THANK GOD FOR THE UNITED STATES

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 5, 1973

Mr. LANDGREBE. Mr. Speaker, I commend to the attention of my colleagues a recent editorial by Mr. David Lawrence in the February 5, 1973, issue of the U.S. News & World Report. Mr. Lawrence cities the reasons for the U.S. involvement in Southeast Asia and I think that he presents them in very concise and accurate terms. For the information of my colleagues and with permission of the magazine, I insert the editorial into the RECORD.

[From the U.S. World & News Report, Feb. 5, 1973]

THANK GOD FOR THE UNITED STATES!

(By David Lawrence)

Ten years of war in Indo-China could be followed by a lasting peace in Southeast Asia, which could also help to promote the peace of Europe and other continents. But can we be sure?

South Vietnam has struggled since 1954 to establish its independence. North Vietnam started a war to prevent it. The Communists of China and the Soviet Union provided military supplies and weapons to the North Vietnamese.

To whom could the people of South Vietnam turn for aid? The United States, as a party to the Southeast Asia Treaty, recognized its obligation when a request for assistance was made by the Saigon Government. Acting under the pledge of the treaty, America began to give military advice and send troops to contest aggression.

Where else could South Vietnam have looked for the support it so desperately needed? The United States responded because of the principle at stake. Acquisition of other nations' territory by force of arms could lead, if unchecked, to similar acts of aggression in other parts of Asia as well as in Europe and elsewhere.

The United States Government was conscious of its responsibilities and unhesitatingly endeavored to demonstrate respect for the commitments made in the Southeast Asia Treaty, which had been duly ratified by the Senate in 1955.

Now that the peace agreement has been made to end the Vietnam war, there is an opportunity for reconstruction and rehabilitation of the war-torn lands of Indo-China. Already some countries which were not participants in the war have begun to offer funds for the rebuilding. Financial aid will be given so that a better life will come to those who have suffered from the tragedy of war. Tens of thousands of civilians have been killed and millions more have been wounded or left homeless in the savage fighting which has swept the whole area.

The generosity of peoples throughout the world will be extended to both North and South Vietnam. The chance to make the word "peace" meaningful, however, will rest with the governments which signed the documents, pledging themselves to carry out a cease-fire, to return the prisoners of war and to resolve differences without military coercion.

If the United States had declined to fulfill the provisions of the Southeast Asia Treaty, what would have been the consequences? Is there any doubt that the countries of Indo-China would no longer be free but would be part of the system ruled by the Communists? Is there any doubt, also, that Australia and New Zealand would have been confronted by aggression or internal revolutions?

Communist imperialism or dictatorial rule is not confined to Europe or the Asian continent. Just 90 miles away from the United States, we have seen Cuba become an ally of the Communists. The Soviet Union in 1962 even set up missile bases in Cuba. This is an example of how limitless are the efforts to expand Communist domination. Indeed, since those days, some countries in Latin America have been victims of subversion by Communist agents who have managed to stimulate local groups to seek a virtual alliance with the Soviet Union.

People who want the United States not to be involved in any conflict overseas and to confine itself merely to resisting military attacks on its own territory are not aware that there are conspiracies by the Communists to produce disorders inside many countries, including ours. These activities cannot be brushed aside as inconsequential.

The United States today is known as a champion of freedom and as a nation which has given substantial military support for the defense of South Vietnam. This is an example of fidelity to the principle of self-determination of peoples. There are hardships in becoming a party to any war, but the critics ignore the true significance of what the United States has done by its decision to protect South Vietnam.

There are those who see the entry of the United States into the war to save South Vietnam as a "big mistake." They do not realize what America did in standing up to its commitments under an existing treaty. For history will record that the unselfishness of this country was exhibited and continued not only to the day the war terminated but in the financial assistance given subsequently to the peoples on both sides in Vietnam so reconstruction could be begun.

The United States has performed its duty under the Southeast Asia Treaty and also has shown itself to be the friend of countries threatened with a loss of their sovereignty. The world knows there is at least one major power willing to help a small nation when armed aggression menaces its independence.

Millions of people around the globe who do understand what the Vietnam war means to the cause of freedom will say:

"Thank God for the United States!"

SENATE—*Tuesday, February 6, 1973*

The Senate met at 12 o'clock meridian and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

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

Almighty God, who hast given Thy servants diversities of gifts by the same spirit, and hast taught us by the Apostle that without charity nothing abides, bless all who love and serve their fellow men with a pure heart fervently, remembering the poor, healing the sick, comforting the sorrowful, teaching the ignorant, lifting up the afflicted and in all ways following Him who came not to be ministered unto but to minister. Reward them with peace and joy.

We pray in His name who went about doing good. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the concurrent resolution (H. Con. Res. 105) providing for the adjournment of the House from Thursday, February 8, 1973, to Monday, February 19, 1973, in which it requests the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 42) to extend the life of the Commission on Highway Beautification established under section 123 of the Federal Aid Highway Act of 1970.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, February 5, 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.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas (Mr. MCCLELLAN) is recognized for not to exceed 15 minutes.

THE IMPOUNDING OF FUNDS BY THE PRESIDENT

Mr. McCLELLAN. Mr. President, the administration has proposed for fiscal year 1974 the largest expenditure budget in our history—$268.7 billion. This amount is more than double the $118.6 billion Federal budget of fiscal 1964. This is an increase in the cost of our Federal Government by more than 127 percent during the past 10 years.

The total budget submitted by the President for fiscal 1974, including obligational authority, amounts to $288 billion. Of this amount, approximately $172 billion or about 60 percent of the total will require current congressional action in order for it to become available for expenditure in 1974 and in subsequent fiscal years.

Most of the remaining 40 percent—$116 billion—of budget authority requested by the President requires no current action by the Congress since it is

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comprised of permanent appropriations and trust fund authorizations.

Should Congress in its 13 or more appropriation bills appropriate the full amount of the $172 billion, our Government for fiscal year 1974 will incur still another deficit of at least $12.7 billion.

Over the past 10 years alone, we have run up Federal deficits totaling $115.8 billion. During this same period—since 1964—the national debt, including the projected deficit for 1974, will have risen from $317 billion to an astronomical $505 billion. The interest carrying charges on this swollen indebtedness will now be more than $26 billion annually—an amount equivalent to 10 percent of the total Federal expenditure.

This heavy indebtedness and the recurring large annual deficits are clearly inflationary. They contravene sound fiscal policy and greatly impair economic stability. Their continuance unabated and unrestrained will inevitably produce intolerable inflation and great economic distress.

The Government's projected revenues of $256 billion for the next fiscal year are inadequate to meet such enormous obligations as are proposed in the President's budget.

This overspending practice in which we have so recklessly and irresponsibly engaged during these past few years must be stopped. A quick rectification of this glaring deficiency in the operation of our Government is most pressing and urgent. Prudence dictates that we immediately begin exercising restraint in our fiscal affairs and stop authorizing and appropriating for Federal programs and services that we cannot afford or for which we are unwilling to pay.

In the meantime, in an effort to deal effectively with this problem, the President has impounded and is withholding the expenditure of money that Congress has appropriated for the funding of numerous authorized governmental services and programs. His action in this regard is quite controversial and is resented by many Members of Congress who contend that the President is without constitutional authority to impound money that Congress has appropriated and that such withholding of appropriated funds by the President is a flagrant usurpation of power.

This presents a serious conflict and a likely confrontation between the Chief Executive and Congress. It is a controversy which I believe ultimately will have to be resolved by the court.

The President's action in impounding and withholding the spending of these funds has completely eliminated some Federal programs and has greatly reduced the operation and benefits of others. There are divergent views with respect to the merit and importance of the various programs involved and the priority status that should be assigned to them. Some of these programs that the President has eliminated or materially reduced by his impounding actions are very beneficial to my State, and the people I represent would prefer to have them continued. If, however, they must be discontinued, they believe they should be phased out over a period of years rather than to be ended precipitately and abruptly by Executive order. So, I think the President should review these programs again and modify his impounding orders to permit an orderly phased out termination instead of the abrupt stoppage which he has imposed.

If we are to stop excessive deficit spending, we all know that those programs that are found to be of little or no merit are the ones that should be discontinued. I think we will all agree that others, although desirable but which are not vital or indispensable, may have to be curtailed or eliminated temporarily until we can again put our fiscal house in order.

Such retrenchment will surely impose inconvenience, a degree of sacrifice and, in some instances, a measure of hardship on those who have heretofore been the beneficiaries of those programs. The elimination and curtailment processes that the exigency of our fiscal situation requires may well be distressing and even painful, but the alternative seems even much less attractive, and it is surely more perilous.

The President's budget request for appropriations is both forcible and persuasive and is to be highly respected. But, his request is neither compulsory nor compelling. It is advisory only. It should, with most respectful deference to the President, be carefully weighed and evaluated. However, in the final analysis, it remains the constitutional responsibility of Congress to determine whether any requested appropriation shall be made and to fix the amount thereof.

The power to make appropriation is reposed in Congress—and only in Congress. It can either grant or withhold spending authority. And, the departments and agencies of the executive branch do not have the authority—not even the President himself has the authority—to make expenditures out of unappropriated funds or in excess of the amount that Congress has appropriated.

So, the initial, final, and constitutional power and responsibility for controlling the purse strings of Government are unequivocally and irrefutably reposed in Congress. It can neither escape nor evade that responsibility. First, it enacts the laws that authorize the spending; and second, by the appropriation process, it makes funds available for expenditure pursuant to those statutory authorizations.

Except for emergencies and unforeseen developments that may produce a compelling necessity for temporary deficit spending, the practice and habit of deliberately authorizing expenditures and making appropriations greatly in excess of anticipated revenues, in my judgment, constitute irresponsible action that cannot be justified. Therefore, Congress can hardly be absolved from blame for the threatening fiscal crisis that now confronts us as a result of the excessive spending in which we have engaged and of the exorbitant indebtedness which we have incurred.

To prevent the threatened grave fiscal crisis from materializing and to avoid the damaging and inescapable consequences thereof, the Congress must begin immediately to exercise restraint both in the enactment of new laws that incur heavy spending obligations and also in making total annual appropriations that greatly exceed anticipated revenues. Congress has the power and the duty to do this. The only question is, does it have the courage and the will to do it.

I know we will not be able to balance the budget in a single year—in fiscal 1974—but a balanced budget is a demanding and should be an indispensable goal. We can neither neglect nor defer its achievement indefinitely. The pursuit of that objective should begin now. And, if we pursue it faithfully, our efforts can be rewarded with success within 3 to 5 years.

Mr. President, as chairman of the Senate Appropriations Committee and of the Department of Defense Subcommittee thereof, I am fully cognizant of the responsibilities and obligations that are incumbent upon me. I consider it my duty to make a diligent and judicious effort to hold all appropriations, and particularly those for the Department of Defense, to the lowest level that is consistent with economic capabilities, fiscal requirements for the proper functioning of our Government, and the maintaining of a posture of military strength that is required for national security.

The President has requested appropriations totaling $83.5 billion for the Department of Defense for fiscal 1974, exclusive of the military assistance program. This is 29 percent of his total budget of $288 billion. And it represents 48 percent of the $172 billion that will be considered by the Congress for appropriation.

This $83.5 billion also represents an increase of approximately $5.7 billion over the budget authority granted for the current fiscal year. Of this $5.7 billion increase, approximately $3.633 billion is for the following:

First. Increases in the pay of civilian and military personnel pursuant to recently enacted statutory provisions, $2.2 billion.

Second. Increases in the cost of pay for retired military personnel pursuant to recent statutory authorization, $433 million.

Third. Increases in the cost of goods and services, $1 billion.

Over these recently enacted statutory increases, the Department of Defense and the Congress can exercise little or no control.

Other items and amounts that go to make up the $5.7 billion over which the Congress can, if it so determines, make reductions are:

First. Legislation for a reform of the military retirement system, $390 million.

Second. Legislation for additional all-volunteer force programs, $150 million.

Third. Increases in various procurement programs, $1 billion.

Fourth. Increases in various research and development programs, $595 million.

Fifth. Increases in various construction programs, $432 million.

Sixth. Increases in various housing programs, $183 million; and the total amounts to $2.75 billion.

These particular items, along with

many in other departments and agencies of Government, must be carefully examined to determine if eliminations or reductions are feasible or advisable.

In considering the 1973 defense budget last year, we were able to recommend and to secure reductions of more than $5 billion below the President's request. I do not promise that we can do as well with the defense budget for 1974, but we will proceed with its consideration in the hope and expectation that cuts can be made in keeping with our purpose to do everything that is practical to hold the line on spending and move in the direction of a balanced budget.

Mr. President, we are hearing a great deal today about a ceiling on Federal expenditures. Many suggestions are being made regarding a congressional ceiling and how such a ceiling can be established. The budget submitted by the President—the total thereof—constitutes the President's proposed ceiling for the next fiscal year. His ceiling as of now is $268.7 billion. He can, of course, increase that ceiling by submitting supplemental budget requests.

The total amount of funds ultimately appropriated by the Congress for fiscal 1974 will establish the final congressional ceiling.

In the meantime, the President has revised his ceiling for fiscal 1973 by ordering the withholding of expenditures from appropriated funds for various services and programs. In some instances, the President has withheld funds for which he requested appropriations. Thus, this action on his part constitutes a modification—a reduction—in the original budget ceiling that he established for fiscal 1973. As heretofore noted, this withholding on the part of the President is controversial and presents a constitutional question which ultimately the Court will have to resolve.

I know of no prescribed procedure—no way—that the Congress can establish a firm and binding ceiling on expenditures while appropriation measures are being considered and before they are enacted. However, it can, I believe, develop procedures to establish a tentative ceiling—an overall limit or goal—that it will undertake to achieve in processing the appropriation bills.

In an effort to arrive at such a tentative ceiling, I shall request each Appropriations Subcommittee to take into account, first, the total amount of the President's budget request over which it has jurisdiction; second, the total amount of fiscal 1973 appropriations for the same services and programs; third, the anticipated revenues for fiscal 1974; and fourth, any other pertinent facts and information that it deems appropriate. By this process, each subcommittee can undertake to arrive at and report to the full Appropriations Committee the lowest practical and feasible amount that it believes should be appropriated for fiscal 1974 for those programs and services that are under its jurisdiction. The total of such amounts reported by all subcommittees will give at least some indication of what the Senate Appropriations Committee considers to be an appropriate ceiling on Federal expenditures for fiscal 1974.

It is true that this ceiling would not be binding, but it would serve as a strong recommendation and, I believe, give valuable guidance to the Senate in the discharge of its appropriation responsibilities. Such a recommended ceiling, or any other desirable limitation can only be achieved and made effective by the exercise of discipline and restraint on the part of Members of Congress. The Congress does have the power and the duty to control the purse strings of our Government. The question is: Does it have the collective will, courage, and fortitude to do it?

Mr. President, I want to cooperate with and support President Nixon in his efforts to reduce excessive annual expenditures and deficits. Obviously, the alternatives are higher taxes, greater inflationary pressures, higher cost of living, and a perilous—intolerable—level of national indebtedness. These unhappy alternatives now challenge the Congress. This challenge will test the qualities of the Congress—its will and ability to measure up to its responsibilities. In this critical period in our history, I truly believe that the Congress, the American people, and our Government are now being "weighed in the balance." I hope we will not be "found wanting."

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. ROBERT C. BYRD. I thank the Chair.

I ask unanimous consent that I may be permitted to reserve the remainder of my time. I may not use it at all.

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

Under the previous order, the Senator from Iowa is recognized for not to exceed 15 minutes.

TERMINATION AND CUTBACK OF CERTAIN PROGRAMS

Mr. HUGHES. Mr. President, yesterday I testified before the Senate Committee on Agriculture and Forestry regarding the Nixon administration's peremptory terminations and cutbacks of important agricultural, evironmental and rural development programs. This testimony was on behalf of the Midwest Democratic Conference of Senators of which I am chairman. The intent of the statement was to reflect the broad views of the 15 Senators from nine States who comprise this Farm Belt Democratic caucus.

We midwestern Senators are as deeply concerned about the need to control inflation and restrain Government spending as any responsible citizen or public official could be. However, the wholesale dismantling of proven programs that have paid their way by strengthening the economy and preserving the natural resources of the great food and fiber producing regions of our country cannot be justified as prudent economic policy.

We have an even deeper concern with the way the administration has gone about its ax-wielding—without hearings, review, or consultation with the Congress. This gets at the heart of the constitutional question of the separation of powers. What we have seen in recent months is the precipitate elimination by executive fiat of programs that have been approved by Congress after long consideration, funded by Congress, and signed into law by the President. We consider these programs to be the duly enacted law of the land and since we believe in government by law, we are united in our determination that Congress shall reassert its constitutional authority and stop further illegal usurpation of its prerogatives by the Executive.

Today, I would like to share with my colleagues some personal thoughts concerning the status and future of agricultural policy in the United States, with particular reference to my interpretation of the views and concerns of the farm constituents of my native Iowa.

My first concern, of course, is with the impact the USDA actions are having or will have on rural America—unless we in the Congress take decisive action. According to my arithmetic, the program and/or budget slashes so far announced approach $2 billion. This does not include the cost effects to farmers of the 57 percent hike in interest on Government grain loans. Nor does it reflect the greater financing costs of doing something with the 20 million extra acres which the USDA has turned loose this year under the wheat, feed grain, and cotton programs. Working those extra acres will not come free and their extra output will be a weight on prices. I say farmers are being hustled into a year of larger costs and uncertain outcome. Some of these program changes seem to be based on the chancy prospect that last year's world weather pattern may be repeated.

The administration has shrewdly picked an area affecting only 5 percent of the voters in which to launch a far-reaching power play to test the muscle of the executive against the legislative branch of Government. The timing of the USDA cutbacks was such that constituent and congressional reaction would be less effective and, as a result, the reaction to the cutbacks is not as vociferous as it might have been.

If the administration is permitted to have its will on the moves it has made in recent months to dismantle farm and rural development programs, I am convinced that a series of important programs, in addition to those announced in the budget message, will be in line for the executive ax.

According to some sources, the USDA has not been much ruffled by direct complaints from the country. If so, the administration will be mistaken if it takes any such silence for consent. I know what many of my constituents are telling me. More and more of them are concluding that it now is useless to write or talk to USDA. Those who had doubts about Secretary Butz to start with, then were charmed by his fighting steer and

drunken sailor spending talk, are among the angriest of all for having been hoodwinked.

The freakish market behavior of recent months, following unusual export demand and supply availability restrictions due to disastrous harvesting weather were developments that furnished the administration the excuse it needed to swing the ax. And it has certainly done so, on the grounds that farmers now have become quite prosperous enough to stand it. Of course, the flaw in this assumption is, as you well know, that farm prices can go down just as far and just as fast as they go up.

The price graph on hogs in USDA's weekly livestock market news bulletin furnishes some instructive history along that line. In early July of 1970, barrows and gilts at the seven main markets were averaging about $26 per hundredweight. By late October, the price line of the graph had dropped to $18, within $1 of the bottom line of the graph. In the following week, it went $2 lower and clear off the graph. The next week, it was still lower, around $10 below a year earlier, and threatening to go off the page altogether.

It was getting downright embarrassing for the USDA graphmakers. So, lo and behold, the next week the 1970 price trend line was safely back inside the graph frame again. This had been done by making $14 the graph floor and using scale intervals at $3 each instead of $2 as previously. This, of course, made the hog price drop appear less steep, hence less alarming, but it did not do anything for the hog man.

The interesting sequel to this little story is the appearance of the current USDA weekly price graph. Owing considerably to the bitter experience of 1970, hog numbers since have cycled downward with the result that the price line this past year began bumping the $29 top of the graph in August. There was a sag during the fall but in December the price line shot upward and out of the graph frame by as much as $3 per hundredweight. So far—as of last week—this had not moved the graphmakers again to revise the frame range but I suppose it is only natural to leave things alone as long as the news is cheerful. But let us not forget that November 10, 1970, market news price line for what it tells us.

What my farmer constituents want, for one thing, is a determination by USDA to live up to the meaning of the word "stabilization" which appears in the name of its largest and most important agency, the Agricultural Stabilization and Conservation Service. Stabilization means administering programs so that supplies will tend to stay reasonably close to one side or the other of our gradual rise in demand. It does not mean stagnation as some critics would have us believe. Nor the wide swings that irritate and confuse consumers as well as hurt farmers.

Today, regrettably, USDA policies seem to result in instability. We seem to have thrown away the flywheel. The crop acreage adjustment programs have been so loosened right today, looking at the posted prices and then being told, "No deal," because there simply is no room for taking in more grain. Incidentally, country elevator men all over the Midwest have been terribly strained financially because the tieup of freight cars has prevented their usual steady resale of bought grain for cash to do more country buying.

As a matter of fact, the week-by-week income loss in some parts of the country alone have indicated to me that those elevators would take until 1975 to ship out the current grain that is stored and bought if the cars keep coming at the same rate. It is a ridiculous situation, Mr. President.

I do not believe, though, that we should blame the weather for everything. Frankly, I think there has been too much of a tendency at USDA to let the big grain traders run things. As I said here last week, there has been too little effort to coordinate all factors of Government and private business involved in the transportation and marketing of our farm products. The Department is supposed to be stocked with grain marketing people but it looks as if they just did not comprehend what they were getting farmers into with those huge export commitments which the Nation's present facilities are hardly up to handling. USDA has been putting out reams of publicity on the dollar value of those commitments but very little in terms of trainload numbers and turn-around time. That information is hard to get.

As to what we in the Congress ought now to do, I have indicated indirectly that the aforementioned program cuts should at least be substantially modified, by totally nondiscretionary legislation if necessary. Farmers have had enough of this "executive repeal" of congressional legislation. When farmers are convinced that other economic groups are being made to stand their share in the fight on inflation, I have no doubt that they will go along. As yet, they do not see this happening, least of all among the corporations living on Government contracts.

Another "must" for the Congress this session is a followup to the 1970 Farm Act. For the guidance of wheat producers, it should be ready by midyear. At this time, it is my impression that an extension of the 1970 act, with some strengthening of the support and acreage adjustment features, would be acceptable to Iowa farmers. As actually administered, though, the 1970 act has been needlessly expensive in terms of program costs and of farm price fluctuations. I expect to have something further to say about that later on.

It is to be recognized that other Government programs have also begun to feel the administration's ax but the cuts in agriculture still stand out as the most flagrant intrusion on the coequal power of our legislative branch. The gauntlet, Mr. President, flung in defiance, lies at our feet. It is time to take it up.

Mr. PROXMIRE. Mr. President, I agree with some of the speeches made this morning. I think that others will also see there is a consistency involved in it.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) will now be recognized for not to exceed 15 minutes.

A PROPOSED COUNTERBUDGET—WHY WE SHOULD CUT THE PRESIDENT'S BUDGET AND REORDER BUDGET PRIORITIES

Mr. PROXMIRE. Mr. President, in my view the $268.7 billion budget proposed by President Nixon for the next fiscal year is too high and should be cut.

It is $22.4 billion, or 9 percent, more than the $246.3 billion the President originally requested for last year.

It is $19 billion, or 7.6 percent, more than the $250 billion spending for fiscal 1973.

This must be one of the biggest increases in spending the country has ever had. We have rarely had a $19 billion increase or more except in times of war situation when we have mobilized our resources and increased our spending very sharply. But this is at the end of war. And the present President is asking for a $19 billion increase in national spending.

In addition it violates the President's own admonition and warning as to annual outlays which is to be found at the top of page 21 of the document entitled "The United States Budget in Brief," the more popular form of the budget which is distributed so widely and reprinted so widely by the press and media.

The President comments there that the outlays in the period fiscal years 1973–75 will average 7.5 percent. The President said,

> This is the maximum rate at which outlays should be permitted to grow during the next few years if steady economic growth is to be continued.

I certainly agree with that. But this year is a year in which every economist tells us that inflationary pressures will not only continue but probably increase.

If the maximum outlays over the next few years are to be 7.5 percent, then we should not have a 7.5 percent increase in the years in which inflationary pressures are greatest.

If we have a 7.5 percent increase in boom years, and that is to be the maximum, what stimulus will there be for years of recession or downturns in the economy?

Instead of the maximum rate of increase this year, we should have a somewhat slower rate of increase in Government outlays because of the recovery of the economy and a somewhat faster rate of increase, as an economic stimulus, in times of downturn and recession.

For all of these general reasons relating to fiscal policy and the Government's role in fiscal policy, the President's budget for fiscal year 1974 is too high and should be cut.

I am today proposing a counterbudget, including a net cut of $4 billion, to the $269 billion budget proposed by the President. It would also reorder priorities by cutting wasteful and inefficient

spending and restore money for programs now starved for funds.

PRAISE FOR PRESIDENT'S ACTIONS

While I believe that the President's budget should be cut, and while I disagree with many of the priorities he has chosen to stress in his budget, I do not want to let the opportunity pass without saying where I agree with some of the President's actions with respect to the 1974 fiscal year budget.

I think the President was right to cut out funds for the Subversive Activities Control Board—SACB. They have not done a day's work for years. I have been calling for that action for at least 5 years. Even though it is late, it is welcome.

The President was right to cut back on the impacted school fund. That money goes to some of the wealthiest communities in the Nation. Every President for the past five administrations have been calling for that kind of reduction.

In view of the very tight budget we have this year, the President was right to stretch out various funds for selected research and development, to reduce slightly the maritime subsidies—he should do more to cut navigation and flood control projects, to phase out the Cuban refugee program, to reduce reclamation payments, and numerous other items found on pages 50 to 57 of the budget.

My complaints with the President differ considerably from those of many of my colleagues. While I agree with them that a number of the President's cuts are in the wrong place—this is especially true of the freeze on low-income housing, disaster loans for farmers, the increase in the REA interest rate, and the essential killing of manpower training while unemployment remains above 5 percent—my basic complaint is that he did not cut hard enough in those wasteful and inefficient programs where the big cuts should be made.

WHERE BIG CUTS SHOULD BE MADE

Instead of a $19 billion increase over last year's $250 billion outlays, we should limit this year's increase to 6 percent or $15 billion. Here is how I would do it:

MILITARY CUTS

First of all we should cut the military budget by at least $5 billion. There is no reason why the military budget should go up at the time the Vietnam war is being wound down.

That is a modest reduction, because what it does is permit military spending to remain at the present level. The war is over now, and they should be able to absorb some decreases. Last year we cut the President's budget figure by $5 billion; this year we should be able to make at least that much of a cut.

The incremental cost of the Vietnam war last year was originally estimated at $5 billion. In addition, the stepped up bombing cost us another $2 billion. This was a total of $7 billion that the military should not be spending in fiscal year 1974.

Furthermore, we have an excessive number of bases overseas. We have some 400 major bases and 3,000 minor bases scattered in some 30 countries around the world. Some of these are needed but not all of them. Many are merely a holdover from World War II. Savings could be made here.

In addition, big savings could be made in procurement. As former Deputy Secretary of Defense Packard said:

> We have a real mess on our hands.

At last count, the overruns on the 45 major U.S. weapons systems totaled over $28 billion. As one pundit put it:

> While weapons programs performance is poor and deliveries are late, costs are overrunning right on schedule.

In addition to more efficient procurement policies and practices, funds for specific weapons systems should be cut or deleted altogether.

The new carrier—CVN–70—is not needed at all. We have 16 now. The Russians have none. There is no need to spend $1 billion for this carrier plus another $2 billion for its planes and supporting ships. If you want to save money, Mr. President, start here. There is about $300 million in the new budget for carrier outlays this year. They should be stopped.

The new Trident submarine is another example of a program which should be both modified and slowed down. We need that submarine. It is a good contract, and we need such a deterrent.

But our submarines are invulnerable and will remain so probably through this decade. By proceeding with the Trident 1 missile and retrofitting it on the existing Poseidon submarines, we can get most of the advantages of the Trident system—namely a much greater range for submarines—without the tremendous cost.

The Trident ships are said to cost about $1 billion each. Furthermore, if we proceed now and the Russian antisubmarine technology is advanced, our brand new $1 billion ships may become vulnerable. We should not build these subs until they are needed. There is almost a half a billion in the new budget for Trident. All but the Trident 1 missile funds should be cut.

There are other items too which should be cut back or deleted. These include funds for AWACS, duplicate close support aircraft development, duplicate antisubmarine warfare development, the B–1 bomber, and the F–14 aircraft, to name only a few.

Finally, in the military area, we must make savings in manpower. We have reduced our forces from a peak of 3.5 million to a level of 2.4 million this year. That is a reduction of 1.1 million or almost a third.

At the same time, of course, pay raises, and the stopping of the draft and the institution of the voluntary Army have increased personnel costs very much.

The military tell us that virtually all the funds from the Vietnam war and the manpower cuts are eaten up by inflation and higher pay costs.

Frankly, that is an exaggeration. But it has some truth. But nevertheless, there are some additional things that could be done about the personnel problem which would save great sums.

First of all, we have what is known as the grade creep. There are actually more three- and four-star generals and admirals today than there were at the end of World War II, when we had six times as many enlisted personnel.

One of the arguments for more officers in the Air Force is that we have to have at least one officer for each plane. But we now have 12 times more officers in the Air Force than planes.

We have more colonels than second lieutenants.

Yet the military have done nothing about the grade creep until I held up the Air Force bill last year, and amended it to require the Department of Defense to come in with recommendations—for all the services—this year to meet this problem. We are awaiting their proposals.

Another problem is the ratio of supply and support troops to combat troops. In our military it is about 10 or 12 to 1. That is a disgrace. Now that Vietnam is finished our supply lines should shorten and that ratio would be cut. That would give us more actual fighting power and combat readiness with a reduction in manpower.

Finally, on the issue of manpower, the cuts in civilian personnel have not kept pace with the cuts in military personnel. While we have cut our troop strength by about a third, we have cut our bureaucrats by only 15 percent. The ratio of bureaucrats to fighting personnel has gone up. It should come down.

I should also mention the disgraceful situation of the large number of military personnel who are in effect nothing more than servants for high-ranking officers and their families.

In these ways, we could bring down our manpower costs.

Cuts in the Vietnam budget, procurement practices, overseas bases, and in both civilian and military manpower practices can more than offset the increases for pay and from inflation. We should be able to make a net savings of $5 billion on these items.

FOREIGN AID CUTS

Foreign aid is yet another place where the budget can be cut and cut hard.

From the information in the budget, one would gather that spending on foreign aid is about $3.2 billion next year. It would appear that $682 million is for multilateral assistance, $871 million for bilateral economic assistance, $1.2 billion for military and supporting assistance in the foreign aid budget, and another half billion for the remainder, most of which would be the Peace Corps, food for peace, and other humanitarian assistance.

But that is the mere tip of the iceberg. While we do not know this year's figures, we do know that last year almost $10 billion of American resources were transferred abroad in the form of foreign aid. Of this total about $6 billion was military aid and $4 billion was economic aid. And I use the term "transfer of resources" because not all of the funds are in the form of grants or direct appropriations.

Of the total, $6.5 billion is appropriated for directly while the remainder goes out through the back door by way

of loans, subsidies, transfers of stocks, and Public Law 480 funds.

The funds are found in the defense budget, the aid budget, the agriculture budget, and outside the budget entirely.

In my view, at least one-third, or $3 billion, of the total could be cut from the budget this year.

I ask unanimous consent that a table giving the transfer of resources under a variety of foreign aid programs for fiscal year 1973 be printed at this point in the RECORD.

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

FOREIGN AID—TRANSFER OF RESOURCES

Item	Fiscal year 1973 amount	Appropriation
Military:		
Military assistance (MAP).	$803,442,000	Foreign assistance.
Military assistance service funded.	2,055,000,000	Defense.
Transfer of defense stocks (excluding excess).	105,800,000	None.
Excess defense articles	245,000,000	Do.
Ship transfers	39,600,000	Do.
Real property transfers	485,680,000	Do.
Security supporting assistance.	874,500,000	Foreign assistance.
FMS credit sales	629,000,000	Do.
Ex-Im Bank military loans.	360,000,000	Do.
Public Law 480 (sec. 104C) defense.	124,000,000	Agriculture.
Purchases of local currency (subsidy).	91,900,000	Defense.
Subtotal	5,928,176,000	
Economic:		
Development and humanitarian assistance.	1,598,976,000	Foreign assistance.
International narcotics control.	72,800,000	Foreign assistance and State justice.
Peace Corps	72,200,000	Foreign assistance.
Public Law 480 (economic).	1,099,789,000	Agriculture.
International financial institutions.	920,000,000	Foreign assistance.
Subtotal	3,763,765,000	
Grand total	9,691,941,000	

SPACE BUDGET

Mr. PROXMIRE. Outlays for space research and technology for fiscal year 1974 are $3.1 billion. In my view these outlays, which are $74 million more than last year's outlays, should be cut. I think the space budget, in view of the need to tighten the belt elsewhere and the cuts, freezes, and impoundments the President has made for low-income housing and disaster loans for farmers, could be and should be reduced by $500 million.

The prime candidate for cutting is the space shuttle, which this year will cost us $400 million in outlays. I think Skylab, where spending of $315 million is scheduled, could be stretched out and postponed. Additional savings could be made in a much more vigorous effort to substitute unmanned for manned space efforts. Scientists tell us that unmanned flights can be as productive as manned flights at roughly half the cost.

PUBLIC WORKS

Public works projects are another area where at least a half billion dollars in savings could be and should be made this year.

Traditionally they have been very inefficient. Their costs routinely are double the original estimates. Their benefits, routinely, are half the original estimates.

Further, they are too often built in the wrong places to provide the employment that their sponsors use to justify the spending. Unemployment is in the central cities and the industrial areas. But public works are built in the rural and less populated areas. This is especially true of dams and reclamation projects.

In addition, in a year in which inflation is the major problem, we should be cutting back rather than continuing them.

HIGHWAYS

The budget provides spending of $4.7 billion this year for highways, the bulk of which is for the Interstate System.

Mass transit, however, gets only 10 percent of that amount, or $494 million.

We are being overrun with concrete and asphalt. Highways are jammed through our urban areas; they dislocate thousands of people; and they are the main culprit in the disastrous conditions our cities now face from air pollution.

Surely we could cut this program this year by $1 billion. We would cut it if it were not for the trust fund, which makes it almost immune to reconsideration by Congress. In fact, the country would be much better off if these funds were not spent—better off physically, better off economically, better off in terms of the environment, and better off in the fight against inflation.

TOTAL CUTS

The $5 billion cut I propose for defense, the $3 billion in foreign aid, the half billion each for space and public works, and the $1 billion for highways, total $10 billion.

Of this amount, $6 billion should be used to restore some of the cuts the President has made elsewhere, to help meet our urgent national needs, and to reorder our priorities.

We should shift a portion of the funds from defense, space, foreign aid, highways, and public works back into low-income housing, farm disaster programs, manpower training, and mass transit.

This would still leave us with a cut of $4 billion, a budget of $265 billion, and an increase over last year's spending of 6 percent instead of the 7.5 percent which the President contends in his budget is the maximum amount we should increase the budget in the near future years.

This effort would indeed help to reorder priorities, make the budget a much more useful instrument in the fight on inflation, and also save a great deal of money for the American people and taxpayers.

CONCLUSION

Mr. President, I believe these are the general outlines of the path the Congress should follow this year.

To do so we must also act in numerous ways ourselves.

We must establish a ceiling not only on appropriations—which affect years in the future—but also on outlays which affects spending here and now.

We must examine every request from the bottom up. We must ask if the task cannot be done better by some other means. We should ask if it needs to be done at all.

We must seek witnesses from outside the agencies requesting the funds so that we may bring some independent critical judgment to bear on executive branch spending.

We need to bolster our own staffs and knowledge in order to make intelligent judgments.

We must be tough in refusing requests for supplemental funds and refuse the reprograming requests of agencies.

We must establish our own committees to examine critically the so-called uncontrollable items in the budget, because they are not as uncontrollable as the administration likes to make out.

We should also examine the huge backlog of appropriated funds, which last year amounted to $288 billion, and which the administration routinely spends from to make up for cuts which Congress imposes on their budgets.

All of these items are necessary if Congress is once again to get control over spending. We have lost that power both through usurpation by the Executive and through atrophy and neglect of Congress.

We should cut the President's budget. We should cut it by at least a net amount of $4 billion.

We should reorder his priorities in order to meet our needs here at home.

And we should make certain that this budget is an instrument of intelligent fiscal policy in a year when inflationary pressures and the problems of unemployment remain the central economic issues before us.

Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I have 8 minutes remaining. I would be glad to yield it, or a portion of it, to the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) or to the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.), if they care for it.

Mr. PROXMIRE. Mr. President, I want to tell the distinguished Senator from West Virginia that I deeply appreciate that courtesy. I was concerned over being able to complete my speech in time. The Senator from West Virginia is one of the most courteous men I have ever met, in this body or elsewhere. This offer is typical of him. I know that he had a speech he wanted to deliver. Instead, he yielded a part of his time to the Senator from Arkansas, and now offers the remainder to me, so that we can proceed right on schedule.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

EULOGIES TO THE LATE FORMER PRESIDENT HARRY S TRUMAN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time to be under the control of the distinguished Senator from Missouri (Mr. SYMINGTON) today for eulogies to the late former President Harry S Truman, begin at 2 p.m., and that, in the meantime, upon request, eulogies by various Senators be received, to appear in the RECORD as though delivered during the time under the control of Mr. SYMINGTON.

