to be considered by men and women I deeply respect as having played a role in the advancement of human rights. I know that Sam Angoff and Bob Quinn felt a similar sense of pride in this award.

For the banner of human rights has drawn the best from us, calling forth our greatest sacrifices and our greatest commitment.

Both President Kennedy and Robert Kennedy pledged their lives to that banner. If there was one single cause they revered above all others, it was the cause of human rights.

The poet John McCrea wrote: "To you from failing hands we throw the torch; be yours to hold it high. If ye break faith with us who die. We shall not sleep . . ."

No organization has held the torch so high as the Jewish Labor Committee. You stand as a tribute to the opportunities of America and a herald to the cause of freedom.

You are the descendants of immigrants who came here alone, unsure of the future, but determined to live in freedom. You are the witnesses to the spirit of human rights in this land. And as leaders in this struggle, you must continue to speak out against every attempt to deny the rights of others.

The history of the Jewish Labor Committee and the Trade Union Council for Human Rights is the history of men dedicated to the cause of equality and the cause of social justice. It is the history of 40 years of battle to rescue the victims of oppression. It is the history of leaders like Charney Vladeck and David Dubinsky, who fled Czarist rule for the freedom of this country and who forged the JLC to protect that freedom for all who came after them.

The JLC does not stand isolated within the labor movement in its commitment to human rights. For wherever that cause has been threatened the leaders of the American labor movement, both past and present, have stood tall. And I am proud, as my brothers were proud, to stand beside you in that cause.

The struggle of human rights knows no boundaries. It knows no national restrictions. It knows no religious divisions. It is a cause as ancient as the march from Egypt and as modern as the march to Washington.

This year we must look at the world around us and ask with all our wealth, with all our weapons, with all our wisdom, whether the world today is more free, more just, more hopeful than it was 25 years ago.

For this year marks the 25th anniversary of the Universal Declaration of Human Rights.

The assembled delegates listened on December 10, 1948 as Eleanor Roosevelt presented the proposed draft. "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world," she read, and she proclaimed Universal Declaration of Human Rights "a common standard of achievement for all peoples and all nations . . ."

No one expected that proclamation to rid the world of tyranny, or of poverty or of injustice.

But for 25 years, it has stood to condemn the denial of human rights.

For 25 years, it has been a standard that no government could publicly disregard.

For 25 years, it has pointed the way toward the future.

This is a time to renew and restore our commitment to that future.

For the barriers to the full expression of that Declaration still appear as a wall of granite. Nations still seek to crush the rights of man into dust. Governments still seek to claim the right to monitor the lives of their citizens in their own interests. States still seek to silence those who dare to dissent.

And too often we allow the victims to pass unnoticed and unattended.

The iron regime of Stalin is gone from the Soviet Union, and tensions between East and West have eased. But still we see Soviet men and women brutalized by the apparatus of state repression. Still we find writers and scientists and poets in the prisons and the

mental institutions of that vast country. Still we find Soviet Jews denied the right to free emigration.

Still we wait for a sign of protest from the government of the United States.

We ask our country why there is no protest when Solzhenitsyn is condemned? Why is there no protest when Sakharov is condemned? Why is there no protest when Soviet Jews are condemned?

What all of us here want is a government that, even as it pursues its peaceful policies with the Soviet Union, will speak up against the human injustices and indignities that still plague that land.

I believe the American people want their government to protest these crimes against the cause of human rights. I know the American labor movement does.

For if we are to keep faith with those before us who struggled in this cause, then we must not condone silence in the face of repression.

The American people did not condone silence by their government when millions of Bengalis were being slaughtered.

The American people did not condone silence by their government when political prisoners in Saigon were placed in tiger cages.

And the American people will not condone silence when thousands of Chilean citizens and political refugees are rounded up in football stadiums and ordered to face military courtmartials.

For allegiance to human rights does not permit us to pick and choose those governments we like and those we do not like, to say that the former may violate civil rights, but the latter may not.

We want an American foreign policy which will not permit our ambassador to toast the colonels in power in Greece while the Conference of Europe has condemned the past brutality of that country's regime.

We want an American foreign policy which will not let us act as middlemen in procuring arms for the Franco regime while the nations of Europe condemn that country for its denial of a free labor movement and its denial of civil rights.

We want an American foreign policy which will not call the oppressive government of Brazil the hope of the future in Latin America where tales of torture and censorship continue to emerge from that nation.

And we want an American foreign policy which will not overlook the internment of thousands of Catholics in camps in Northern Ireland.

Now is the time to demand that the Universal Declaration of Human Rights be respected by all the nations of the world, including our own.

Former Chief Justice Earl Warren spoke to all the world when he said, "No one of us, if he looks with a clear and honest eye, can fail to see close at home as well as in distant places, far too many manifestations of man's inhumanity to man."

In this land where the greatest experiment in liberty ever essayed is still unfolding, there remains much left to be done.

We must end the discrimination that continues to rob young children of the chance to be free because their skin is black or brown or red. The road to full equality still lies before us and we must make of it, as Martin Luther King, Jr. said, "a superhighway of justice."

We must end the poverty that condemns 24 million of our fellow citizens to lives of misery and despair. How can we deny a decent minimum wage to millions of our fellow Americans? We can end poverty and end the indignity of welfare by adopting a policy where every man and woman who wants and is able to work is given the chance to do so at a decent wage, in decent working conditions and with the right to participate in the decisions affecting his work. That right must be extended to the farm workers of California as well as to the millworkers of the South. To end social injustice, we must end economic injustice and that means we must build a society in which there is freedom from want for all our people.

We must end a system in which adequate health care is a right for all, not just a privilege for the few. The average working man now works one month out of every year to buy health care for himself and his family.

And there's not a man or woman at this dinner whose family couldn't be driven into poverty by the cost of serious illness. We can put an end to the high cost of serious illness. We can put an end to the high cost of poor health care. We can do it one way only and that is through national health insurance.

We must end the corruption in the administration of laws that permits who you know or how much you contribute to mean the difference in how the Government treats you.