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

ORDER FOR RECOGNITION OF SENATORS COOK, GRIFFIN, AND ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the distinguished Senator from Kentucky (Mr. COOK) be recognized for not to exceed 15 minutes; that he be followed by the distinguished Senator from Michigan (Mr. GRIFFIN) for not to exceed 15 minutes; and that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes.

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

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

APPOINTMENT BY THE VICE PRESIDENT OF SENATOR MATHIAS TO READ WASHINGTON'S FAREWELL ADDRESS ON FEBRUARY 19, 1973

The PRESIDING OFFICER (Mr. HATHAWAY). The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, as modified January 29, 1973, appoints the distinguished Senator from Maryland (Mr. MATHIAS) to read Washington's Farewell Address on February 19, 1973.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. HATHAWAY). Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there any morning business?

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letter, which was referred as indicated:

REPORTS ON ASSISTANCE-RELATED FUNDS OBLIGATED FOR CAMBODIA

A letter from the Acting Assistance Secretary for Congressional Relations, Department of State, transmitting, pursuant to law a report on assistance-related funds obligated for Cambodia, during the second quarter of fiscal year 1973 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

S. Res. 61. A resolution authorizing the Committee on Post Office and Civil Service to conduct open public hearings into the conduct of the Postal Service.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MOSS, from the Committee on Commerce:

Lewis A. Engman, of Michigan, to be a Federal Trade Commissioner.

The nominee has agreed to make himself available for testimony at any time the committee requests.

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. TALMADGE (for himself and Mr. NUNN):

S. 769. A bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of a firearm. Referred to the Committee on the Judiciary.

By Mr. METCALF:

S. 770. A bill to establish an independent agency to be known as the Intergovernmental Office of Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain regulated services; to provide grants and other Federal assistance to State and local governments for the establishment and operation of such consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operations of regulated companies of interest to the Federal Government and other consumers; and for other purposes. Referred to the Committee on Government Operations.

By Mr. FULBRIGHT (by request):

S. 771. A bill to define the circumstances in which foreign states are immune from the jurisdiction of U.S. courts and in which execution may not be levied on their assets, and for other purposes. Referred by unanimous consent, jointly to the Committee on Foreign Relations and the Committee on the Judiciary.

By Mr. DOMINICK:

S. 772. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education. Referred to the Committee on Finance.

S. 773. A bill to modify the project for flood control below Chatfield Dam on the South Platte River, Colo., authorized by the Flood Control Act of 1950. Referred to the Committee on Public Works.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 774. A bill for the relief of Arline Loader and Maurice Loader. Referred to the Committee on the Judiciary.

By Mr. EAGLETON (for himself, Mr. BEALL, Mr. CANNON, Mr. CRANSTON, and Mr. Moss):

S. 775. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute on Aging. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 776. A bill to authorize the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. CASE:

S. 777. A bill to designate certain lands in the Brigantine National Wildlife Refuge, Atlantic, Burlington, Ocean Counties, N.J., as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. COOK:

S. 778. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 779. A bill to provide that certain expenses incurred in the construction of a municipal building in Talladega, Ala., shall be eligible as local grants-in-aid for purposes of Title I of the Housing Act of 1949. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN (for himself, Mr. ALLEN, Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. BIBLE, Mr. BIDEN, Mr. BROCK, Mr. BURDICK, Mr. CHILES, Mr. COOK, Mr. COTTON, Mr. DOLE, Mr. DOMINICK, Mr. GRAVEL, Mr. GRIFFIN, Mr. GURNEY, Mr. HART, Mr. HARTKE, Mr. HATHAWAY, Mr. HUGHES, Mr. HUMPHREY, Mr. McGOVERN, Mr. McINTYRE, Mr. METCALF, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. NUNN, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SCOTT of Pennsylvania, Mr. STEVENS, Mr. STEVENSON, Mr. THURMOND, Mr. WILLIAMS, and Mr. YOUNG):

S. 780. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor. Referred to the Committee on the Judiciary.

By Mr. TALMADGE (by request):

S. 781. A bill to amend the Federal Crop Insurance Act, as amended. Referred to the Committee on Agriculture and Forestry.

By Mr. TUNNEY (for himself and Mr. GURNEY):

S. 782. A bill to amend the antitrust laws of the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. CHILES (for himself and Mr. JACKSON):

S. 783. A bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. KENNEDY:

S. 784. A bill to apply certain provisions of the Fishermen's Protective Act of 1967 to situations in which vessels of the United States or their gear are damaged by actions of foreign countries; and

S. 785. A bill to establish a comprehensive program of insurance and reimbursement with respect to losses sustained by the fisheries trades as a result of environmental and natural disasters. Referred to the Committee on Commerce.

S. 786. A bill to provide Small Business Administration disaster assistance for individuals who are self-employed in the fishing industry. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 787. A bill to provide certain essential assistance to the United States fishing industry;

S. 788. A bill to amend the provisions of law establishing a fund to promote the free flow of domestically produced fishing products in order to increase the amounts in such fund; and

S. 789. A bill to authorize the Secretary of Commerce to increase the availability of insurance coverage for United States fishing vessels, and for other purposes. Referred to the Committee on Commerce.

By Mr. DOLE:

S.J. Res. 53. A joint resolution to establish a joint congressional committee to investigate the causes and origins of United States involvement in the hostilities in Vietnam. Referred to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALMADGE (for himself and Mr. NUNN):

S. 769. A bill to amend the Gun Control Act of 1968 to provide for separate offense and consecutive sentencing in felonies involving the use of a firearm. Referred to the Committee on the Judiciary.

Mr. TALMADGE. Mr. President, I introduce legislation today relating to the enforcement of the laws of our land. It is very simple. It proposes to crack down on lawless elements who use firearms in the commission of a criminal act.

For too long now, our society and law-abiding citizens have been victimized by lawlessness that makes it unsafe for peaceful people to walk the streets or be secure even in their own homes.

I say it is high time that society turned the tables and got toucher with criminals.

The legislation I introduce provides severe and mandatory penalties for the use of a firearm in the commission of a criminal act.

There have been too many armed robberies, and muggings, and rapes, and senseless killings. There has been too much bloodshed at the hands of vicious criminals. I submit that the time has come to take people who have no regard for human life or property, and put them away for a long, long time—where they can no longer pose a threat to the law and order of our society.

My legislation would provide that the use or possession of a firearm in the commission of a felony is itself a separate and distinct criminal act—the sentence for which would have to be served consecutively with the sentence imposed for the underlying felony.

Existing Federal law is somewhat unclear at this point. As one would expect, the courts, by distinguishing between first and second offenders, have construed present law in favor of the criminal and against the best interests of society.

Through this legislation, I want to make it absolutely clear that regardless of whether it is the first, second, or third time that the individual uses or carries a firearm in the commission of a felony, the courts must impose upon him a separate sentence, and he must serve that sentence independent of and consecutive to any term of imprisonment for the underlying felony.

For example, under my bill if an individual stages a hold-up for which he may be tried in the Federal courts, and if he employs a firearm in the commission of that crime, the fact that he had that weapon on his person would itself be a separate Federal crime. If that individual were convicted on both the robbery and firearm counts, my bill would require that he, first, serve a sentence for the hold-up, and a separate, additional sentence for using a weapon in so doing.

An important feature of my bill is that the sentences may not be served concurrently—but consecutively, on a back-to-back basis.

Also, stiff penalties would be required under my legislation. If it were the first time that an individual were found guilty of employing a weapon in the commission of a crime, he would be subject to 5 to 15 years imprisonment.

Second offenders would be dealt with more harshly. They would be subject to prison sentences from 10 to 30 years—and probation or parole would not be permitted.

I do not believe that the law should go to great lengths to distinguish between first and second offenders, or that first offenders ought to be automatically excused. Both first and second offenders should be required to serve mandatory sentences because the victims of these criminals are just as injured, just as robbed, or just as dead after being victimized by a first offender as they are following an assault by a hardened criminal.

A warm and personal friend of mine, the Senator from Mississippi, was shot down last Tuesday on the streets of Washington for no reason.

It is a sad commentary on America when one of the most respected and influential Members of the U.S. Senate cannot walk into his home without being robbed and shot by wanton criminals.

Senator STENNIS had already surrendered all his valuables to two thugs. Then, they shot him twice in cold blood.

Perhaps some people retact to this by wringing their hands and wondering how society has failed these young men. Perhaps some people speculate in doleful tones as to why they perpetrated this senseless act of armed violence.

Mr. President, I am concerned why they did it. I wonder about the mentality of such criminals. But to me, the primary reality is the shameful and naked fact that they did shoot down an unarmed citizen in cold blood on the public streets of the Nation's Capital City. I am sickened by that fact.

Whether it be a Senator of the United States or whether it be an average citizen, the barbarous shooting of Senator STENNIS once again dramatizes the violence that is taking place in our cities, and in our suburbs as well, every day and night of the year—and in many areas not just once but several times during the day and night people are accosted and robbed and raped and brutalized at gunpoint.

Certainly, every rational and compassionate citizen knows that no campaign against crime is complete without a searching examination for its causes, and ways to correct them.

We must continue that pursuit.

But, at the same time, we must recognize that one of the most fundamental responsibilities of the Government is to provide for the safety and security of all our citizens. Thus far, the Government has been derelict in that duty.

We live in a time when America's citizens are afraid to walk their own streets at night or go about their daily business. People do not even feel safe in the sanctity of their own homes.

I know of no easy solution to the crime problem. I know of no way to eradicate crime. But I submit that we can act to reduce the problem. We can act to deter crime by making sure that punishment is swift, certain, and severe.

I know of no way to totally disarm criminals, although I, of course, wish that were possible. But I do believe Congress can act to make criminals think a long, long time before they use a firearm in the commission of their crimes and, if they do, we can strengthen the law in such a way as to put them out of circulation.

By Mr. METCALF:

S. 770. A bill to establish an independent agency to be known as the Intergovernmental Office of Consumers' Counsel to represent the consumers of the Nation before Federal and State regulatory agencies with respect to matters pertaining to certain regulated services; to provide grants and other Federal assistance to State and local governments for the establishment and operation of such consumers' counsels; to improve methods for obtaining and disseminating information with respect to the operations of regulated companies of interest to the Federal Government and other consumers; and for other purposes. Referred to the Committee on Government Operations.

Mr. METCALF. Mr. President, I introduce for appropriate reference a bill which would provide for a consumers' counsel to represent consumers of regulated services before Federal, State, and local agencies and courts, and would also require companies under Federal regulation to furnish specific information to the counsel as to their operations and services. Companies required to furnish such information are those which are subject to regulation by first, the Federal Power Commission; second, the Federal Communications Commission; third, the Interstate Commerce Commission; fourth, the Civil Aeronautics Board; fifth, the Federal Maritime Commission, and sixth, the Securities and Exchange Commission under the Public Utility Holding Act.

Under title I of the bill, the consumers' counsel would be the head of an independent agency known as the Office of Consumers' Counsel for Regulated Services. In addition to representing consumers before courts and agencies, the office would develop essential consumer information and reports for public dissemination, provide technical and professional services and make grants to State and local governments which establish similar offices of consumer counsel, make grants to State regulatory agencies to improve their professional capabilities, and to develop model laws for the regulation of consumer services.

Title II of the bill requires information to be furnished to the Counsel under such rules and regulations as he shall establish at least annually or at such other times as may be determined by him. Such information would relate to the capitalization and control of each company including a description of the company's parents and subsidiaries and affiliates; a description of the company's common and preferred stock and the amount of dividends and interest paid, and the name of each person who directly or indirectly has the power to vote 1 percent or more of the common stock, or 1

percent or more of the preferred stock if such stock has voting rights.

Companies are required to furnish information as to management, such as the compensation, pension, and retirement plans of officers and directors of the companies; names of other companies in which such officers and directors serve as officials; terms of restricted stock option plans available to officers, directors, and employees; loans and extension of credit to company officials and details of transactions with affiliated banks, finance companies and shareholders.

As to operations of the company, title II requires information concerning licenses, franchises, and certificates of convenience; information as to direct and indirect expenditures relating to legal and consulting services, trade associations, advertising, and public relations, contributions, gratuities, and costs for political promotion and lobbying. In addition the bill calls for a description of the policies of the company with respect to deposits of customers and the rate of interest charged customers and the rate base valuation and components of the company's rate base as determined by the Federal or State commission having jurisdiction over the company.

If any person or company covered by the legislation fails to provide such information as required in title II, it shall be subject to civil penalty of not more than $1,000 for each violation. Any person who knowingly or willfully violates this title or any rule or regulation issued by the Counsel thereunder, or any person who provides false information to the Counsel, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $2,500 for the first offense and not more than $5,000 for each subsequent offense.

Title II also conveys upon the Counsel discovery powers with respect to the defined areas of information. Counsel is authorized to appear before any Federal, State, or local agency, Federal or State court to obtain an order for production of such information. He shall be entitled to enter such appearance as matter of right before any Federal agency or Federal court.

The information under title II is to be published in reports, prepared by the Counsel and made readily available to the public.

Automatic data processing equipment shall be used to the greatest extent possible by the Counsel in coordinating data with other Federal agencies.

The bill authorizes appropriations for purpose of carrying out this act in the amount equal to one-tenth of 1 percent of the aggregate annual gross operating revenues of all regulated companies.

Mr. President, this bill is a refinement and an extension of provisions contained in legislation introduced in the 91st and 92d Congresses—S. 607 in both Congresses—to establish a Consumers' Counsel and require information with respect to electric, gas, and telephone utility services. That bill has been the subject of 23 days of hearings by the Senate Subcommittee on Intergovernmental Relations. The language of the bill was greatly improved through 5 days of extensive markup sessions of the subcommittee. A similar bill, S. 608, was introduced in the 92d Congress and related to transportation utility services.

The legislation which I introduce today brings together all these utility services under one roof, which shall be the subject of the consumers' counsel's advocacy and investigational jurisdiction.

Mr. President, the President tells us that we are now in phase III of his economic program, whatever that may actually mean. What we do know is that the leaky lid was taken off most utility rate increases by virtue of the Price Commission's regulations in phase II, and it has now apparently been completely removed. Thus the need for facts and funds for consumers is even more urgent.

How do regulated industries fit into the economic picture? And how should the consumer be assured that his advocacy is protected when the ever-growing citadels of regulation, executive commission, and governmental advisory committees are wheeled into line to tell him the prices he will pay for services which are so vital to his personal health and economy, as well as that of the Nation?

What about the prices of supplies, equipment, advertising, and economic expansion that are being passed on to the consumer by the utilities? Are they receiving the necessary scrutiny by the regulators? Or are they just being taken for granted because they are assumed to come from a competitive level of the economy?

How efficient—how careful—are the utilities in keeping down costs? And how concerned are the regulators in examining those areas where monopolization is, or has, set in to disrupt corporate efficiency and, in effect, disrupt any effort toward fairness in the whole pricing structure?

For the consumer, a whole new line of inquiry emerges from the source and cost of developing energy supply, transportation and communications. We must train our sights and reach longer distances if we are to understand the full consumer impact in the regulated industry field.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Consumers' Information and Counsel Act of 1973.

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "Federal agency" means any department, agency, or instrumentality, including any wholly owned Government corporation, of the executive branch of Government.

(b) The term "State" means any State of the United States, any territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or political subdivision department, or agency, or instrumentality of any of them, but does not include the Panama Canal Zone.

(c) The term "regulated company" means any company which is subject to regulation by (i) the Federal Power Commission; (ii) the Federal Communications Commission; (iii) the Interstate Commerce Commission; (iv) the Civil Aeronautics Board; (v) the Federal Maritime Commission; and (vi) the Securities and Exchange Commission under the Public Utility Holding Act (title 15, United States Code, Sec. 79 et seq.)

(d) The term "Company" means a corporation, a partnership, an association, a joint-stock company, a business trust or an organized group of persons, whether incorporated or not; or any receiver, trustee, or other liquidating agent of any of the foregoing in his capacity as such; having an annual gross operating revenue in excess of $10 million; but not including any cooperatively, federally, municipally, or other publicly owned person, company or organization.

(e) The term "control" means possession of the power to direct or cause the direction of or substantially influence the management and policies of a company, whether through ownership of voting or nonvoting securities, ownership of debt issues, by contract, or otherwise, unless such power is the result of an official position with the company. Control is presumed to exist if any person or company directly or indirectly owns controls, holds with the power to vote, or holds proxies representing 10 per cent or more of the voting securities of any company. The Counsel may, after furnishing all persons in interest notice of opportunity to be heard, determine that control in fact exists notwithstanding the absence of a presumption to that effect.

(f) The terms "affiliate" of a company or "affiliate company" mean a person that directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with, such company.

(g) The terms "parent of a company" or "parent company" mean a person who directly or indirectly through one or more intermediaries, holds control over a regulated company.

(h) The term "long-term debt" means any indebtedness of a company having a maturity of one year or more from the date of issuance. The term "short-term debt" means any indebtedness of a company other than long-term debt.

(i) The term "regulated services" means any service provided for the public by a regulated company.

(j) The term "interests of consumers of regulated services" means any matter relating to rates, charges, methods of service, adequacy of service, and safety measures which directly affect the consumer of regulated services.

TITLE I—CONSUMERS' COUNSEL FOR REGULATED SERVICES

ESTABLISHMENT OF OFFICE

SEC. 101. (a) There is hereby established within the executive branch of the Government an independent agency to be known as the Office of Consumers' Counsel for Regulated Services (referred to hereinafter as the "Office"). The Office shall be headed by a Consumers' Counsel (referred to hereinafter as the "Counsel"), who shall be appointed for a term of five years by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate provided for level 2 of the Executive Schedule. In appointing the Counsel, the President shall solicit the views and recommendations of consumer organizations and groups representing consumer interests, including State and local bodies.

(b) The Counsel shall, subject to the provisions of title 5 of the United States Code, appoint and fix the compensation of such personnel as he determines to be required for the performance of the functions of the Office.

(c) No person appointed as Counsel or employed by the Counsel shall at any time during his tenure, have any financial inter-

est, direct or indirect, in any regulated company or affiliate; nor shall any such person be employed or retained by or accept employment with a regulated company or an affiliate of a regulated company for a period of three years following termination of his employment in the Office.

POWERS OF THE OFFICE

SEC. 102. (a) In the performance of the functions of the Office, the Counsel is authorized—

(1) to promulgate such rules and regulations as may be required to carry out the functions of the Office, including the establishment of uniform rules of accounting for any class or classes of companies about which information is required to be obtained pursuant to this Act, but the exercise of such powers and the performance of the functions of the Office and the Counsel under title II of this Act shall not be subject to the provisions of sections 3501–3511 of title 44 of the United States Code.

(2) to delegate to any other officer or employee of the Office authority for the performance of any duty imposed, or the exercise of any power conferred upon the Counsel by this Act, and any reference herein to the Counsel shall include his duly authorized delegate or delegates;

(3) to obtain the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code;

(4) to use the services, equipment, personnel, and facilities of other Federal agencies, with their consent, with or without reimbursement therefor as determined mutually by the Counsel and such other agencies.

(b) Upon request made by the Counsel, each Federal agency is authorized and directed—

(1) to make its services, personnel, and facilities available to the greatest practicable extent to the Office in the performance of its functions; and

(2) subject to provisions of law and regulations relating to the classification of information in the interest of national security, to furnish to the Office such information, suggestions, estimates, and statistics as the Counsel may determine to be necessary or desirable for the performance of the functions of the Office.

REPRESENTATION OF PUBLIC INTEREST

SEC. 103. (a) Notwithstanding any other provision of law, the Counsel is authorized to petition for, initiate, appear or intervene in, any investigation, complaint, action, appeal, or other proceeding except a criminal proceeding, before any Federal, State, or local agency, or Federal or State court, in accordance with the rules of practice and procedure of such agency or court, where, in the opinion of the Counsel, there is a matter or controversy affecting substantially the interests of consumers of regulated services within the United States: *Provided*, That such action by Counsel before any State or local agency or State court shall be authorized only when—

(1) it is requested by the Governor of a State or any official designated by him for such purpose; or

(2) it is requested by an agency or official duly authorized by a State to represent the interests of such consumers before any State or local agency or court; or

(3) it is requested by a State or local agency or court conducting the proceeding; or

(4) it is requested by a duly certified petition signed by the consumers of services of a regulated company within any State as follows: if the total of such consumers equals one thousand or less, petition must be signed by 20 per centum of such consumers; if the total of such consumers equals an amount over one thousand but less than ten thousand, petition must be signed by 10 per centum of such consumers; or if total of such consumers equals ten thousand or more, petition must be signed by 5 per centum of such consumers.

(b) With respect to any such proceeding, the Counsel shall present to the agency or court, subject to the rules of practice and procedure thereof, such evidence, briefs, and arguments as he shall determine to be necessary for the effective representation of the interests of such consumers. The Counsel or any other officer or employee of the Office designated by the Counsel for such purpose, shall be entitled to enter an appearance before any Federal agency or Federal court without other compliance with any requirement for admission to practice before such agency for the purpose of representing the Office in any proceeding.

(c) Notwithstanding any other provision of law, the Counsel is entitled as a matter of right to appear as a party before any Federal agency or Federal court, but not including the Supreme Court of the United States, with respect to any matter or proceeding described in subsection (a), and coming within the jurisdiction of such Federal agency or court.

(d) This Act shall not operate to exclude any other individual, consumer organization, or group representing the public interest from intervening or otherwise participating in such proceedings, nor shall it affect the decision of any Federal agency to assign its own staff personnel to intercede or assist in developing any part of the record of proceedings in which the Counsel or other groups shall appear; nor shall the participation by Counsel affect the right of any person to appear in such proceedings in forma pauperis.

(e) The Counsel is authorized to attend and represent the interests of consumers of regulated services at any meeting of any advisory committee or other private or public organization with any Federal agency.

PUBLIC INFORMATION AND REPORTS

SEC. 104. (a) The Counsel from time to time shall compile and disseminate to the public, through such publications and other means as he determines to be appropriate, such information as he considers to be necessary or desirable for the protection of the interests of consumers of regulated services.

(b) In January of each year, the Counsel shall transmit to the Congress a report containing (1) a full and complete description of the activities of the Office during the preceding calendar year, (2) a discussion of matters currently affecting the interests of such consumers, and (3) his recommendations for the solution of any problems adversely affecting those interests.

(c) The Counsel shall transmit to the President from time to time such recommendations for proposed legislation as the Counsel may consider to be necessary or desirable for the adequate protection of the interests of such consumers.

GRANTS TO STATE AND LOCAL GOVERNMENTS

SEC. 105. (a) (1) The Counsel is authorized to make grants to any State or local government, or combination of such governments, that serve a population of one hundred thousand or more persons, for up to 75 per centum of the cost of performing any of the following functions:

(A) representing the interests of consumers of regulated services before Federal, State, or local agencies and Federal or State courts including but not limited to the initiation, appearance, or intervention, with respect to any investigation, complaint, action, appeal, or other proceeding and the preparation and presentation of evidence, briefs, and arguments in connection therewith.

(B) compiling and making available to the public information which is necessary or desirable for the protection of the interests of consumers of regulated services; or

(C) making available, to the extent possible, technical assistance, statistics, information, and personnel for consultation and assistance to Federal, State, and local governments and agencies, and to nongovernmental organizations having a special interest in matters affecting the interest of consumers of regulated services.

(2) No grant under this subsection shall be made to any State or local agency authorized by law to regulate one or more regulated companies.

(b) (1) The Counsel is authorized to make grants to any State or local agency authorized by law to regulate one or more regulated companies for the following purposes—

(A) increasing the number and quality of professional staff personnel assigned to matters affecting the interests of consumers of regulated services;

(B) developing personnel, systems, and facilities, including automatic data processing equipment, for obtaining essential information, making studies and other evaluation of data, and assisting in the making of decisions with respect to matters affecting the interests of consumers of regulated services; or

(C) providing for training and education programs, including internship, work-study, fellowship, and similar programs for professional staff positions relating to matters affecting the interests of consumers of regulated services.

(c) A grant authorized by this section may be made on application to the Counsel at such time or times and containing such information as the Counsel may prescribe.

(d) The non-Federal contribution may be in cash or in kind, including but not limited to plant, equipment, and services, or as otherwise determined by the Counsel. If, in any fiscal year, a recipient under this section provides non-Federal contributions exceeding its requirements, such excess may be used to meet its non-Federal requirements for the next fiscal year.

(e) The Counsel shall allocate grants under this Act in such manner as will most nearly provide an equitable distribution of grants among States and local governments, taking into consideration such facts as size of population, extent of regulated services, the urgency of programs or projects, and the need for funds to carry out the purposes of this Act.

TECHNICAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

SEC. 106. The Counsel may furnish technical advice and assistance, including information, on request to any State or local regulatory agency for the purpose of establishing and carrying out any program of consumer interest within the general purposes of this Act. The Counsel may accept payments, in whole or in part, for the costs of furnishing such assistance. All such payments shall be credited to the appropriation made for the purposes of this section.

REPORTING REQUIREMENTS

SEC. 107. A State, or local government office receiving a grant under this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status and application of Federal funds and the operation of the approved program or project as the Counsel may require, and shall keep and make available such records as may be required by the Counsel for the verification of such reports and evaluations.

REVIEW AND AUDIT

SEC. 108. The Counsel 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 of a grant recipient that are pertinent to the grant received.

TERMINATION OF GRANTS

SEC. 109. (a) Whenever the Counsel, after giving reasonable notice and opportunity for hearing to a grant recipient under this Act, finds—

(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that in the operation of the program or project there is failure to comply substantially with any such provision;

the Counsel shall notify such recipient of his findings and no further payments may be made to such recipient by the Counsel until he is satisfied with such noncompliance has been, or will promptly be, corrected. However, the Counsel may authorize the continuance of payments to any projects pursuant to this Act which are being carried out by such recipient and which are not involved in the noncompliance.

(b) (1) If the recipient of a grant under section 105 is dissatisfied with the Counsel's final action under section (a) of this section, such recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which suh recipient 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 Counsel. The Counsel thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the Counsel, if supported by substantial evidence shall be conclusive; but the court for good cause shown, may remand the case to the Counsel to take further evidence, and the Counsel 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 Counsel 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.

MODEL LAWS

SEC. 110. The Counsel shall make full and complete investigation and study for the purpose of—

(1) preparing a comparison and analysis of State and Federal laws covering regulated services to consumers; and

(2) preparing model laws and recommendations for regulation of such services.

The results of such investigation and study shall be reported to the President, the Congress, and the Governor of each State as soon as practicable.

TITLE II—PUBLIC INFORMATION AND REPORTS

INFORMATION WITH RESPECT TO REGULATED COMPANIES

SEC. 201. Each regulated company and each parent of a regulated company shall furnish to the Counsel, under such rules and regulations as the Counsel shall establish, at least annually or at such other times as may be determined by the Counsel, the following information:

(a) As to the capitalization and control—

(1) the name, address, and description of the business of each parent, subsidiary, or affiliate company, including a full description of the relationship between such companies;

(2) a description of all classes of common stock, preferred stock, long-term debt, bonds, and debentures, including information as to voting rights, redemption and conversion features, dividends, premiums, and interest payable, maturity dates, provision for security, and any other terms and conditions that are material or that may confer control or management powers upon the holder of the security or the debt;

(3) percentages of capitalization obtained from common stock, preferred stock, long-term debt, and earned surplus, respectively;

(4) the amount of dividends and interest paid on each class of stock and debt, and

(i) average rate of interest on long-term debt;

(ii) average rate of interest of short-term debt;

(iii) rate of return on average common stock equity;

(5) the name and address of:

(i) each person who directly or indirectly or acting through one or more persons has the power to vote one per cent or more of the common stock; or one per cent or more of the preferred stock, if such stock has voting rights, together with the number and percentage of such voting securities;

(ii) each person who directly or indirectly or acting through one or more persons has the power to vote one per cent or more of the preferred stock in the company, together with the number and percentage of such voting securities;

(iii) each holder of one per cent or more of any issue of outstanding long-term debt of the company, together with the dollar amount of such holdings, and its percentage of the issue; and

(iv) each holder of five per cent or more of the outstanding short-term debt of the company, together with the dollar amount of such holdings, and its percentage of the total short-term debt.

(b) As to management—

(1) the name and address of each officer and director and his compensation from the company and its affiliates, including pension and retirement plans and the amounts paid, accrued or reserved for such plans, stock options, deferred compensation plans, indemnification, and insurance, together with a complete description of the duties of such director or officer and the approximate amount of time, stated in hours per week, spent in the performance of such duties;

(2) the names and addresses of all other companies in which such officers and directors also serve as officers or directors, and a description of any position which such officer or director holds, or has held within the preceding ten years, in any Federal agency;

(3) the names of directors, if any, who were not nominated by the management of the company;

(4) terms of restricted stock option plans available to officers, directors, and employees and, except for plans available to all employees on equal terms, including name, title, salary, and retirement benefits of each person to whom stock options have been granted, number of options each has exercised, date on which options were exercised, option price of the stock and market price of the stock when option was exercised;

(5) amounts, terms and conditions, including simple annual interest rates, of all loans and extension of credit to directors, officers, affiliates, customers, and others, and the total amounts of interest collected on each class of such loans or credit during the year, together with the terms or conditions of arrangements between financial institutions and the company with respect to compensating balances;

(6) details of any transactions with affiliates, banks, finance companies, holders of any class of stock or long-term debt, and customers concerning the purchase, sale, or lease of any real or personal property, indicating as to each the identity of the other party, terms of the purchase, sale, or lease contract, including any provision for security, the assessed value of the property and the method by which such transaction was negotiated, including a description of any opportunity given to other parties to enter competitive bids and details of any such bids received.

(c) As to operations—

(1) summaries of all licenses, franchises, and certificates of convenience and necessity issued to or applied for by the company, if any, and the amount expended for and in procuring each such certificate;

(2) a summary of the terms of any rate, bureau, pooling or mutual aid agreements or arrangements, including a complete breakdown of joint rates attendant thereto;

(3) assets and liabilities of the company, including a brief description of each asset subject to a mortgage, lien, or other claim, indicating the terms thereof:

(i) in dollars;

(ii) as percentage of depreciated average original cost;

(iii) as a percentage of operating revenues;

(5) sources and application of all funds, including all revenues, income, borrowings, and sale of equity;

(6) information as to all direct or indirect expenditures, whether in payment of money, provision of goods or services, use of officers or employees on company time or otherwise, including specific details of the exact amounts, purposes, and tax treatment of each item, included in any account for:

(i) dues, expenses, or assessments of trade associations or rate bureaus of any kind;

(ii) any legal, professional, or consultant services;

(iii) advertising, public relations, and promotion of any kind;

(iv) contributions, gifts, donations, honorariums, and gratuities, including travel, entertainment, or other personal expenses of individuals paid for, in whole or in part, by the company;

(v) protesting the granting of any certificate, franchise, or authority of any other party, or intervening in any proceeding in which such certificate, franchise, or rights are at issue;

(vi) promoting or opposing (1) the candidacy, nomination, election or appointment of any person for any Federal, State, or local legislative or administrative office; (2) any other issue for which an official vote of the people has been authorized, or (3) any lobbying with respect to Federal, State or local legislative or administrative bodies;

(7) a list of all goods, services, rights, or privileges extended free, below cost, or below normal charges, to any actual or potential customer or class of customers including credit extension, concessions, and rebates of any kind, and the extent to which such goods, services, rights, or privileges are paid for by charges to such customers or class of customers;

(8) a description of the policy with respect to deposits of customers and service connection charges, if required;

(9) the rate of interest charged customers by the regulated company, stated as simple annual interest;

(10) the rate base valuation and components of the regulated company's rate base, as determined by the commission or commissions having jurisdiction, expressed in dollar amounts, and including amount permitted in rate base in each of the following categories: equipment no longer used in service, good will, accumulated tax deferrals, allowance for working capital, construction work in progress, customers' advances, bank deposits, materials and supplies, plant acquisition adjustment, and plant held for future use;

(d) Such other information as the Counsel may deem necessary to obtain, compile, publish, and disseminate to inform consumers of regulated companies.

PENALTIES AND ENFORCEMENT POWERS

SEC. 202. (a) It shall be a violation of this title to fail to provide any information required by section 201 of this title. Any person who violates this section or who violates any rule, regulation or order issued by the Counsel under this title, shall be subject to a civil penalty not greater than $1,000 for each violation. Any person who knowingly and willfully violates this title or any rule, regulation, or order issued by the Counsel under this title, or who provides false information to the Counsel, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $2,500 for the first offense and not greater than $5,000 for each subsequent offense. If any such violation is a continuing one, each day of such violation shall constitute a separate offense.

(b) The Federal Power Commission, the Civil Aeronautics Board, the Federal Communications Commission, the Interstate Commerce Commission, the Federal Maritime Commission and the Securities and Exchange Commission are hereby authorized and directed to coordinate and assist in carrying out the provisions of this Act and to conduct investigations and promulgate such regulations as are necessary to implement this Act each in accordance with its own rules of procedures.

(c) Notwithstanding any other provision of law, the Counsel is authorized to appear before any Federal, State or local agency, or Federal or State court, in accordance with the rules of practice and procedure of such agency or court, and seek an order for the production of information required to be furnished under Section 201 of this Act. The Counsel or any other officer or employee of the Office designated by the Counsel for such purpose, shall be entitled to enter such appearance as a matter of right before any Federal agency or Federal court without other compliance with any requirement for admission to practice before such agency or court for the purpose of representing the Office of in such proceeding.

REPORTS

SEC. 203. (a) The information to be obtained by the Counsel pursuant to section 201 of this title shall, at least annually and at such other times as the Counsel may deem appropriate, be published in reports prepared for and made readily available to the public. Such reports shall be issued as soon as possible after the end of the annual accounting period. Supplementary reports may be issued at any time to reflect any changes that materially affect the ownership, financial condition or operation of regulated companies or affiliates. To the degree practicable, the reports provided for in this section shall be presented in readily comprehensible style and format and shall contain pertinent national averages and comparative historical data.

TITLE III—MISCELLANEOUS PROVISIONS

AUTOMATIC DATA PROCESSING

SEC. 301. (a) Federal agencies are hereby authorized and directed to make full use of automatic data processing in preparing the information required under this Act and other Acts to which they are subject, to the end that the Counsel, the Congress, and the public shall receive information in a timely and understandable manner. Federal agencies are hereby directed to include, in their annual reports, accounts of their progress toward full use of automatic data processing.

(b) The Comptroller General of the United States shall review the activities of the Federal agencies in compliance with this section, and shall report to the Congress the results of such compliance, and where full use of automatic data processing is not being made in the preparation of such information he shall recommend those actions which should be taken to achieve such full use of automatic data processing techniques and equipment.

SAVING PROVISION

SEC. 302. Nothing contained in the Act shall be construed to alter, modify, or impair any other provision of law, or to prevent or impair the administration or enforcement of any other provision of law, except as specifically amended or to the extent that it is inconsistent with this Act.

APPROPRIATIONS

SEC. 205. There are authorized to be appropriated annually for the purposes of this Act an amount equal to one-tenth of 1 per cent of the aggregate annual gross operating revenues of all regulated companies.

By Mr. FULBRIGHT (by request):

S. 771. A bill to define the circumstances in which foreign states are immune from the jurisdiction of U.S. courts and in which execution may not be levied on their assets, and for other purposes. Referred, by unanimous consent, jointly to the Committee on Foreign Relations and the Committee on the Judiciary.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to define the circumstances in which foreign states are immune from the jurisdiction of U.S. courts and in which execution may not be levied on their assets, and for other purposes.

The bill has been requested by the Attorney General and the Secretary of State and referred to both the Committees on the Judiciary and Foreign Relations. I am introducing this bill in order that there may be specific legislation to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Attorney General and the Secretary of State to the Vice President dated January 16, 1973, and the section-by-section analysis of the bill.

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

S. 771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 28, United States Code, is amended—

(1) by inserting after Chapter 95 the following new Chapter:

"CHAPTER 97.—JURISDICTIONAL IMMUNITIES OF FOREIGN STATES

"Sec.
"1602. Findings and declaration of purpose.
"1603. Definitions.
"1604. Immunity of foreign states from jurisdiction.
"1605. General exceptions to the jurisdictional immunity of foreign states.
"1606. Immunity in cases relating to the public debt of a foreign state.
"1607. Counterclaims.
"1608. Service of process in United States district courts.
"1609. Immunity from execution and attachment of assets of foreign states.
"1610. Exceptions to the immunity from execution of assets of foreign states.
"1611. Certain types of assets immune from execution.

"§ 1602. Findings and declaration of purpose.

"The Congress finds that the determination by United States courts of the claims of foreign states to immunity from the jurisdiction of such courts would serve the interests of justice and would protect the rights of both foreign states and litigants in United States courts. Under international law, states are not immune from the jurisdiction of foreign courts in so far as their commercial activities are concerned, and their commercial property may be levied upon for the satisfaction of judgments rendered against them in connection with their commercial activities. Claims of foreign states to immunity should henceforth be decided by United States courts in conformity with these principles as set forth in his chapter and other principles of international law.

"§ 1603. Definitions.

"(a) For the purposes of this chapter, other than sections 1608 and 1610, a "foreign state" includes a political subdivision of that foreign state, or an agency or instrumentality of such a state or subdivision.

"(b) For the purposes of this chapter, a "commercial activity" means either a regular course of commercial conduct or a particular commercial transaction or act. The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose.

"§ 1604. Immunity of foreign states from jurisdiction.