When the dairy companies contribute $422,000 and weeks later, dairy prices are raised, when the oil companies contribute hundreds of thousands of dollars and federal policies consistently protect their profits, when ITT offers $400,00 and then antitrust suits are not carried through, then the process of law has gone out the White House window.

When the courts are used to harass dissenters without political trials and when the police power is used to restrain the press, then both the courts and the police power are made the handmaidens of repression and the free expression of ideas is destroyed.

These continuing evils in our society demand our vigilance, our concern and our protest. For whether they touch us directly today, the Jewish Labor Committee knows full well, that if we fail to speak out today, they surely will touch us tomorrow.

At the end of World War II, a group of German theologians met and issued the following statement:

". . . They came for the Communists, and I did not protest because I was not a Communist.

Then they came for the Jews and I did not protest because I was not a Jew.

Then they came for the Trade Unionists and I did not protest because I was not a Trade Unionist.

Then they came for the Catholics, and I did not protest because I was not a Catholic.

Then they came for me . . . but by then there was no one left to protest . . ."

The Jewish Labor Committee and the American Labor Movement have never been silent in the past and must remain the conscience of America in the future.

For the human rights of all mankind are indivisible and we protect our own rights only so long as we protect the rights of others.

WHY CONGRESS WON'T FIGHT

Mr. MATHIAS. Mr. President, Elizabeth Drew, one of the most articulate and acute of our political commentators, has written a disturbingly thoughtful article on the Congress. She points out that the events of the past decade "make a return to the nineteen fifties version of an effective Congress" impossible and that the key question is "whether the Congress can find a new form of effectiveness."

Mrs. Drew sketches out several instances of congressional failures, but she is more concerned with raising the issue of what Congress can do if it has the will. For example,

Congressional oversight of the executive is a function that is clearly within the grasp of the Congress. It does not call for collective action. It does not require heroism. It does not even demand determined nibbling at a dragon. It does demand an interest in doing the job, and in making the appropriate arrangements. But the Congress has a curious disinclination to do so.

I think my colleagues might be interested in her summary views of the Congress, which I believe is an opinion shared by many thoughtful observers of the political scene.

The Congress is, or is supposed to be, the most responsive branch of Government we've got. The Supreme Court is remote, austere, guided by canonical doctrine. The executive branch can become arrogant and inaccessible. Congress is the accessible branch. It is sloppy, but it is also the only place where all of the interests can be represented. It is unheroic, but it also reads its mail. The Congress cannot be expected to change simply as a result of inner-generated pressure; there are strong countervailing, inner pressures against change. It would be the ultimate irony, if not tragedy, if the result of "Watergate" were greater apathy on the part of the public, disgust with the politicians to the point that it gave up on the Congress. The result could be even greater imbalance of power between Congress and the executive branch. And then when the politicians, in their orotund fashion, talked of a "constitutional crisis" and their fears for "the survival of our democratic system," they would be right.

I ask unanimous consent that the article by Elizabeth Drew printed in the New York Times magazine of September 23, 1973, be printed in the RECORD at the conclusion of my remarks.

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

WHY CONGRESS WON'T FIGHT

(By Elizabeth Drew)

WASHINGTON.—"I think," said the Senator, summing up a conversation about attempts by the Congress to restore its powers, "we've made substantial headlines—I mean headway."

"Never again," said the Congressman, "will the Congress approve a Gulf of Tonkin resolution—I hope."

When the 93d Congress convened at the beginning of this year, many politicians were saying that the imbalance of power between the legislative and executive branches was such that we were facing a "constitutional crisis." To politicians, phrases like "constitutional crisis," and "the survival of our democratic system," like the deep tones on the organ, lend solemnity to the topic at hand.

But causes for their expressions of concern were apparent enough. The President was unilaterally terminating programs and impounding money. The "carpet bombing" of North Vietnam over the Christmas holidays was sufficiently contrary to the growing Congressional opposition to the war that it had been done while the lawmakers were out of town. Several lawmakers thought that the bombing lacked legal authority. Major policymakers were refusing to appear before the Congress to explain their policies. The Attorney General, stretching the doctrine of "executive privilege" to unprecedented breadth, stated that the President could prevent anyone in the executive branch from appearing before, or releasing any documents to the Congress. The President did not trouble himself to make the traditional trip down Pennsylvania Avenue to deliver a State of the

Union message, but instead sent it to the Capitol by messenger.

Enraged and embarrassed, aware that the President had turned them into walking cartoons, members of Congress made speeches about the need to restore the balance of power. There was also, it seemed, an unprecedented consensus on Capitol Hill that if the Congress was to meet the "crisis," it had to change its ways. And it commenced, with unaccustomed vigor, to do so.

Within three months, the dam holding back that collection of events known as "Watergate" had burst. It stood to reason that the President's troubles enhanced Congress's opportunity to restore itself as an effective branch of the Government. Moreover, "Watergate"—and the uses of power by the executive branch it revealed—underscored the necessity that it do so. But now there is evidence that "Watergate" has diminished Congress's zeal to restore itself. The President and the Congress are now in a name-calling match over who is responsible for how many bills that have or have not passed. But that is not the central issue. The central issue is whether or not we have a system of checks and balances. To the extent that the Congress was motivated at the beginning of the year by its own embarrassment, the embarrassment of the President has reduced its motivation. "There is," Senator Adlai Stevenson, Democrat of Illinois, said recently, "a new complacency because the President is weakened." "The heat's off," said Representative Les Aspin, Democrat of Wisconsin.

This should not, in fact be very surprising. It is not inconsistent with deeply ingrained Congressional habits. To understand how it does and does not work, a minimal grasp of the Congress's tribal culture is essential. The quality of ego that attracts most people into politics is not conducive to collective action once they succeed. Even when a consensus has formed that it is time to act, the burning question may be whose name is on the bill. The Senate's consideration of campaign spending reform legislation has been marked by senatorial jockeying for the lead position. Once elected, most politicians' primary ambition is to get re-elected. This requires, as they see it, playing it safe. The Congress does not like to take responsibility. It would prefer not to have to end a war, delay development of a weapon, raise taxes, or take on a President—except when it appears safe to do so. And after it has taken an important action, it usually wants to take a rest.