"Subject to existing and future international agreements to which the United States is a party, a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in this chapter.

"§ 1605. General exceptions to the jurisdictional immunity of foreign states.

"A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case

"(1) in which the foreign state has waived its immunity either explicitly or by implication, notwithstanding any withdrawal of the waiver which the foreign state may purport to effect after the claim arose;

"(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act has a direct effect within the territory of the United States;

"(3) in which rights in property taken in violation of international law are in issue and that property or any property exchanged for such property is present in the United States in connection with a commercial activity carried on in the United States by the foreign state or that property or any property exchanged for such property is owned or operated by an agency or instrumentality of the foreign state or of a political subdivision of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United States;

"(4) in which rights in property in the United States; acquired by succession or gift, or rights in immovable property situated in the United States are in issue; or

"(5) in which money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, caused by the negligent or wrongful act or omission in the United States of that foreign state or of any official or employee thereof except that a foreign state shall be immune in any case under this paragraph in which a remedy is available under Article

VIII of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces.

"§ 1606. Immunity in cases relating to the public debt of a foreign state.

"(a) A foreign state shall be immune from the jurisdiction of the courts of the United States and of the States in any case relating to its public debt, except if

"(1) the foreign state has waived its immunity explicitly, notwithstanding any withdrawal of the waiver which the foreign state may purport to effect after the claim arose; or

"(2) the case, whether or not falling within the scope of section 1605, relates to the public debt of a political subdivision of a foreign state, or of an agency or instrumentality of such a state or subdivision.

"(b) Nothing in this chapter shall be construed as impairing any remedy afforded under sections 77(a) through 80(b)-21 of Title 15, United States Code, as amended, or any other statute which may hereafter be administered by the United States Securities and Exchange Commission.

"§ 1607. Counterclaims.

"In any action brought by a foreign state in a court of the United States or of any State, the foreign state shall not be accorded immunity with respect to

"(1) any counterclaim arising out of the transaction or occurrence that is the subject matter of the claim of the foreign state; or

"(2) any other counterclaim that does not claim relief exceeding in amount or differing in kind from that sought by the foreign state.

"§ 1608. Service of process in United States district courts.

"Service in the district courts shall be made upon a foreign state or a political subdivision of a foreign state and may be made upon an agency or instrumentality of such a state or subdivision which agency or instrumentality is not a citizen of the United States as defined in Section 1332(c) and (d) of this title by delivering a copy of the summons and complaint by registered or certified mail, to be addressed and dispatched by the clerk of the court, to the ambassador or chief of mission of the foreign state accredited to the Government of the United States, to the ambassador or chief of mission of another state then acting as protecting power for such foreign state, or in the case of service upon an agency or instrumentality of a foreign state or political subdivision to such other officer or agent as is authorized under the law of the foreign state or of the United States to receive service of process in the particular case, and, in each case, by also sending two copies of the summons and of the complaint by registered or certified mail to the Secretary of State at Washington, District of Columbia, who in turn shall transmit one of these copies by a diplomatic note to the department of the government of the foreign state charged with the conduct of the foreign relations of that state.

"§ 1609. Immunity from execution and attachment of assets of foreign states.

"The assets in the United States of a foreign state shall be immune from attachment and from execution, except as provided in section 1610 of this chapter.

"§ 1610. Exceptions to the immunity from execution of assets of foreign states.

"(a) The assets in the United States of a foreign state or political subdivision of a foreign state, to the extent that they are used for a particular commercial activity in the United States, shall not be immune from attachment for purposes of execution or from execution of a judgment rendered against that foreign state or political subdivision if

"(1) such attachment or execution relates to a claim which is based on that commercial activity or on rights in property taken in violation of international law and present in the United States in connection with that activity, or

"(2) the foreign state or political subdivision has waived its immunity from attachment for purposes of execution or from execution of a judgment either explicitly or by implication, notwithstanding any purported withdrawal of the waiver after the claim arose.

"(b) The assets in the United States of an agency or instrumentality of a foreign state or of an agency or instrumentality of a political subdivision of a foreign state, which is engaged in a commercial activity in the United States, or does an act in the United States in connection with such a commercial activity elsewhere, or does an act outside the territory of the United States in connection with a commercial activity elsewhere and the act has a direct effect within the territory of the United States, shall not be immune from attachment for purposes of execution or from execution of a judgment rendered against that agency or instrumentality if

"(1) such attachment or execution relates to a claim which is based on a commercial activity in the United States or such an act, or on rights in property taken in violation of international law and present in the United States in connection with such a commercial activity in the United States, or on rights in property taken in violation of international law and owned or operated by an agency or instrumentality which is engaged in a commercial activity in the United States; or

"(2) the agency or instrumentality or the foreign state or political subdivision has waived its immunity from attachment for purposes of execution or from execution of a judgment either explicitly or by implication, notwithstanding any purported withdrawal of the waiver after the claim arose.

"§ 1611. Certain types of assets immune from execution.

"Notwithstanding the provisions of section 1610 of this chapter, assets of a foreign state shall be immune from attachment and from execution, if

"(1) the assets are those of a foreign central bank or monetary authority held for its own account; or

"(2) the assets are, or are intended to be, used in connection with a military activity and

(a) are of a military character, or

(b) are under the control of a military authority or defense agency."; and

(2) by inserting in the analysis of Part IV, "Jurisdiction and Venue," of that title after the following new item:

"95. Customs Court.",

"97. Jurisdictional Immunities of Foreign States.".

SEC. 2. Chapter 85 of title 28, United States Code, is amended—

(1) by inserting immediately before section 1331 the following new section:

"§ 1330. Actions against foreign states.

"(a) The district courts shall have original jurisdiction of all civil actions, regardless of the amount in controversy, against foreign states or political subdivisions of foreign states, or agencies or instrumentalities of such a state or subdivision, other than agencies or instrumentalities which are citizens of a State of the United States as defined in section 1332 (c) and (d) of this title.

"(b) This section does not affect the jurisdiction of the district courts of the United States with respect to civil actions against agencies or instrumentalities of a foreign state or political subdivision thereof which agencies or instrumentalities are citizens of a State of the United States, as defined in section 1332 (c) and (d) of this title."; and

(2) by inserting in the chapter analysis of that Chapter before—

"1331. Federal question; amount in controversy; costs."

the following new item.

"1330. Actions against foreign states.".

SEC. 3. Section 1391 of title 28, United States Code, is amended by adding a new subsection (f), to read as follows:

"(f) A civil action against a foreign state, or a political subdivision of a foreign state, or an agency or instrumentality of such a state or subdivision which agency or instrumentality is not a citizen of a State of the United States as defined in sections 1332 (c) and (d) of this title may, except as otherwise provided by law, be brought in a judicial district where: (1) a substantial part of the events or omissions giving rise to the claim occurred, or (2) a substantial part of the property that is the subject of the action is situated, or (3) the agency or instrumentality is licensed to do business or is doing business, if the action is brought against an agency or instrumentality, or (4) in the United States District Court for the District of Columbia if the action is brought against a foreign state or political subdivision. Nothing in this subsecton shall affect the venue of actions against agencies or instrumentalities of a foreign state or political subdivision thereof which agencies or instrumentalities are citizens of a State of the United States, as defined in sections 1332 (c) and (d) of this title."

SEC. 4. Section 1441 of title 28, United States Code, is amended by adding a new subsection (d), to read as follows:

"(d) Any civil action brought in a State court against a foreign state, or a political subdivision of a foreign state, or an agency or instrumentality of such a state or subdivision which agency or instrumentality is not a citizen of a State of the United States as defined in sections 1332 (c) and (d) of this title, may be removed by the foreign state, subdivision, agency or instrumentality to the district court of the United States for the district and division embracing the place where such action is pending. Nothing in this subsection shall affect the removal of actions against agencies or instrumentalities of a foreign state or political subdivision thereof which agencies or instrumentalities are citizens of a State of the United States, as defined in sections 1332 (c) and (d) of this title."

SEC. 5. Section 1332 of title 28, United States Code, is amended by striking subsections (a)(2) and (3) and substituting in their place the following:

"(2) citizens of a State and citizens or subjects of a foreign state; and

"(3) citizens of different States and in which citizens or subjects of a foreign state are additional parties."

THE SECRETARY OF STATE,
Washington, D.C., January 16, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. AGNEW: There is attached for your consideration and appropriate reference a draft bill, "To define the circumstances in which foreign states are immune from the jurisdiction of United States courts and in which execution may not be levied on their assets, and for other purposes," which is being submitted jointly by the Department of State and the Department of Justice.

At present the determination whether a foreign state which is sued in a court of the United States is entitled to sovereign immunity is made by the court in which the action is brought. However, the courts normally defer to the suggestion of the Department of State that immunity should be accorded and make their own determination of

entitlement to immunity only when the Department of State makes no submission to the court.

The law which is applied both by the courts and by the Department of State is thus the result of the joint articulation of the law by the judiciary and the Department. The views expressed by the courts influence the Department of State, and the views expressed by the Department of State influence the courts. In the process of ascertaining and applying the law, both the Department and the courts rely on precedents and trends of decision in foreign as well as United States courts.

The policy of the Department of State, which has been given effect by the courts as well, was set forth in a letter of May 19, 1952 from the Acting Legal Adviser of the Department of State to the Acting Attorney General. The Department of State asserted that its policy would be thereafter "to follow the restrictive theory of sovereign immunity in the consideration of requests of foreign governments for a grant of sovereign immunity." The letter stated:

"According to the newer or restrictive theory of sovereign immunity, the immunity of the sovereign is recognized with regard to sovereign or public acts (*jure imperii*) of a state, but not with respect to private acts (*jure gestionis*). There is agreement by proponents of both theories [i.e. of absolute and of restrictive immunity], supported by practice, that sovereign immunity should not be claimed or granted in actions with respect to real property (diplomatic and perhaps consular property excepted) or with respect to the disposition of the property of a deceased person even though a foreign sovereign is the beneficiary."

The effect of the draft bill would be to accomplish four things:

1. The task of determining whether a foreign state is entitled to immunity would be transferred wholly to the courts, and the Department of State would no longer express itself on requests for immunity directed to it by the courts or by foreign states.

2. The restrictive theory of sovereign immunity would be further particularized in statutory form.

3. Foreign states would no longer be accorded absolute immunity from execution on judgments rendered against them, as is now the case, and their immunity from execution would conform more closely to the restrictive theory of immunity from jurisdiction.

4. The means whereby process may be served on foreign states would be specified.

The central principle of the draft bill is to make the question of a foreign state's entitlement to immunity an issue justiciable by the courts, without participation by the Department of State. As the situation now stands, the courts normally defer to the views of the Department of State, which puts the Department in the difficult position of effectively determining whether the plaintiff will have his day in court. If the Department suggests immunity, the court will normally honor the suggestion, and the case will be dismissed for want of jurisdiction. If the Department does not suggest immunity, the court may either take the silence of the Department as an indication that immunity is not appropriate or will determine the question itself, with due regard for the policy of the Department and the views expressed in the past by the courts. While the Department has attemped to provide internal procedures which will give both the plaintiff and the defendant foreign state a hearing, it is not satisfactory that a department, acting through administrative procedures, should in the generality of cases determine whether the plaintiff will or will not be permitted to pursue his cause of action. Questions of such moment appear particularly appropriate for resolution by the courts, rather than by an executive department.

The transfer of this function to the courts will also free the Department from pressures by foreign states to suggest immunity and from any adverse consequences resulting from the unwillingness of the Department to suggest immunity. The Department would be in a position to assert that the question of immunity is entirely one for the courts.

Plaintiffs, the Department of State, and foreign states would thus benefit from the removal of the issue of immunity from the realm of discretion and making it a justiciable question.

The draft bill would give appropriate guidance, grounded in the restrictive theory of immunity, on the standards to be employed. These are consistent with those applied in other developed legal systems. In brief, foreign states would not be immune from the jurisdiction of United States courts when the foreign state has waived its immunity, when the action is based on a commercial activity or concerns property present in the United States in connection with a commercial activity, when the action relates to immovables or to right in property acquired by succession or gift, or when an action is brought against a foreign state for personal injury or death or damage to or loss of property occasioned by the tortious act in the United States of a foreign state. Special provisions would be made for counterclaims and for actions relating to the public debt of a foreign state.

Under the present law, a plaintiff who is able to bring his action against a foreign state because it relates to a commercial act (*jure gestionis*) of that state may be denied the fruits of his judgment against the foreign state. The immunity of a foreign state from execution has remained absolute. The draft bill would permit execution on the assets of a foreign state if the foreign state had waived its immunity from execution or if the assets were held for commercial purposes in the United States. The plaintiff could thus recover against commercial accounts, but not against those maintained for governmental purposes. The successful plaintiff would also be precluded from levying on funds deposited in the United States in connection with central banking activities and on military property.

Finally, the draft bill would, in addition to specifying the respective jurisdictions of State and Federal courts in actions against foreign states and venue requirements, clear up the question of how foreign states are to be served. Service would be made either on the ambassador or other person entitled to receive service, and a copy of the complaint, furnished to the Department of State, would in turn be transmitted to the department of the foreign state responsible for the conduct of foreign relations. The initiation of actions through attachment would thus no longer be appropriate.

The ideal arrangement concerning the sovereign immunity of foreign states would be the regulation of the question through a general international agreement. The draft bill is looked upon as an arrangement to be applied until such time as a satisfactory convention is drawn up and the United States becomes a party to it.

The Department of State contemplates that if the draft bill should be enacted, it would propose that the United States file a declaration accepting the compulsory jurisdiction of the International Court of Justice, on condition of reciprocity, with respect to disputes concerning the immunity of foreign states. The resolution of disputed questions of sovereign immunity by the World Court would have the beneficial effect of assuring that the law and practice of this and other countries conform with international law and of imparting further precision to the law in areas where some measure of uncertainty now exists.

The Office of Management and Budget has advised that there is no objection to the enactment of this legislation from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Attorney General.
WILLIAM P. ROGERS,
Secretary of State.

SECTION BY SECTION ANALYSIS

SEC. 1. Adds a new Chapter 97 to title 28, United States Code. The new Chapter incorporates and codifies international law with respect to the immunities of foreign states. Together with a new 28 U.S.C. § 1330 (Sec. 2) establishing original jurisdiction in the federal district courts in civil actions against foreign states, and amendments to 28 U.S.C. § 1391 (Sec. 3) and 28 U.S.C. § 1441 (Sec. 4) concerning venue and removal jurisdiction, the new Chapter establishes a coordinated regime for civil actions against foreign states and their political subdivisions and agencies and instrumentalities. It was felt perferable to bring together the provisions dealing with the immunities of foreign states in a clearly identified Chapter except where, in dealing with jurisdiction, venue and removal it would be clearer if the new provisions for actions against foreign states appeared with related provisions of title 28.

The Act has been drafted as an amendment to the present title 28. It has been influenced, however, by the American Law Institute Draft of the Federal Court Jurisdiction Act of 1971 introduced in the 92d Congress as S. 1876, and is consistent with that bill. It would be relatively easy to integrate this Act into any new structure patterned after that bill.

SEC. 1602. Findings and declaration of purpose. This section incorporates the central premises of the new Act, which are that decisions concerning claims of foreign states to immunity are best made by the judiciary on the basis of a statutory regime which incorporates the restrictive theory of sovereign immunity. It has never been clear to what extent the principle of international law governing the sovereign immunity of foreign states in national courts is left to be spelled out by national legislation and by the decisions of national courts. The general immunity seems to be a creation of international law; its further refinement seems to have been left very largely to national courts. There is, however, general acceptance of the restrictive principle of immunity. It is this principle that has been applied by the Department of State and by the courts since the "Tate Letter" of May 19, 1952, 26 *Department of State Bulletin* 984 (1952) and which is incorporated and codified in this Chapter.

The existing case law, both United States and foreign, could be drawn upon in aid of the interpretation and application of the provisions of this Act. As the law develops in other jurisdictions, that law may similarly be relied upon to elucidate the provisions of this Act.

SEC. 1603. *Definitions*. This section defines two terms that are used throughout the new Chapter 97, except as the term "foreign state" is used in Sections 1608 and 1610.

Section 1603 (a) defines "foreign state" in terms of all levels of government within that state. The term thus extends from the central government down to the level of municipalities. The traditional view has been that immunity attaches only to the central government of a state and that other subordinate entities, such as states of a federation, provinces, cantons, countries, and municipalities, are not sovereign and are

not entitled to immunity. The practice has not been consistent, however, and some courts have found it difficult to contend that purely governmental acts of governmental subdivisions should be subject to scrutiny by foreign courts. In other areas of international law, the central government is responsible for the acts of political subdivisions and they are considered as its own acts. There is no reason to treat these acts differently for purposes of immunity. If those acts are not in fact commercial, then immunity should be granted to exactly the same extent as it would be extended to the central government in the event those acts were directly attributable to it.

An "agency or instrumentality" of a state or of its political subdivision could assume a variety of forms—a state trading corporation, a transport organization such as a shipping line or airline, or a banking activity. The traditional rule was that such agencies and instrumentalities of a foreign government were entitled to the same immunities as the government itself, especially if they engaged in clearly governmental activities.

When the principle of the absolute immunity of foreign governments was still dominant, the idea of the separability of certain governmental agencies or instrumentalities was used to exempt certain governmental activities from the rule of absolute immunity. If it could be proven that a particular activity was conducted by a separate entity, this enabled some courts to claim that this was not a governmental activity and that the entity in question was not entitled to immunity. When the trend shifted toward restricted immunity, some courts retained the old distinction as well, thus applying a double standard, namely that there is no immunity if an activity is commercial *or* if it is conducted by a separate entity. In a third category of instances, immunity was abolished only when the transaction was commercial and the entity was a separate one. Thus, a series of treaties of friendship, commerce, and navigation concluded by the United States with the Federal Republic of Germany, Greece, Iran, Ireland, Israel, Italy, Japan, Korea, the Netherlands, and Nicaragua abolished immunity only for government owned or controlled "enterprises" of one state which are engaged in "commercial, manufacturing, processing, shipping or other business activities" in the territory of the other state (6 Whiteman, *Digest of International Law* 582 (1968)).

It would seem proper to extend the immunity rules applicable to central governments on an equal basis, and subject to the same exceptions, to political subdivisions of a foreign state and to all agencies and instrumentalities not only of the foreign state but also of its political subdivisions. It is not likely that this extension of the basic rule would result in a large number of immunity cases, as most foreign activities of such entities are likely to be commercial and will not be entitled to immunity.

Section 1603(b) defines a "commercial activity." If a foreign state, as defined in the Act (as including, for example, an agency or instrumentality of the state) carries on what is in effect a commercial enterprise—an airline or a trading corporation, for example—this constitutes a "regular course of commercial conduct" and therefore a "commercial activity." If an activity is customarily carried on for profit, its commercial character readily could be assumed. On the other hand, a single contract if of the same character as a contract which might be made by private persons, can constitute a "particular commercial transaction or act." The fact that the goods or services to be procured through the contract are to be used for a public purpose is irrelevant. Such a contract should be considered to be a commercial contract, even if its object is to assist in a public function.

The courts will have a good deal of latitude in determining what is a "commercial activity." It seems unwise to attempt a precise definition in this Act, even if that were practicable. It would include, however, such diverse activities as a contract to manufacture army boots for a foreign government or the sale by a foreign government of a service or product.

SEC. 1604. Immunity of foreign states from jurisdiction. The new Chapter 97 starts from an assumption of immunity and then creates exceptions to the general principle. So long as the law develops in the form of stating when a foreign state is *not* immune in national courts, the codified law will have to be cast in this way. The articulation of the governing principle in terms of immunity will also protect foreign states in doubtful cases.

The immunity is extended to proceedings in both State and Federal courts. It lies within the powers of the Congress to stipulate that an immunity created under customary international law must be respected in State courts.

This Chapter is not intended to alter existing international agreements to which the United States is a party. The "existing . . . agreements to which the United States is a party" include treaties of friendship, commerce, and navigation and bilateral air transport agreements which contain provisions relating to the immunity of foreign states. If the agreement implicitly or explicitly establishes a higher or lower standard of immunity than that stipulated in this Act, or establishes a different basis for determining the liability of a foreign government, the treaty, whether prior to the enactment of the Act or subsequent to it, will prevail. The enactment of this Act might suggest renegotiation of certain of these provisions in order to bring them into conformity with the stipulations of this Act.

Nothing in this Act will in any way alter the rights or duties of the United States under the status of forces agreements for NATO or other countries having military forces in the United States or alter the provisions of commercial contracts calling for exclusive nonjudicial remedies through arbitration or other technique of dispute settlement.

SEC. 1605. General exceptions to the jurisdictional immunities of foreign states. This section sets forth the circumstances in which a foreign state, as defined in Section 1603(a) is not entitled to immunity in United States courts.

Section 1605(1) deals with the case in which the foreign state has waived its immunity. It is generally recognized that whatever rule is followed with respect to the granting of immunity to a foreign state, that state may waive its immunity in whole or in part, explicitly or implicitly. A state may renounce its immunity by treaty, as has been done by the United States with respect to commercial and other activities in a series of treaties of friendship, commerce, and navigation, or a state may waive its immunity in a contract with a private party. In the latter instance, some courts have allowed later unilateral recission of such a waiver, but the more widely accepted view seems to be that a state which has enticed a private person into a contract by promising not to invoke its immunity cannot, when a dispute arises, hide behind its immunity and claim the right to revoke the waiver. Courts have also found an implicit waiver in cases where a foreign state agreed to arbitration in another country or where it was agreed that the law of a particular country should govern the contract.

The language "notwithstanding any withdrawal of the waiver which the foreign state may purport to effect after the claim arose" is designed to deal, out of an abundance of caution, with the eventuality that a state may attempt to withdraw its waiver of immunity when a dispute arises. A waiver of immunity, once made by treaty or contract, cannot be withdrawn except within the terms of the treaty or contract.

Section 1605(2) deals with the most important instance in which immunity is denied to foreign states, that in which the foreign state engages in commercial activity. "Commercial activity" is defined in Section 1603(b). The "commercial activity carried on in the United States by the foreign state" may thus be a regular course of business or an individual contract of an ordinary commercial character. Thus a foreign state would not be immune from the jurisdiction of United States courts with respect to an alleged breach of a contract to make repairs on an embassy building.

An "act performed in the United States in connection with a commercial activity of the foreign state elsewhere" looks to any conduct of the foreign state in connection with a regular course of business conducted elsewhere or a particular commercial contract concluded elsewhere. Examples of the causes of action involved would be an action for restitution based on unjust enrichment, a violation of securities regulations, or the wrongful discharge in the United States of an employee of a commercial activity carried on in some third country.

The third category of cases, "an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act has a direct effect within the territory of the United States," would embrace conduct falling within the scope of Section 18 of the Restatement of the Law Second, Restatement of the Foreign Relations Law of the United States (1965), dealing with extraterritorial conduct having effects within the United States. Examples of the causes of action involved would be an action for pollution of the air by a factory operated commercially by a foreign state, an action arising out of restrictive trade practices by an agency or instrumentality of a foreign state, or an action for infringement of copyright by a commercial activity of the foreign state.

In each of these instances the conduct, transaction, or act of the foreign state must have a sufficient connection with the United States to justify the jurisdiction of United States courts over the matter. In this respect the jurisdictional standard is the same for the activities of a foreign state as for the activities of a foreign private enterprise.

Section 1605(3) provides that the foreign state will not be immune from jurisdiction in any case "in which rights in property taken in violation of international law are in issue and that property or any property exchanged for such property, is present in the United States in connection with a commercial activity carried on in the United States by the foreign state or that property or any property exchanged for such property, is owned or operated by an agency or instrumentality of the foreign state or of a political subdivision of the foreign state and that agency or instrumentality is engaged in a commercial activity in the United States." Thus, if property has been nationalized or expropriated without payment of compensation as required by international law it will not be immune when it or any property for which it is exchanged are brought into the United States for sale or otherwise in connection with a commercial activity. Similarly, an agency or instrumentality which owns or operates such property and which is engaged in a commercial activity in the United States will not be immune with respect to actions in which rights in such property are in issue. Since this draft bill deals solely with issues of immunity, it in no way affects existing law concerning the extent to which, if at all,

the "act of state" doctrine may be applicable in similar circumstances.

Section 1605(4) deals with litigation relating to immovables and to the property of decedents.

It is well established that, as set forth in the "Tate Letter" of 1952, sovereign immunity should not be granted "in actions with respect to real property (diplomatic and perhaps consular property excepted)." It does not matter whether a particular piece of property is used for commercial or public purposes. It is maintainable that the exception mentioned in the "Tate Letter" with respect to diplomatic and consular property is limited to questions of attachment and execution and does not apply to an adjudication of rights in that property. Thus the Vienna Convention on Diplomatic Relations, concluded in 1961, provides in Article 22 that the "premises of the mission, their furnishings and other property thereon and the means of transport of the mission are immune from search, requisition, attachment or execution." Actions short of attachment or execution seem to be permitted under the Convention, and a foreign state cannot deny to the local state the right to adjudicate on questions of ownership, rent, servitudes, and other similar matters, as long as the foreign state's possession of the premises is not disturbed.

There is general agreement that a foreign state may not claim immunity when the suit against it relates to rights in property, real or personal, obtained by gift or inherited by the state and situated or administered in the country where the suit is brought. As stated in the "Tate Letter," immunity should not be granted "with respect to the disposition of the property of a deceased person even though a foreign sovereign is the beneficiary." The reason seems to be that in claiming rights in a decedent's estate or obtained by gift, the foreign state claims the same right which is enjoyed by private persons.

Section 1605(5) is directed primarily to the problems of traffic accidents but is cast in general terms as applying to all actions for damage (as distinguished from injunctive relief, for example) for personal injury or death or damage to or loss of property. The negligent or wrongful act must take place in the United States and must not be for which a remedy is already available under Article VIII of the NATO Status of Forces Agreement.

While the Vienna Convention on Consular Relations of 1963 expressly abolishes the immunity of consular officers with respect to civil actions brought by a third party for "damage arising from an accident in the receiving State caused by a vehicle, vessel or aircraft," there is no such provision in the Vienna Convention on Diplomatic Relations of 1961. Consequently no case relating to a traffic accident can be brought against a member of a diplomatic mission or against the mission itself.

The effect of Section 1605(5) would be to permit the victim of a traffic accident who has been injured through the wrongful or negligent act of an official or employee of a foreign state to have an action against the foreign state to the extent otherwise provided by law.

This section applies only to torts that are not connected with the commercial activities of a foreign state. Under section 1605(2), no act of a foreign state, tortious or not, which is connected with the commercial activities of a foreign state would give rise to immunity if the act takes place in the United States or has a direct effect within the United States.

Section 1606. Immunity in cases relating to the public debt of a foreign state. Public debts do not fall within the scope of Section 1605. The immunity of foreign states in this respect should be maintained by the United States, in its role as one of the principal capital markets of the world. Many national governments are unwilling to issue their securities in a foreign country which subjects them to actions based on such securities. Where the managing underwriters regard immunity as detrimental to the success of the issue, the foreign government may consent to suit by an express waiver.

While there is no clear definition of "public debt," this concept seems to embrace not only direct bank loans but also governmental bonds and securities sold to the general public through bond markets and stock exchanges.

Section 1606(a)(2) recognizes a distinction which has been made between the public debt of the central government and the public debt of "a political subdivision of a foreign state, or of an agency or instrumentality of such a state or subdivision." It is generally accepted that the immunity of the central government is not shared by subordinate political entities or agencies or instrumentalities. Immunity is denied in these cases, whether or not the activity engaged in is of a commercial character or otherwise falls within the scope of Section 1605.

Section 1606(b) preserves any remedies under the federal securities laws applicable to foreign states.

SEC. 1607. Counterclaims. This section deals with compulsory and permissive counterclaims within the meaning of Rule 13(a) and (b) of the Federal Rules of Civil Procedure.

It is in no way intended to create immunity with respect to counterclaims which, if originally brought as actions against a foreign state, would not entitle the foreign state to immunity. It deals instead only with claims which would be barred by immunity unless brought as counterclaims under the rule of § 1607.

The state of the law in the United States is that a foreign state which brings an action in a United States court may not assert the defense of sovereign immunity as to a counterclaim not arising out of the transaction or occurrence that is the subject matter of the claim of the foreign state to the extent that the counterclaim does not exceed the amount claimed by the plaintiff foreign state (National City Bank of New York v. Republic of China, 348 U.S. 356 (1955)). There is no square precedent on a counterclaim that *does* arise out of the transaction or occurrence that is the subject matter of the claim of the foreign state. Section 1607(1) is, however, based on the rule laid down in Restatement of the Law Second, Foreign Relations Law of the United States § 70(2) (1965). A foreign state that brings an action grounded in a particular transaction or occurrence should not, on principle, be allowed to assert its immunity in such a way as to permit it to claim the benefit of the courts of the United States while denying that benefit to the defendant with respect to claims arising out of the same transaction or occurrence. In the words of National City Bank of New York v. Republic of China, supra, "It (the foreign government) wants our law, like any other litigant, but it wants our law free from the claims of justice" (at 361–2).

"[A]ny counterclaim arising out of the transaction or occurrence that is the subject matter of the claim of the foreign state" is the same terminology as that used in Rule 13(a) of the Federal Rules of Civil Procedure.

Sec. 1608. Service of process in United States District Courts. This section is designed to give a foreign state prompt and adequate notice that an action has been brought against it and to provide a method of service of process on foreign states, political subdivisions of foreign states, and their agencies or instrumentalities which are not citizens of the United States.

Service under Section 1608 requires two methods of supplying notification. The first is that a copy of the summons and of the complaint be mailed by the clerk of the court to the ambassador (or if there be none at the time to the charge d'affaires or other chief of mission of that state). In the event of the suspension of diplomatic relations with a foreign state or their interruption in time of war, service may be made in the same way on the ambassador or chief of mission of the state which is then acting as the protecting power for the defendant foreign state. If service is made upon an agency or instrumentality it may sometimes be more appropriate to serve the officer or agent who is authorized to receive service under the law of the foreign state concerned. Accordingly, this method is provided as an alternative way of satisfying the first notification requirement in actions brought against agencies or instrumentalities. Similarly, if a law of the United States or of a State specifies what persons may receive service, service may likewise be made upon such a person in actions brought against agencies or instrumentalities.

The second and concurrent method of providing notification to the foreign state is the sending to the Secretary of State of copies of the summons and complaint. The Secretary of State will then transmit one of these to the ministry of foreign affairs of the defendant state by diplomatic note. In cases where there are no diplomatic relations with the foreign state, a protecting power or other intermediary might be employed to convey the note to the defendant state. This second method of notification will assure that the foreign state is notified even if through some error—such as the receipt of the mailed copy of a summons and complaint by a minor official who fails to bring it to the attention of the ambassador—the foreign state itself does not receive actual notice through the mail.

While both international law and United States law prohibit service of process by a marshal on a foreign ambassador without his consent, it was generally accepted during the drafting of the Vienna Convention on Diplomatic Relations that this prohibition does not apply to service effected by mail.

There has in the past been great uncertainty about the proper mode of service of process on foreign states. The Federal Rules of Civil Procedure contain no stipulation on this subject.

In some cases service has been allowed when the suit was brought in fact against a separate government enterprise. In other cases attempts were made to equate government agencies to separate enterprises and to apply to them the methods of service applicable to foreign corporations. In at least one case the court admitted that there was a gap in the rules and proceeded to fill it under Rule 83, which allows the District Courts in "all cases not provided for by rule" to "regulate their practice in any manner not inconsistent with these rules." Alternatively a district court can authorize a special method of service, as long as the method chosen is consonant with due process. Consequently service by ordinary mail to an office maintained in the United States might be permissible. It has also been suggested that the rules applicable to service abroad might by analogy be applied to foreign governments.

More recently, a number of plaintiffs have obtained jurisdiction over foreign states by attaching property of those states. The Department of State stated in 1959 (see Stephen v. Zivnostenska Banka National Corp., 22 N.Y.S. 2d 128, 134 (App. Div. 1961)) that "where under international law a foreign government is not immune from suit, attachment of its property for the purpose of obtaining jurisdiction is not prohibited." The Department noted that in many cases

"jurisdiction could probably not be obtained otherwise." It added, however, that property so attached cannot be retained to satisfy a judgment because "the property of a foreign sovereign is immune from execution even in a case where the foreign sovereign is not immune from suit."

This statement led in several cases to the attachment of various properties of foreign states such as vessels or bank accounts, and to the acquisition by the courts of *quasi in rem* jurisdiction. In other cases a distinction has been made between those assets which are deemed to be subject to attachment because they are used for a commercial activity, even if that particular activity is unrelated to the activity which led to the attachment, and other assets which have been held to be public assets free from attachment. Consequently, difficult questions have been posed with respect to the line between property subject to attachment and that which is not.

It has also been contended that this method of acquiring jurisdiction suffers from a fatal logical flaw, as the very basis of *quasi in rem* jurisdiction is to enable the plaintiff to apply the attached property to the satisfaction of his claim if he prevails on the merits. But the inherent condition of the permission of the Department of State to attach was that such attachment should not lead to execution. This condition destroyed the original premise of this method of acquiring jurisdiction and made it seem nothing more than a technical procedural device with no basis in substance.

In some cases, plaintiffs have attached large sums in many banks, causing confusion and inflicting hardship on the foreign government concerned. Its procedures for payment of its debts may thus have been disrupted, difficulties may have been placed in the way of the functioning of its offices, and in some cases its monetary reserves may have been put in danger. The proceedings relating to the claim of immunity are often prolonged, and during the whole period the financial position of the foreign government is put in jeopardy. Unless the proceeding could be restricted to a temporary attachment which would be dissolved once jurisdiction had been acquired—another negation of the original function of this method—foreign governments might be compelled to remove their funds to other countries where they would not be subject to attachment.

As this new procedure of attachment is not yet firmly embedded in practice, it should be brought to a halt. The procedure prescribed in this section is designed to replace the stopgaps and artificial devices that have been employed in the past.

The provision for service of process provided in section 1608 is mandatory for actions against foreign states or their political subdivisions and permissive for actions against agencies or instrumentalities of foreign states or political subdivisions which agencies or instrumentalities are not citizens of the United States as defined in section 1332 (c) and (d) of title 28. Actions against foreign states and political subdivisions may be particularly sensitive and this sensitivity suggests a uniform procedure for service of process. With respect to actions against agencies and instrumentalities not citizens of the United States these provisions create an alternate method of service of process.

Agencies or instrumentalities of a foreign state or political subdivision which are incorporated in the United States or elsewhere may be served pursuant to Rule 4 of the Federal Rules of Civil Procedure. Rule 4 provides in pertinent part:

Service shall be made as follow: . . .

(3) Upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering a copy of the summons and of the complaint to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

It is not wholly clear under Rule 4 whether an unincorporated agency or instrumentality of a foreign state or political subdivision would always be an "unincorporated association which is subject to suit under a common name." It would seem desirable to interpret Rule 4 broadly to include such agencies or instrumentalities, particularly if they have their principal place of business in the United States and would thus be citizens of the United States under section 1332 (c) or (d) of title 28. Such agencies or instrumentalities would not be covered by the provisions of section 1608 and as such should be brought under the existing Rule 4.

SEC. 1609. Immunity from execution and attachment of assets of foreign states. As in the case of Section 1604 with respect to jurisdiction, the matter of immunity is dealt with by an initial prohibition on execution and attachment in this section. The exceptions are then carved out in Section 1610.

SEC. 1610. Exception to the immunity from execution of assets of foreign states. The traditional view in the United States has been that the assets of foreign states are immune from execution (Dexter and Carpenter, Inc. v. Kunglig Jarnvagsstyvelsen, 43 F. 2d 705 (2d Cir. 1930)). Even after the "Tate Letter" of 1952, this continued to be the position of the Department of State and of the courts. The Department expressed the view "that under international law property of a foreign sovereign is immune from execution to satisfy even a judgment obtained in an action against a foreign sovereign where there is no immunity from suit" (Weilamann v. Chase Manhattan Bank, 21 Misc. 2d 1086, 192 N.Y.S. 2d 469–73 (Sup. Ct. 1959)). Thus, even after the Department of State and the courts espoused the restrictive theory of the immunity of foreign states from the jurisdiction of United States courts, a plaintiff who prevailed in his action against a foreign state could not levy execution on the assets of that state. This state of affairs led to assertions that the "Tate Letter," reflecting the changed position of the United States, was only an empty gesture.

Section 1610 is designed to meet this objection by partially lowering the barrier of immunity to execution of the assets of foreign states in order to make the law in this respect consistent with that on immunity from jurisdiction. The governing principle, broadly stated, is that property held for commercial purposes should be available for the satisfaction of judgments rendered in connection with commercial activities. There is thus no question of execution on embassies, warships, or other foreign government property used for non-commercial purposes.

A distinction is made between, on the one hand, a foreign state or political subdivision thereof, and on the other, "an agency or instrumentality of a foreign state or of . . . a . . . political subdivision of a foreign state."