The Congress tends to deal in indirection, to avoid substantive questions. When it does vote on an important issue it is likely to obscure the question in baroque language and then put it in the form of a motion to table a motion to do something or other. The Congress's distaste for confrontation spills over into its language: It is not accidental that members of Congress refer to each other not by name, but as "the gentleman from Illinois," "the Senator from Nevada," or that the Senate and the House refer to the other body as "the other body." The quaint rituals, the disinclination to give offense do help to keep the Congress from flying apart.

They also have substantive consequences. The Congress' prophets are usually without honor. (Wayne Morse's obsessive opposition to the war was considered a bit embarrassing.) The talents of its more gifted members, those most in touch with contemporary questions, are often suppressed. Respect for territorial rights can have important effect. If John Stennis, Democrat of Mississippi, says that he is keeping an eye on the C.I.A., others won't. This reinforces the buddy system by which the Congress "oversees" so many executive branch functions. The overseers are cultivated by, befriend and often end up protecting the overseen. Outright confrontations between Congress and the executive branch, such as they are, are generally limited to the White House or Cabinet levels. At less lofty heights, there is a rich proliferation of sweetheart contracts. The subcommittee chairman and the agency chief are often the best of friends (as political "friendships" go). The Congress' fraternal way of making decisions about its own procedures and structure can shape our destiny in rather important ways. When the Congress convened at the beginning of this year, only Philip Hart, Democrat of Michigan, had the temerity to object when his fellow Democrats bestowed the title of President pro tem, by virtue of his seniority, upon James Eastland, Democrat of Mississippi. The position is largely ceremonial, but it also places James Eastland third in line of succession to the Presidency.

Because the Congress moves slowly and in strange ways, it is difficult to take its true measure at any given time. The box score of bills passed is misleading. A seemingly minor, perhaps unnoticed, provision of a piece of legislation can have a major effect on national policy. Almost imperceptibly, forces can build that will, at some future point, have great impact.

If one is to accept Congress' self-advertisements, it has already taken major steps to redress the balance of power. Both the House and the Senate have passed bills designed to circumscribe the President's powers to wage war and impound funds. But as of now, both bills still have some hurdles to overcome. The House and the Senate have to reach compromises on important differences in both measures. If the President vetoes them, both chambers have to muster the votes of two-thirds of their members to override the veto—an uncertain prospect. Moreover, both measures could be seen as conferring some legitimacy on the President's unilateral right to go to war and impound money. They state certain circumstances under which he could do both, thus perhaps lending authority to Presidential actions that might otherwise be without authority. They could, in other words, amount to Congressional complicity in its own undoing. Like Huck Finn, the Congress might be attending its own funeral, the difference being that Finn, at least, saw what was going on.

Congress did, to be sure, vote to cut off the bombing of Cambodia, a move that is presumed to have ended the war in Southeast Asia.

It was an unprecedented action. But the degree of courage that can be attributed to this step depends upon one's view of the context in which it was taken. The war had lasted nine years. A peace agreement had been reached. The bombing of Cambodia, a "neutral" country, was without legal authority. American troops, whose protection had been cited to justify previous bombings, were home. When important members of Congress questioned Administration officials about the bombing, they were told that even if Congress denied funds for the bombing, it would be continued. The logical extension was that a President could bomb anywhere, any time, no matter what the Congress said. Even some of the fiercest old former hawks were disturbed at this notion. The termination date was, moreover, a compromise—a compromise with curious implications. Before the vote, there was no Congressional authorization for the bombing. As some see it, the Congress in effect sanctioned 92 days of illegal bombing of a country with whom we were not officially at war.

And there is another fact about the bombing cut off that even some of its sponsors, in their jubilation and self-congratulation, seem to have missed. Through a last-minute piece of legislative legerdemain by opponents of the cutoff—by the removal of two words—its effect was rendered short-lived. The reports from Capitol Hill led the nation to believe that Congress had ended the war in Southeast Asia. In fact, it had ended it only until September 30. After that date the President may feel that he is free once more to bomb.

Whether even these actions would have been taken if the President had not been in a weakened condition is anybody's guess. Perhaps they would have. But the Congress does have a sort of animal instinct about changes in the flow of power. There was a time when Lyndon Johnson was extracting bill after bill from a complaisant Congress. Suddenly, he was defeated on a relatively minor measure in the House of Representatives. Johnson, who understood these things, turned to an aide and said, "Now the whale has shed some blood, and the sharks will move in." He was correct.

"What this institution needs," said Senator Stevenson, who has held some hearings on Congressional reform, "is power. Our wounds are self-inflicted. The weaknesses will come back to haunt us. I want a strong executive, but I also want to restore the system of checks and balances. We can't do that through a series of confrontations between Congress and the executive, where one kicks the other because it is crippled. The President did that to us, and now we are doing that to the President." The real question, then, is how the Congress is doing at other than playing "kick the President."

One example is indicative. The Congress was sufficiently disturbed at the President's impoundment of funds, and also its own vulnerability to charges of profligacy, that it set out to overhaul its methods of dealing with the Federal budget. The idea was to replace its haphazard method of funding the various Federal activities with a comprehensive approach. To avoid being labeled "spenders," the Congress would set a spending ceiling, and then consider the trade-offs of spending for different purposes within the Congressionally set limit. A joint Senate-House budget committee would be established to set the ceiling and allocate the priorities. It was an earnest move to reform, earnestly pushed by reformers within the Congress. Many believed that as Congressional budgeting became more "rational" in form, it would also change in substance. It was assumed that more money would be spent for domestic, as opposed to military, purposes, and some pointless subsidies would be dropped. On this it seemed clear, reasonable people could agree.

But there was some miscalculation. The reformers had fashioned an instrument of enormous potential power. The senior members of the appropriating and taxing committees, not about to give up power, simply arranged that they would be in charge of the proposed joint committee. The liberals woke up one day and realized that they had been had, and sent their proposed reform back to the drawing boards. And a more informal attempt by Senate Democrats to draw up an alternative to the President's budget also foundered. Whenever a budget cut is proposed—in spending for anything from a weapon to school children's milk—the well-being of someone's constituency is threatened. Politicians are loath to gore their own oxen.

There have been, however, several reforms in the procedures by which Congress conducts its business, particularly in the House of Representatives. The impetus for change in the House began to make itself felt in 1971. That the House has done more than the Senate to modernize is attributed in part to the fact that it had more to do, in part to the passage of time, and in part to outside pressures for reform brought by such groups as Common Cause, the League of Women Voters, the antiwar and environmental movements and by Ralph Nader. In addition, an unusually large proportion of the most senior members of the House have succumbed in the past few years to mortality, fatigue or unaccustomed electoral chal-

lenges. The newest members of the House are not inclined to sit still for the "get-along, go-along" philosophy by which Sam Rayburn used to tame his flock. They are not content to wait, as their elders often did, some 10 or even 20 years to have a voice. House members' impatience is in almost direct proportion to their juniority. The chief beneficiaries of the pressures from the bottom and turnover at the top have been some middle-rank members who in an earlier era, say three years ago, would be frozen in a system of obeisance to their elders. The transformation has, however, stopped short of the miraculous. "This is still," said one House member, "the most enduring Oriental society in America."

But within the traditional frame of reference, there has been substantial change. Two years ago, House Democrats limited to one the number of committees or subcommittees a member may head. This has given more junior Democrats—such as John Culver of Iowa, Don Fraser of Minnesota, Lloyd Meeds of Washington—a chance to head subcommittees, and thus raise issues, hold hearings and play a major role in legislative debate. This year, the Democrats decided that committee chairmen must be approved by a caucus of House Democrats. This did not have the effect of dethroning any committee chairman, but House members maintain that the change makes a difference. Some chairmen did exhibit unease that there were any votes against them in the caucus, and it is hoped that this will discourage some of their more domineering ways.

Roll-call votes in the House are now electronically conducted, an innovation last January that made the House as up-to-date in this respect as several state legislatures and the Parliament of India. (Reducing the time required for a roll-call vote from about 45 minutes to about 15 has also had the effect of interrupting more phone calls and lunches, and leaving Representatives more in the dark as to what they are dashing to the floor to decide. When, following a vote, one of the most thoughtful members of the House returned to his half-eaten hamburger in the House dining room one day, I asked him what the issue had been. "I don't know," he replied. "Something about limousines. Eddie Boland [Democrat of Massachusetts] was for it, so that's how I voted." Teller votes, in which House members file down the aisle to cast a vote, must now be recorded, thus eliminating a time-honored method of camouflaging one's true position on a national issue. And it is now easier for members to offer amendments to bills under debate. Many Congressmen find this a mixed blessing, one which forces them to endure longer sessions and, worse, to take positions on issues they would just as soon avoid.

Several House members say that it is highly significant that there is now a committee to study its committees. The basic arrangement of committee jurisdiction in the House has not been revised since 1946. At that time there were no urban, monetary or energy crises, among other things. In fact, compared to current times, there was hardly any Federal Government. The antiquated nature of the committee structure is evident in the response in both chambers to the energy crisis, currently all the rage on Capitol Hill. Several committees of the two houses have staked out jurisdiction over various pieces of the problem—mining, public works, antitrust, tax, trade and foreign policies—thus precluding the possibility of a coherent approach. Another basic problem in the committee structure, at least as difficult to resolve, arises from the fact that the committees are largely self-selected, skewing results of what they do and so what the full Congress usually does. Members from port cities, anxious to protect domestic shipping and shipping subsidies, join the House Merchant Marine and Fisheries Committee, and do so. Members from areas that depend on military bases or contracts proceed, if they can, to the Armed Services Committees, and protect—as they were elected to—their constituents' interests.

The committee to study the committees is headed by Richard Bolling, Democrat of Missouri, a sophisticated student as well as member of the House. If Bolling succeeds in persuading the House to accept a more rational arrangement of committee jurisdiction—a process requiring extensive reallocations of power—he will have wrought one of the greatest miracles since the fishes and the loaves.

The recent changes in the processes and arrangements by which the House does its business have the effect of redistributing power from the committee chairmen to the leadership. (These transfers seem to be cyclical. When Speaker Joe Cannon was considered too powerful in the early nineteen-hundreds, power was transferred from the Speaker to the committee chairmen.) They give more scope to younger members, and make the politicians more accountable for their actions. "There has been," says Representative Tom Foley, Democrat of Washington, a "subtle and imperceptible change in the Zeitgeist. But frankly, I don't see the Congress yet really wanting to change its role from the passive one to the active one of being makers of policy. It has become accustomed to passivity. It still waits for 'the department' to come up with proposals. The basic reasons for this are tradition and convenience. It's what most of the members have always known." I asked Aspin what the real purpose of the changes was. "I don't know," he replied. "We're making tactical adjustments without a strategy."

The Senate has not even done that much. While many of the most vital members of the House envy, and seek to join, their Senate counterparts, many of the most vital members of the Senate are less than delighted with their own lot. The heavy hand of seniority still dominates the Senate. It can affect the size of one's staff and the plenitude of one's office space. Early this year, Stevenson became chairman of a Senate Subcommittee on International Finance. The trade deficit was rising and the dollar value was dropping, but he still had to wage a floor fight in order to hire one professional subcommittee staff member. "The seniors," said one junior Senator, "don't see the necessity for more staff because they have more. They don't see the need to change the status quo because they are its architects." Seniority thus has an impact not just on the substance of the work that gets done, but on the authenticity of the democratic idea: It is not clear why some citizens should receive fewer benefits and services if they do not choose to return the same person to Congress, term after term, be he ever so senile.