Under Section 1610(a) assets used by a foreign state or political subdivision for a particular commercial activity would be available to satisfy judgments arising out of that activity. It would be inappropriate, and probably in violation of international law, to allow the successful litigant to levy on any assets of a foreign state because these may be used for strictly governmental and sovereign purposes as well as commercial ones. Thus, absent a waiver of immunity if a judgment had been rendered against a foreign state or a political subdivision of that state on a commercial contract signed by an agency or instrumentality of the foreign state or its political subdivision (e.g., a state trading corporation), only the assets of the agency or instrumentality would be considered to have been "used for a particular commercial activity" and thus subject to execution. The reason for limiting execution to assets employed in connection with the particular commercial activity out of which the claim arose is that states, especially those with most of the economy in the public sector, may engage in a great variety of commercial activities. It would not be consistent with Section 1610(b) or with the principles obtaining in the American legal system for assets used in connection with a foreign state's program of importation of machine tools to be available to satisfy a judgment arising out of the commercial telecommunications business of that foreign state. All commercially used assets of a foreign state should no more be available for satisfaction of a judgment than all commercial assets of American firms operating in a foreign state should be available for satisfaction of a judgment against one American company. Indeed, allowing execution on assets of a foreign state attributable to an activity other than that out of which the claim arose could expose American enterprises abroad to like treatment.

There is no such problem in connection with assets of agencies or instrumentalities under Section 1610(b), as it can be expected that each such agency or instrumentality will have its own assets and will act as a separate entity, analogous to an American corporation. The standard of commercial activity in the United States which is used in Section 1610(b) is the same as that in Section 1605(2). If the action is one arising out of the "commercial activity" in the United States of an agency or instrumentality, as defined in Section 1603(b)—whether as a course of conduct or an individual transaction or act—then any assets of that agency or instrumentality may be used to satisfy judgments arising out of that activity. The normal situation would be one in which a state trading corporation carries on business in the United States and the claim arises out of that activity. If a commercial agency or instrumentality outside the United States has assets in the United States, these may be used to satisfy judgments arising out of acts occurring or having their impact in the United States, provided the judgments are rendered on actions arising out of the commercial activity of the agency or instrumentality.

Under both sections 1610(a) and 1610(b) property taken in violation of international law and present in the United States in connection with a commercial activity would also be subject to execution.

Sections 1610(a)(2) and 1610(b)(2) concern waivers of immunity from execution. Waivers are governed by the same principles that apply to waivers of immunity from jurisdiction under Section 1605(1). A waiver may result from the provisions of a treaty, a contract, or an official statement, or it may be inferred from certain steps taken by a foreign government in the proceedings leading to execution. Such waiver might be more easily presumed when the assets are used for both public and private purposes but only an explicit waiver would allow execution on property that is clearly public, such as an embassy building. In case of doubt, the question whether a waiver has actually been made is a question to be decided by the court which has jurisdiction over the assets subject to execution.

A waiver on behalf of an agency or instrumentality may be made either by that agency or instrumentality or by the foreign state itself under its powers with respect to the conduct of foreign relations.

There is no clear line of practice in foreign courts on the question of immunity of foreign states from execution, but opinion is not unanimously or predominantly in favor of absolute immunity. A number of treaties of friendship, commerce, and navigation con-

cluded by the United States permit execution of judgments against foreign publicly owned commercial enterprises (e.g. Treaty with Japan, April 2, 1953, art. 18(2), 4 U.S.T. 2063, T.I.A.S. No. 2863). There has been widespread departure from the principle of absolute immunity in connection with the activities of state-owned vessels engaged in commercial activity. The widely ratified Brussels Convention for the Unification of Certain Rules relating to the Immunity of State-Owned Vessels, April 10, 1926, 176 L.N.T.S. 199, allows execution of judgments against public vessels engaged in commercial service in the same way as against privately owned vessels. Although the United States is not a party to this treaty, it follows a policy of not claiming immunity for its publicly owned or operated merchant vessels (6 Whiteman, Digest of International Law 570 (1968)). Articles 20 and 21 of the Geneva Convention on the Territorial Sea and the Contiguous Zone, April 29, 1958 (15 U.S.T. 1606, T.I.A.S. No. 5639), to which the United States is a party, recognize the liability to execution under appropriate circumstances of state-owned vessels used on commercial service.

SEC. 1611. Certain types of assets immune from execution. The purpose of Section 1611 (1) is to prevent in all circumstances attachment of or levy of execution upon two categories of property of foreign states, even if these relate to the commercial activities of a foreign state and would otherwise come within the scope of Section 1610.

Section 1611(1) deals with funds of foreign states which are deposited in the United States, not in connection with purchases by the foreign state or other commercial activities but in connection with central banking activity. The purpose of the provision is to encourage the holding of dollars in the United States by foreign states, particularly in times when the United States has an adverse balance of payments. If execution could be levied on such assets, deposits of foreign funds in the United States might be discouraged, thus adversely affecting our balance of payments.

Section 1611(2) provides immunity from execution for assets which are, or are intended to be, used in connection with a military activity and which fulfill either of two conditions; either they are of a military character or they are under the control of a military authority or defense agency. Under the first condition property is of a military character if it consists of munitions in the broad sense—weapons, ammunition, military transport, warships, tanks, communications equipment, etc. Both the character and the function of the property must be military. The purpose of this condition is to avoid embarrassment to the United States in connection with purchases of military equipment and supplies in the United States by foreign governments. The second condition is intended to protect other military property, such as food, clothing, fuel and office equipment which, although not of a military character, is essential to military operations. "Control" is intended to include authority over disposition and use in addition to physical control and a "defense agency" is intended to mean a civilian defense organization such as the Defense Supply Agency in the United States Government. Each condition is subject to the overall condition that property will be protected only if its present or future use is military (e.g., surplus military equipment withdrawn from military use would not be protected) and both conditions will avoid the possibility that a foreign state might permit execution on military property of the United States abroad under a reciprocal application of the Act.

SEC. 2. Original jurisdiction of the district courts. This section would amend title 28 to add a new § 1330 giving the Federal district courts original jurisdiction over civil actions against foreign states or their political subdivisions, agencies or instrumentalities which are not citizens of the United States as defined in section 1332(c) and (d), regardless of the amount in controversy. Original jurisdiction is accorded to the federal courts because certain actions against foreign states, no longer possessed of absolute immunity, may be politically sensitive and may impinge in an important way on the conduct of foreign relations. Moreover, original jurisdiction in the federal courts should be conducive to uniformity of decision, and the federal courts may be expected to have a greater familiarity with international law and with the trend of decision in foreign states than would be true of courts of the States. The plaintiff, however, will have an election whether to proceed in a federal court or in a court of a State.

The present position is that district courts have original jurisdiction in civil actions between citizens of different States "and in which foreign states . . . are additional parties," provided the matter in controversy exceeds the sum or value of $10,000 (28 U.S.C. § 1332). The Federal courts now also have jurisdiction on the basis of a Federal question ("the matter . . . arises under the Constitution, laws, or treaties of the United States") provided the matter in controversy exceeds the sum or value of $10,000. The amount in controversy or other restrictions of these provisions will no longer be applicable in civil actions against foreign states.

An exception is made in the case of "agencies or instrumentalities of foreign states or of constituent units or political subdivisions of foreign states which are citizens of a State." This citizenship of a State would arise out of incorporation in that State or the possession of a "principal place of business" in that State under 28 U.S.C. § 1332(c). The sort of agency or instrumentality which might be expected to be locally incorporated in the United States would be a trading, banking, or transport corporation of a foreign state. If an agency or instrumentality has in effect been "naturalized" by local incorporation, it should be treated like any other citizen of the United States. It is a matter of accepting the burdens of local incorporation together with the benefits. If a foreign "agency or instrumentality" is incorporated in the United States, it is treated in exactly the same way as any other American corporation, incorporated or having its principal place of business in a State.

Section 1330(b) makes it clear that the section does not alter the existing law concerning such agencies or instrumentalities. Section 1330, of course, would also not alter the specialized jurisdictional regimes such as those established by § 1333 dealing with admiralty, maritime and prize cases or by § 1338 dealing with patent and copyright cases. Actions in such areas, even if against a foreign state, would continue to be governed by these special regimes.

It is contemplated that in actions brought in the federal district courts under this new § 1330 or removed to the federal courts under the new § 1391(f), whether state or federal law is to be applied will depend on the nature of the issue before the court. Under the *Erie* doctrine state substantive law, including choice of law rules, will be applied if the issue before the court is non-federal. On the other hand, federal law will be applied if the issue is a federal matter. Under the new Chapter 97 issues concerning sovereign immunity, of course, will be determined by federal law. Similarly, issues involving the foreign relations law of the United States, such as the act of state doctrine, should be determined by reference to federal law. Other issues which may arise in actions brought under the new §§ 1330 and 1391(f) may be determined by state law if the issue is one of state law. See IA *J. Moore, Moore's Federal Practice* 3052–57 (2d ed. 1972); Henkin, *The Foreign Affairs Power of the Federal Courts: Sabbatino*, 64 *Col. L. Rev.* 805, 820n.51 (1964).

Sec. 3. Venue. This section would amend 28 U.S.C. § 1391, which deals with venue generally. As amended, venue would lie in any one of three districts in civil actions brought against foreign states, political subdivisions or their agencies or instrumentalities which are not citizens of the United States as defined in section 1332(c) and (d).

First, the action may be brought in the judicial district where "a substantial part of the events or omissions giving rise to the claim occurred." This provision is analogous to 28 U.S.C. § 1391(e), which allows an action against the United States to be brought, *inter alia*, in any judicial district in which "the cause of action arose." The test adopted, however, is the newer test recommended by the ALI and incorporated in S. 1876, 92d Cong., which does not imply that there is only one such district applicable in each case.

Second, the action may be brought in the judicial district in which "a substantial part of the property that is the subject of the action is situated." No hardship would be caused to the foreign state if it is subject to suit where it has chosen to place the property that may be in dispute. As much of the property of foreign states is in New York, this provision would permit the submission of a large number of cases to the United States District Court for the Southern District of New York, where many immunity cases have arisen in the past and where a particular expertise in such cases is consequently to be found.

Third, if the action is brought against an agency or instrumentality which is not a citizen of the United States as defined in section 1332(c) and (d) of this title, it may be brought in the judicial district where the agency or instrumentality is licensed to do business or is doing business. If, of course, an agency or instrumentality is incorporated in or has its principal place of business in the United States then it is a citizen of the United States and venue will be governed by other provisions of title 28. And if the action is brought against a foreign state or political subdivision it may be brought in the United States District Court for the District of Columbia. The District of Columbia provides a fallback venue for actions against foreign states and political subdivisions since it is difficult to say where they "reside" under the corporate standards of "incorporated or licensed to do business or is doing business" used in section 1391(c). Moreover, it is in the City of Washington that foreign states have diplomatic representatives and where it would be easiest for them to defend themselves.

Consistent with Section 2 on jurisdiction an exception is made as to foreign agencies or instrumentalities which are citizens of a State. Actions against such agencies or instrumentalities would, under the terms of the exception, be treated in the same way as actions against wholly domestic corporations.

Nothing in this provision is intended to in any way alter the statutory or common law doctrine of *forum non conveniens*. Thus, actions brought in a particular district under § 1391 could be moved to another district for the convenience of the parties and witnesses and in the interest of justice in accordance with § 1404 of Title 28. Similarly, if the convenience of the parties and witnesses or the interest of justice would be better served by dismissing the action subject to a court in a foreign State taking jurisdiction the doctrine of *forum non conveniens* would be available for that purpose. See *Vanity Fair Mills* v. *T. Eaton Co.*, 234 F.2d 633 (Ct. App. 2d. Cir. 1956), *Prack* v. *Weissinger*, 276 F. 466 (Ct. App. 4th Cir. 1960), *Fitzgerald* v. *Westland Marine Corp.*, 369 F.2d 499 (Ct. App. 2d. Cir. 1966) and I *J. Moorse, Moore's Federal Practice* 1788 (2d ed. 1972).

SEC. 4. This section amends section 28

U.S.C. § 1441 to provide for removal to a federal district court of civil actions brought against a foreign state in the courts of a State. In view of the potential sensitivity of actions against foreign states and the importance of developing a uniform body of law in this area, it is of great importance to give foreign states clear authority to remove to a federal forum actions brought against them in the State courts. This section provides such authority in any case which could have been brought originally in a federal district court under the new section 1330 (Sec. 2). It also makes clear that the election for removal may be exercised at the discretion of the foreign state even if there are multiple defendants and one chooses not to remove or is a citizen of the State in which such action is brought. This section, like the new provisions for jurisdiction (Sec. 2) and venue (Sec. 3) would not affect existing removal jurisdiction with respect to agencies or instrumentalities which are citizens of a State of the United States as defined in section 1332 (c) and (d) of title 28.

SEC. 5. This section amends 28 U.S.C. § 1332 (a') (2) and (3) by striking the phrase "foreign states" from both subsections. Suits against foreign states are comprehensively treated by the new § 1330 and the other provisions of this bill. According there is no reason to retain the jurisdictional basis of § 1332 in actions against foreign states and to do so may entail confusion as to whether the jurisdictional amount requirement of § 1332 would be applicable. As such, § 1332 has been amended to conform to the structure of the draft bill for actions against foreign states. This change would not affect the applicability of § 1332 to agencies or instrumentalities of a foreign state or subdivision which agencies or instrumentalities are citizens of a state of the United States as defined in section 1332 (c) and (d) of title 28.

Mr. ROBERT C. BYRD subsequently said: Mr. President, on behalf of the distinguished Senator from Arkansas (Mr. FULBRIGHT), I ask unanimous consent that the bill, S. 771, which earlier has been introduced, defining the circumstances in which foreign states are immune from the jurisdiction of U.S. courts and in which execution may not be levied on their assets, and for other purposes, be referred jointly to the Committee on the Judiciary and to the Committee on Foreign Relations, as was the communication which was received by Congress transmitting the proposed draft of the legislation.

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

By Mr. DOMINICK:

S. 772. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education. Referred to the Committee on Finance.

Mr. DOMINICK. Mr. President, since I was first elected to Congress in 1961—87th Congress—I have introduced or supported higher education tuition tax credit legislation. I introduce today a bill substantially similar to the one I authored in the 91st Congress with 35 cosponsors. This measure is designed to focus some measure of relief, via a tax credit, on lower- and middle-income families who are trying to absorb the cost of postsecondary education for their children.

As to the very real need for this legislation, I would offer some recently published statistics by the National Center for Educational Statistics. While the school-age population seems to be stabilizing, the percent of our Nation's 18-year-olds who are receiving high school diplomas has risen from 69 percent in 1961 to 77 percent in 1971, and is estimated to reach 83 percent by 1981.

Degree credit enrollments in colleges and universities have increased 121 percent between 1960 and 1970, with a further 52-percent increase predicted for the decade 1970–80. Nondegree credit enrollments have increased as a percentage almost twice as fast since 1960 at 221 percent, with an additional increase of 86 percent predicted between 1970 and 1980.

Concomitant with this increased demand on our postsecondary education system, cost of attendance has grown. Mr. President, I ask unanimous consent that a table of national costs—table I—be printed at this point in my remarks.

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

TABLE I.—CHARGES ARE FOR THE ACADEMIC YEAR AND IN CONSTANT 1970-71 DOLLARS

Year and control	Total tuition, board, and room			
	All	University	Other 4-year	2-year
(1)	(2)	(3)	(4)	(5)
1967–68: [1]				
Public	$1,240	$1,400	$1,164	$922
Nonpublic	2,573	2,970	2,456	2,058
1968–69: [2]				
Public	1,244	1,387	1,184	984
Nonpublic	2,585	2,977	2,491	2,089
1969–70: [2]				
Public	1,258	1,411	1,204	1,006
Nonpublic	2,648	3,053	2,559	2,171
1970–71: [2]				
Public	1,273	1,345	1,224	1,028
Nonpublic	2,712	3,129	2,625	2,251
PROJECTED [4]				
1971–72:				
Public	1,290	1,460	1,248	1,050
Nonpublic	2,779	3,207	2,697	2,334
1972–73:				
Public	1,309	1,484	1,273	1,071
Nonpublic	2,846	3,285	2,768	2,414
1973–74:				
Public	1,326	1,509	1,297	1,094
Nonpublic	2,913	3,363	2,840	2,496
1974–75:				
Public	1,344	1,534	1,321	1,116
Nonpublic	2,981	3,441	2,911	2,576
1975–76:				
Public	1,361	1,558	1,346	1,138
Nonpublic	3,047	3,519	2,983	2,658
1976–77:				
Public	1,379	1,583	1,370	1,161
Nonpublic	3,114	3,597	3,054	2,740
1977–78:				
Public	1,396	1,607	1,394	1,183
Nonpublic	3,181	3,674	3,126	2,821
1978–79:				
Public	1,414	1,632	1,419	1,206
Nonpublic	3,248	3,752	3,198	2,902
1979–80:				
Public	1,431	1,657	1,443	1,228
Nonpublic	3,316	3,830	3,269	2,983
1980–81:				
Public	1,450	1,681	1,468	1,249
Nonpublic	3,382	3,908	3,341	3,065

[1] Interpolated.

[2] Represents charges weighted by numbers of full-time degree-credit students, 1961–62 through 1964–65; weighted by full-time resident students for 1966–67; and by full-time undergraduate degree-credit students for 1968–69. These charges, shown in table 44 in current dollars, were converted to 1970–71 constant dollars by application of the Consumer Price Index. See constant dollar index, appendix B, table 6.

[3] Estimated.

[4] The projection of basic student charges is based on the assumption that these charges will continue to increase through 1980–81 as they did during the base years of 1961–62 through 1964–65, 1966–67, and 1968–69 in constant dollars. Decreases in charges for board during the base period are not projected and are frozen at the 1970–71 level. The base-year data for board charges, in current unadjusted dollars, did show increases for all types of institutions, both publicly and privately controlled, but not enough to offset the application of the Consumer Price Index for the computation of constant 1970–71 dollars.

Note: Data are for 50 States and the District of Columbia for all years.

Sources: U.S. Department of Health, Education, and Welfare, Office of Education publications: (1) "Higher Education Dasic Student Charges," 1961–62 through 1964–65, 1966–67, and 1968–69; and (2) "Opening (Fall) Enrollment in Higher Education," 1961 through 1964, 1966, and 1968.

Mr. DOMINICK. Mr. President, Colorado has not been an exception to these trends and I ask unanimous consent that a table of costs for a few representative colleges and universities in my State be printed at this point in the RECORD.

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

TABLE II.—TUITION AND FEES, ACADEMIC YEARS 1969-70 AND 1972-73

	Resident tuition and fees	Nonresident tuition and fees
Colorado University (Boulder)	$439–$552	$1,393–$1,871
Colorado State University	426–570	1,308–1,759
Fort Lewis College	361–418	816–1,283
Community College of Denver	198–252	768–1,183
Lamar	282–336	852– 975
Trinidad State Junior College	293–343	863–1,315

Mr. DOMINICK. Mr. President, it is evident that an investment in higher education represents a heavy, if not impossible, strain on lower and middle incomes; and I am proposing that for families with adjusted gross incomes of up to approximately $26,000, a tax credit be allowed for the money they spend on such costs of postsecondary education as tuition, fees, books, supplies, and equipment. This maximum credit available would be $325 based on the following formula: 100 percent of the first $200 of allowable costs, 25 percent of the next $300, and 5 percent of the next $1,000. Only allowable costs up to $1,500 would qualify for the credit; and because this bill provides that the available credit shall be reduced by an amount equal to 3 percent of the amount by which the adjusted gross income exceeds $15,000, the credit would not be available where the AGI exceeds $25,833.

Mr. President, this type of legislation has passed the Senate on three prior occasions, and I am hopeful that we will again help America's parents to help their children to face the challenges of the future.

By Mr. DOMINICK:

S. 773. A bill to modify the project for flood control below Chatfield Dam on the South Platte River, Colo., authorized by the Flood Control Act of 1950. Referred to the Committee on Public Works.

Mr. DOMINICK. Mr. President, on February 23, 1972, during the 92d Congress, I introduced on behalf of myself and Senator GORDON ALLOTT, S. 3226, which would permit use of a portion of the authorized funds for a flood control project below Chatfield Dam for the acquisition of lands for a flood plains park.

This bill was included in S. 4018, an omnibus flood control bill, reported favorably to the Senate by the Committee on Public Works. S. 4018 passed the Senate and the House, but was vetoed by President Nixon on October 27, 1972. In his veto message, the President stated that a number of projects in S. 4018 are justified.

The provisions of this legislation were again introduced in the Senate this year as S. 606, reported out by the Public Works Committee, and last Thursday passed by the Senate. And again included therein were the provisions of my bill, S. 3226. I voted in favor of S. 606, which passed by a vote of 67 to 14, in order to emphasize the importance of this particular flood control project in my State of Colorado.

Mr. President, because of the obvious concern that the President has with the provisions of S. 606 and the probability that he will again veto this omnibus bill, and in order to place even more emphasis on the Chatfield Dam flood control project, which I feel is completely justified and one of the very worthwhile projects mentioned in the President's veto message, I am today reintroducing my bill and urging action by the committee on this particular project.

The existing authorization is for 6.4 miles of channelization necessary to prevent downstream flooding during periods of high discharge after Chatfield Dam is completed late this year. Since the project was authorized, the city of Littleton, through which the South Platte River flows, has proposed a natural flood plain park as an alternative to channelization for a portion of the 6.4-mile segment. Under the "Littleton Plan," the first 2 miles would be left in its natural state. Approximately 475 acres along the river comprising the flood plain would be acquired and used as a park. In times of high water, the park would be closed, and since there would be no development, little damage would occur.

Mr. President, the park would preserve much needed open space for residents of Littleton and the metropolitan Denver area. Littleton's commitment to the park project is evidenced by its approval in 1971 of a $400,000 bond issue for local matching funds. The major impediment to the park is that the authorization for the channelization project may not be broad enough to permit use of Corps of Engineers' funds for acquisition of the flood plain lands. This bill would remove that impediment.

The Littleton plan is an imaginative concept in flood control, and will demonstrate that concrete is not necessarily the only answer. Many of my constituents are expressing concern about the environmental effects of channelization projects, and I think it would be a shame for a creative alternative like this to be stifled merely because the authorizing legislation was drafted at a time when the need for such an alternative was not foreseen.

Mr. President, I ask that the text of the bill be printed at the end of my remarks. Once the bill is appropriately referred, I hope that the Public Works Committee will be able to take prompt action concerning the measure.

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

S. 773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for flood control below Chatfield Dam on the South Platte River, Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is hereby modified to authorize the Secretary of the Army, in his discretion, to participate with non-Federal interests in the acquisition of lands and interests therein and in the development of recreational facilities immediately downstream of the Chatfield Dam, in lieu of a portion of the authorized channel improvement, for the purpose of flood control and recreation.

SEC. 2. Such participation shall (a) consist of the amount of savings realized by the United States, as determined by the Secretary of the Army, in not constructing that portion of the authorized channel improvement below the dam, together with such share of any land acquisition and recreation development costs, over and above that amount, that is comparable to the share available under similar Federal programs providing financial assistance for recreation and open spaces, (b) in the instance of the aforementioned land acquisition, be restricted to those lands deemed necessary by the Secretary of the Army for flood control purposes, and (c) not otherwise reduce the local cooperation required under the project.

SEC. 3. Prior to the furnishing of the participation authorized by this Act, non-Federal interests shall agree to prevent any encroachments in needed flood plain detention areas which would reduce their capability for flood detention and recreation.

By Mr. EAGLETON (for himself, Mr. BEALL, Mr. CANNON, Mr. CRANSTON, and Mr. MOSS):

S. 775. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute on Aging. Referred to the Committee on Labor and Public Welfare.

Mr. EAGLETON. Mr. President, I am today introducing the Research in Aging Act of 1973, a bill to provide for the establishment of a National Institute on Aging within the National Institutes of Health and to direct the development of a plan for an aging research program. The bill is nearly identical to H.R. 14424, which passed the Congress in the waning days of the 92d Congress but was subjected to a pocket veto by the President following adjournment in October.

The bill I am introducing today is unchanged from last year's bill except that the provisions of H.R. 14424 which added a new part G to the Community Mental Health Centers Act relating to the mental health of the aged have been deleted. Two considerations dictate this change. First, the Community Mental Health Centers legislation is itself up for renewal this year and the need for the addition of a new part to deal with mental health of the aged can better be considered in the context of the entire Community Mental Health Centers Act. Second, the inclusion of the mental health provisions were cited by the President as one of his reasons for vetoing H.R. 14424. While I am convinced that the President's veto was ill-advised, as I shall discuss in a moment, I do not believe that this concession to his views will detract from the primary purpose of this bill—to expand biological and behavioral research into the aging process.

Basic research into the process of aging has now reached a point where major breakthroughs are possible. There remain, however, critical questions yet to be answered.

That aging is a major biological process is undisputed. Moreover, aging underlies our increased susceptibility with advancing years to cancer, heart attacks, and degenerative diseases.

These facts have particular significance when viewed in relationship to the extraordinary growth of our Nation's elderly population and the corresponding increase in health costs associated with care and treatment for the elderly. Today there are more than 20 million Americans aged 65 or older—nearly seven times as many as at the beginning of this century—and the older population is increasing at a much faster rate than the under-65 population. Between 1960 and 1970, the over-65 population showed a rise of 21.1 percent while the under-65 population grew 12.5 percent. Within the next 30 years we can expect nearly 45 million persons to reach their 65th birthday. In this population group, health problems tend to be the rule, not the exception. Eighty percent of those aged 65 or older have a chronic health problem and 40 percent are impaired in their activities because of a health condition. They are twice as likely to be hospitalized as younger persons and, once hospitalized, their average stay is twice as long. As much as two-thirds of our total expenditures for health care can be attributed to treating older persons, according to some estimates.

Despite these facts, the level of federally supported research into phenomena associated with aging has been extremely low. As a nation, we recognize the importance of research—but unfortunately not in the field of aging. The amount expressly devoted to aging research in the National Institutes of Health represents only about one-tenth of 1 percent of Federal expenditures in health programs for the elderly. In sharp contrast, many businesses or governmental units may earmark as much as 5 to 10 percent of their available funds for research.

Not only is gerontological research funded at low levels, it is fragmented among the departments and agencies of the Federal Government. This diffusion of responsibility has resulted in duplication of efforts, lack of coordination, and gaps in our overall approach. Most importantly, the result has been a severe lack of systematic research in aging.

The focal point for aging research in the National Institutes of Health—NIH—is the National Institute of Child Health and Human Development—NICHD. This Institute was authorized by legislation enacted in 1962 and, as its programs have evolved, major emphasis has been given to research in child health, human reproduction, and

fertility control. Aging research constitutes only about 10 percent of its budget and such increases in funding for aging research as have occurred in recent years have been achieved largely through the insistence of the Appropriations Committees of the Senate and the House of Representatives. In 1968, NICHD established the Gerontology Research Center for intramural research in aging. This center, located in Baltimore, was designed to be the largest center for aging research in the world, yet it has consistently operated at 50 percent, or less, of its intended capacity. The failure to staff this center on an adequate basis and to conduct the vigorous intramural program of gerontological research for which it was designed is reflective of the relatively low priority accorded this kind of research within the present organizational structure at the National Institutes of Health.

The creation of a National Institute of Aging, as provided in this bill, is an effort to reverse this trend. Expansion of the aging research and training program within NICHD cannot reasonably be expected to take place at the expense of the other programs which have dominated the activities of the Institute since its inception. Nor can it be anticipated that such expansion will occur as a result of overall NICHD budget increases, for the funding history shows the aging program remaining relatively static in comparison to the large increases received by other NICHD programs.

These are the considerations that led the delegates to the 1971 White House Conference on Aging to recommend the establishment of a separate institute to conduct research and training in aging.

Significantly, a similar recommendation made by the 1961 White House Conference on Aging was sought to be answered by including aging research and training within the responsibilities assigned to NICHD when it was created in 1962. The reiteration of this recommendation by the most recent White House conference points up the inadequacies of the aging program as conducted by NICHD.

In his memorandum of disapproval on H.R. 14424, the President cited as a reason for his veto—in addition to the mental health centers provisions previously mentioned—the concern that a new Institute on Aging would duplicate the activities of the Technical Advisory Committee for Aging Research appointed last year by the Secretary of Health, Education, and Welfare. This committee was established—perhaps coincidentally—at a time when it seemed clear that the Research in Aging Act was moving through Congress toward final passage. It was intended to develop a comprehensive and coordinated program of aging research including, in addition to biomedical research, such matters as economics, behavior, and transportation problems. I cannot say with any certainty whether or not the establishment of the Technical Advisory Committee was merely an effort to head off this legislation, to which the administration previously announced its opposition. In any case, I do believe that such a committee can serve a very valuable purpose by developing a program for aging research that covers the many different agencies involved in these activities.

For this reason, H.R. 14424 made clear that there would be a role in developing an aging research plan for anybody such as the Technical Advisory Committee which the Secretary might care to designate. But the establishment of a committee and even the development of a comprehensive research plan in no way obviates the need for expanded research in aging of the kind that would be conducted by a National Institute on Aging. Such a committee can play a major role in developing a research plan as directed by this legislation. The research itself, however, can only be conducted under the auspices of an appropriate body and, for this, I am convinced that the new Institute on Aging is vitally needed.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 776. A bill to authorize the striking of medals in commemoration of the 100th anniversary of the cable car in San Francisco. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. CRANSTON. Mr. President, this year the city of San Francisco is commemorating the 100th anniversary of the invention of its most colorful landmark—the cable car.

Invented by Andrew S. Hallidie, a San Francisco resident, the arrival of the cable car heralded a new era in surface transportation in the United States. The success of the first cable car in negotiating the steep hills along Clay Street on August 2, 1873, led to the establishment of many cable lines throughout San Francisco, providing its citizens with inexpensive transportation and opening areas of the city previously considered remote to residential and recreational use.

Cities throughout the United States noted the success of Andrew Hallidie's achievement. Within a decade, Chicago established a similar cable system—then Philadelphia, New York, Kansas City, St. Paul, and others. In all, 27 cities across the Nation, including most major metropolitan areas, installed cable systems.

San Francisco's cable cars, the first to operate, have outlived all the other systems. They are now the only remaining lines in operation. In fact, San Francisco's cable cars are the last street railway system in the world, and were declared a national historic landmark by the National Park Service in 1964.

In recognition of this anniversary, San Francisco Mayor Joseph L. Alioto has proclaimed 1973 as "Cable Car Centennial Year." San Franciscans will be participating in public observances commemorating the event throughout the year.

I am pleased to join today with my colleague, Senator TUNNEY, in helping to mark the significance of this centennial celebration. We are introducing legislation to authorize the U.S. mint to develop and strike an official cable car commemorative medal. Mayor Alioto has established a Citizens Committee for the Cable Car Centennial, which will cooperate with mint authorities to select the size and design for the medals.

Mr. President, I ask unanimous consent that the text of our bill be inserted in the RECORD at this point.

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

S. 776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the one hundredth anniversary of the invention of the cable car, the Secretary of the Treasury shall strike and deliver to the San Francisco Cable Car Centennial Committee, not more than one hundred and fifty thousand medals with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Treasury after consultation with the Committee. The medals, which may be disposed of by the Committee at a premium, shall be delivered at such times as may be required by the Committee in quantities of not less than two thousand, but no medals shall be struck after December 31, 1974. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

SEC. 3. The medals authorized to be struck and delivered under this Act shall be of such size or sizes and of such various metals as shall be determined by the Secretary of the Treasury in consultation with the Committee.

Mr. TUNNEY. Mr. President, for nearly a century, the colorful cable car has been one of the mainstays of the city of San Francisco's public transportation system.

To commemorate the 100th anniversary of the invention of the cable car, Senator CRANSTON and I are introducing legislation today authorizing the Secretary of the Treasury to strike medals of appropriate design and with suitable inscription for use by the San Francisco Cable Car Centennial Committee.

Cable cars carry thousands of passengers every year over the city's famed hills. In addition to their transportation value, they have become a virtual symbol of the city itself, attracting visitors from all parts of the Nation and the world.

Finally I would point out that not the least of their virtues is the fact that unlike nearly every other mode of public conveyance, they produce absolutely no air pollution.

By Mr. CASE:

S. 777. A bill to designate certain lands in the Brigantine National Wildlife Refuge, Atlantic, Burlington, Ocean Counties, N.J., as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. CASE. Mr. President, on behalf of the administration, I am today introducing a bill to designate 4,250 acres within the Brigantine National Wildlife Refuge in the State of New Jersey as part of the national wildlife preservation system.

Because New Jersey is the most densely populated State in the Nation, it may be difficult for those who have traveled through our State to realize that there is any area within the State that can meet the requirements of the Wilderness Act for preserving areas that have been undisturbed by the activities of man.

But portions of the Brigantine National Wildlife Refuge have been preserved in the same pristine solitude that existed when the Indians owned the area. And the most striking quality of this area is the unspoiled barrier beach and estuarial beauty that is found so close to urban centers of population.

The proposed Brigantine Wilderness Area is located along the Atlantic coast, 10 miles north of Atlantic City, 90 miles south of Newark, and 53 miles southeast of Philadelphia.

In its draft environmental statement in connection with the proposed Brigantine Wilderness Area, the Bureau of Sport Fisheries and Wildlife said it "would be evading its responsibilities under the Wilderness Act should this proposal not be made," particularly since there is no other potential wilderness site within the immediate area which could be considered for such designation and thereby serve a heavily urbanized population.

Indeed my only reservation about the bill I am introducing today is whether it proposes inclusion of all of the area within the wildlife refuge that should be given the additional protection of designation as a wilderness area.

By far the majority of the individuals and environmental organizations who testified at public hearings on the proposed wilderness area favored the recommendation of the Wilderness Society to increase the size of the area from 4,250 to 16,800 acres.

I have been in touch with the Bureau of Sport Fisheries and Wildlife about the rationale behind their recommendation to limit the wilderness area to 4,250 acres and have discussed this rationale with representatives of the environmental organizations supporting the larger area.

In all of these conversations there was unanimous agreement that it was essential to provide protection to a minimum of 4,250 acres and that the legislative process should be begun on this basis while there is further analysis of the possibility of expanding the proposal.

I ask that my bill be referred to the appropriate committee and that hearings be scheduled on it as quickly as possible. When hearings are scheduled, I will be prepared to offer amendments expanding the size of the proposed wilderness area if further analysis of the proposal at that time indicates this is appropriate. But I want to emphasize that there is unanimous agreement that it is most urgent to provide wilderness status to the 4,250 acres covered by the bill I am introducing at this time.

I ask that at this point there be printed in the RECORD copies of a letter from Secretary of the Interior Morton to the President recommending establishment of the Brigantine Wilderness, a synopsis of the Brigantine Wilderness proposal, and a Draft Environmental Statement on the proposal prepared by the Bureau of Sport Fisheries and Wildlife.

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

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 14, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is with pleasure that I recommend the establishment of Brigantine Wilderness within the Brigantine National Wildlife Refuge, New Jersey, as a part of the National Wilderness Preservation System.

Section 3(c) of the Wilderness Act (approved September 3, 1964; 78 Stat. 890, 892; 16 U.S.C. 1132(c)), directs the Secretary of the Interior to review roadless areas of 5,000 acres or more in the national parks, monuments, and other units of the National Park System, wildlife refuges, and game ranges, and report to the President his recommendation as to the suitability of each such area for preservation as wilderness. The Act further directs the President to advise the President of the Senate and the Speaker of the House of Representatives of his recommendation with respect to the designation of each such area as wilderness. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

This Department has recently completed its review of such a roadless area in Brigantine National Wildlife Refuge. Based upon this review, we recommend 4,250 acres within the national wildlife refuge be designated as wilderness.

The Brigantine National Wildlife Refuge is located along the Atlantic Coast of New Jersey, ten miles north of Atlantic City, New Jersey. The proposed Brigantine Wilderness includes Little Beach Island, Egg Island, Salt Island, Pullen Island, Elder Island and a cluster of twelve unnamed islands east of the Intracoastal Waterway extending from Brigantine Channel to Great Bay. The most striking quality of Little Beach Island and its associated marsh islands is the unspoiled barrier beach and estuarial solitude and beauty found so close to urban centers of population. Vegetation varies from salt marsh grasses on the marsh islands to several species of low growing trees on the higher Little Beach Island.

The water and island complex is a traditional nesting, migration, and wintering area for all types of water-dependent birds. Osprey nest in the undisturbed habitat of Elder and Little Beach Islands. Egg Island was named for its concentration of nesting terns and gulls. The area is a majoring wintering ground for Atlantic brant and is one of the important wintering and migration areas for black ducks. Several species of mammals, including otter, fox and deer are found on the area. There are no known commercially valuable mineral deposits or gravel on the proposed wilderness and no developed roads. The area is of great interest to scientists and nature lovers and provides excellent opportunities for fishing and other wildlife-oriented public uses.

In accordance with the requirements of the Wilderness Act, notice of a public hearing of the wilderness proposal was issued by the Department. All interested local, State, and Federal agencies and officials were notified of the hearing which was held in Absecon, New Jersey. Analyses of the hearing records and written comments received, together with the letters received from other Federal agencies, are contained in the enclosed synopsis. A majority of all comments regarding the wilderness proposal were favorable. Complete records have been compiled and are available for inspection by the public.

On the basis of our review, I believe that the roadless area identified herein in Brigantine National Wildlife Refuge is suitable for designation as wilderness. Enclosed is a draft bill which, if enacted, would incorporate this area into the National Wilderness Preservation System.

A draft environmental impact statement, as required by section 102(2)(C) of the National Environmental Policy Act of 1969, is enclosed.

Respectfully yours,
ROGERS C. B. MORTON,
Secretary of the Interior.

SYNOPSIS OF BRIGANTINE WILDERNESS PROPOSAL

A. BACKGROUND

The Brigantine National Wildlife Refuge was established on October 5, 1939 by the Migratory Bird Conservation Commission under authority of the Migratory Bird Hunting Act to preserve a traditional wintering and migration area for the Atlantic brant and the black duck. The refuge, located 10 miles north of Atlantic City, New Jersey, within Atlantic, Burlington, and Ocean Counties, provides habitat for many forms of wildlife including waterfowl, shorebirds, wading birds, 11 species of hawks including the decimated osprey, owls, songbirds, and several species of upland and large mammals including otter, fox, and deer. Fin and shellfish, reptiles and amphibians are found in the saltwater bays, marshes, and freshwater impoundments.

Current Refuge Objectives are:

1. Preserve and manage the wetlands environment for waterfowl, shorebirds, and other wildlife as production, migration, and wintering habitat.
2. Perpetuate existing habitat that is found to benefit rare or endangered species.
3. Provide environmental-education and wildlife-oriented recreation programs and facilities to the public.
4. Encourage scientific study and research by qualified organizations and individuals.

B. DESCRIPTION

No significant management or public use changes are anticipated if the proposed 4,250-acre area is designated wilderness. The proposed wilderness boundary includes Little Beach Island, Egg Island, Salt Island, Pullen Island, Elder Island, and a cluster of 12 unnamed islands east of the intracoastal waterway extending north from Brigantine Channel to Great Bay. Two tracts of land on Little Beach Island containing 22 small buildings on 11 acres will be included in wilderness when tenure agreements with cabin owners have been satisfied. Bureau ownership is to mean high tide, and all lands within, and to be owned by the Bureau, except Shad Island and two unnamed islands, are proposed as wilderness.

Little Beach Island is gently rolling with low dunes. The vegetative cover is typical barrier-beach species grading from the barren foredunes at the high-tide line to dune grass, then grading to false heather, wild rose, poison ivy, bayberry, speckled alder, wild cherry, and aspen in the back dunes. A few low areas contain freshwater pockets with fresh-type species of grasses, sedges, and flowering plants.

The marsh islands are all dominant salt-marsh grasses (*Spartina patens* and *Spartina alterniflolia*) with lesser densities of other grasses and sedges. No woody vegetation exists on the flat marsh islands which average two feet msl.

The soils of Little Beach Island are primarily well-sorted yellow sands, deposited by wave, water-current, and wind action. There are shallow lepses of silt or muck where freshwater pockets have existed for many years of deposition. Some protected cove-beach areas have silty-muck edges where tidal and wave deposition occurs. The marsh islands of Egg Island, Salt Island, El-

der Island, Pullen Island, and the other unnamed islands are all silty-muck over yellow sand. None of these soils have any present commercial value, nor is it anticipated there will be a demand for these soils since they are abundant all along this part of the New Jersey coast.

The only known deposits of gravel which have some commercial value are on the mainland, over four miles west of the proposed wilderness area.

There are no outstanding ecological, geological, or historical features in or near the proposed area. It is significant ecologically and geologically in that it is an unspoiled barrier-beach island with its complex of marsh-estuarian islands still undeveloped and unspoiled. This is a unique feature in itself in a setting so centrally located within megalopolis of the northeast coast. Estuaries to the north and south for many miles have large tracts blighted by dredge and fill developments with their associated disturbance and pollution. The marsh islands within the study area have somehow escaped the slashing mosquito-control ditching programs and offer the student and layman alike a rare opportunity to observe and enjoy a virgin tidal marsh within a megalopolis. This feature alone deserves the fullest protection wilderness designation can provide.

C. MANAGEMENT

The proposed wilderness area complements the managed mainland, mainland-attached marshes, and impoundments. In the proposed wilderness area hundreds of thousands of birds find solitude, safety, food, nesting, and migration-resting habitat. Maintaining this esthetic and pristine solitude in the pure form it was found when the Indians owned it is an obligation essential to preserving man's own environment as we have known it, and to the preservation of an important niche in the biosphere of the planet Earth.

1. *Management Requirements:*

No management-development practices will be necessary within the proposed wilderness area. Research programs started, can be continued, and new ones conducted that are compatible with the wilderness concept. Management will be to protect and preserve the habitat as it now exists and allow natural succession to proceed undisturbed by any activities of man. No physical development is contemplated. Developments on the mainland portions of the refuge will not change the proposed wilderness area, but might tend to slightly increase wilderness-compatible visitation.

The U.S. Coast Guard has a right-of-way which they use to service a communication cable crossing Elder Island under water approximately .38 miles to Little Beach Island.

* * * * *

There is no expected change in public use due to wilderness. Boats would still be permitted to travel the non-wilderness (below mean high tide) waterways and land on the beaches. Fishermen and nature enthusiasts would find no change in the assurance of permanent protection of the solitude and pristine beauty of the proposed wilderness area.

Upon eventual ownership of the inholding on Little Beach Island, all structures would be removed, including those buildings now in Federal ownership. There is no anticipated need or justification for any man-made structures in the area proposed as wilderness.

2. *Roads:*

No developed roads exist on Little Beach Island. Beach buggy trails will disappear rapidly when their use is no longer permitted.

D. THE WILDERNESS HEARING RECORD

The Notice of Public Hearing, announcing a public hearing on the Brigantine Wilderness Proposal, was published in the Federal Register on June 4, 1971. Written notification of the hearing and information about the proposal were furnished to the Governor of the State of New Jersey, the Congressional delegation, concerned Federal, State and local officials, organizations, and individuals. Local news media and local U.S. Post Offices were also provided a notice of public hearing and a brochure summarizing the wilderness study and proposal.

1. *Public Hearing:*

In accordance with Section 3(d)(1) of the Wilderness Act, a public hearing was held at 2 p.m. in the Holy Spirit High School, Absecon, New Jersey on August 11, 1971. Sixty-eight persons attended the hearing, conducted by Mr. William Redmond, Regional Solicitor. Mr. Richard E. Griffith, Regional Director of the Bureau of Sport Fisheries and Wildlife, Boston, Massachusetts, represented the Bureau. The hearing record was held open until September 10, 1971 and a total of 259 communications were received representing the views of 393 persons. Twenty-four oral statements were presented at the hearing. Sixteen of these persons also submitted written statements. Two additional written statements were also submitted by individuals. Twenty of the Twenty-four oral statements and both additional written statements, were in favor of establishing a wilderness area on Brigantine Refuge, basically endorsed the recommendation of the Wilderness Society and 10 other conservation groups to increase the 4,250 acres proposed by the Bureau to approximately 16,800 acres.

This would essentially include the entire refuge including the 256 acre Holgate peninsula, with the exception of the East and West Pools and their contiguous marshlands, roads, trails, the headquarters area and the roadbed portion of Motts Creek and Oyster Creek areas.

Two oral statements supported the Bureau's proposal as presented. In addition, the Ocean County Mosquito Commission basically endorsed the Bureau's proposal with the recommendation that the swales on Little Beach Island be deepened two or three feet to support fish for mosquito control purposes.

One individual who spoke neither endorsed nor supported any wilderness proposal. No elected State officials, or representatives of Federal Departments or agencies were present. The one local elected official present was Mrs. Mary A. Nigro, Commissioner of the Shrewsbury Borough Conservation Commission. Twenty-nine names of persons or groups sending communications prior to the hearing were read into the hearing record. Eleven responses received in Boston, Massachusetts immediately preceding the hearing were entered into the wilderness * * *.

The following persons spoke for the public hearing record:

Colin G. Beer, Institute of Animal Behavior, Rutgers University, presented a statement favoring the Bureau's proposal as did Mrs. Mary Lou Hagan representing the New Jersey State Federation of Sportsmen's Clubs. Oral statements favoring the expansion proposal of the Wilderness Society were presented in behalf of American Association of University Women, Atlantic City Branch; New Jersey Audubon Society; Sierra Club; National and Atlantic Chapter; Ocean City League of Women Voters; Joint Council of Taxpayers of Southern Ocean County; Montclair Bird Club; Atlantic County Citizens Council for the Environment; National Park and Conservation Association; Federation of Conservationists of United Societies; Shrewsbury Borough Conservation Commission of Monmouth County; League of Conservation Legislation; Ocean County Soil Conservation District; Monmouth County Conservation Council; D.C. Citizens Action Committee of Wilderness Society; Sierra Clubs of North Jersey and South Jersey Groups; Wilderness Society; and Americal Littoral Society.

A number of persons, primarily persons having property interests on Little Beach Island, asked and voiced concern regarding the status of their use of properties and beach buggies if Little Beach Island were designated as wilderness.

2. *Communications from Elected Officials:*

Mrs. Mary A. Nigro, Commissioner of the Shrewsbury Borough Conservation Commission of Monmouth County, submitted a statement in favor of the proposal as suggested by the Wilderness Society and others.

The Governor of the State of New Jersey acknowledged receipt of the brochure and hearing notice but did not respond further.

No member of the congressional delegation of New Jersey responded.

3. *Non-Elected Local and State Officials, Departments, or Agencies:*

The Director of the Ocean City Mosquito Extermination Commission was in favor of the Bureau's proposal with the suggestion that the swales on Little Beach Island be deepened to support mosquito-eating fish.

The Ocean City Soil Conservation District endorsed the proposal of the Wilderness Society to expand the wilderness to include 16,800 acres.

4. *Federal Officials, Departments, and Agencies:*

The Asst. Secretary of Commerce acknowledged receipt of the hearing notice and wilderness brochure but made no statement.

5. *Organizations:*

A total of 40 statements were received supporting one of three basic proposals for wilderness.

Eight organizations supported the 4,250-acre Bureau proposal with no reservations or changes. Twenty-six supported the proposal to expand the proposed wilderness to 16,800 acres. Six organizations, including the Wildlife Management Institute, National Wildlife Society, and Sport Fishing Institute, recommended adding Shad Island and the Holgate Peninsula to the proposal if the proposal arrangements could be made with the State and local authorities for use of the intertidal zone on Holgate for vehicle access.

6. *Communications from Citizens:*

A total of 218 statements, and a petition containing signatures of 134 individuals, were received for the record. Communications were received from all sections of the country including the local area. Thirty-four responses endorsed the Bureau's proposal, with three of these recommending no hunting.

A total of 151 of the 217 statements and the petition basically were in favor of the Wilderness Society's proposal to increase the proposed area to 16,800 acres.

Four responses indicated a misunderstanding of the proposal and mentioned nothing regarding wilderness.

Twenty-seven statements were in favor of expanding the proposed wilderness area anywhere from as much as possible to the entire refuge.

Two negative statements were received. Mr. Albert Ciardi, Jr., attorney for some persons having interests on Little Beach Island, responded that unless his clients' interests on the island regarding ownership and use of beach buggies are satisfied they would oppose the wilderness.

Mr. Henry Megargee, Jr., a cabin owner on Little Beach Island, initially opposed wilderness designation on the basis that it would conflict with prior commitments to those with private interests. After clarification that the Bureau had every intent to honor commitments for life estate privileges, Mr. Megargee provided a second letter for the record in which he recognized the occupancy of cabins must be compatible with the overall design for the protection of Little Beach Island. He further offered his assistance to impress upon other cabin owners the need for furtherance of our mutual interests.

DRAFT ENVIRONMENTAL IMPACT STATEMENT PROPOSED BRIGANTINE WILDERNESS AREA, NEW JERSEY

I. DESCRIPTION OF THE PROPOSED ACTION

The Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, proposes that 4,258 acres of the 19,388-acre Brigantine National Wildlife Refuge, New Jersey, be designated as wilderness within the National Wilderness Preservation System. A complete description and discussion of this proposal is contained in the Brigantine Wilderness proposal brochure.

The Wilderness Act of 1964 (P.L. 88-577; Stat. 890-96) directed the study of every roadless area of 5,000 acres or more and every roadless island within the National Wildlife Refuge System to determine the suitability or nonsuitability of each such area for inclusion in the National Wilderness Preservation System. In fulfilling this responsibility, a full and comprehensive study has been made of the proposed area. This environmental impact statement examines the proposed action in accordance with the National Environmental Policy Act of 1969.

The Brigantine National Wildlife Refuge is located along the Atlantic Coast of eastern New Jersey, 10 miles north of Atlantic City within the counties of Atlantic, Burlington, and Ocean. It lies about 90 miles south of Newark and 53 miles southeast of Philadelphia. The refuge was established in 1939, through acquisition of 1,768 acres of land authorized by the Migratory Bird Conservation Act. Additional acreage has been acquired over succeeding years, and at present, the refuge contains 19,399 acres, with another 330 acres under option. It is situated within a traditional nesting, migration, and wintering area for waterfowl, marsh birds, and shore birds. It is the major wintering area for the Atlantic brant and is one of the important wintering and migration areas for the black duck. The refuge has become increasingly valuable as pollution and enroachment continue to destroy natural tidal marshes along the eastern coast. The master plan approved and adopted by the Bureau in February 1971, states four objectives for the management and development of the refuge. The objectives, listed in order of priority, are to:

1. Preserve and manage the wetlands environment for waterfowl, shore birds, and other wildlife as production, migration, and wintering habitat.

2. Perpetuate existing habitat that is found to benefit rare or endangered species.

3. Provide environmental education and wildlife-oriented recreation programs and facilities to the public.

4. Encourage scientific study and research by qualified organizations and individuals.

The refuge is presently administered by the Bureau of Sport Fisheries and Wildlife to preserve a traditional wintering and migration area for the Atlantic brant and the black duck, and to provide habitat that benefits many forms of wildlife and protects this estuarine area from industrial and residential encroachment and pollution.

Planned for future development is an environmental education building which will be designed to harmonize with and complement the surrounding landscape. This building will contain wildlife displays, panoramas, exhibits, lectures, movies, and slide shows. A network of interpretive wildlife trails emanating from this facility will take the visitor through the various habitats of the refuge. The present office will need eventual replacement. A storage building and addition to the present shop will be constructed to meet operational requirements. The outdoor tour route will be widened and graveled where necessary to insure a safe, smooth road surface. Fencing, posting, signs, and an entrance road to the environmental education building will complete development of the refuge.

The Brigantine Refuge is within easy driving distance of millions of residents of the New York-Washington megalopolis and only 10 miles to the Atlantic City resort area which attracts 6.5 million visitors annually. By 1975, at least 200,000 people can be expected to visit the refuge each year. The area to the north, south, and west of the refuge has been highly urbanized and developed. The closest area which could be considered for wilderness designation is located at the Great Swamp National Wildlife refuge, some 150 miles north of Brigantine.

II. DESCRIPTION OF THE ENVIRONMENT

The 17 islands proposed for wilderness designation comprise 4,250 acres of the 19,388-acre refuge. The entire area, completely surrounded by water, forms an ecological complex representative of the rapidly disappearing estuarine-barrier beach islands and marshes along the Atlantic Coast. Difficulty of access has saved the island complex from the blight of man's development and despoliation. The physical location, geography, and environment of the area has preserved primitive recreational resource values.

Five islands constitute the major portion of the area proposed for wilderness designation. These are Little Beach Island, Egg Island, Salt Island, Pullen Island, and Elder Island. Little Beach Island is one of the last surviving barrier beaches along the New Jersey coast. It protects an estuarine environment of unspoiled marsh islands, tidal streams, and potholes from coastal storms. The crescent-shaped island is approximately one-half mile wide and a little over 3 miles long, comprising over 160 acres.

The island consists of wave and wind-sorted fine yellow sand with shallow lenses of dark silt and protected coves. The island is gently-rolling upland with low dunes, beaches, and sand bars exposed to half-to-low tides forming an unspoiled estuarine habitat. The vegetative cover is typical barrier beach species grading from barren foredunes at the high tide line, starting with dune grass and grading to false heather, wild rose, poison ivy, bayberry, speckled alder, wild cherry, and aspen in the back dunes. A few low areas contain fresh water pockets with fresh-water type species of grasses, sedges, and flowering plants. The brush on Little Beach Island contains habitat for a rookery of black-crowned white herons and protection and food for warblers during their spectacular spring migration.

Egg Island, Elder Island, Salt Island, Pullen Island, and the unnamed islands are all emergent tidal marsh islands totalling about 4,090 acres, stretching north and south the length of Little Beach Island and westward nearly to the intra-coastal waterway. These marsh islands are firm, deep, dark colored silt, clay, and muck.

The entire area is a traditional nesting, migration, and wintering area for waterfowl, marsh birds, and shore birds. It is a major wintering ground for Atlantic brant and is one of the important wintering and migration areas for black ducks. The osprey, whose numbers have been decimated in recent years, nest in the solitude of the undisturbed habitat of Little Beach and Elder Islands. The nesting success of the rare and beautiful fishing hawk is materially benefitted by maintaining the solitude and isolation of their nesting areas.

Egg Island received its name from the concentrations of nesting terns and gulls which cover it. It is important as a nesting site for gulls for a radius of many miles. It offers outstanding opportunity for both extended serious study and casual observations alike.

The climate of the area is oceanic, subject to "northeasters" and, infrequently, the fringes of hurricanes. Average annual precipitation is 42 inches, including 14 inches melt from snowfall. Average annual temperature is 54°F, with a January average of 36° F and July-August average of 70–74° F.

No grazing occurs within the wilderness study area and the unit provides no monetary return in any form to the Federal Government or local jurisdictions. There are no records of any commercially valuable minerals within the area.

Some gravel mining has been done on the mainland portion of the refuge. No minerals have been reported within the study area and no records of systematic exploration. The only known deposits of gravel which have commercial value are located over four miles west of the wilderness area. There is no farming on the area. The marsh islands are all dominant salt marsh grasses with lesser densities of other grasses and sedges. No woody vegetation exists on the marsh islands, which average 2 feet mean sea level. The aquatic vegetation in these waters surrounding and within the proposed area consists principally of eelgrass and marine algae known as bay cabbage or sea lettuce. The Atlantic brant feeds on this vegetation.

Each year, about 600 goslings are produced by the refuge's Canada goose flock. These birds provide refuge visitors with many hours of viewing pleasure and supplement the fall migrant geese, increasing the local hunting opportunities. Most of the 4,000 ducks produced annually on the refuge occur in approximately 1,400 acres of fresh-water habitat. Predominant nesting species are the black duck, gadwall, blue-winged teal, and mallard. Up to 10 percent of the 350,000 black ducks of the Atlantic Flyway winter in the estuarine environment in and around the refuge. Grebes, herons, egrets, bitterns, rails, sandpipers, gulls, terns, skimmers, and plovers are some of the marsh, water, and shore birds common to the area, especially during the spring and fall migrations. Ten other species of hawks, eight species of owls, and the bald and golden eagles have also been observed on the refuge since 1939. The varied upland habitat of the refuge supports over 126 species of song birds throughout the year, including 20 species of warblers. The chickadee, hooded warbler, downy woodpecker, and the common house wren are indigent to the area. The upland habitat of the refuge supports a variety of small mammals and birds, including bob-white quail, ruffed grouse, cottontail rabbits, ring-necked pheasants, and woodcock.

The white-tailed deer herd of the refuge is estimated at 60 animals. Their habitat is confined to a narrow strip of upland, outside of the proposed wilderness area, where they continually move off and on the refuge. This exposes them to hunting pressure which helps to keep the herd in balance with the food supply of their restricted habitat. There is no public hunting of big game species allowed on the refuge proper. Other animals of the refuge include the mink, weasel, raccoon, skunk, red and grey fox, and opossum.

White perch, fluke, flounder, and blue crabs are plentiful in the tidal guts, streams, and bays throughout the area. Excellent surf fishing is found along the eastern beach of Little Beach Island. These species are caught by sport fishermen and also support a small commercial fishery. The diamond-back terrapin, once commercially caught to nearly extinction, abounds in the larger tidal streams and little bays. Clamming is a very enjoyable and popular sport participated in by the local residents.

There are no roads on the islands designated for wilderness. Unimproved foot trails exist and are used by nature enthusiasts conducting wildlife studies on the area.

Hunting of migratory waterfowl is allowed on the refuge and in the proposed wilderness area in accordance with State and Federal game laws.

III. ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

There would be no immediate or long-range change in the condition of the environment as a result of this proposal. Present

management of the proposed wilderness area is to preserve and manage the wetland environment for waterfowl, shore birds, and other wildlife as production, migration, and wintering habitat. The beneficial effects of such designation would contribute significantly to achieving the broad commitments within the potential of the refuge's natural, economic, and human resources. No management development practices will be necessary. Research programs started can be continued and new ones conducted that are compatible with the Wilderness Act. Management will be to protect and preserve the habitat as it now exists and to allow natural succession to proceed undisturbed by any activities of man. Further physical development of the islands will be halted. There will be no change in public use. Boats would still be permitted to travel the non-wilderness waterways and beach on the beaches. Fishermen will find no change in the assurance of permanent protection for the solitude and pristine beauty of the proposed area. A number of trespass trails from beach buggy-type vehicles mark some of the shoreline areas in the vicinity of the camp area, but with time these will soon disappear after all vehicles are removed from the island.

Wilderness designation will provide legislative assurance that natural ecological processes will continue to prevail and, therefore, that the area's wildlife, educational, and research values will be preserved for the enjoyment of all mankind in perpetuity.

Undesirable wildlife responses to the unspoiled condition of wilderness, such as overpopulation or disease, are not expected to present problems. Should events of this nature occur, there is latitude in wilderness management to cope with any foreseeable problem, and prolonged environmental damage would not be sustained. The area will continue to serve as an area of solitude of benefit to all forms of wildlife and to human visitors as well. To place the beneficial aspects of this proposed action in its proper perspective it should be remembered that this emergent complex of tidal marshes, beaches, and waters form an unspoiled estuarine habitat which is rapidly disappearing along the middle and north Atlantic Coast. There are no other locations for miles north or south, due to industrial and residential developments, water connected recreational activities, and pollution by effluents or noise, that could qualify as wilderness under present legislation.

There are no known adverse environmental effects anticipated as a result of this action. Designation of the area as wilderness would not be affected by outside developments. The minimal adverse impact would be the expected increase in the number of visitors to the area. A large increase in visitation could conceivably result in damage to the natural features of the area, disturbance to wildlife and create other problems which are common to large numbers of people. Since access to the islands is by boat, controlling the number of visitors would be a difficult task. To minimize the possible adverse effects, it conceivably could be necessary to establish some form of patrol to supervise visitor numbers and uses. Economic effects on the local economy would be neutral.

IV. ANY ADVERSE EFFECTS WHICH CANNOT BE AVOIDED SHOULD THE PROPOSAL BE IMPLEMENTED

Since wilderness designation is designed to protect and preserve natural environmental qualities, no adverse environmental effects are anticipated.

V. ALTERNATIVES TO THE PROPOSED ACTION

Alternatives to the proposal of wilderness designation would be:

(a) *Reject the proposal in its entirety and continue existing management as part of the National Wildlife Refuge System, and*

(b) *reduce the area of the proposal.*

Alternative A. There are no other potential wilderness sites within the immediate area which could be considered for such designation. The nearest area within the National Wildlife Refuge System would be at the Great Swamp National Wildlife Refuge, New Jersey, located some 150 miles to the north. It is considered that this Bureau would be evading its responsibilities under the Wilderness Act should this proposal not be made. Possible future development, pollution, and encroachment by man should certainly be considered as a potential hazard under this alternative.

Alternative B. Should the size of the proposed area be reduced, it would mean that the refuge would be limited in its achievement of the first of its objectives: "To preserve and manage the wetlands environment for waterfowl, shore birds, and other wildlife as production, migration, and wintering habitat." The entire 19,388-acre refuge was considered in the preliminary wilderness study, but only the 4,250-acre complex of associated marsh islands were found to meet requirements of the Wilderness Act.

A further reduction of the size of the area would increase the possibility of access roads on the upland portions of the islands, private development within refuge status limitations, and other uses incompatible with the natural area. The adjustment of boundaries could involve changes in the islands included in the proposal or establishing the boundary in a location other than on the line of mean high tide.

VI. RELATIONSHIPS BETWEEN SHORT-TERM USES AND LONG-TERM PRODUCTIVITY

The relationship between the local short-term use of the environment and the maintenance and enhancement of long-term productivity should not change. The area will still be open to hiking, photography, wildlife observation, hunting, fishing, nature study, and research. The habitat and climate will not change beyond that of natural succession; therefore, the wildlife species will remain the same. Wildnerness designation will mean that the area shall be protected from development, pollution, encroachment, and be preserved for public use as other areas disappear from the Atlantic seaboard.

VII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES WHICH WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

This wilderness proposal would commit all of the areas resources for preservation under wilderness classification until such time as the Congress might determine that the National interest would better be served by declassification of all or a portion of the area.

VIII. CONSULTATION AND COORDINATION WITH OTHERS

A. *Consultation and Coordination in the Development of the Proposal and in the Preparation of the Draft Environmental Statement.*

Informal coordination has been conducted with local civic groups and private conservation agencies of the area since the early stages of the Brigantine wilderness area proposal. Copies of the draft statement were made available at the public hearing on August 11, 1971, at which time a brochure describing the complete proposal was distributed and comments heard. This hearing was conducted prior to the submission of the proposal to the Secretary, approval of the Congress, and signature of the President.

B. *Coordination in the Review of the Draft Environmental Statement.*

To be developed.

By Mr. COOK:

S. 778. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs. Referred to the Committee on the Judiciary.

Mr. COOK. Mr. President, I am reintroducing today the Narcotic Addict Treatment Act which I initially introduced on July 26 of last year. Because of the rapid expansion of drug treatment programs in the United States, especially those utilizing methadone as a means of maintenance and detoxification of drug addicts, there is a great need for the development of additional safeguards to prevent the illicit diversion of those treatment drugs.

In 1968 there were less than 400 patients enrolled in methadone treatment programs nationwide; today there are well over 60,000. Likewise, in 1964, the production quota set by the Bureau of Narcotics and Dangerous Drugs for methadone was approximately 190 pounds; the production quota for 1972 was just over 5,700 pounds. Unfortunately, the opportunity for the diversion of these drugs and the abuse of their prescription now presents a serious medical and law enforcement problem.

The Narcotic Addict Treatment Act of 1973 which I am introducing today would address this ever-increasing problem primarily in two ways. First, in order for a practitioner to qualify to engage in the type of drug addict treatment for which registration is sought he must meet certain medical standards which will be promulgated by the Secretary of Health, Education, and Welfare pursuant to the authority granted to him by the Comprehensive Drug Abuse Prevention and Control Act of 1970. Second, the applicant for registration will be required to abide by standards promulgated by the Attorney General regarding the security of drug stocks.

These standards will pertain to: first, the physical receipt, storage, and movement of narcotic drugs; second, the number of dispensing areas utilized by a single program; and third, the training and credentials of personnel permitted to have access to, handle, or dispense medication. In addition, the Attorney General may require that records be kept and made available for inspection showing the full chain and receipt and distribution of narcotic drugs.

The goal to make medical treatment available to as many narcotic addicts as possible is certainly a laudable one but in order to make the treatment programs truly effective adequate controls must be established to prohibit illicit diversion. Therefore, I urge expedient action on this direly needed legislation.

In conclusion, Mr. President, I ask unanimous consent that a copy of the bill as well as a copy of my introductory remarks on July 26, 1972, be printed in the RECORD at this point.

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

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Narcotic Addict Treatment Act of 1973.

SEC. 2. Section 102 of the Controlled Substances Act, 84 Stat. 1242, 21 U.S.C. 802, is

amended by adding the following after paragraph (26):

"(27) The term 'maintenance treatment' means a method of treatment of narcotic addiction which involves the continuous furnishing of narcotic drugs to an addict for a period of time exceeding that which is necessary for detoxification treatment.

"(28) The term 'detoxification treatment' means a method of treatment of narcotic addiction which involves the furnishing of narcotic drugs to an addict for the purpose of alleviating pain and other adverse physiological effects incident to withdrawal from the habitual use of a narcotic drug, which does not include emergency treatment.

"(29) The term 'emergency treatment' means the administration of a narcotic drug to an addict when necessary to alleviate pain incident to withdrawal from a narcotic drug while arrangements are made for referral of the addict to a treatment program."

SEC. 3. Section 303 of the Controlled Substances Act, 84 Stat. 1253, 21 U.S.C. 823, is amended by adding the following after paragraph (f):

"(g) Practitioners who dispense or administer narcotic drugs in a treatment program for addicts shall obtain annually a separate registration for that purpose. The registration may be for maintenance treatment, detoxification treatment, or both. The Attorney General shall grant a registration under this subsection upon a showing that the applicant—

"(1) is qualified to engage in such treatment under standards set by the Secretary,

"(2) is prepared to comply with standards imposed by the Attorney General relating to the security of the narcotic drug stocks, the maintenance of records in accordance with section 307, and with the concurrence of the Secretary, the quantities of drugs which may be provided for unsupervised use."

SEC. 4. Section 304 of the Controlled Substances Act, 84 Stat. 1255, 21 U.S.C. 824, is amended by adding the following after paragraph (3) in subsection 304(a):

"(4) has failed to comply with standards imposed pursuant to section 303(g)."

SEC. 5. Section 307 of the Controlled Substances Act, 84 Stat. 1258, 21 U.S.C. 827, is amended by adding the following after the word "practice" in subsection (c)(1)(A):

"except in the treatment of narcotic addicts in accordance with registration under section 303(g), or in emergency treatment as defined in section 102(29), but in any case subject to this exception, disclosure and use of such records in any manner other than in an investigation of/or proceeding against a registrant shall be subject to the restrictions, criteria, and procedures of section 408 of the Drug Abuse Office and Treatment Act of 1972; or"

REMARKS BY SENATOR MARLOW W. COOK

Mr. President, I am pleased to introduce today, for the administration, the Narcotic Addict Treatment Act of 1972, a bill which will set up a legal basis for present and new narcotic treatment programs while simultaneously serving to eliminate diversions of narcotic drugs into the street traffic. In view of the importance of providing medical treatment to narcotic addicts and the increasing acceptance of treatment modalities which involve the continuous furnishing of narcotic drugs such as methadone, problems of safeguarding against diversion have become acute.

This legislation has become necessary as a result of an evolution in medical opinion. On April 6, 1972, the Food and Drug Administration published in the Federal Register a notice of its intention to permit the use of methadone for the maintenance treatment of narcotic addiction for all addicts for whom it is medically justified. Although entirely appropriate on the basis of medical opinion, this, nevertheless, underscores the need for additional legal controls against diversion. In order to strengthen the legal authority of the Department of Justice to protect against diversion, the separate registration of practitioners who utilize narcotic drugs in the treatment of addiction and the application of special drug security requirements is necessary.

The recent and extremely rapid expansion of drug treatment programs of this sort makes legislation along this line most urgent. In 1968 there were fewer than 400 patients enrolled in methadone treatment programs nationwide, today there are over 60,000. Similarly, in 1964 the production quota set by BNDD for methadone was some 190 pounds; the production quota for 1972 is just over 5,700 pounds. This represents an unprecedented development in medical practice. We have never previously had any appreciable number of patients receiving legitimate narcotic drugs on a daily basis. Unfortunately, the opportunity for the diversion of these drugs and the abuse of their prescription has increased proportionately and now presents a growing medical and law enforcement problem.

Of the nearly 79,000 narcotic addicts presently undergoing treatment for their addiction, over two-thirds of these patients are involved in methadone programs. What is disturbing is the increasing number of these addicts who are addicted to methadone itself. A recent study in Miami found that nearly 7% of the addicts then entering narcotics treatment programs tested positive only for methadone and that nearly 40% tested positive for methadone along with other narcotic drugs. Clearly then, methadone is a drug abused as frequently as any other narcotic and its potential for abuse is increasingly reflected in its expanding illicit traffic.

A recent report in New York City found that over 92% of the addicts surveyed had had an opportunity to purchase quantities of methadone illegally. In the first nine months of last year, the Bureau of Narcotics and Dangerous Drugs, through undercover agents, purchased or seized 138,181 dosages of the drug from various illicit sources. The principal sources of this diversion, however, seem to lie not with the manufacturer but at the point of the drug's legal distribution to the public.

Just last weekend, in Baltimore, two gallons of methadone were stolen from a clinic at gunpoint. The immediate result was one death and several hospitalizations from overdoses of the stolen drug. In 1971 methadone accounted for 170 of the 1,300 narcotic related deaths in New York City; for the first five months of 1972 the count has already reached 160. Here in Washington, where methadone accounted for 14% of the narcotic related deaths in 1971, it is responsible for nearly 40% of the recorded deaths this year. Surely this problem has reached sizable enough proportions that immediate legislative action and regulation is necessary.

Up until now the Bureau of Narcotics and Dangerous Drugs has required a separate registration for all maintenance programs but has lacked the authority to require this of detoxification programs. Currently the only authority for a separate registration is predicated on the research status of methadone treatment programs and such authority was never intended to apply to the massive treatment efforts now in progress. The statutory basis for the control of genuine research is necessarily inadequate for the regulation of well-defined clinical programs involving tens of thousands of persons being supplied with narcotic medication. The proposed expanded approval of methadone to the status of a new drug will make the inadequacies and loopholes in the Government's current ability to control its diversion even more apparent. Presently a physician can dispense methadone to patients, on a large scale or on a regular basis, without regulation under the premise that it is detoxification treatment. Once methadone is relisted as an approved new drug the Government will no longer have authority over treatment programs either. These facts are appreciated within concerned Government agencies and the proposal of these amendments has been purposely correlated with other administrative and regulatory measures to correct the situation.

Section 2 of the proposed amendments will add the definitions of three new terms to the Controlled Substances Act which are crucial in determining the applicability of the remaining provisions of this bill. The terms in question are "maintenance treatment", "detoxification treatment," and "emergency treatment", which, in the context of the treatment of narcotic addicts, have reasonably specific meanings within the national medical community. Such specific differentiation will also enable the Justice Department, in conjunction with HEW, to establish more specific and comprehensive regulatory authority over the handling of these narcotic drugs.

Section 3 will provide for a separate registration under the Controlled Substances Act, of those practitioners who wish to administer or dispense narcotic drugs to narcotic addicts in the course of treatment programs. The registration will be predicated on treatment standards set by the Secretary of Health, Education and Welfare and on standards prescribed by the Attorney General relating to specific matters which are of primary importance in limiting the diversion of narcotic drugs into illicit channels. The impact of these latter standards on the quality of medical services is also recognized, and the Attorney General is accordingly required to obtain the concurrence of the Secretary of Health, Education, and Welfare as to any standards he imposes regarding the quantities of narcotic drugs to be dispensed for unsupervised use. The requirement for special registration will not apply to practitioners who may have occasion to administer narcotic drugs in the course of emergency treatment to narcotic addicts since the necessity for such treatment cannot be anticipated in advance.

Section 4 provides for the denial, revocation, or suspension of the separate registration on the basis of standards promulgated under the preceding section. In any such case, the means of undertaking administrative action will be in accordance with existing provisions of the Controlled Substances Act.

Finally, section 5 amends the current bookkeeping requirements to require that practitioners who supply narcotic drugs to narcotic addicts for the treatment of their addiction in either of the designated circumstances, keep a record of drug administrations as is currently required for dispensations. This is an essential provision to enable the Justice Department personnel to conduct drug accountability audits. The circumstances in such cases are fundamentally different from those in which the general practitioner may occasionally administer narcotic drugs for analgesia to patients who are little tempted to divert them and who lack the capabiliy and knowledge for doing so. This provision has been intentionally drafted so as to insure that access to these records shall only be used in connection with investigations of or proceedings against a registrant thereby retaining the customary benefits of patient confidentiality.

In view of the desire to make medical treatment available to as many narcotic addicts as possible and to encourage the medical profession to meet the challenge of this difficult social problem, it is necessary to establish the basis for adequate controls as soon as possible. Therefore, I urge the enactment of this proposal at the earliest practicable time.

By Mr. SPARKMAN (for himself, Mr. ALLEN, Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. BIBLE, Mr. BIDEN, Mr. BROCK, Mr. BURDICK, Mr. CHILES, Mr. COOK, Mr. COTTON, Mr. DOLE, Mr. DOMINICK, Mr. GRAVEL, Mr. GRIFFIN, Mr. GURNEY, Mr. HART, Mr. HARTKE, Mr. HATHAWAY, Mr. HUGHES, Mr. HUMPHREY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. METCALF, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. NUNN, Mr. PERCY, Mr. PROXMIRE, Mr. RANDOLPH, Mr. SCOTT of Pennsylvania, Mr. STEVENS, Mr. STEVENSON, Mr. THURMOND, Mr. WILLIAMS, and Mr. YOUNG):

S. 780. A bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor. Referred to the Committee on the Judiciary.

CONSUMERS ARE HURT AS THE SMALL BUSINESS POPULATION GOES DOWN AND DOWN

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to amend the Clayton Act by adding a new section to prohibit sales below cost for the purpose of destroying competition or eliminating a competitor. This measure will help stem the terrible attrition of our small business population by striking at the predatory loss leader, one of the principal causes of that attrition.

I am proud to announce that 37 Senators have joined me as cosponsors of this measure. The bill is identical to S. 1457 of the 92d Congress, which had 33 Senators as cosponsors, and which received public hearings from the Senate Judiciary Subcommittee on Antitrust and Monopoly. It is my hope, and I shall strongly urge, that that distinguished subcommittee will report this bill to the full committee without further hearings, and that the full Committee on the Judiciary will promptly report it to the Senate. In opinion, the case for this legislation has been made and the Senate should now be given the earliest possible opportunity to vote upon it.