It is symptomatic that it was not until 1971, and after several years of study, that the Senate equipped itself with microphones. (Perhaps the Senators kept each other inaudible for as long as possible by preference.) In this respect, it made itself as up-to-date as the House of Representatives. Not long ago, some Senators suggested that Senate offices be wired so that the Senators could attend to office business and still be informed as to what was happening on the Senate floor. But the proposal met with all manner of objections. As a trial compromise, someone sat in the gallery and typed notes on what was taking place, and the notes were sent to a few interested Senators' offices. The time lag between the event and the informing of the Senators about it was approximately 20 minutes—just enough to prevent a Senator from rushing over to the floor to protest or participate in a decision. The project was abandoned. While the House voted earlier this year to hold its committee meetings in open session—a practice that some of its more important committees have already ceased to follow—the Senate decided against an open-meetings policy. Many of the most important decisions that the Congress makes are thus made in secret, and the politicians cannot be held accountable. (Several state legislatures now have open-meetings laws.)

Carl Albert, the Speaker of the House, and Mike Mansfield, the majority leader of the Senate, operate in similar styles: *laissez faire*, deferential. When they do take the lead from time to time, it is usually in response to strong pressures from within their ranks. Yet for all of the talk by both House and Senate Democrats about how they want strong leadership, the truth of the matter is that they don't. At least, not the strong leadership the Congress used to know. If the spirits of Lyndon Johnson and Sam Rayburn returned to reimpose the kind of order with which they ruled the Congress in the late nineteen-fifties, they would meet an unholy rebellion. Many of the politicians and much of the press and the reform-bent pressure groups would not tolerate the kind of passivity and inside game-playing that such leadership required. But it was that sort of leadership that enabled Johnson and Rayburn to go to the White House and negotiate as representatives of a co-equal branch. "If," says one House member, "we all toed the line and did what Carl Albert said, Carl Albert could go down there and negotiate with the President as an effective opponent. But who wants to do that?" Advocates of a "strong Congress" have tended to avoid that question. The Democratic majorities in both chambers are in fact more splintered than at any time in memory. The caucuses have caucuses. (House Democrats, who have a caucus, are divided in turn into a liberal caucus, a middle-of-the-road caucus, a Southern caucus, a rural caucus and a black caucus, which in turn is splintering into a black men's and a black women's caucus. There is also a bipartisan women's caucus.) If, then, there is no returning to the nineteen-fifties version of an "effective" Congress, the question is whether the Congress can find a new form of effectiveness.

In talking about what the Congress is not, it is important to keep in mind what it can be. There may be more than a little illusion behind some of the criticisms of Congress. Portrayals of the Congress as a lumbering institution seem to suggest that it could be otherwise. But it was not designed to, and it cannot behave as a brisk executive. It cannot perform as an analytic, systematic, apolitical "think tank," carefully judging the trade-offs in the decisions it faces, and the consequences of its choices. It cannot, without a blueprint from the executive, design a comprehensive program of government. The Congress has, moreover, a deeply unheroic streak. It cannot be expected to play Saint George and slay the dragon—though it might nibble one to death if it were not a very big dragon.

And in talking about what the Congress should be, some perspective is in order. An unbridled Congress could also be cause for concern. A bestirred, unrestrained Congress is capable of irresponsible action, of responding to the passions of the moment. A Congress cooperating with a President who is responding to the passions of the moment, and who may also have had the opportunity to effect a Supreme Court majority, could mean trouble. It was just that sort of not inconceivable situation that the constitutional checks and balances were designed to prevent. The Congress's sluggardly ways could, at some crucial moment, save us. Moreover, there is a kind of goose-gander principle at work here. Many of those who are now anxious to see the Congress act as a check on the executive sought to reduce the powers of the Congress when an executive of a different ideological

persuasion—their own—was in power. There is reason to wonder whether they will be as concerned with checks and balances when their own kind return to power in the White House.

The Congress is a parliament, and there is a serious question whether contemporary issues lend themselves to parliamentary management. I put the question to various members of Congress. "No," said Representative Morris Udall, Democrat of Arizona, a parliamentary system probably can't handle contemporary problems. But there isn't any better system." Representative Fraser is one of the few who will say the almost unsayable on Capitol Hill. "The role of the Congress," he argues, "should not be looked at as a classic, text-book 'third branch of Government,' sharing decisions. I don't think Congress has worked that way or will work that way. Congress provides a legitimization of decisions that flow from the Presidency. It's not a partnership."

"The nice people," said another Congressman, "write and say the Congress should take charge. No way it's going to take charge." There are, however, some things that the Congress can do. It can, on occasion, take an important step. But it usually needs a dance partner. If it is in the embrace of a strong executive (Lyndon Johnson) or an important and outraged segment of the citizenry (the civil rights or consumer movements) or a determined special interest (oil companies in search of an Alaska pipeline), it can move. Second, even when it does not act as a collective body, it can provide a platform from which individuals can speak to our condition, utter their prophecies, try to have an impact. It can offer a forum for a Fulbright, Mondale, Hart or Robert Taft, Sr. for people who can step aside from the swirl of daily events and constituent claims, and think about what we are doing and where we are headed. Through well-timed and carefully considered hearings and speeches—avoiding the excesses that can make them dismissable as bores—individuals can catch the attention of their colleagues and the press, and affect the national dialogue. Individual members can change certain Government practices simply by throwing the spotlight on them. This requires neither legislation nor even hearings—just a flair for obtaining, and dramatizing, information. Third, the Congress can perform its role, as the founding fathers intended, as a check on the executive branch. It can see that the laws are carried out as intended. It can oversee.

Perhaps the Congress cannot run the Government, but it still can, and occasionally does, on its own initiative produce legislation. And there could be limits to what it will permit to go wrong. It could, if it chooses, intervene in the way the economy is being managed. It is not inconceivable that the Congress, without awaiting an Administration proposal, could reform or raise taxes. "It's the tough decisions that we are unable to make," says Fraser. "The fancy proposal for a joint budget committee just provides a mechanical substitute for making hard political decisions. All we need to do is, after we have made the appropriations decisions, make tax decisions accordingly, every year. It's very simple, but we lack the guts."