The major purpose of this bill is to give small business concerns a means of protecting themselves against certain types of predatory pricing practices.

Those practices are loss-leader selling below cost for the purpose of eliminating a competitor. These are practices which are against the interests not only of small business but of the consumer. Furthermore, these practices are now illegal under one or a combination of three existing statutes. The purpose of my bill is simply to make sure that the practices, when employed for motives already criminal under existing law, can be enforced directly, through private treble-damage and injunctive relief actions, by the "policemen" most interested in having them enforced: the small businesses that are injured.

EXISTING LAW

The three laws now on the books which can be employed against loss-leader and below-cost selling, under some circumstances, are:

First, section 2 of the Sherman Act, which outlaws "attempts to monopolize;"

Second, section 2 of the Clayton Act, as amended by the Robinson-Patman Act, which outlaws various forms of price discrimination; and

Third, section 3 of the Robinson-Patman Act, which outlaws sales "at unreasonably low prices for the purpose of destroying competition or eliminating a competitor."

Infractions of the first of these, section 2 of the Sherman Act, can be attacked by the Justice Department in either a civil or criminal action, or both; by the Federal Trade Commission—which regards all Sherman Act violations as automatic breaches of its own statute, the Federal Trade Commission Act, section 5; and by civil actions brought by private parties injurel by the violations.

Infractions of section 2 of the Clayton Act can be attacked by the Justice Department in a civil but not a criminal action, by the Federal Trade Commission, and by injured private parties.

Infractions of section 3 of the Robinson-Patman Act are now subject to attack only by the Justice Department, as crimes.

ROBINSON-PATMAN ACT BACKGROUND

It was not always so. Between 1936, the year the Robinson-Patman Act was passed, and 1958, some 50 private businessmen filed civil actions against those who had injured them by violating the "sales at unreasonably low prices" ban of section 3. While some Federal courts refused to allow the suits, enough others did allow them to make private business, by 1955, the most important enforcers of section 3. Some of the cases are collected in Rowe, "Price Discrimination Under the Robinson-Patman Act," page 469, footnotes 97 and 99.

Then, in 1958, civil enforcement of section 3 came to an end. That year, in the companion cases of *Nashville Milk Co. v. Carnation Co.*, 355 U.S. 373, and *Safeway Stores, Inc. v. Vance*, 355 U.S. 389, the Supreme Court entered 5–4 decisions holding that section 3 of the Robinson-Patman Act was not a part of the antitrust laws and therefore not subject to enforcement by civil actions filed by persons injured in their business by violation of its provisions.

ATTEMPTS TO OVERTURN CASES BY LEGISLATION

The Court's interpretation of congressional intent was a severe blow to this country's small business community, for it is well recognized that private civil actions are the principal vitalizing force of the Nation's policy against monopoly. Three days after the decision came down, I introduced a bill to make section 3, by express enactment, a part of the antitrust laws and thus subject to civil enforcement.

Over the years, that bill and its successors have had much attention but none has made significant progress down the tortuous legislative path to enactment. Those who see themselves as prospective defendants under the proposed new law have had more persuasive power and influence with the Judiciary Committee than those who see themselves as prospective plaintiffs.

In my judgment, this is unfortunate. I think the perils and pitfalls of providing for civil enforcement of the statutory ban on predatory pricing have been vastly overrated and the advantages overlooked.

DREADFUL TOLL OF SMALL BUSINESSES

The difficult situation of small business concerns in industries in which predatory pricing is a way of life continues, meanwhile, unabated, and a dreadful toll has been taken. There are today, for example, only about a tenth as many independent dairies and independent bakers in existence as there were at the end of World War II.

Last year, in my testimony in support of this legislation, I invited the attention of the Antitrust and Monopoly Subcommittee to a publication sponsored by itself, part 1 of the 1967 Census Bureau pamphlet entitled "Concentration Ratios in Manufacturing," which is one of the many component parts of the 1967 Census of Manufactures.

I asked the subcommittee to look at what has been happening in some of the industries whose representatives have been begging the Congress for legislation of the type then under consideration and reintroduced today.

Here is a brief excerpt from my testimony:

One of the most earnest petitioners for the relief that this bill would provide has been Mr. Lynn Paulson, representing independent dairies. Do the Census data support his claim that small business in his industry need help? I would say they do.

In 1958, the year those two unfortunate Court decisions were made, there were 997 companies, nationwide, engaged in industry No. 2021, Creamery Butter. In 1967, the number of companies in that industry was 510. The share of the total shipments of that industry accounted for by the top 50 companies increased from 45 to 60 percent in the same period, and the share of the top 4 companies increased from 11 to 15 percent.

In industry No. 2024, Ice Cream and Frozen Desserts, while the total value of shipments was growing from $878 million to over $1 billion between 1958 and 1967, the number of companies in the industry dropped from 1,171 to 713, and the share of the top 50 companies climbed from 69 to 73 percent.

Look at industry No. 2026, Fluid Milk. In 1958 there were 5,008 companies sharing over $5.8 billion worth of shipments, the share of the top 50 companies being 45 percent. By 1967 the value of shipments had increased to $7.8 billion (plus), but the number of companies had dropped to 2,998, and the share of the top 50 companies had increased to 51 percent.

Or look at industry no. 2051, Bread, Cake and Related Products. The Subcommittee is hearing this year from bakers, too, I understand. Do they have any real cause for concern? From the Census data, I would say that they do. In 1958 there were 5,305 companies accounting for shipments valued at about $3.7 billion in this industry. In 1967 the value of shipments was up to more than $5.1 billion, but the number of companies was down to 3,445. The share of the top 50 firms increased from 51 to 58 percent in the period, and the share of the top 4 firms from 22 to 26 percent.

The developments in many local markets are even worse than these aggregate national data would suggest.

The picture is not this bad throughout manufacturing, of course; the scene in Major Group 20, Food and Kindred Products, is certainly one of the worst. But a quick count of all the 230 different manufacturing industries for which both 1958 and 1967 comparable data are presented . . . reveals that the business population declined in 131 of them—well over half.

Mr. President, when the comparable data from the 1972 Census of Manufac-

tures become available, some months or years from now, I predict that these alarming trends will be shown to have continued and even accelerated in the years between 1967 and 1972. They are continuing at this moment.

SIMILARITIES AND DIFFERENCES IN BILLS

As I have already noted, the bill introduced today is identical to S. 1457 of the 92d Congress. That bill, in turn, resembled S. 1494, 91st Congress, in that both bills had, and have, as their main purpose the express authorization of civil actions to be filed by those injured by predatory pricing against those who practice such pricing. Both bills are aimed at the loss leader and below-cost selling. Both bills would allow the plaintiff to seek and, if successful, obtain treble damages, injunctive relief, or both. There the similarities end.

S. 1494 would have repealed section 3 of the Robinson-Patman Act and reenacted as a new section 3A of the Clayton Act one provision of section 3: the ban on sales "at unreasonably low prices for the purpose of destroying competition or eliminating a competitor." The present bill does not repeal section 3, and hence leaves alive the little-used criminal sanctions it contains.

S. 1494 used the section 3 language just quoted to describe the prohibited conduct. The new bill uses different and more specific language. It prohibits sales "below cost for the purpose of destroying competition or eliminating a competitor."

A ground for objection to S. 1494 was that the language "unreasonably low prices," was allegedly too vague. The new bill meets that objection by stating exactly what kind of prices are prohibited, namely, those that are "below cost." The term "below cost" is defined in language borrowed substantially verbatim from the opinion of the Eighth Circuit Court of Appeals in the leading case involving enforcement of section 3 of the Robinson-Patman Act as a criminal statute, *National Dairy Products Corporation* v. *United States*, 350 F. 2d 321, 329, (1965).

As that case makes clear, however, mere proof of sales below cost will not alone suffice to establish liability by a defendant to a plaintiff: there must also be proof of the predatory intent, the "purpose" to destroy competition or eliminate a competitor.

As the law stands now, we have this anomaly: below-cost selling with predatory intent is a Federal crime, for which the offender can be fined or even imprisoned, if the Justice Department elects to prosecute and a court convicts. But the person injured by the crime, the businessman destroyed in his livelihood, is given no remedy. He cannot sue the offender either for damages or injunction. The bill introduced today would end the anomaly. It would give the small businessman the right to sue his predatory competitor, and if he could prove below-cost selling and prove the "purpose" of that pricing was destruction of competition or a competitor, he could obtain an injunction and treble damages. This bill will restore force and meaning to an important part of the Nation's anti-monopoly law.

The forces pushing us toward concentration in industry after industry in our economy are very great. Some of them may be unavoidable; but one such force, the occasional practice of deliberate predatory pricing with the express purpose of destroying competition, is not in that class. It can and should be checked; yet it is not feasible or even, perhaps, desirable for the Justice Department to initiate a criminal prosecution every time the existing law against such pricing is broken. Unleashing the power of private civil enforcement will bring vitality to an important part of our national policy against economic concentration and monopoly power. To that end, this bill is dedicated.

By Mr. TUNNEY (for himself and Mr. GURNEY):

S. 782. A bill to amend the antitrust laws of the United States, and for other purposes. Referred to the Committee on the Judiciary.

THE ANTITRUST PROCEDURES AND PENALTIES ACT

Mr. TUNNEY. Mr. President, on behalf of the distinguished Senator from Florida (Mr. GURNEY) and myself, I am pleased to introduce S. 782, the Antitrust Procedures and Penalties Act. Senator GURNEY and I introduced this legislation last session, as S. 4014, but it was introduced so late in the session that it was impractical for the Antitrust and Monopoly Legislation Subcommittee to hold hearings on it.

Accordingly we are introducing the legislation early in this session with a view toward hearings which will be held on March 14, 15, and 16, 1973.

Because I described the legislation fully when we introduced it on September 21, 1972, I ask unanimous consent that, in lieu of an additional statement at this time, a copy of the bill, a section-by-section analysis, and my introductory remarks of last September, be printed at this point in the RECORD.

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

S. 782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Antitrust Procedures and Penalties Act."

CONSENT DECREE PROCEDURES

SEC. 2. Section 5 of the Act entitled "An Act to Supplement Existing Laws Against Unlawful Restraints and Monopolies, and for Other Purposes", approved October 15, 1914 (38 Stat. 730; 15 U.S.C. 16) is amended by redesignating subsection (b) as (h) and by inserting after subsection (a) the following:

"(b) Any consent judgment proposed by the United States for entry in any civil or criminal proceeding brought by or on behalf of the United States under the antitrust laws shall be filed with the district court before which that proceeding is pending and published in the Federal Register at least 60 days prior to the effective date of such decree. Simultaneously with the filing of the proposed consent judgment, unless otherwise instructed by the court, the United States shall file with the district court, cause to be published in the Federal Register and thereafter furnish to any person upon request a public impact statement which shall recite:

"(1) the nature and purpose of the proceeding;

"(2) a description of the practices or events giving rise to the alleged violation of the antitrust laws;

"(3) an explanation of the proposed judgment, relief to be obtained thereby, and the anticipated effects on competition of that relief, including an explanation of any unusual circumstances giving rise to the proposed judgment or any provision contained therein;

"(4) the remedies available to potential private plaintiffs damaged by the alleged violation in the event that the proposed judgment is entered;

"(5) a description of the procedures available for modification of the proposed judgment;

"(6) a description and evaluation of alternatives to the proposed judgment and the anticipated effects on competition of such alternatives.

"(c) During the 60-day period provided above, and such additional time as the United States may request and the court may grant, the United States shall receive and consider any written comments relating to the proposed consent judgment. The Attorney General or his designate shall establish procedures to carry out the provisions of this subsection, but the 60-day time period set forth herein shall not be shortened except by order of the district court upon a showing that extraordinary circumstances require such shortening and that such shortenings of the time period is not adverse to the public interest. At the close of the period during which such comments may be received, the United States shall file with the district court and cause to be published in the Federal Register a response to such comments.

"(d) Before entering any consent judgment proposed by the United States under this section, the court shall determine that entry of that judgment is in the public interest. For the purpose of this determination, the court shall consider:

"(1) the public impact of the judgment, including termination of alleged violation, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies, and any other considerations bearing upon the adequacy the judgment;

"(2) the public impact of entry of the judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint, including consideration of the public benefit to be derived from a determination of the issues at trial.

"(e) In making its determination under subsection (d), the court may—

"(1) take testimony of Government officials or experts or such other expert witnesses, upon motion of any party or participants or upon its own motion, as the court may deem appropriate;

"(2) appoint a special master, pursuant to rule 53 of the Federal Rules of Civil Procedure, and such outside consultants or expert witnesses as the court may deem appropriate; and request and obtain the views, evaluations, or advice of any individual group or agency of government with respect to any aspect of the proposed judgment of the effect thereof in such manner as the court deems appropriate;

"(3) authorize full or limited participation in proceedings before the court by interested persons or agencies, including appearance amicus curiae, intervention as a party pursuant to rule 24 of the Federal Rules of Civil Procedure, examination of witnesses or documentary materials, or participation in any other manner and extent which serves the public interest as the court may deem appropriate;

"(4) review any comments or objections

concerning the proposed judgment filed with the United States under subsection (c) and the response of the United States to such comments or objections;

"(5) take such other action in the public interest as the court may deem appropriate.

"(f) Not later than 10 days following the filing of any proposed consent judgment under subsection (b), each defendant shall file with the district court a description of any and all written or oral communications by or on behalf of such defendant, including any officer, director, employee, or agent thereof, or other person except counsel of record, with any officer or employee of the United States concerning or relevant to the proposed consent judgment.

Prior to the entry of any consent judgment pursuant to the antitrust laws, each defendant shall certify to the district court that the requirements of this section have been complied with and that such filing is a true and complete description of such communications.

"(g) Proceedings before the district court under subsections (d) and (e), and public impact statements filed under subsection (b) hereof, shall not be admissible against any defendant in any action or proceeding brought by any other party against such defendant under the antitrust laws or by the United States under section 4A of this Act nor constitute a basis for the introduction of the consent judgment as prima facie evidence against such defendant in any such action or proceeding."

PENALTIES

SEC. 3. Sections 1, 2, and 3 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (26 Stat. 209; 15 U.S.C. 1, 2, and 3) are each amended by striking out "fifty thousand dollars" and inserting "five hundred thousand dollars if a corporation, or, if any other person, one hundred thousand dollars."

EXPEDITING ACT REVISIONS

SEC. 4. Section 1 of the Act of February 11, 1903 (32 Stat. 823), as amended (15 U.S.C. 28; 49 U.S.C. 44), commonly known as the Expediting Act, is amended to read as follows:

"SECTION 1. In any civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, wherein the United States is plaintiff and equitable relief is sought, the Attorney General may file with the court, prior to the entry of final judgment, a certificate that, in his opinion, the case is of a general public importance. Upon filing of such certificate, it shall be the duty of the judge designated to hear and determine the case, or the chief judge of the district court if no judge has as yet been designated, to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

SEC. 5. Section 2 of that Act (15 U.S.C. 29; 49 U.S.C. 45) is amended to read as follows:

"(a) Except as otherwise expressly provided by this section, in every civil action brought in any district court of the United States under the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890, or any other Acts having like purpose that have been or hereafter may be enacted, in which the United States is the complainant and equitable relief is sought, any appeal from a final judgment entered in any such action shall be taken to the court of appeals pursuant to section 1291 and 2107 of title 28 of the United States Code. Any appeal from an interlocutory order entered in any such action shall be taken to the court of appeals pursuant to sections 1292(a) (1) and 2107 of title 28 of the United States Code but not otherwise. Any judgment entered by the court of appeals in any such action shall be subject to review by the Supreme Court upon a writ of certiorari as provided in section 1254(1) of title 28 of the United States Code.

"(b) An appeal from a final judgment pursuant to subsection (a) shall lie directly to the Supreme Court if:

"(1) upon application of a party filed within five days of the filing of a notice of appeal, the district judge who adjudicated the case enters an order stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice; or

"(2) the Attorney General files in the district court a certificate stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice; or

"(3) the district judge who adjudicated the case, sua sponte, enters an order stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice."

A court order pursuant to (1) or (3) or a certificate pursuant, to (2) must be filed within fifteen days after the filing of a notice of appeal. When such an order or certificate is filed, the appeal and any cross appeal shall be docketed in the time and manner prescribed by the rules of the Supreme Court. That Court shall thereupon either (1) dispose of the appeal and any cross appeal in the same manner as any other direct appeal authorized by law, or (2) in its discretion, deny the direct appeal and remand the case to the court of appeals, which shall then have jurisdiction to hear and determine the same as if the appeal and any cross appeal therein had been docketed in the court of appeals in the first instance pursuant to subsection (a)."

SEC. 6. (a) Section 401 (d) of the Communications Act of 1934 (47 U.S.C. 401(d)) is repealed.

(b) The proviso in section 3 of the Act of February 19, 1903, as amended (32 Stat. 848, 849; 49 U.S.C. 43), is repealed and the colon preceding it is changed to a period.

SEC. 7. The amendment made by section 2 of this Act shall not apply to an action in which a notice of appeal to the Supreme Court has been filed on or before the fifteenth day following the date of enactment of this Act. Appeal in any such action shall be taken pursuant to the provisions of section 2 of the Act of February 11, 1903 (32 Stat. 823), as amended (15 U.S.C. 29; 49 U.S.C. 45) which were in effect on the day preceding the date of enactment of this Act.

ANTITRUST PROCEDURES AND PENALTIES ACT—SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title

The Act may be cited as "The Antitrust Procedures and Penalties Act."

Sec. 2 Consent Decree Procedures

Section 2 adds a series of new subsections to Section 5 of the Clayton Act (15 USC § 16) to establish procedures governing the filing and entry of a consent judgment settling a civil antitrust suit by the United States. These new subsections, numbered "(b)-(g)" are inserted after the present subsection "(a)" in Section 5 of the Clayton Act.

SUBSECTION (B)—PUBLIC IMPACT STATEMENT

This subsection provides that any consent decree proposed by the United States must be filed with the court in which the case is pending and simultaneously published in the Federal Register at least 50 days prior to the effective date of the decree. In addition the Government must file a "public impact statement" containing the following:

(1) the nature and purpose of the proceeding;

(2) a description of the practices or events giving rise to the alleged violation of the antitrust laws;

(3) an explanation of the proposed judgment, the relief to be obtained thereby, the anticipated effects on competition of that relief and an explanation of any special circumstances giving rise to the proposed judgment or any provision contained therein.

(4) the remedies available to potential private plantiffs damaged by the alleged violation in the event that the judgment is entered;

(5) a description of the procedures available for modification of the judgment;

(6) a description and evaluation of alternatives to the proposed judgment and the anticipated effects on competition of such alternatives.

The public impact statement required by this subsection is analogous to the environmental impact statement presently required from governmental agencies by the National Environmental Policy Act.

SUBSECTION (C)—PROCEDURES FOR PUBLIC COMMENT AND DEPARTMENTAL RESPONSE

This subsection lengthens the present 30 day public comment period to 60 days. It also provides that the sixty day period may be shortened by order of court but only upon a showing that extraordinary circumstances require it and that such a shortened time period would not be adverse to the public interest.

An additional requirement contained in this subsection is a filing by the Justice Department of a formal response to comments submitted to it pursuant to this provision. This requirement has two purposes: first, to give some assurance that public comments will in fact be considered by the Department when received; and second, to provide additional data to the district court in making its decision whether to enter the decree.

SUBSECTION (D)—ENTRY OF THE DECREE

This subsection establishes the general criteria by which the court should determine whether to enter a particular decree.

The mandate is phrased first in general terms: Before entering any consent judgment, the court shall determine that entry of that judgment is in the public interest.

In addition, however, and as an aid to the court in making its independent judgment, the bill provides a number of more detailed criteria for determination of the public's interest. Those criteria are as follows:

(1) the public impact of the judgment, including termination of alleged violation, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies, and any other considerations bearing upon the adequacy of the judgment; and

(2) the public impact of entry of the judgment upon the public generally and persons alleging specific injury from the violations set forth in the complaint; including consideration of the public benefit to be derived from a determination of the issues at trial.

SUBSECTION (E)—PROCEDURES AVAILABLE TO THE COURT

This subsection adds a series of discretionary procedural devices to assist the court in making the determination of public interest required by the Act. Those procedures are as follows:

(1) take testimony of Government officials or experts or such other expert witnesses, upon motion of any party or participant or upon its own motion, as the court may deem appropriate;

(2) appoint a special master, pursuant to Rule 53 of the Federal Rules of Civil Procedure, and such outside consultants or expert witnesses as the court may deem appropriate; and request and obtain the views, evaluations, or advice of any individual, group or agency of government with respect

to any aspect of the proposed judgment or the effect thereof in such manner as the court deems appropriate;

(3) authorize full or limited participation in proceedings before the court by interested persons or agencies; including appearance amicus curiae, intervention as a party pursuant to Rule 24 of the Federal Rules of Civil Procedure, examination of witnesses or documentary materials, or participation in any other manner and extent which serves the public interest as the court may deem appropriate;

(4) review any comments or objections concerning the proposed decree filed with the United States under subsection (c) and the response of the United States to such comments or objections;

(5) take such other action in the public interest as the court may deem appropriate.

SUBSECTION (F)—RECORD OF LOBBYING ACTIVITIES

This subsection provides that not later than 10 days following the filing of any proposed consent judgment as required by the bill each defendant must file with the district court a description of any and all written or oral communications by or on behalf of the defendant with any officer or employee of the United States concerning or relevant to the consent judgment or the subject matter thereof. Included under this provision are contacts on behalf of a defendant by any of its officers, directors, employees or agents, or any other person acting on behalf of the defendant, with any federal official or employee. Thus, for example, the provision would include contacts with Members of Congress or staff, Cabinet officials, staff members of executive departments and White House staff.

The only exception is a limited exception for attorneys representing the defendant who are of record in the judicial proceeding. The exception is designed so as to avoid interference with legitimate settlement negotiations between attorneys representing a defendant and Justice Department attorneys handling the litigation. However, the provision is not intended as a loophole for extensive lobbying activities by a horde of "counsel of record."

In addition, the subsection requires that prior to entry of the consent judgment by the court, each defendant must certify to the court that the requirements of the section have been complied with and that the filing is a true and complete description of all such contracts or communications.

SUBSECTION (G)—PRIMA FACIE EFFECT

A final provision in the consent decree procedures retains the provision presently contained in Section 5 of the Clayton Act which prevents use of a consent decree in any way in subsequent litigation as prima facie evidence of violation. A new subsection (g) would be added which provides that proceedings before the district court in connection with the decree pursuant to this Act and public impact statements filed pursuant to the act are not admissible against any defendant in any action or proceeding brought by any other party against that defendent under the antitrust laws or by the United States under Section 4A of the Clayton Act, nor constitute a basis for introduction of the decree as prima facie evidence against such defendant in any such action or proceeding.

The basic reason for including this provision is to preserve the consent decree as a substantial enforcement tool by declining to give it prima facie effect as a matter of law.

SECTION 3. CRIMINAL PENALTIES

This section increases the penalties for criminal violations of the antitrust laws from $50,000 to $100,000 for individuals and $500,000 for corporations.

SECTION 4–7. EXPEDITING ACT REVISIONS

These sections incorporate revisions of the Expediting Act which previously passed both House and Senate in the 91st Congress. They provide for intermediate appellate review of antitrust cases, with direct appeal to the Supreme Court retained for cases of general public importance. In addition, the present uncertainty regarding the opportunity for appeal by the Government from a denial of a preliminary injunction by a district court is resolved by allowing such appeals.

REMARKS BY MR. TUNNEY

Mr. President, we have learned a great deal about the importance of the Nation's antitrust laws in recent months and in particular about the manner in which they are administered. Two recent books, Morton Mintz and Jerry Cohen's "America, Inc." and the Ralph Nader study group's "The Closed Enterprise System," have focused with remarkable clarity upon the impact of economic concentration on the everyday lives of American citizens.

Combined with the Judiciary Committee's recent hearings, these events have crystalized the rather vague concept of antitrust into a very tangible reality.

Perhaps for the first time since the now famous electric company price-fixing cases in the 1950's, public attention has been focused in a very direct and emphatic way upon the administration of the Nation's antitrust laws. Concern has been renewed about the standards and the safeguards which apply when the stakes are high.

That concern is not limited to any one party or one administration. Confidence in the process by which public decisions are made is an issue in which every public official has very immediate investment. Moreover, it is an investment which must be shared with every member of the electorate. The disaffection which an increasing number of Americans have come to feel for their Government poses the gravest of threats to the delicate balance by which we all consent to be governed.

The problem is especially acute where the issue is antitrust because the stakes are high. Antitirust cases often carry with them profound implications not only for the particular defendants but for the millions of voiceless consumers with whom they deal. The decision to settle a case, and the components of that settlement, may affect the price, the quantity, and the quality of the most basic commodities. The elimination of several independent bakeries or dairies in a metropolitan area, for example, may have a very direct effect upon the cost of bread and milk to millions of families. Or the commodity might be drugs: For example, between 1953 and 1961, 100 tablets of the antibiotic tetracycline retailed for about $51. Ten years later, after exposure of an illegal conspiracy which had set prices, the same quantity was approximately $5, a 90-percent decrease.

In short, enforcement of the antitrust laws may have a very profound effect on the lives of every citizen of this country.

But beyond the economic effect, there is a political effect. Increasing concentration of economic power, such as has occurred in the flood of conglomerate mergers, carries with it a very tangible threat of concentration of political power. Put simply, the bigger the company, the greater the leverage it has in Washington. Bigness may not be bad in itself, but it carries with it a wide range of implications and consequences that must be examined very carefully.

We are not yet a corporate state but we may wish to decide whether we want to be before it happens by default.

All of these considerations point to the fact that the public has a direct and vital interest in effective enforcement of the antitrust laws, particularly in the process by which antitrust cases are resolved.

For these reasons I am today introducing S. 4014, the Antitrust Procedures and Penalties Act. I am pleased and honored to have my distinguished colleague on the Antitrust and Monopoly Subcommittee, Mr. GURNEY, join me as a prime sponsor.

The bill which we are introducing today has three basic provisions. The first establishes a reasonable but specific set of standards and guidelines to govern the process by which antitrust suits may be settled and consent judgments entered. The second increases the penalties for criminal violations of the antitrust statutes. Finally, a third provision revises the Expediting Act to improve the process of appellate review of antitrust cases, and in particular to authorize the United States appeal from the denial of a preliminary injunction at the trial court level.

I. CONSENT DECREE PROCEDURES

By the most recent figures available, over 80 percent of the civil antitrust suits brought by the Justice Department and disposed of through consent decrees—voluntary settlements negotiated between defendants and the Government and adopted by the court prior to trial. Essentially the decree is a device by which the defendant, while refusing to admit guilt, agrees to modify its conduct and in some cases to accept certain remedies designed to correct the violation asserted by the Government.

The consent decree has a number of major public consequences, however. First, it means that the substantial resources of the Justice Department will be removed from the effort to establish that the antitrust laws were violated. Because consent decrees by statute carry with them no prima facie effect as an admission of guilt, private parties who may have been damaged by the alleged violations are left to their own resources in their efforts to recover damages. As a practical matter because of the protracted nature of antitrust litigation, and the deep pockets of many corporate defendants, few private plaintiffs are able to sustain a case in the absence of parallel litigation by the Justice Department.

In addition, however, the consequences to the public of the provisions contained in the decree itself may be of major significance. Depending upon the skill of the Justice Department's attorneys and opposing counsel, and the relative leverage which they can bring to bear, a bad or inadequate consent decree may as a practical matter foreclose further review of a defendant's practices both inside and outside the scope of the decree.

Similarly, where the decree establishes guidelines for future conduct, the enforcement and modification of those guidelines takes on even more importance.

Finally, the public's interest in deterrence of future antitrust violations by the defendant and by other potential defendants may be affected profoundly by the willingness of the Justice Department to settle cases and the price exacted for such settlements.

None of these points implies that settlement of an antitrust case should necessarily be discouraged. There is in fact little question that consent decrees have been a particularly valuable enforcement tool.

But because of the frequency of their use, because of the importance a particular decree may have, and because of importance of public confidence in the manner a decree is arrived at, I believe we must provide specific standards and procedures to assure that the decision to settle and the settlement itself are in fact in the public interest.

A. PUBLIC IMPACT STATEMENT

Section 2 of the bill adds a new subsection (b) to section 5 of the Clayton Act (15 U.S.C. S. 16). This new subsection provides

that any consent decree proposed by the United States must be filed with the court in which the case is pending and simultaneously published in the Federal Register at least 60 days prior to the effective date of the decree. In addition, the Government must file a public impact statement" containing the following:

First, the nature and purpose of the proceeding;

Second, a description of the practices or events giving rise to the alleged violation of the antitrust laws;

Third, an explanation of the proposed judgment, relief to be obtained thereby, and the anticipated effects on competition of that relief, including an explanation of any unusual circumstances giving rise to the proposed judgment or any provision contained therein;

Fourth, the remedies available to potential private plaintiffs damaged by the alleged violation in the event that the proposed judgment is entered;

Fifth, a description of the procedures available for modification of the proposed judgment;

Sixth, a description and evaluation of alternatives to the proposed judgment and the anticipated effects on competition of such alternatives.

Each of these items is relatively self-explanatory. In sum, they have a dual purpose: first, they explain to the public particularly those members of the public with a direct interest in the proceeding, the basic data about the decree to enable such persons to understand what is happening and make informed comments of objections to the proposed decree during the 60-day period. Second, the items listed in the subsection will serve to focus additional attention by both sides during settlement negotiations upon the factors which should be considered in formulating a decree.

The requirements of this provision are departures from the current practice of the Antitrust Division, but are not necessarily burdensome ones. At present, proposed consent decrees are filed with the court 30 days before they are to be entered. Typically the Department issues a brief press release recounting the fact of the filing of the decree and in some cases giving some additional but limited information about the litigation. Following the 30-day period during which public documents are received—but rarely solicited—the decree is entered by the court.

This new subsection lengthens the comment period to 60 days and provides for circulation of both the decree and an analysis of its public impact by publication in the Federal Register. In addition, an affirmative duty is placed upon the Department to provide copies of both upon request.

The public impact statement required by this section is analogous to the environmental impact statement presently required from governmental agencies by the National Environmental Protection Act. It is therefore not without precedent but rather reflects a continuing concern on the part of the Congress to assure that decisions having a major public impact be arrived at through procedures which take account of that impact.

In addition, the public impact statement will serve as the basis for vastly improving the quality of comments filed in response to the decree. In so doing, it may render more meaningful the period for public comment which exists in shorter form under present procedure. Given the enormous amount of time and resources devoted to the prosecution of most antitrust suits, it is both logical and necessary that the end result be as carefully considered as possible.

The significance of this latter point should not be overlooked. Regardless of the ability and negotiating skill of the Government's attorneys, they are neither omniscient nor infallible. The increasing expertise of so-called public interest advocates and for that matter the more immediate concern of a defendant's competitors, employees, or antitrust victims may well serve to provide additional data, analysis, or alternatives which could improve the outcome.

B. PROCEDURES FOR PUBLIC COMMENT AND DEPARTMENTAL RESPONSE

As explained above, the bill would lengthen the present 30-day public comment period to 60 days. A new subsection (c) would be added to section 5 of the Clayton Act which would require the Attorney General or his designee to establish procedures to carry out the provision for public comment on the decree. The bill also provides that the 60-day period may be shortened by order of court but only upon a showing that extraordinary circumstances require it and that such a shortened time period would not be adverse to the public interest.

An additional requirement contained in this subsection is the filing by the Justice Department of a formal response to comments submitted to it pursuant to this provision. This requirement has two purposes: First, to give some assurance that public comments will in fact be considered by the Department when received; and second, to provide additional data to the district court in making its decision whether to enter the decree.

This latter point is particularly important because of the historically limited role which the courts have played in scrutinizing consent decrees. Before a court can be expected to exercise an independent judgment with respect to the merits of a particular decree, it must have adequate information available to it.

The public impact statement required by the bill, and the departmental response to public comments, can provide significant contributions toward the adequacy of the data available to the court.

C. ENTRY OF THE DECREE

A new subsection (d) which the bill would add to section 5 of the Clayton Act establishes the general criteria by which the court should determine whether to enter a particular decree.

The mandate is phrased first in general terms: Before entering any consent judgment, the court shall determine that entry of that judgment is in the public interest.

The mandate is a highly significant one because it states as a matter of law that the role of the district court in a consent decree proceeding is an independent one. The court is not to operate simply as a rubber stamp, placing an imprimature upon whatever is placed before it by the parties. Rather it has an independent duty to assure itself that entry of the decree will serve the interests of the public generally.

Though this may seem a truism to some, too often in the past district courts have viewed their rules as simply ministerial in nature—leaving to the Justice Department the role of determining the adequacy of the judgment from the public's view. While in most cases that judgment may be a reasonable one, there may well be occasions when it is not. Furthermore, the submission of the proposed decree to the court and its subsequent embodiment in a judgment lends a permanence that endures long after the passing of a particular administration of the Department.

For all of these reasons, the mandate placed upon the court by this section, even though a general one, carries with it a major significance.

In addition, however, and as an aid to the court in making its independent judgment, the bill provides a number of more detailed criteria for determination of the public's interest. Those criteria are as follows:

First, the public impact of the judgment, including termination of alleged violation, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies, and any other considerations bearing upon the adequacy of the judgment;

Second, the public impact of entry of the judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaints including consideration of the public benefit to be derived from a determination of the issues at trial.

The thrust of those criteria is to demand that the court consider both the narrow and the broad impacts of the decree. Thus, in addition to weighing the merits of the decree from the viewpoint of the relief obtained thereby and its adequacy, the court is directed to give consideration to the relative merits of other alternatives and specifically to the effect of entry of the decree upon private parties aggrieved by the alleged violations and upon the enforcement of the antitrust laws generally.

These latter two points merit some additional explanation. First, as is well known by the antitrust bar, in the vast majority of cases, the Government is the only plaintiff with resources adequate to the task of protracted antitrust litigation. Thus, a major effort of defense counsel in any antitrust case is to neutralize the Government as plaintiff and leave prospective private plaintiffs to their own resources. Consent decrees have that effect because by statute they cannot be used as prima facie evidence of a violation in subsequent suits by private plaintiffs.

Thus, removal of the Government as plaintiff through entry of a consent decree has a profound impact upon the ability of private parties to recover for antitrust injuries. Such a result is by no means improper nor perhaps in every case unreasonable. But because of that impact, it is a factor which should enter into the calculus by which the merits of the decree are assessed. It may well be that the economic cost to the public of a particular antitrust violation merits the application of governmental resources toward gaining a recovery of that cost in damages for those who can establish their injury.

Similarly, the court is instructed to look at the question of antitrust enforcement generally to determine whether there may be overriding public interest in denying a particular settlement or even forcing a trial on the merits. For example, it may be that a particular case presents issues which demand an outcome which carries value as precedent. Such considerations would thus be added to the guides by which the court would arrive at its decision.

D. PROCEDURES AVAILABLE TO THE COURT

To assist the court in making the determination of public interest required by the bill, a variety of discretionary procedural devices are provided in a new subsection (e). Those procedures are as follows:

First, take testimony of government officials or experts or such other expert witnesses, upon motion of any party or participant or upon its own motion, as the court may deem appropriate;

Second, appoint a special master pursuant to rule 53 of the Federal Rules of Civil Procedure, and such outside consultants or expert witnesses as the court may deem appropriate, and request and obtain the views, evaluations or advice of any individual, group or agency of government with respect to any aspects of the proposed judgment or the effect thereof in such manner as the court deems appropriate;

Third, authorize full or limited participation in proceedings before the court by interested persons or agencies, including appearance amicus curiae intervention as a party pursuant to rule 24 of the Federal

Rules of Civil Procedure, examination of witnesses or documentary materials, or participation in any other manner and extent which serves the public interest as the court may deem appropriate;

Fourth, review any comments or objections concerning the proposed decree filed with the United States under subsection (c) and the response of the United States to such comments or objections;

Fifth, take such other action in the public interest as the court may deem appropriate.

A few key factors should be mentioned. First, all of the procedural devices continued in this subsection are discretionary in nature. They are tools available to the district court for its use, but use of a particular procedure is not required.

The decision to make those procedures discretionary is dictated by a desire to avoid needlessly complicating the consent decree process. There are some cases in which none of these procedures may be needed. On the other hand, there have been and will continue to be cases where the use of many or even all of them may be necessary. In fact, in a very few complex cases, failure to use some of the procedures might give rise to an indication that the district court had failed to exercise its discretion properly.

Second, the procedures are not meant to be exclusive. Rather, they are designed as guides for the courts to follow. To a considerable extent, they serve as safe harbors for a court to look to when faced with a difficult case. By following one or more of the procedures contained in this provision, an individual judge can develop the data he needs without fear that he is embarking upon an untried and perhaps reversible journey. This point is particularly significant where courts have been confronted in the past with the argument that any effort to make an independent examination of the decree is unprecedented.

Turning to the specific procedures provided by the bill, most are quite simple. The first two mechanisms, testimony of expert witnesses and special masters or other expert consultants, are designed to allow the court to obtain from whatever source necessary the technical expertise required to assess the merits of the decree or its consequences. This might include, for example, calling upon an economist from the Antitrust Division to explain the practices complained of and the effect of the relief sought. Or it might involve testimony from an expert obtained by the court from the SEC or some other Government agency. In a particularly complex case, it might include appointing one or more special masters or expert consultants to analyze and evaluate the decree or other arguments in its support. In short, the court would be authorized to obtain, from whatever source deemed appropriate, information sufficient to make an informed judgment about the decree.

In addition, the court may take appropriate measures to solicit comments on the decree from groups, agencies of government, or individual members of the public to assure itself that the decree has received adequate public attention. While it seems clear that the court would have such authority in the absence of legislation, this provision like those discussed above serves to encourage such requests by removing any aura of extraordinariness.

A third provision outlines a variety of methods in which interested third parties may be authorized to participate in the proceedings. The thrust of this provision is broadly flexible. It ranges from full intervention as a party under rule 24 of the Federal Rules of Civil Procedure down through a wide variety of more limited forms of participation. The basic point, however, is that the court is given broad discretion to fashion the degree of participation necessary to assure an adequate airing of the merits of the decree. Thus, for example, it need not allow an intervenor to come in with all the rights of a party to the litigation, but can choose instead to confer more limited rights. The effect of this provision should be to allow more extensive participation by so-called public representation where useful or appropriate without needlessly complicating the entire litigation.

The fourth procedural mechanism deals with public comments other than through actual participation in the proceedings before the court. Thus public comments received during the 60-day period for such comments together with the Justice Department's response would be available to the court.

Finally, a blanket authorization for other appropriate procedures is included to encourage the court to fashion such additional tools as may be useful in fulfilling the mandate placed upon it to evaluate the proposed decree.

E. RECORD OF LOBBYING ACTIVITIES

One of the unfortunate lessons which the American people have learned in the past few months is that access to governmental institutions and governmental decision-makers is inherently unequal. Large corporations and their officials can obtain a hearing at the highest levels of government on a scale that is beyond the imagination of the average citizen. This problem is not unique to the present administration, it is a fundamental reality of any administration. And it will continue to be a problem as long as we continue to finance political campaigns by watering at the big money trough.

But having said that, we must also assure that adequate safeguards govern the manner and extent of corporate influence.

The problem is particularly critical where the antitrust laws are concerned because to a considerable extent those laws are viewed as a direct threat by those who exercise the greatest corporate influence. And because the stakes are high the level of lobbying is equally high.

For this reason, it is particularly important to assure some measure of public scrutiny of the exercise of that influence. Justice Brandeis once said, "Sunlight is the best of disinfectants." And it is sunlight which is required in the case of lobbying activities attempting to influence the enforcement of the antitrust laws.

To deal with this problem in a constructive way, the bill proposes a new provision in the Clayton Act which would require a disclosure of lobbying activities on behalf of any defendant in connection with a consent decree proceeding.

The bill adds a new subsection (f) which provides that not later than 10 days following the filing of any proposed consent judgment as required by the bill each defendant must file with the district court a description of any and all written or oral communications by or on behalf of that defendant with any officer or employee of the United States concerning or relevant to the consent judgment or the subject matter thereof. Included under this provision are contacts on behalf of a defendant by any of its officers, directors, employees or agents or any other person acting on behalf of the defendant, with any Federal official or employee. Thus, for example, the provision would include contacts with Members of Congress or staff, Cabinet officials, staff members of executive departments and White House staff.

The only exception is a limited exception for attorneys representing the defendant who are of record in the judicial proceeding. The exception is designed to avoid interference with legitimate settlement negotiations between attorneys representing a defendant and Justice Department attorneys handling the litigation. However, the provision is not intended as a loophole for extensive lobbying activities by a horde of "counsel of record."

In operation, the provision would require disclosure, for example, of a meeting between a corporate official and a Cabinet officer discussing "antitrust policy" during the pendency of antitrust litigation against that corporation. The disclosure intended is a disclosure of the fact of the meeting and the general subject matter. It obviously does not envision an outline of the conversation. But the essential data, that is, the date, the participants, and the fact that antitrust matters were discussed must be disclosed.

In addition, the bill requires that prior to entry of the consent judgment by the court, each defendant must certify to the court that the requirement of the section have been complied with and that the filing is a true and complete description of all such contacts or communications.

The requirements of this section are by no means burdensome. They demand no extraordinary efforts on the part of any defendant in order to comply with the duties imposed in the section.

Furthermore, they apply equally to contact with any branch of Government, including the Congress. I believe it is important that we in the Congress accept the same scrutiny as we would impose on any other branch. Furthermore, I believe there is a great deal to be gained by having a corporate official who seeks to influence a pending antitrust case through congressional pressure, know that his activity is subject to public view.

For all these reasons, I believe this section will be an important contribution toward vastly improving the atmosphere in which the Antitrust Division must operate in seeking to enforce the law. I have little doubt that enactment of this section might enable the Government's attorneys to do an even better job of litigating a particular case.

F. PRIMA FACIE EFFECT

A final provision in the consent decree procedures retains the provision presently contained in section 5 of the Clayton Act which prevents use of a consent decree in any way in subsequent litigation as prima facie evidence of violation. A new subsection (g) would be added which provides that proceedings before the district court in connection with the decree and public impact statements filed pursuant to the provisions of the bill are not admissible against any defendant in any action or proceeding brought by any other party against that defendant under the antitrust laws or by the United States under section 4A of the Clayton Act, nor may they constitute a basis for introduction of the decree as prima facie evidence against such defendant in any such action or proceeding.

The basic reason for including this provision is to preserve the consent decree as a substantial enforcement tool by declining to give it prima facie effect as a matter of law.

Although there have been suggestions that such effect be written into the law this bill does not reflect such suggestions. Since the primary purpose of the new consent decree procedures is to improve the process by which such decrees are used, continuation of the protection against prima facie effect appears necessary.

However, this provision is not intended to affect the Government's ability to require a so-called asphalt clause providing such effect where such a clause is deemed appropriate.

II. INCREASED CRIMINAL PENALTIES

A second part of the bill increases the penalties for criminal violations of the antitrust laws from $50,000 to $100,000 for individuals and to $500,000 for corporations. In an era when the profits available through

antitrust violations can run to the millions of dollars, this increase is long overdue.

Former Attorney General John Mitchell, himself no stranger to corporate boardrooms, said this in support of increased corporate penalties in 1969:

The maximum fine for violations of the Sherman Antitrust Act was increased to $50,000 in 1955. Since that time the assets and profits of corporations have increased dramatically, while the purchasing power of the dollar has decreased greatly. Consequently, the basic purpose of such a fine—to punish offenders and to deter potential offenders—are frustrated because the additional profits available through prolonged violation of the law can far exceed the penalty which may be imposed. The $50,000 statutory maximum makes fines in criminal antitrust cases trivial for major corporate defendants.

The need for this increase is self-evident. The only way violations of the antitrust laws will be deterred is by making the cost of violations unacceptable. Increasing the fines is not the only solution; more jail sentences for individual defendants might well be the most effective deterrent. But increasing the monetary penalties might well remove some of the profits which make antitrust violations attractive to otherwise ethical businessmen.

Increasing the maximum fine will do nothing if judges fail to use it effectively. Actual fines in the past have been far below the maximum possible. The Ralph Nader study group report on antitrust enforcement recently estimated that between 1955 and 1965, corporate fines average $13,420 and individual fines $3,365. Unless judges are prepared to make a violation economically painful, mere increases in statutory maximums will carry little deterrent value.

III. APPELLATE REVIEW OF ANTITRUST CASES

Mr. President, the final portion of this bill would amend the Expediting Act to improve the procedures for appeals in antitrust cases, and particularly to permit immediate Supreme Court review of those cases of general public importance. Additionally, it would remove the present uncertainty as to whether or not the interlocutory appeal statute is available under the Expediting Act. This present uncertainty has hampered the Department of Justice in obtaining preliminary injunctions in antitrust cases because of the doubt as to the applicability of appellate review.

In brief, the proposal would amend section 1 of the Expediting Act (15 U.S.C. 28, 49 U.S.C. 44) which provides for a three-judge district court in civil actions where the United States is a plaintiff under the Sherman or Clayton Antitrust Acts or certain sections of the Interstate Commerce Act, when the Attorney General files with the district court a certificate that the case is of general public importance. The section also provides that the hearing and determination of such cases shall be expedited. The amendment would eliminate the provision that a three-judge court be impaneled when the Attorney General files his expediting certificate, but would retain the expediting procedure in single-judge courts.

The bill would amend section 2 of the act (15 U.S.C. 29, 49 U.S.C. 45), which provides that appeal from a final judgment of a district court in any civil action brought by the United States under any of the acts covered by section 1 of the Expediting Act will lie only in the Supreme Court. The amendment would eliminate directed appeal to the Supreme Court in such actions for all but cases of general public importance, substituting normal appellate review through the courts of appeals with discretionary review by the Supreme Court. The amendment provides that any appeal from a final judgment in a government civil case under the antitrust laws, or other statutes of like purpose, and not certificated by the Attorney General or the district court as requiring immediate Supreme Court review will be taken to the court of appeals pursuant to section 1291 and 2107 of title 28 of the United States Code. Any appeal from an interlocutory order entered in any such action shall be taken to the court of appeals pursuant to section 1292(a)(1) and 2107 of title 28 of the United States Code, but not otherwise. Any judgments entered by the courts of appeals in such actions shall be subject to review by the Supreme Court upon a writ of certiorari.

The amendment also provides that an appeal and any cross-appeal from a final judgment in such proceedings will lie directly in the Supreme Court if, not later than 15 days after the filing of appeal, (1) upon application of a party, the district judge who decided the case enters an order stating that immediate consideration of the appeal by the Supreme Court is of general public importance in the administration of justice or (2) the Attorney General files in the district court a certificate containing the same statement. Upon filing of such an order or certificate, the Supreme Court shall either dispose of the appeal and any cross-appeal in the same manner as any other direct appeal authorized by law or deny the direct appeal and remand the case to the court of appeals. Review in that court could then go forward without further delay. This is similar to the procedure of the Criminal Appeals Act (18 U.S.C. 3731).

These revisions represent a substantial improvement in the appellate process for antitrust cases. In addition, the provisions authorizing appeal by the Government from a denial of a preliminary injunction at the district court level are directly responsive to the repeated pleas of the former head of the Antitrust Division, Richard McLaren, voiced recently. Judge McLaren repeatedly emphasized the need for legislation to give the government the right to appeal from such denials:

Again, I refer to the fact that we have asked, or the Department asked, repeatedly for legislation that would give us the right to appeal in those denials.

That request has been echoed recently by Donald Baker, Chief of Policy Planning and Education for the Antitrust Division:

Under present law, the government has no effective appeal from a denial of a preliminary injunction in a merger case. We have sought unsuccessfully to get that power in recent years. Congress has not acted.

This bill will resolve that problem in a manner acceptable to the Justice Department. All of the revisions of the Expediting Act contained in this bill have been endorsed by the Department in hearings during the 91st Congress.

Mr. GURNEY. Mr. President, I am pleased to join with the distinguished Senator from California (Mr. TUNNEY) in reintroducing legislation which would amend the antitrust laws so as to make more information available to the courts, and to the public, about proposed consent decree settlements of antitrust cases. The consent decree is an important and useful tool in the enforcement of our antitrust laws, and this legislation to enhance its effectiveness will serve to strengthen our national commitment to the ideals of freedom and the free enterprise system.

Consistently with the ideals of freedom and the free enterprise system, competition by entrepreneurs in the marketplace is generally considered indispensable to the production of high-quality goods at the lowest possible price. Producers and consumers alike benefit when no one company or corporation controls an industry to the extent that competitive producers can be driven out of the market or that prices can be set arbitrarily at high levels.

Just as Government is charged with the duty to protect the rights of individuals in a political and social sense, so, too, does it have an obligation to protect their rights in an economic sense. To meet this obligation, legislation has been passed, starting with the Interstate Commerce Act in 1887, to protect businessmen and consumers alike from monopolistic practices that act in restraint of free and open trade. The Sherman Act, the Clayton Act, and the creation of the Federal Trade Commission are but a few examples of our efforts to insure that the free enterprise system remains free and competitive.

The trend toward "consumerism" in recent years emphasizes that effective antitrust legislation is as important today as it ever was, and while the laws on the books have served us well, changing times always leave room for improvements to be made. It is the purpose of this bill to improve the procedures for enforcement of our antitrust laws by providing the public with greater information with which to assess antitrust effectiveness.

For example, in recent years we have seen a dramatic increase in the number of conglomerates or holding companies—huge corporations that have interests in a wide range of industries. There is nothing necessarily wrong with size, per se, and in many cases the industries involved may benefit. Yet unless a watchful eye is kept on such developments there is a danger that the interests of the public may be done a disservice. Although there is no inherent danger to size, the very vastness of some companies presumably has some effect on the Nation's economy.

The key here is information, information on what is being contemplated, how it came to pass, what the public impact may be, and how individuals affected might obtain recourse in case of injury. With present-day business dealing more complex than ever, the public has a need for a greater amount of information than ever, if its interests are best to be served. And that is exactly what this bill proposes to do—make more information available to all concerned.

Specifically, this bill establishes a specific but reasonable set of standards and guidelines to govern the settlement of antitrust cases and, in particular, the procedures by which consent judgments are entered into. This bill basically expands upon existing law and does not work undue hardship upon anyone. In my view, its passage would have the positive effect of enhancing public confidence in the way antitrust cases are being handled.

Basically, the bill can be divided into three sections. The first section would require that any consent decree proposed by the Justice Department must be filed with the court and published in the Federal Register 60 days before it is intended to take effect. At the same time the Department would be required to file a "public impact" statement listing in-

formation on the case, the settlement proposed, the remedies available to potential private plaintiffs damaged by the alleged violation, a description of alternatives to the settlement, and the anticipated effects of such alternatives.

As it stands now, these consent decrees must be filed with the court 30 days in advance and similar public impact statements are already required in other areas by the National Environmental Protection Act. The extra time and additional information that this bill requires is for the purpose of encouraging and, in some cases, soliciting additional information and public comment that will help the court decide if the consent degree should be granted. To insure that public comment receives consideration, a further provision requires that the Justice Department file a formal response to it.

As to whether or not the consent decree should be accepted by the Court, this bill requires that the decree be accepted only after the Court has determined that it is in the public interest. This is a particularly important provision since, after entry of a consent decree, it is often difficult for private parties to recover damages for antitrust injuries. In some cases, the Court may find that it is more in the public interest, for this reason and others, for the case to go to trial instead of being settled by agreement.

Because the consent decree is an important and useful method of antitrust enforcement, it is not the purpose of this bill to undo its effectiveness. Instead, the bill provides that proceedings before the district court in connection either with the decree itself or the required public impact statements are not admissible against any defendant in any antitrust action nor may they be used as a basis for introduction of the decree itself as evidence. By declining to give it prima facie effect as a matter of law, the consent decree is thereby preserved as an effective tool of law enforcement.

The other portions of the bill are also very important and valuable. They raise the penalties for criminal violations of the antitrust laws and improve the appeals procedures in antitrust cases. The present maximum fine of $50,000 is an inadequate deterrent against violations, and providing for immediate Supreme Court review of those cases of general public importance can only benefit everyone concerned.

The use of consent decrees by the Department of Justice is highly important to the effective administration of our antitrust laws. A great number of judgments each year result from this practice. During the years 1955 to 1967, 81 percent of all antitrust judgments were represented by consent decrees. The following figures show the percentage of antitrust judgments represented by consent decrees during the period 1955 to 1972:

	Percent
1955	91
1956	91
1957	88
1958	88
1959	82
1960	100
1961	70
1962	100
1963	82
1964	88
1965	75
1966	80
1967	53
1968	66
1969	57
1970	84
1971	93
1972	76

If we are to be effective in our efforts to promote free enterprise and to discourage monopolistic business activity, we must be firm, we must be fair, and we must insure that the public interest—the rights of indivduals to buy and sell goods at the marketplace without undue interference—shall to the greatest extent possible be protected.

By Mr. CHILES (for himself and Mr. JACKSON):

S. 783. A bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. CHILES. Mr. President, in 1971, before I introduced an acquisition bill last year along with Senator JACKSON, I studied various alternatives to protect this beautiful and vital area of Florida. I came to the conclusion that the direct acquisition of this area was the most straightforward and fair approach and the most complete way of protecting a key link to the survival of Everglades National Park.

I am today reintroducing along with Senator JACKSON a reacquisition bill.

I am delighted that the President and Secretary Morton have come out in full support of an acquisition approach as the best way to protect the Big Cypress watershed. At that time 25 of our colleagues had cosponsored one or another of the acquisition approaches. In addition, this approach has received another boost by the chairman of the House Interior Committtee, Congressman JAMES HALEY of Florida.

Although the Big Cypress is a treasure worth protecting in itself, its role in supplying over one-half of the flow of ground water into western portions of the park makes the Big Cypress an absolute link in the park's future.

It seems to me that not only is direct acquisition the best way but that it is the only right way to protect the rights of owners in the area. This bill protects the rights of sportsmen-hunters and fishermen. This has long been a great area for hunters and fishermen and is an area that should be protected and utilized for that purpose.

Mr. President, there are some people who actually live in the proposed acquisition area. These people, many of whom have sold their homes in the city and moved into a permanent residence in the Big Cypress, deserve to be protected. In addition, there may be a small handful of commercial establishments in the area which I feel should also retain some rights also subject to proper regulation by the Secretary. Also, there are a few sportsmen who have longstanding camps who could be included. These sportsmen agree that no further changes should be made in Big Cypress and I want to see the area remain in its present state. In fact, most agree the existing uses of this area today are not the problem. The danger lies in any proposed new uses.

There is language in the bill along the lines of giving a term in years or a life estate in these holdings for the owner, his wife, or children as long as the property is being utilized in a consistent way according to the Secretary's rules and the fair market value for his holdings less the rights he retains. It goes without saying that the owner of property has a right to just compensation for his property and if he cannot agree on this compensation, he would be entitled to a jury trial in a Federal district court.

The State of Florida wants to make its contribution to the protection of the area through possible future management of the acquired lands and possibly sharing a part of the acquisition costs.

The Big Cypress watershed can remain a viable natural resource or it can be carelessly exploited for the immediate gain of a few—and which will result in an enduring disaster to many.

Maintained as a protected ecosystem, Big Cypress will provide major benefits which can be grouped in several broad areas.

As an entity in itself, considered apart from its surroundings, Big Cypress watershed is a distinctive community of highly diverse plant and animal life, including a number of endangered species such as the Florida panther, the Everglades mink, southern bald eagle, and roseate spoonbill. It serves as a habitat for the continuing evolution of plant and animal species whose potential in an evolving world is as yet unexplored, and furnishes opportunities for hunting, fishing, airboating, and other kinds of recreation in a natural setting for a contact with nature of a kind that is increasingly scarce and hard to find.

As a source of fresh water and essential nutrient supply to the estuaries of Everglades National Park and the Ten Thousand Islands, Big Cypress Watershed is the key to survival of the far-reaching recreational and commercial shrimping and fishing enterprises that depend upon those estuaries.

The entire food-chain relationship that supports a major segment of Everglades National Park's plant and animal communities depends on maintaining the continuing flow of Big Cypress water. The quality and quantity of the water and the timing of its delivery into the park must remain much the same as it is at present if the Everglades ecosystem and its wildlife are to survive.

The Big Cypress watershed serves as a natural water conservation area, recharging the aquifer from which rapidly growing neighboring communities will draw much of their fresh water. Deprived of this recharge, the aquifer would be vulnerable to damaging salt-water intrusion.

The natural cycles of Big Cypress' waterflow and the life cycles of the living things dependent on that flow are integral and vital parts of the lives of

the Miccosukee and Seminole Indians residing on and near the watershed.

The Big Cypress is threatened today. Already the water in the canals east of Naples contains iron, lead, and aluminum at levels greater than are found in natural waters from undrained areas nearby. Given sufficiently increased concentrations, these contaminants can detrimentally affect the quality of the water supplies in the aquifer. Further contamination by nutrients and organisms that affect public health can be expected as a result of the use of septic tanks in the area and in the event of further agricultural development in the Big Cypress. At the same time, irrigation needs will mount, putting additional demands on the waters of the Big Cypress.

The report, "Environmental Problems in South Florida," made by the National Academy of Sciences and National Academy of Engineers in March of 1970, stated:

> It is clear that preservation of the Big Swamp as a natural water-conservation area would be most desirable relative to the Everglades National Park, and, as indicated in the section on water management, probably most desirable to orderly development of the South Florida region as a whole.

I feel that if the Big Cypress is permitted to remain in its state as a natural watershed, it can remain the key to effective water preservation in neighboring areas throughout southwest Florida.

The Big Cypress is jeopardized by the pressure for progress based on sometimes well-intended, but too often ill-planned, development. Inevitably the destiny of the Big Cypress is closely interwoven with the enormous and widespread array of living and inanimate things. Within its boundaries, its natural assets can provide an unending procession of rewarding human experiences and great scientific benefit. The Big Cypress is a mosaic of marsh and lowland forest—a wilderness of sloughs, tree islands of hammocks and bay and cypress heads. Cypress dominates and gives the area its name.

Mr. President, the fate of the broad, flat, very gently sloping watershed in southwest Florida hangs in precarious balance. In the unusual diversity and wealth of its natural resources, in the far-reaching effects of the uses to which it is put by man, and in its profound vulnerability to unwise uses, the Big Cypress has the potential for becoming a textbook or classic example of ecological ruin.

We cannot allow this area to become an ecological ruin and this legislation will again put this Congress on record as dedicated to protection of our environment.

Time and time again we must echo this dedication by action in the positive—and the purchase of this natural wilderness before man has inflicted permanent damage, will be the mark of a Congress so dedicated.

I ask unanimous consent that a copy 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. 783

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to protect for the benefit, education, and recreational use of present and future generations the unique environment found in the Big Cypress Swamp area of southwestern Florida, in order to preserve Everglades National Park, which is dependent for more than half its surface water supply on water flowing from the Big Cypress Swamp, in order to preserve the fresh water supply and estuarine dependent fisheries of south Florida, and in order to assure the economic well-being and cultural integrity of the Miccosukee Tribe of Indians of Florida and Seminole Tribe of Florida, there is hereby established the Everglades-Big Cypress National Recreation Area (hereinafter referred to as the "recreation area"). The boundaries of the recreation area shall be as generaly depicted on the map entitled "Everglades-Big Cypress National Recreation Area," numbered NRA–BC–91,000, and dated March 1971, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor adjustments in the boundary from time to time by publication of a revised map or other description in the Federal Register, but the total area within the recreation area shall not exceed 585,000 acres.

SEC. 2. (a) Within the boundaries of the recreation area the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer from any other Federal agency, except that property owned by the State of Florida or any political subdivision thereof may be acquired only with the consent of the owner. Federal property within the boundaries of the recreation area may, with the concurrence of the head of the agency having jurisdiction thereof, be transferred without reimbursement to the administrative jurisdiction of the Secretary for the purposes of this Act.

(b) With respect to any property acquired pursuant to subsection (a) which in the Secretary's judgment is not essential for the protection, or administration of the recreation area in accordance with the purposes of this Act, the Secretary may take appropriate action to revest title to such property in the former owner.

SEC. 3. (a) The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain for himself and his heirs and assigns a right of use and occupancy of the improved property for a definite term of not more than forty years or, in lieu thereof, for a term ending at the death of the owner, his spouse, or any of his designated heirs in being, whichever is later. The owner shall elect the term to be reserved; except that the right of use and occupancy of corporately owned property shall terminate at the end of forty years. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of acquisition less the fair market value on that date of the right retained by the owner. A right retained pursuant to this section shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act, and it shall terminate by operation of law upon the Secretary's notifying the holder of the right of such determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired.

(b) (1) As used in this Act the term "improved property" means a non-commercial residential detached one-family dwelling, construction of which was begun before January 1, 1973, a non-commercial residential campsite upon which improvements were undertaken before January 1, 1973, or a structure used for commercial purposes, construction of which was begun before January 1, 1973, and any such contiguous land which is in the same ownership as the dwelling, campsite, or commercial structure, together with any structures accessory to the dwelling, campsite, or commercial structure, which are situated on such land.

(2) A structure used for commercial purposes, construction of which was begun before January 1, 1973, and any further improvement or activities on "improved property" as defined in paragraph (1) of this subsection, shall be in compliance with regulations established by the Secretary of the Interior.

SEC. 4. Notwithstanding any other provision of law, the Secretary may acquire, by any of the methods set forth in section 2(a) of this Act, lands, waters, and interests therein outside the boundaries of the recreation area but within the State of Florida and exchange such property for property of approximately equal value within the boundaries.

SEC. 5. (a) The Secretary shall administer the recreation area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and in accordance with such other statutory authorities available to the Secretary for the conservation and management of natural resources to the extent that he finds such authorities will further the purposes of this Act. In administering the recreation area the Secretary shall make appropriate use of the authority in section 5(a) of the Act of July 15, 1968 (82 Stat. 354, 356), to convey property acquired for the purposes of this Act to former owners thereof.

(b) No additional access roads or canals shall be constructed within or leading to the recreation area, and no facilities for the care and accommodation of visitors shall be constructed or permitted other than on lands which, on the effective date of this Act, have been filled, dredged, built up, or otherwise permanently altered for construction purposes, it being the intention of this subsection that establishment of the recreation area shall in no way further adversely alter the natural ecology of the area.

SEC. 6. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the recreation area in accordance with applicable laws of the State of Florida and of the United States, except that he may designate zones where and establish periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary to carry out the purposes of this section shall be issued only after consultation with the Florida Department of Natural Resources. Notwithstanding this section or any other provision of this Act, members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida may continue their usual and customary use and occupancy of lands and waters within the recreation area, including hunting, fishing, and trapping on a subsistence basis and traditional tribal ceremonials.

SEC. 7. Notwithstanding any other provision of law, the Secretary may enter into cooperative agreements with the recognized tribal governing bodies of the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida, for the construction and operation by such recognized Indian tribes, or their assigns, of revenue-producing facilities and services for visitors to the recreation area; except that the carrying out of such construction, operation or services shall

be subject to such standards, terms, and conditions as the Secretary may establish, and may be conducted only at locations designated by the Secretary. Such agreements may provide that all or an appropriate portion of the net receipts may be retained by such Indian tribes or their assigns. Before entering into any other contract for the provision of revenue-producing visitor services of facilities for the recreation area, the Secretary shall give the governing bodies of such Indian tribes recognized by the United States ninety days in which to enter into a cooperative agreement pursuant to this section for the provision of such visitor services or facilities.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, not to exceed, however, $ (February 1973 prices) for development of the recreation area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved herein.

By Mr. KENNEDY:

S. 784. A bill to apply certain provisions of the Fishermen's Protective Act of 1967 to situations in which vessels of the United States or their gear are damaged by actions of foreign countries; and

S. 785. A bill to establish a comprehensive program of insurance and reimbursement with respect to losses sustained by the fisheries trades as a result of environmental and natural disasters. Referred to the Committee on Commerce.

S. 786. A bill to provide Small Business Administration disaster assistance for individuals who are self-employed in the fishing industry. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 787. A bill to provide certain essential assistance to the U.S. fishing industry;

S. 788. A bill to amend the provisions of law establishing a fund to promote the free flow of domestically produced fishing products in order to increase the amounts in such fund; and

S. 789. A bill to authorize the Secretary of Commerce to increase the availability of insurance coverage for U.S. fishing vessels, and for other purposes. Referred to the Committee on Commerce.

REVITALIZATION OF THE NEW ENGLAND FISHING INDUSTRY

Mr. KENNEDY. Mr. President, I am introducing today six bills and one resolution aimed at the revitalization of the New England fishing industry. I ask unanimous consent that full text of the bills and resolution be printed in the RECORD at the close of my remarks.

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

Mr. KENNEDY. Mr. President, 2 weeks ago, I had the opportunity to visit with fishermen from New Bedford, Gloucester, and Boston to discuss the problems of the Massachusetts fishing industry. Without exception, the message was the same from fishermen from all parts of the Commonwealth—the New England fishing industry is in peril and if action is not taken immediately by the Federal Government to assist them, it will be too late.

The fishermen of Massachusetts have been bringing this message to Washington for years, but the Congress has not responded with comprehensive legislation directed at solving the enormous problems facing the industry. Time is running out for the fishermen of Massachusetts and New England and the United States, and it is up to this Congress to enact a meaningful, effective, comprehensive program to assist and support the fishing industry.

The legislation which I introduce today includes the suggestions I have received from Massachusetts fishermen to support their own revitalization program, a program I am hopeful this Congress will debate and discuss and perfect for the protection of this vital industry.

Massachusetts fishermen will have the opportunity to personally present their views to Members of the Senate during hearings of the Senate Commerce Committee which has over the years shown commitment and concern under the distinguished leadership of Senator MAGNUSON for the interests of fishermen from all coastal areas of the United States. The program which I am introducing today will serve as a basis for the discussion of New England fishing industry problems and working together we can begin now the long and difficult task of returning this important industry to a vigorous and healthy state in the economy of Massachusetts and New England.

Mr. President, I would like to outline for the Members of the Senate some of the problems this industry faces, some of the steps that have been taken to assist the industry, and discuss the legislation I am introducing today.

The New England fishing industry faces devastating problems from limited fish resources, from foreign competition, and from financing the revitalization of their own industry. The dismal statistics suggest the decline of this industry during the last decade. Fish stocks have been grossly reduced by the overfishing practices of 14 nations in the Georges Bank area. Our haddock resources have declined 86 percent in 5 years, it is estimated by the New England fisheries council. And 70 percent of the fish consumed in the United States is now imported. In 1960 American fishermen caught 93 percent of the fish off the New England coast; today that catch is down to about 30 percent. Fish landings at the Boston fish pier in 1961 were 115 million pounds; in 1972 landings were less than 22 million pounds.

The fishing industry has attempted to revitalize itself by developing research and technology for the restoration of depleted resources and developing market research for nutritious underutilized species.

We made some small progress in the last Congress to assist the fishing industry. On May 25, my amendment to help those fishermen who have suffered damage at the hands of foreign fishing fleets passed the Senate. That amendment failed in conference with the House, but we did gain a commitment to hold hearings in the House of Representatives during this Congress on the protection of our fishing fleet.

I cosponsored legislation to make funds available retroactively to all those fishermen who have suffered damage to vessels or gear since 1971 and who continue to sit and wait for reimbursement while the Government negotiates with the foreign governments whose vessels and fleets are responsible.

I asked the Secretary of Commerce and the Secretary of Agriculture to assist our fishing industry by gathering and disseminating marketing information from Europe so that our fishermen can compete in foreign markets as the foreign countries are competing in ours. The Departments of Commerce and Agriculture agreed and the marketing information is now available and the New England Fisheries Association presented American products in Milan, Italy, this month.

The "red tide" hit the coast of Massachusetts in September and the fishing industry is still reeling despite the assistance from the Small Business Administration. In addition to asking for this emergency aid, I have asked the National Marine Fisheries Service for long-range assistance in research on the cause and prevention of red tide organisms.

I have asked the Food and Drug Administration and the National Marine Fisheries Service to coordinate a program to assist the swordfishermen of Massachusetts as they deal with the health hazard pronouncements affecting their industry and I ask unanimous consent that those letters be placed in the RECORD at this point.

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

U.S. SENATE,
Washington, D.C., January 24, 1973.

Mr. CHARLES C. EDWARDS,
Commissioner, Food and Drug Administration, Rockville, Md.

DEAR MR. EDWARDS: I am writing in regard to the serious situation in the Massachusetts swordfish industry because of the continuing concern over the mercury content in the fish.

Massachusetts swordfishermen have made several suggestions which they feel would serve both the interests of consumers and the interests of the fishing industry:

(1) that prior to any announcement of health hazards, the industry be consulted and advised of the findings

(2) that a committee within the National Marine Fisheries Service work together with the Food and Drug Administration in determining how the fishing industry can be assisted during the critical period

(3) that a method of effective and continuing inspection of imported fish products be established

(4) that periodic reevaluation of mercury content standards be implemented.

We all share the concern that consumers of fish products be protected against health hazards and at the same time that confidence in those products which are safe be restored. I would appreciate your comments on these suggestions and any current data on the mercury content of New England swordfish as compared with imported products or other fish products from other parts of the nation.

I appreciate your personal attention to this, and I look forward to hearing from you soon.

Sincerely,

EDWARD M. KENNEDY.

U.S. SENATE,
Washington, D.C., January 24, 1973.

Mr. PHILIP M. ROEDEL,
Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C.

DEAR MR. ROEDEL: I am enclosing a copy of a letter which I have written to Mr. Charles C. Edwards, Commissioner of the Food and Drug Administration.

I know that you are very familiar with the problems of the swordfishermen of Massachusetts and that your office has given a great deal of personal attention to the solution of those problems. One of the suggestions the fishermen have made is that a coordination between National Marine Fisheries and the Food and Drug Administration on health hazard announcements might prevent the kind of misinformation which circulates among fish consumers in the wake of any kind of health hazard notification. For example, our fishermen feel that many consumers stopped buying any kind of fish products when the information became available that mercury was found in some swordfish.

I would be interested in your comments and suggestions on how we might deal with this kind of situation in the future and what kinds of relief in terms of better public relations for the fishing industry might assist those already severely affected.

Thank you so much for your personal attention to this, and I look forward to hearing from you.

Sincerely,

EDWARD M. KENNEDY.

Mr. KENNEDY. Mr. President, on behalf of Massachusetts fishermen, I asked representatives of the Department of Commerce to discuss the U.S. position for the upcoming ICNAF meeting in Rome to urge an increase in the U.S. proportion of fish quotas off the coast of New England.

But all of these efforts will not save the New England fishing industry. Foreign fleets continue to deplete the resources off our coasts. And every May and every November, we can be virtually assured that Russian or East German fishing fleets will ram an American fishing boat or ruin lobster gear off the cape. And every year we will continue to protest the action to the State Department and the Coast Guard. And next year the same type of incidents will occur and the same kind of protests will be heard and no action has been taken by the Government to see that it never happens again.

It takes a great deal of courage to be a New England fisherman today.

They have to face a fish stock that is rapidly declining and in some cases such as haddock nearly depleted and they may not be able to make a decent living for their families.

They have to face the possibility of losing vessels and gear as a result of ramming and harassing by foreign fishing fleets. And they face danger to their lives and crews.

They face a fleet of foreign vessels almost as big as aircraft carriers who overfish the resources, pack, and freeze the catch and sell it back to us at twice the cost.

They face the "red tide" or mercury or the next natural disaster and then face sitting and waiting for Government assistance.

And the saddest part of all of this is that they face it alone—without Government help. New England fishermen are zealous in their efforts to revitalize the fishing industry. They have taken the initiative to develop markets in other countries. They carry their message to their elected officials. They search for ways to finance their own modernization. and they receive answers from the Department of State that agreements are being worked out; that reimbursement for damage is being negotiated; that relationships with foreign countries demand patience. And in the budget announcement this week, we saw over $4 million dollars cut from the National Marine Fisheries Service budget and over $3 million impounded in that budget:

Funds cut or impounded

Funds cut:	
Fisheries Advisory Board	$100,000
MARMAP-resource and management study operation	838,000
State-Federal fisheries management, research	1,900,000
Fish protein concentrate program	1,300,000
	4,038,000
Funds impounded:	
Fishery ship operation and maintenance	1,600,000
MARMAP	1,300,000
State-Federal fisheries management, State grants	540,000
Aquaculture research and technology	250,000
	3,690,000

I am introducing a Senate concurrent resolution and six bills which provide a comprehensive framework for solving the problems of the fishing industry:

Senate concurrent resolution, to express a national policy of support for the New England fishing industry and the fishing industry in other parts of the Nation, and to urge immediate study on the implementation of coastal zone preference.

First. Amendment to the Fishermen's Protective Act—To reimburse American fishermen for damages caused by foreign fishing vessels.

Second. Federal Fisheries Environmental and National Disaster Assistance Act—To provide insurance against natural disasters which reduce or impair fish resources.

Third. Amendment to the Small Business Act—To provide disaster assistance to the unemployed fishermen who suffer loss of income due to the "Red Tide."

Fourth. Fisheries Development Act of 1973—To authorize a comprehensive program of funds, technical assistance, and marketing information.

Fifth. Amendment to the Saltonstall-Kennedy Act of 1954 to provide that 100 percent, rather than 30 percent of duties on fish imports be returned to the fishing industry.

Sixth. Fishing Vessel Insurance and Safety Act—To provide the promulgation of safety standards, loan guarantees to meet these standards, loans guarantees to fishermen's marine insurance associations.

NATIONAL POLICY

The concurrent resolution expresses a national policy of support for the New England fishing industry and the fishing industry across the Nation. I joined with Senator JAMES EASTLAND in a resolution of support for the fishing industry from all coastal areas, and I know that the fishermen of New England stand ready to join with the fishermen of the west coast and gulf coast and Alaska to support those programs which will best serve all our fishermen. The resolution expresses the critical need for assistance to the New England fishing industry, in particular and the national commercial fishing industry.

This resolution endorses the U.S. position for the Law of the Sea Conference that the coastal State has the right to regulate the fish stocks inhabiting the coastal waters off its shores, but goes further and requires that the United States begin to study now the implementation of this policy prior to international agreements which may be years away. The New England fishing industry reminds us that they do not have years to survive as an industry unless some action is taken now by the Federal Government to give the coastal States preference in fishing off our coastal waters.