Congressional oversight of the executive is a function that is clearly within the grasp of the Congress. It does not call for collective action. It does not require heroism. It does not even demand determined nibbling at a dragon. It does demand an interest in doing the job, and in making the appropriate arrangements. But the Congress has a curious disinclination to do so.

Some recent events have shown what this can mean. It is reasonable to wonder where the Congress was when the Administration waged a secret war and established a secret police. Some senior members of Congress are said to have been informed about the fact of the secret bombing of Cambodia and Laos. These were members whom the Administration could trust not to raise questions, or voices. And even these members apparently did not know the extent of the bombing, since the records on that were falsified. One might ask whether the appropriate Congressional committees did not know, or did not care that intelligence-gathering and law-enforcement agencies were being put to political use. To the extent that such practices went on under previous administrations, the question becomes more urgent. One might also question whether we really had to run out of gasoline and beef and other food. If the executive branch did not know, or did not care, that these things were going to happen, could the Congress not have seen what was developing, and done something? The Congress apparently was not informed about Soviet food shortages, or "the wheat deal."

The Congress need not establish a Pentagon-on-the-Hill to rival the one across the Potomac. It need not replicate the Federal bureaucracy. It need only have the interest, and give itself the capacity, to ask the right questions. "The House of Representatives," said one of its members, "does not have the computer capacity of the State Bank of Kenosha, Wisconsin." The Senate has one computer that, in accordance with its priorities, it uses for sending newsletters. The Congress can call upon the Library of Congress for research and the General Accounting Office for investigations of some Government programs. But this amounts to something like attacking the Sixth Fleet with a rowboat. There is pending a proposal that the Congress establish an Office of Technology Assessment, so that it can gather its own information on such questions as how an SST or a nuclear power plant might affect the environment. The idea is to free the Congress from dependence for such information on Government agencies that may or may not supply it, in a form that may or may not represent the truth. But this proposal is now caught in the kind of web that the Congress, with its intriguing ways, can weave. It is hostage to a dispute between the Senate and the House over whether the West Front of the Capitol should be rebuilt. (The O.T.A. and the West Front issues are in the same bill. The House is pro new West Front; the Senate con). Moreover, some lawmakers soured on the proposal to know more about technology when they considered that the Joint Committee to develop such a capacity would be headed by Senator Edward Kennedy, Democrat of Massachusetts, who might, they worried, use it to enhance his political position.

The Congress's customary incapacity, and disinclination, to take on "the experts" are thus of its own making. The exceptions—the successful fights to limit the antiballistic missile and postpone the SST—were major efforts mounted by coalitions of opponents within and outside of the Congress, and were exceptions. The failures of oversight have been failures of will. The C.I.A. oversight committee, Senator Fulbright said to me earlier this year, "functioned as an umbrella to protect the C.I.A." Senator Stennis, its chairman, he added, "never called a meeting of that committee." "Now if there was anybody in the Senate who really undertook to understand the C.I.A.," said Fulbright, "I don't know who it was." The complaisance of the overseers toward the overseen had come to be accepted practice. Now some of the politicians who had gone along with the practice—and had wars waged and agencies compromised under (presumably) unseeing eyes—are embarrassed. There is talk on Capitol Hill of a new determination to give Government agencies the gimlet eye. But these moods, we now know, can come and go.

Institutionalization of closer oversight would be more reassuring. There is pending in the Senate a very simple bill that could have important effects. It says that all Congressional committees should be kept fully informed by every Government agency in all matters pertaining to their jurisdiction, and that every agency shall answer every request for information. The bill has 40 co-sponsors. Its seemingly unexceptionable purpose could make it easier for politicians to know what is going on, when they care to. Some members of Congress who have tried to extract information from the executive have found themselves in long and often losing guerrilla warfare. But once the politicians obtain the information, they still have to wait and figure out how to use it. There is no automatic correlation between more information and better legislative control.

It would also be helpful to get the foxes out of the henhouses, or at least establish methods of warning us that they are there. It is not beyond the mind of man to design reporting systems that would let us know how a Congressman benefits from an agency he is supposed to supervise. Politicians' intercessions on behalf of favored constituents, or contributors, need not be secret from the public, for whom the agencies supposedly work. It would also be healthy to spread the oversight duties around—by rotation or even duplication. This might break up the buddy system. In the "real world," no prudent person sends the same auditors around year after year. There is no reason to expect members of Congress, unlike other human beings, not to become comfortable with the familiar.

Aspin is one of the few members of Congress who has thought through a redefinition of its role. He likens the Congress to a board of directors. A board of directors, he points out, does not try to manage, but if it wants to be other than a doormat there are things it can do. It can have a voice in major personnel decisions, consider major policy questions, keep itself informed and make occasional forays into detail. Aspin argues that the Congress's penchant for avoiding issues, its preference for dealing with procedures rather than substance, can be turned to advantage. The Congress, he argues, could impose procedural changes on the executive branch that would have major substantive effect. For example, Congress wrote into the National Environmental Protection Act a requirement that there be a statement on the impact on the environment of any Government-supported project. The provision has not worked perfectly, but it has made a substantial difference. This kind of change can transfer the burden of proof, insert other voices with other interests in the decision-making process, set up a system of clearances within the Government that offers more possibilities for fail-safe mechanisms, and institutionalize the requirement of certain kinds of information.

The danger of spending too much time on Capitol Hill (or, for that matter, perhaps, in Washington), is that one begins to see things within the frame of reference of Capitol Hill (or Washington). After the umpteenth conversation about the new system of voting for committee chairmen in the House, one can begin to think that it is pretty terrific, that it will make quite a difference. And it is a worthy reform. But within the frame of reference of what's going on in the country, the sum total of all the actions and reforms on Capitol Hill so far this year is not yet cause for celebration.

Moreover, the Congress' limited attention span is cause for unease. "What makes them

move up here," said one Senate aide, "is what makes news." The Congress can, given sufficient hue and cry, respond. The politicians are aware, moreover, that the public is not watching them with undiluted admiration. They have noticed that incumbency is not the safe perch it used to be. They fear a wave of antipolitics, which could sweep many of them from office. It is interesting to recall that until just over 60 years ago, Senators were chosen by state legislatures. When the public reaction to the corrupt results became sufficiently strong, the Congress, including the Senators who stood to lose, voted to change the system.

"Great outside pressures," said one Congressman, "produce great change." That may be our best hope. We have had a glimpse of what it can mean to have a Government of men, not laws. A top Presidential aide declared the Bill of Rights "eroded." The President claims the "inherent" right to take otherwise illegal measures against dangers, as he perceives them, to the "national security." His power is subject only, he says, to "the limitation of public opinion and of course Congressional and other pressures that may arise," Provided, of course, that the measures are known. The Congress has yet to devise methods of preventing the executive from arrogating authority that is above and beyond the law. It has as yet done almost nothing to prevent a "Watergate"—perhaps a more smoothly executed one—from happening again. At the same time, citizens are faced with a Government that, if one can speak of "public opinion," they find ever more expensive and less responsive. Things seem out of control. The result could be greater apathy, or acceptance of order—order in a form that could be drained of humanity and liberty.

The Congress is, or is supposed to be, the most responsive branch of Government we've got. The Supreme Court is remote, austere, guided by canonical doctrine. The executive branch can become arrogant and inaccessible. Congress is the accessible branch. It is sloppy, but it is also the only place where all of the interests can be represented. It is unheroic, but it also reads its mail. The Congress cannot be expected to change simply as a result of inner-generated pressures; there are strong countervailing, inner pressures against change. It would be the ultimate irony, if not tragedy, if the result of "Watergate" were greater apathy on the part of the public, disgust with the politicians to the point that it gave up on the Congress. The result could be even greater imbalance of power between Congress and the executive branch. And then when the politicians, in their orotund fashion, talked of a "constitutional crisis" and their fears for "the survival of our democratic system," they would be right.

ORDER FOR CONSIDERATION OF CERTAIN AMENDMENTS AND FEDERAL EMPLOYEE RESOLUTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the action on the SAM–D missile, the Humphrey amendment dealing with troop levels be made the pending question before the Senate.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if the Humphrey amendment is not taken up tomorrow evening because of time and cirumstances—and, of course, if time allows, it will be taken up—it follow on Friday the resolution dealing with pay adjustments for Federal employees which has already been locked in for the first thing on Friday.

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

Mr. ROBERT C. BYRD. Mr. President, following the disposition of the Humphrey amendment or action on the Federal employees resolution, whichever is the case, I ask unanimous consent that the following amendments be taken up and in the order stated; the Stevens amendment, the Clark amendment No. 519, and the Humphrey amendment dealing with an overall cut.

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I be recognized for 1 additional minute.

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

Mr. ABOUREZK. Mr. President, are there any further rollcall votes this evening?

Mr. ROBERT C. BYRD. Mr. President, there is one additional amendment to be taken up tonight, the Baker-Bentsen amendment. I think there is some thinking that that agreement might be closed out without a rollcall vote. However, I cannot answer the Senator on that.

Mr. ABOUREZK. Mr. President, I thank the Senator.

ORDER FOR CONSIDERATION OF THURMOND AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the vote on the Trident amendment tomorrow, the distinguished Senator from South Carolina (Mr. THURMOND) be recognized to call up two amendments in succession and that there be a time limitation on each amendment of 20 minutes to be equally divided in accordance with the usual form and that any time on any amendments to either of the amendments, debatable motions, or appeals be limited to 10 minutes to be divided in accordance with the usual form.

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

ORDER FOR RECOGNITION OF SENATORS, TRANSACTION OF ROUTINE BUSINESS, AND RESUMPTION OF UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately after the two leaders or their designees have been recognized under the standing order tomorrow, the distinguished Senator from Delaware (Mr. ROTH) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Connecticut (Mr. WEICKER) for not to exceed 15 minutes, to be followed by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, for a period not to extend beyond the hour of 10 a.m., at which time the Senate will resume consideration of the unfinished business.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at the hour of 9 a.m. 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 and in the order stated: Senators ROTH, WEICKER, and HARRY F. BYRD, JR., after which there will be a period for the transaction of routine morning business, with the usual limitation on statements therein of 3 minutes, the period not to extend beyond the hour of 10 a.m.

At 10 a.m. the Senate will resume consideration of the military procurement bill, at which time the pending question will be on the adoption of the amendment by Mr. DOMINICK and Mr. MCINTYRE, which has to do with the Trident. There is a time limitation on that amendment of 1 hour, and the vote will occur at 11 o'clock on the Trident amendment.

On the disposition of the Trident amendment, the following amendments will be taken up in the order stated and under the limitations of time stated:

Amendment No. 524 by Mr. FULBRIGHT, which has to do with the financing of military assistance to Southeast Asia, 1 hour.

Amendment No. 493 by Mr. HUGHES, 2 hours.

An amendment by Mr. MCGOVERN dealing with categorical ceiling, 4 hours.

Amendment No. 487 by Mr. BAYH, which has to do with the SAM–D missile, 4 hours.

Thereafter amendment No. 549 by Mr. HUMPHREY, dealing with troop levels, will be called up under a 2-hour limitation.

Mr. President, that makes for a very full and active day on tomorrow, with yea-and-nay votes occurring on the several amendments, I would assume.

On Friday the Senate will convene at 9 a.m. After the two leaders have been recognized under the order, the Senate will proceed to the consideration of Senate Resolution 171, a resolution disapproving the alternate plan for pay adjustments for Federal employees.

In the event Mr. HUMPHREY's amendment has been disposed of on Thursday, the Senate will proceed to the consideration of the Stevens amendment, on which there is a 1-hour limitation. In the event the amendment by Mr. HUMPHREY has not been disposed of on Thursday, the Senate will proceed to take up that amendment prior to consideration of the Stevens amendment.

On the disposition of the Stevens amendment, the Senate will take up the

Clark amendment No. 519, dealing with funds for aircraft carrier, on which there is a 4-hour limitation.

Following the disposition of the Clark amendment, the Senate will take up the Humphrey amendment, which has to do with an overall cut, on which there is a time limitation of 2 hours.

Mr. President, that is about as far as I can state the program into Friday.

The PRESIDING OFFICER. May the Chair inquire as to whether or not there is any time limiation on the pay proposal?

Mr. ROBERT C. BYRD. Yes. I am glad the Chair called that oversight to my attention.

There is a time limitation on Senate Resolution 171. Under the law there is a time limitation of not to exceed 2 hours on that resolution. No motion to recommit would be in order. No motion to amend would be in order and no motion to reconsider following a vote on the resolution would be in order. So, at the most, it would be 2 hours. A motion to reduce that time would not be debatable, and such a motion would be in order and the time could thereby be reduced.

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

Mr. ROBERT C. BYRD. I yield.

Mr. TOWER. I think the time on the Clark amendment for funding for aircraft carriers could be reduced. I would have to confer with the Senator from Iowa, but we will probably not require 4 hours.

Mr. ROBERT C. BYRD. I thank the Senator. I hope that will be the case, and I think it certainly is possible.

I would hope, also, that time on some of the amendments on tomorrow could be reduced. The leadership on both sides will do our best to have that done.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 9 a.m. tomorrow.

The motion was agreed to; and, at 7:39 p.m., the Senate adjourned until tomorrow, Thursday, September 27, 1973, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 26, 1973:

RAILROAD RETIREMENT BOARD

Wythe D. Quarles, Jr., of Virginia, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1973 (reappointment).

DEPARTMENT OF STATE

Henry A. Byroade, of Indiana, a Foreign Service Officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Pakistan.

OZARKS REGIONAL COMMISSION

Bill H. Fribley, of Kansas, to be Federal Cochairman of the Ozarks Regional Commission, vice E. L. Stewart, Jr., resigned.

WITHDRAWAL

Executive nomination withdrawn from the Senate September 26, 1973:

OZARKS REGIONAL COMMISSION

William Hinton Fribley, of Kansas, to be Federal Cochairman of the Ozarks Regional Commission, vice E. L. Stewart, Jr., resigned, which was sent to the Senate on September 20, 1973.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 26, 1973:

DEPARTMENT OF COMMERCE

William W. Blunt, Jr., of the District of Columbia, to be an Assistant Secretary of Commerce.

UNITED NATIONS

Clarence Clyde Ferguson, Jr., of New Jersey, to be the Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

W. Tapley Bennett, Jr., of Georgia, a Foreign Service Officer of the class of Career Minister, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

William E. Schaufele, Jr., of Ohio, a Foreign Service Officer of class 1, to be Deputy Representative of the United States of America in the Security Council of the United Nations, with the rank of Ambassador.

Barbara M. White, of Massachusetts, a Foreign Service Information Officer of the class of Career Minister for Information, to be the Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador.

DEPARTMENT OF STATE

Kingdon Gould, Jr., of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

William R. Kintner, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Thailand.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

U.S. SOVEREIGNTY IN THE PANAMA CANAL ZONE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 26, 1973

Mr. HARRY F. BYRD, JR. Mr. President, the September 5 edition of the Jackson, Miss., Clarion-Ledger included an excellent editorial concerning the issue of U.S. sovereignty in the Panama Canal Zone.

It is my feeling that there can be no compromise of the basic principle of sovereignty. The editorial sets forth a number of important reasons for maintaining control by the United States in the Canal Zone.

I ask unanimous consent that the text of the editorial, "U.S. Control of Panama Canal Important to National Security," be included in the Extensions of Remarks.

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

U.S. CONTROL OF PANAMA CANAL IMPORTANT TO NATIONAL SECURITY

Recent Washington reports indicate that the administration may be willing to go along with demands that the United States surrender control of the Panama Canal. The United Nations favors this, in support of the Republic of Panama.

Some weeks ago our U.S. Ambassador to the U.N., John Scali, told a meeting of the Security Council that our own State Department supports the Panamanian government's demands for an end to the 1903 treaty by which we were granted the Panama Canal Zone in perpetuity.

Fortunately, however, a majority in Congress has taken a dim view of such a giveaway contrary to our national interest. Past efforts to appease Panama have been defeated but now, in 1973, the same political blackmail is being attempted again—this time aided and abetted by the U.N.

There can be no compromise on the basic issue: Will we voluntarily forfeit sovereignty over the Canal—sovereignty recognized as part of international law for 70 years?

Senator Harry F. Byrd, Virginia Democrat, has spotlighted some basic aspects of this controversy in a recent Senate address worth repeating here and now:

The United States, by treaty in 1903, obtained the right to hold in perpetuity the Panama Canal. As part of this treaty we paid Panama an initial sum of $10 million; we indemnified neighboring Colombia to the tune of $25 million and agreed to pay Panama a substantial rent which figure has been increased several times.

Total cost to the United States for 647 square miles of the Canal Zone far exceeds that of many other territorial acquisitions including the Louisiana Purchase—that vast area stretching from the Mississippi River to the Rocky Mountains, and from the Gulf of Mexico to Canada—and such notable additions as Alaska and Florida. Congress and the American public was told in 1967 that there would be a series of anti-American riots in Panama unless we did not give Panama what it wanted. We are being told the same thing now, but it is vitally important that we maintain a position of strength in Latin America—and the pivotal point in our defense arrangement is the Panama Canal and the Canal Zone.

New treaties negotiated within the UN framework as proposed would compromise American interests and weaken our defense posture in the Western Hemisphere. Could anyone seriously contend that Panama with a population of only 1,500,000—about a million less than Mississippi's population—could defend the Canal Zone by itself? Could the uninterrupted movement of commercial