The fishermen of Massachusetts favor a 200-mile extension of the fishing limit and I support their position. But while the years go by and a 200-mile fishery extension is not implemented through international negotiations, the fishermen off the New England coast continue to suffer the harassment and damage by foreign fleets which by most estimates have increased their presence over 30 percent in the last year. Action must be taken now to protect our fishermen and promote good will among fishermen of all nations. It is inconceivable that the current situation with foreign trawlers tearing through lobster gear off the New England coast and Massachusetts fishing boats rammed and sunk by foreign ships provides a setting for fostering international good will, and it is in the best interests of fishermen from every country that clear, safe and equitable fishing policies be implemented.

The fishermen of New England understand the unique problems of gulf shrimpers and west coast tuna fishermen and they have shown a willingness to support a policy which will be in the interest of all American fishermen.

VESSEL DAMAGE

I am reintroducing my legislation which passed the Senate on May 25, 1972, to protect fishermen whose vessels are damaged by the ships of foreign nations. It authorizes reimbursement for damage to vessels or gear, the market value of the fish caught before damages, and reimbursement for loss of income during the period of repair. I expect that hearings on this legislation will provide the Congress with the grim information on the extent of foreign fleet damage to American fishing vessels and point out the criterial need to enact this legislation.

ENVIRONMENTAL DISASTERS

I am introducing a bill to provide a comprehensive program of insurance against losses due to environmental disasters, such as storms, red tide organisms, mercury content. In the last Congress legislation was introduced to assist the fishing industry during periods of loss of income due to health pronouncements which limit the sale of fish products due to diseased conditions produced by natural disasters. The legislation

which I am introducing goes beyond those provisions to provide reimbursement for loss of income due to storms or other natural disasters which reduce fish supply.

The bill sets up the Federal fisheries environmental and natural disaster insurance corporation with a capitol stock of $25 million to provide insurance to fishing vessel owners as well as domestic fish dealers against natural disasters which prevent the harvesting or marketing of fish or shellfish. Grants totaling $8 million would be available for owners, processors, and dealers for recovery during a period of economic loss due to health restrictions.

EMERGENCY ASSISTANCE

This legislation and the amendment to the Small Business Act which I am introducing are particularly important to the diggers of soft shell clams and mussels in Massachusetts who were recently hit by the "red tide" disaster. The amendment provides that even those self-employed fishermen who have no inventory and cannot demonstrate a loss in equipment or facilities loss—precisely because clam digging is usually carried out by individual diggers who do not carry on a business operation—may qualify for loans under the emergency loan provisions of the Small Business Act.

TECHNICAL AND GRANT ASSISTANCE

I am introducing the Fisheries Development Act of 1973 similar to legislation I introduced in the last congress to authorize a comprehensive program to revitalize the New England fishing industry. It provides:

First. Funding of the Fisheries Extension Service to centralize, now fragmented information and assistance programs—$45 million program over the next 3 fiscal years.

Second. A program of technical assistance grants to enable fishermen to take advantage of modern methods, gear, and equipment to increase their productivity—$22½ million over the next 3 fiscal years.

Third. Expansion into new and underexploited species—$15 million over the next 3 fiscal years.

Fourth. A thorough and continuing review of the fish import situation with an important provision that imported fish product information must be kept separately for fresh and frozen products.

Fifth. A comprehensive study of Federal, State, and local regulations on the fishing industry and the development of model codes for coastal States to harmonize the conflicting interests of commercial fishing and the protection of dwindling fish resources—$1 million.

Sixth. Funding of the fish protein concentrate program at the rate of $1½ million each fiscal year.

Seventh. Grants to fishermen's cooperative associations for storage, processing, or marketing fish products—$9 million over the next 3 fiscal years.

Eighth. Assistance in the formation of fish marketing agreements to promote the development of market for new products and conduct marketing research—$4½ million over the next 3 fiscal years.

IMPORT DUTIES

President Kennedy, when he was in the Senate, and Senator Saltonstall introduced legislation in 1954 to return 30 percent of the duties to the domestic fishing industry. This has been an important source of revenue for research and development in the fishing industry. But during the period since 1954, we have seen a rise in imported fish products until today nearly 70 percent of the fish consumed in the United States is imported, and we have seen a decline in the domestic fishing industry, the dimensions of which could not have been foretold in 1954. The return of 100 percent of these duties is critically needed now to help the fishing industry meet competition from foreign countries.

Total duties collected on fishery products in 1970 were $25,175,481 and NMFS received $7,552,644. I would like to insert in the RECORD at this point, a breakdown of expenditures from these funds.

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

Breakdown of expenditures

The Saltonstall-Kennedy Act funds for fiscal 1972 are:

Title and Funding ($1,000)	
Resources and environment, MARMAP	1,907
Resources and environment, acquaculture	476
Resources and environment, biological research	1,213
Resources and environment, ecological change	73
Public service, extension and others	215
Public service, economic analysis and marketing	2,377
(Statistics and market news, 1,465)	
(Marketing, 800)	
(Economics, 112)	
Public service, inspection standards development	22
Develop, test and evaluate, fishery products technology	1,270
Total	7,553

INSURANCE AND SAFETY

Mr. KENNEDY. Mr. President, I introduce also the Fishing Vessel Insurance and Safety Act. Similar legislation was introduced in the House of Representatives in the last Congress and was the subject of extensive hearings. The legislation I am introducing includes the suggestions from the National Oceanic and Atmospheric Administration on that legislation which is so vitally needed by American fishermen.

In New England the price of protection and indemnity coverage has increased over 50 percent. New Bedford scallop vessels absorbed a 54 percent jump in insurance costs between 1960 and 1968, compared with a 2.3 percent gain over the period 1956 to 1960. I would like to insert in the RECORD at this point a table prepared by the National Marine Fisheries Service on the insurance expenses of the New Bedford scallop fleet.

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

CHANGES IN INSURANCE EXPENSES AND OTHER VESSEL OPERATING EXPENSES, NEW BEDFORD SCALLOP FLEET, 1956–68

	Expense per man-day at sea				Receipts per man-day at sea
	Insurance costs	All other fixed	Total trip expenditures	Repairs and maintenance	
1956	$3.04	$1.56	$9.19	$7.87	$53.91
1957	2.88	1.99	9.60	6.91	54.06
1958	3.16	1.89	9.92	6.62	51.98
1959	3.01	1.85	8.77	6.68	56.53
1960	3.11	2.75	8.70	4.99	46.93
1967	3.92	4.96	12.24	10.59	76.15
1968	4.80	5.53	13.14	12.98	103.05
Percent change:					
1956–60	+2.3	+76.2	−5.4	−36.5	−13.0
1960–68	+54.3	+101.0	+51.0	+160.1	+119.6
1956–68	+57.9	+254.5	+43.0	+64.9	+91.2

Source: National Marine Fisheries Service, Division of Economic Research.

Mr. KENNEDY. Mr. President, NOAA has completed their comprehensive report on the special problems of insurance coverage for U.S. commercial fishing vessels and that report was the basis of of a 2-day discussion of fishing insurance problems 2 weeks ago at the Smithsonian Institution here in Washington during which leaders of the Massachusetts fishing industry reviewed the critical situation of spiraling insurance rates. I would like to include in the RECORD at this point the summary of that report outlining the complex nature of rising vessel insurance costs.

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

INSURANCE COVERAGE FOR U.S. COMMERCIAL FISHING VESSELS

The evidence developed in this report indicates that rising vessel inusrance costs are a potential threat to the financial integrity of many commercial fishing operations. That is, the price of adequate coverage appears to be climbing at a pace well above the average for all other vessel costs which appear to be escalating considerably faster than general price inflation trends. The situation is made worse by declining productivity in some fisheries—the result of pressures on the resource.

The rise in insurance costs commands attention for two basic reasons: (1) insurance constitutes a significant component of vessel operating costs and is therefore a significant variable in determining the profitability of fishing operations; and, furthermore (2) insurance costs are susceptible to a degree of potential control not applicable to most other important cost components. Briefly put, the price of insurance reflects the risk associated with vessel operations. To reduce risk, would therefore, release pressure on insurance costs. Fishing operations, of course, are inherently a risky business; but the risk can be minimized through a high regard for vessel safety and crew competence. Of particular note here are the findings of a Coast Guard study group which indicate that comprehensive safety programs could result in savings of more than 50% in hull insurance costs in some fisheries. Vessel owners, and insurance underwriters appear to agree with the Coast Guard (in principle if not in actual estimates) as witnessed by their interest in crew training programs that have been undertaken in the Gulf Coast areas.

Although an insurance problem is found in all fisheries, it differs significantly be-

tween regions, or fisheries. The general insurance problem breaks down into two segments: (1) the hull insurance problem; (2) the liability insurance problem (P&I or protection and indemnity.) The classifications differ as to significance when viewed on a regional, or fishery basis. For sample fleets studied, the key problems were: (a) sharply rising hull insurance rates in Alaska; (b) increasing costs of P&I coverage in the North Atlantic, particularly New England; (c) continuous cost increases for hull insurance in the Gulf area, coupled with more recent problems with the cost of P&I coverage; (d) rising costs of P&I coverage in the West Coast.

Regional differences in insurance problems are related to characteristic differences between fisheries. Diverse operations contain a diverse set of inherent risks. Vessels operating in Alaskan fisheries, for example, apparently face considerably greater navigational hazards, than many other fisheries. This can be deduced from the fact that a large percentage of vessel casualties in Alaska are due to "grounding" accidents, which lead to considerable claims for hull damage. The New England area is characterized by its own set of physical hazards for vessel operations, which is reflected in the relatively high rate levels paid for hull insurance. An even greater problem, however, exists in the persistently high losses claimed under P&I coverage. These losses have driven premium rates to high levels and have almost totally discouraged domestic underwriters from writing this coverage in New England.

There is also the important question of vessel characteristics. The investigations conducted for this report left little doubt that age and construction type of a vessel have a profound effect on premium rates particularly for hull insurance. It is generally true that where you find aged fleets, of mostly wood construction, you will also find a "hull" insurance problem. Underwriters for the Gulf area, particularly, rate wood vessels as a considerably greater risk than steel vessels. A similar situation prevails on the West Coast, where aged fleets also contribute to high insurance costs. Of course these are generalities, but are recounted to point up the important fact that there are many shades of the insurance problem, identifiable with various fisheries.

With respect to each type of insurance (hull and P&I), it is possible to make the following observations:

The hull problem potentially is more widespread, because all vessel operators should protect their investments in vessels, whereas in the case of family owned and operated vessels it is not always essential to have P&I protection. On the other hand, the P&I problem is the more troublesome when viewed in the light of potential solutions. Although factors that determine "risk" with respect to hull insurance are considered in the determination of P&I rates, the latter are seriously affected by the legal environment in which claims are pursued, i.e., the broad scope of legal liability imposed on vessel owners by traditional maritime laws, and the Jones Act.

Commercial fishermen, for the most part, are not embraced by Workmen's Compensation statutes but are afforded the protection of the maritime laws. As the law has evolved, vessel owners have broad obligations with respect to liabilities for personal injuries to crewmen. The degrees of liability are not so clearly defined as they are under Workmen's Compensation statutes and regulations. Rather, determinations of liability have been made through litigation. In the eyes of underwriters, court interpretations of the maritime law and generous jury verdicts have combined to increase the P&I risk substantially. Judging from the persistent losses insurers have sustained for this class of insurance, it is evident that underwriters have been unable to assess the risk with any degree of accuracy under these conditions. Inevitably, insurers have avoided underwriting P&I, and the domestic market for this class of insurance is extremely limited.

Because of the high loss ratios and unfavorable institutional environment (i.e., Jones Act, etc.) P&I coverage for most fisheries is being obtained largely from foreign underwriters. Domestic underwriters do, however, show an active interest in "hull" business particularly in the Gulf area and California. Quite likely, domestic companies are managing to earn modest margins on their hull writings, although the rising costs of settling claims appear to be eroding these margins. Moreover, where P&I coverage is written in conjunction with hull policies, underwriting margins become even more vulnerable. An evaluation of the "active" interest maintained by domestic companies with respect to hull insurance, however, should be made with the additional fact that there is a high degree of concentration in the market for vessel insurance, with relatively few companies writing most of the business in the various areas. This is not, necessarily, an undesirable structure, because it may be that the peculiarities of writing fishing vessel insurance dictate this type of arrangement. Price competition for all types of insurance has been minimized through legally sanctioned rating bureaus and insurance syndicates.

Mr. KENNEDY. Mr. President, the National Marine Fisheries Service points out that annual premiums for vessels in the Boston haddock fleet in 1966 averaged $16,351. This amounted to half the fixed costs or overhead to each vessel; that is, the insurance bill was equal to the combined total of interest expenses, employee taxes, and administrative costs. As much is spent on insurance as on food which runs over $60 per day at sea for a 17-man vessel.

The legislation which I introduce today provides that the Secretary of Commerce promulgate safety standards and authorizes loan guarantees of $15 million so that commercial fishermen can meet these standards. The U.S. Coast Guard estimates that with the adoption of adequate safety programs in the North Atlantic fisheries, savings in hull insurance premiums would range between 28 percent and 56 percent. I would like to insert in the RECORD a chart prepared by the Department of Interior illustrating the high rate of work-connected injuries in the Boston fleet as compared to other industries.

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

WORK-CONNECTED INJURY EXPERIENCE OF THE BOSTON OFFSHORE TRAWLER FLEET COMPARED WITH OTHER INDUSTRY EXPERIENCE 1963-64

Industry group	Injury frequency rate[1]	Acreage days disability per case[2]
Boston fishermen	40.3	47
Manufacturing	11.9	18
Coal mining	43.5	(3)
Metal mining and milling	23.8	(3)
Contract construction	28.6	18
Major freight transportation warehousing	31.3	17
Wholesale and retail trade	12.2	14

[1] Number of disabling work injuries per million employee hours worked. In the case of Boston fishermen, work-connected illnesses are included.

[2] Pertains to injuries which do not result in death or permanent impairment.

[3] Not available.

Source: Norton, Virgil J. and Morton M. Miller, "An Economic Study of the Boston Large-Trawler Labor Force," U.S. Department of the Interior, Bureau of Commercial Fisheries Circular 248, Washington, D.C. (May 1966).

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Mr. KENNEDY. Mr. President, the bill also authorizes $10 million for loan guarantees to fishermen's marine insurance associations to provide insurance against damage or loss of vessels, injury or death of fishermen and other insurable risks associated with commercial fishing vessel operations. Vessel owners on the west coast have formed several groups for the purpose of pooling their insurable risks. They are nonprofit groups, organized to obtain insurance at the lowest reasonable cost and they have been very successful in this effort.

A reinsurance fund is established to provide a reinsurance service to carriers which issue insurance to commercial fishing vessels. Enactment of this legislation would bring down insurance rates which have become so enormously high in the last decade that many New England fishermen today must go without insurance.

Mr. President, the legislative package I introduce today for the New England fishing industry deals with the varied and complex problems that face all our fishermen. And I think that this Congress should make the determination that the fishermen have made, that the fishing industry must be assisted now if it is to be effective, timely assistance. There is a visible force at work during these critical times for Massachusetts fishermen and that is the will and commitment of the fishermen themselves to saving the New England fishing industry. And it is this force which I am hopeful will prevail during this Congress as we have the opportunity to consider and act on this legislation which is so desperately needed.

The bills and concurrent resolution, ordered to be printed in the RECORD, are as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Fishermen's Protective Act of 1967 is amended—

(1) by inserting immediately before "by a country" a comma and the following: "or vessel of the United States or its gear damaged"; and

(2) by inserting before "in accordance" the following: "or such vessel or its gear damaged".

SEC. 2. Section 5(a)(2) of the Fishermen's Protective Act of 1967 is amended by inserting after "seizure" the following: "or damage to a vessel of the United States or its gear".

SEC. 3. (a) Section 7(a) of the Fishermen's Protective Act of 1967 is amended to read as follows: "(a) The Secretary, upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certificated as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provisions of this section and such other terms and conditions as the Secretary deems

appropriate. Such agreement shall provide that, if such vessel or its gear is damaged as a result of the action of a vessel operated by the government of such country or any other activity of such government (on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States), or if such vessel is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary shall guarantee—

"(1) the owner of such vessel for actual costs, except those covered by section 3 of this Act, incurred by the owner arising out of damage to his vessel or gear by such country, or during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting (A) from any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, gear, or equipment, or (C) from dockage fees or utilities;

"(2) the owner of such vessel and its crew for the market value of fish caught (A) before damage to such vessel or gear and lost or spoiled as the result of such damage, or (B) before seizure of such vessel and confiscated or spoiled during the period of detention; and

"(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such damage or such seizure and detention, as determined by the Secretary of the Interior, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such damage or seizure and detention of the vessel seized or, if such experiences is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that of the type and size of the damaged or seized vessel."

(b) Section 7(b) of such Act is amended by striking out "seized".

S. 785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Fisheries Environmental and Natural Diseaster Assistance Act".

DECLARATION OF PURPOSE

SEC. 2. It is the purpose of this Act to promote the national welfare by improving the economic stability of the fisheries and fisheries trade through a sound system of product insurance and indemnity against excessive losses, caused by Federal, State, or local health authority action preventing the processing of marketing of fish or fish products or by any natural disaster; and providing the means for the research and experience helpful in devising and establishing such insurance.

TITLE I—FEDERAL FISHERIES ENVIRONMENTAL AND NATURAL DISASTER INSURANCE CORPORATION

CREATION

SEC. 101. To carry out the purposes of this title, there is hereby created as an agency of and within the Department of Commerce a body corporate known as Federal Fisheries Environmental and Natural Disaster Insurance Corporation (hereinafter referred to as the "Corporation"). The principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices elsewhere in the United States under rules and regulations prescribed by the Board of Directors.

CAPITAL STOCK OF THE CORPORTION

SEC. 102. (a) The Corporation shall have a capital stock of $25,000,000 subscribed by the United States of America, payment for which shall, with the approval of the Secretary of Commerce (hereinafter referred to as the Secretary"), be subject to call in whole or in part by the Board of Directors of the Corporation.

(b) There is authorized to be appropriated such sums as are necessary for the purpose of subscribing to the capital stock of the Corporation.

(c) Receipts for payments by the United States of America for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of the stock ownership by the United States of America.

CAPITALIZATION OF THE CORPORATION

SEC. 103. The payment of capital stock in the Corporation shall be effected by transfer of funds on the books of the Treasury Department to the credit of the Corporation.

BOARD OF DIRECTORS AND MANAGER OF THE CORPORATION

SEC. 104. (a) The management of the Corporation shall be vested in a Board of Directors (hereinafter referred to as the "Board") subject to the general supervision of the Secretary. The Board shall consist of the manager of the Corporation, two other persons employed in the Department of Commerce, and two persons experienced in the insurance business who are not otherwise employed by the Government. The Board shall be appointed by, and hold office at the pleasure of the Secretary, who shall not, himself, be a member of the Board.

(b) Vacancies in the Board so long as there shall be three members in office shall not impair the powers of the Board to execute the functions of the Corporation, and three of the members in office shall constitute a quorum for the transaction of the business of the Board.

(c) The Directors of the Corporation who are employed in the Department of Commerce shall receive no additional compensation for their services as such Directors but may be allowed necessary traveling and subsistence expenses when engaged in business of the Corporation outside of the District of Columbia. The members of the Board who are not employed by the Government shall be paid such compensation for their services as Directors as the Secretary shall determine, but such compensation shall not exceed $100 per day each when actually employed and transportation expenses plus not to exceed $20 per diem in lieu of subsistence expenses when on business of the Corporation away from their homes or regular places of business.

(d) The manager of the Corporation shall be its chief executive officer, with such power and authority as may be conferred upon him by the Board. He shall be appointed by, and hold office at the pleasure of, the Secretary.

POWERS OF THE CORPORATION

SEC. 105. The Corporation—

(1) shall have succession in its corporate name;

(2) may adopt, alter, and use a corporate seal, which shall be judicially noticed:

(3) may make contracts and purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of such property held by it upon such terms as it deems appropriate;

(4) may sue and be sued in its corporate name in any court of record of a State having general jurisdiction, or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; except that no attachment, injunction, garnishment, or other similiar process, mesne or final, shall be issued against the Corporation or its property;

(5) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers granted to it by law may be exercised and enjoyed;

(6) shall be entitled to the free use of the United States mails in the same manner as the other executive agencies of the Government;

(7) with the consent of any board, commission, independent establishment, or executive department of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officials, and employees thereof in carrying out the provisions of this title;

(8) may conduct researches, surveys, and investigations relating to fisheries disaster insurance and shall assemble data for the purpose of establishing sound actuarial bases for insurance on fisheries commodities;

(9) shall determine the character and necessity for its expenditures under this title and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds and such determinations shall be final and conclusive upon all other officers of the Government; and

(10) shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation and all such incidental powers as are customary in corporations generally.

PERSONNEL OF THE CORPORATION

SEC. 106. (a) The Secretary shall appoint such officers and employees as may be necessary for the transaction of the business of the Corporation pursuant to the civil service and classification laws, define their authority and duties, delegate to them such of the powers vested in the Corporation as he may determine, require bond of such of them as he may designate, and fix the penalities and pay the premiums of such bonds; except that personnel paid by the hour, day, or month when actually employed, and local insurance committeemen may be appointed without regard to civil service laws and regulations.

(b) Insofar as applicable, chapter 81 (relating to compensation for work injuries, of title 5, United States Code, shall extend to persons given employment under the provisions of this title, including the employees of the committees and associations referred to in subsection (c) of this section and the members of such committees.

(c) The Secretary of Commerce may allot to bureaus and offices of the Department of Commerce or transfer to such other agencies of the State and Federal Governments as he may request to assist in carrying out this title any funds made available pursuant to the provisions of this title.

(d) In carrying out the provisions of this title the Board may, in its discretion, utilize producer-owned and producer-controlled cooperative associations.

FISHERIES ENVIRONMENTAL DISASTER INSURANCE

SEC. 107. (a) To carry out the purposes of this title, the Corporation, commencing with fish and shellfish catches for 1974, shall insure, or reinsure insurers of—

(1) domestic fishing vessel owners and crews for losses in gross revenue incurred in a single season by inability to harvest or market as planned a fish or shellfish catch because of Federal, State, or local health regulation or action determining the product to be unfit for human consumption or because of any natural disaster, as defined by the Secretary;

(2) domestic fishing vessel owners for costs of refitting vessels necessitated by, or loss value of vessels caused by, elimination of an entire fish or shellfish resource as a harvestable resource because of Federal, State, or local health regulation or action or because of any natural disaster; and

(3) domestic fish and shellfish dealers,

processors, and wholesalers against losses incurred by inability to market an inventory of fish or shellfish because of Federal, State, or local health regulation or action determining the product to be unfit for human consumption when the cause of the determination is change, either natural or man-made.

(b) The Board shall fix premiums for each type of insurance and for the various species of fish and shellfish at such rates as the Board deems sufficient to cover claims for losses on such insurance, and to establish as expeditiously as possible a reasonable reserve against unforeseen losses. Such premiums shall be reviewed and adjusted annually to reflect experience of the previous year.

(c) The Board shall adjust and pay claims for losses in cash under rules prescribed by the Board. In the event that any claim for indemnity under the provisions of this title is denied by the Corporation, an action on such claim may be brought against the Corporation in the United States district court, or in any court of record of the State having general jurisdiction, sitting in the district in which the insured firm is located, and jurisdiction is conferred upon such district courts to determine such controversies without regard to the amount in controversy; except that no suit on such claim shall be allowed under this subsection unless the same shall have been brought within one year after the date when notice of denial of the claim is mailed to and received by the claimant.

EXEMPTION OF INDEMNITIES FROM LEVY

SEC. 108. Claims for indemnities under this title shall not be liable to attachment, levy, garnishment, or any other legal process before payment to the insured or to deduction on account of the indebtedness of the insured or his estate to the United States except claims of the United States or the Corporation arising under this title.

DEPOSIT AND INVESTMENT OF FUNDS

SEC. 109. All money of the Corporation not otherwise employed may be deposited with the Treasury of the United States or in any bank approved by the Secretary of the Treasury, subject to withdrawal by the Corporation at any time, or with the approval of the Secretary of the Treasury may be invested in obligations of the United States or in obligations guaranteed as to principal and interest by the United States. Subject to the approval of the Secretary of the Treasury, the Federal Reserve banks are hereby authorized and directed to act as depositories, custodians, and fiscal agents for the Corporation in the performance of its powers conferred by this chapter.

TAX EXEMPTION

SEC. 110. The Corporation, including its franchise, its capital reserves, and surplus, and its income and property, shall be exempt from all taxation imposed by the United States or by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

CORPORATION AS FISCAL AGENT OF GOVERNMENT

SEC. 111. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary of the Treasury. The Corporation may also be employed as a financial agent of the Government and shall perform all such reasonable duties as a depository of public money and financial agent of the Government as may be required of it.

ACCOUNTING BY THE CORPORATION

SEC. 112. The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary a complete report as to the business of the Corporation. The financial transactions of the Corporation shall be audited at least once each year by the General Accounting Office for the sole purpose of making a report to Congress, together with such recommendations as the Comptroller General of the United States may deem advisable; except that such report shall not be made until the Corporation shall have had reasonable opportunity to examine the exceptions and criticisms of the Comptroller General or the General Accounting Office, to point out errors herein, explain or answer the same, and to file a statement which shall be submitted by the Comptroller General with his report.

ADVISORY COMMITTEE

SEC. 113. The Secretary is authorized to appoint, from time to time, an advisory committee consisting of not more than five members experienced in the functions of the Corporation and appointed with due consideration to their geographical distribution, to advise the Corporation with respect to carrying out the purposes of this title. The compensation of the members of such committee shall be determined by the Board but shall not exceed $100 per day each while actually employed and actual necessary traveling and subsistence expenses, or a per diem allowance in lieu of such expenses.

TITLE II—REIMBURSEMENT OF COMMERCIAL FISHERMEN

DEFINITIONS

SEC. 204. As used in this title—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "domestic fishing" means commercial fishing undertaken by vessels registered in the United States.

(3) The term "allied sport fishing camps" means fishing camps and businesses which provide facilities, boats, bait, and other incidental supplies for fishing.

(4) The term "fishing equipment" includes nets, equipment, and vessels used in domestic fishing.

(5) The term "prohibitive Federal or State restrictions" means restrictions relating to a deterioration in the quality of the aquatic environment and imposed or enforced on or after January 1, 1970, and until December 31, 1973 (or until the implementation of title 1 of the Federal Fisheries Environmental and Natural Disaster Act, if such implementation is before December 31, 1973) by any State or by any department or agency of the Federal Government which, in the judgment of the Secretary, impair the economic feasibility of any type of domestic fishing to such an extent as to reduce—

(A) by 50 per centum or more the fair market value, in the affected area, of fishing equipment principally useful for that type of fishing, or

(B) by 20 per centum or more the market value of the commercial catch in the calendar year concerned but for the imposition of such restrictions and which also results in allied sport fishing camps proportionate losses.

(6) The term "eligible owner" means any legal entity which—

(A) is the owner of fishing equipment, and

(B) was engaged in domestic fishing as his usual occupation for 30 days or more prior to the imposition of prohibitive Federal or State restrictions thereon, or

(C) was the owner and operator of a sport fishing camp.

GRANTS TO ADVERSELY AFFECTED OWNERS

SEC. 202. (a) Any eligible owner adversely affected by the imposition of prohibitive Federal and State restrictions in any calendar year may apply to the Secretary for a grant under this section for the purpose of enabling such owner to meet the usual business expenses which, but for the economic loss caused him by the imposition of such restrictions, such owner would ordinarily be able to meet.

(b)(1) In any case in which paragraph (2) does not apply, a grant made by the Secretary under this section may not exceed an amount equal to 70 per centum of the yearly gross earnings from domestic fishing or allied sport fishing camp operations which the eligible owner lost in the calendar year as a result of the imposition of such Federal or State restrictions. In determining lost gross earnings from domestic fishing operations for an eligible owner under this paragraph, the Secretary shall subtract the amount of actual or estimated gross earnings from such operations in the year in which such Federal or State restrictions were imposed from the yearly gross earnings from domestic fishing operations made by such eligible owner in the last calendar year in which no prohibitive Federal or State restrictions affected such owners' operations.

(2) In the case of an eligible owner who substantially increased his investment in fishing equipment for use in the calendar year in which such restrictions are imposed, as compared with his investment in materials in the calendar year immediately preceding such calendar year, a grant made under this section may not exceed an amount equal to 70 per centum of the estimated yearly gross earnings from domestic fishing operations which the eligible owner lost in the calendar year as a result of the imposition of such Federal or State restrictions. In estimating lost gross earnings under this paragraph, the Secretary shall take into account all harvesting gear owned by the eligible owner and in use by him at the time of, or intended to be so used by him before, such Federal or State restrictions were imposed and the expected income for that calendar year. In the case of an eligible owner who operates a sport fishing camp, the Secretary shall accordingly take into account his volume of business and investments in facilities and supplies when estimating lost gross earnings under the same paragraph.

(c)(1) No grant may be made under this section unless application therefor is made before the close of the calendar year after the calendar year in which the prohibitive Federal or State restrictions concerned are imposed or enforced.

(2) No grant may be made under this section to any owner unless such owner is a domestic legal entity.

APPROPRIATIONS AUTHORIZED

SEC. 203. There is authorized to be appropriated to carry out the purposes of this title not to exceed $5,000,000.

TITLE III—REIMBURSEMENT OF FISH AND SHELLFISH PROCESSORS AND MARKETERS

DEFINITIONS

SEC. 301. As used in this title—

(1) The term "Secretary" means the Secretary of Commerce.

(2) The term "inventory" means fish or shellfish products in processed or partially processed form owned by a domestic corporation.

(8) The term "fishing equipment" includes nets, equipment, and vessels used in domestic fishing.

(4) The term "prohibitive Federal, local, or State restriction" means restrictions imposed on or after January 1, 1970, and until December 31, 1973 (or until the implementation of title I of the Federal Fisheries Environmental and Natural Disaster Assistance Act if such implementation is before December 31, 1973), by any State or local government agency or by any agency or department of the Federal Government which prohibits marketing of the product in this country because of determination that the product is unfit for human consumption when the cause of such determination is change, either natural or man-made, in en-

vironmental conditions; or a newly discovered hazardous condition (including, but not limited to, presence of toxic or potentially toxic constituents or contaminants).

(5) The term "eligible owner" means any domestic legal entity which is the owner of the inventory or fishing equipment at the time of imposition of the prohibitive restrictions.

GRANTS

SEC. 302. (1) Any eligible owner adversely affected by the imposition of prohibitive Federal, State, or local restrictions during the period specified, may apply to the Secretary for a grant under this title for the purpose of recovering losses incurred in disposition of inventory affected or lost value of fishing equipment rendered unusable because of elimination of an entire fish or shellfish resource as a harvestable resource.

(2) No grant shall be made under this section unless such inventory was acquired from a domestic fishing vessel.

APPROPRIATIONS AUTHORIZATIONS

SEC. 303. There is authorized to be appropriated to carry out the purposes of this title not to exceed $3,000,000.

S. 786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the administration of section 7(b)(4) of the Small Business Act, the Administrator of the Small Business Administration shall make loans to cover loss of income or profit to individuals who are self-employed in the fishing industry and who, as a result of the "Red Tide" or any other incident of toxic algae occurring on or after September 1, 1972, sustain losses of income or profit, except that the aggregrate amount of loans under such section made pursuant to the additional authority conferred by this Act to any individual in any calendar year may not exceed the lesser of (1) the actual amount of income or profit lost, or (2) $5,000.

S. 787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Fisheries Development Act of 1973".

TITLE I

STATEMENT OF PURPOSE

SEC. 101. The purpose of this title is to encourage and facilitate efficient use of fishery resources in all regions of the United States, to coordinate and maximize the benefits from new fisheries technology, development, and research, and to provide other assistance to the fisheries industry.

FISHERIES EXTENSION SERVICE

SEC. 102. (a) In order to aid in diffusing useful and practical information on subjects related to commercial fishing operations, the processing of fisheries products, and the marketing thereof, and to encourage the application of such knowledge, the Secretary of Commerce (hereinafter referred to the "Secretary") is authorized to provide funds for the National Oceanic and Atmospheric Administration in the Department of Commerce the Fisheries Extension Service and to exercise through such Service the existing fisheries extension authority of such Administration, as well as the extension authority under the provisions of this section. All such extension activities shall be coordinated with the fisheries extension activities carried on by the States and by the sea grant colleges and, to the extent practicable and feasible, shall utilize or be carried out through State fisheries agencies, colleges and universities, or other institutions with expertise in the field of fisheries development, with special emphasis on institutional arrangements which promote regional undertakings.

(b) In determining which industries and geographic areas shall receive priority for the purposes of initiating extension activities authorized in this section, the Secretary shall consider such factors as (1) the size of the industries to be affected; (2) the state of their technology as compared to that of similar industries in foreign countries; (3) the extent of the potential resources and markets; (4) the amount of information resulting from relevant research activities; and (5) the economic benefits to be derived from the practical application of such information to commercial operations.

(c) The Secretary is authorized to carry out fisheries extension work pursuant to this section which shall consist of the giving of instruction and practical demonstrations in commercial fishing, in the processing and marketing of fisheries products, and in business management at all levels of the fishing industry, to persons engaged in such activities for economic gain, and of imparting information on said subjects through demonstrations, publications, and otherwise. Such work shall be carried on in such manner as may be determined by the Secretary after consultation with appropriate State and local officials, and local representatives of the industries to be benefited by such work.

(d) There are authorized to be appropriated for the purposes of this section $10,000,000 for the fiscal year beginning July 1, 1973, $15,000,000 for the fiscal year beginning July 1, 1974, and $20,000,000 for the fiscal year beginning July 1, 1975.

TECHNICAL ASSISTANCE GRANTS

SEC. 103. (a) The Secretary is authorized to make technical assistance grants to fishery cooperatives, marketing associations, and other private agencies or organizations, to pay in whole or in part the costs of—

(1) implementing technological improvements in the fisheries for demonstration purposes; and

(2) marketing research necessary for the development of foreign markets.

(b) In determining whether to make any such grant, and in fixing the amount thereof, and the terms and conditions on which it will be made, the Secretary shall take into consideration the amount available for grants under this section; the number of applications for such grants; the financial condition of the applicant; and the benefits which are expected to accrue from the proposed demonstration project.

(c) Payments pursuant to a grant under this section may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

(d) There are authorized to be appropriated for the purposes of this section $5,000,000 for the fiscal year beginning July 1, 1973, $7,500,000 for the fiscal year beginning July 1, 1974, and $10,000,000 for the fiscal year beginning July 1, 1975.

EXPANSION INTO NEW OR UNDEREXPLOITED SPECIES

SEC. 104. (a) For the purpose of encouraging and assisting the United States fishing industry to expand into unexploited or underexploited species the Secretary is authorized to make grants pursuant to this section for the necessary conversion of fishing vessels (including the acquisition of gear).

(b) In determining whether to make such a grant and in fixing the amount thereof, and the terms and conditions on which it will be made, the Secretary shall take into consideration the amount available for grants under this section; the number of applications for such grants; the financial ability of the applicant to pay any remaining cost of conversion and to operate the vessel after conversion; and the benefits to the industry generally.

(c) Payments pursuant to a grant under this section may be made in advance or by way of reimbursement, and in such installments as the Secretary may determine.

(d) There are authorized to be appropriated for the purposes of this section $5,000,000 for the fiscal year beginning July 1, 1973, and for each of the two succeeding fiscal years.

FISHERIES LAW STUDY

SEC. 105. (a) The Secretary is authorized to undertake a comprehensive study and review of existing fisheries regulation at the local, State, and Federal levels. Such study shall include but need not be limited to (1) a review of existing Federal, State, and local regulation of commercial and recreational fishing, and (2) an assessment of the effectiveness of such regulation in promoting the efficient and beneficial use of marine resources.

(b) The Secretary is further authorized to develop a series of model codes suitable for adoption by the various coastal States. These codes shall be designed to harmonize the conflicting interests of various commercial and recreational fishing, and to promote the conservation and efficient exploitation of marine resources.

(c) The results of such study and such model codes shall be incorporated into a report on the state of fishery regulation and shall be presented to the Congress and the President on 19 , and kept up to date by an annual supplement presented on May 31 of each following year.

(d) There are hereby authorized to be appropriated for the purposes of this section $1,000,000 for the fiscal year beginning July 1, 1973, plus such additional sums as the Congress may deem necessary for each fiscal year thereafter.

IMPORT STUDY

SEC. 106. In order to aid the Congress in adopting the Nation's tariff policies to the needs of the domestic fishing industry, the Secretary shall submit beginning as soon as practicable a semiannual report to the President and the Congress on the importation of fisheries products into the United States. Such report shall include, but need not be limited to (1) a profile of the quantity and value of the fisheries products imported into the United States in the preceding six months, broken down by tariff category and country of origin, (2) a projection of imports of fisheries fresh products and frozen products anticipated in the following six months, and (3) an analysis of the effects of these past and projected imports on the domestic fisheries.

FISH PROTEIN CONCENTRATE

SEC. 107. Section 3 of the Act entitled "An Act to authorize the Secretary of the Interior to develop through the use of experiment and demonstration plants, practicable and economic means for the production by the commercial fishing industry of fish protein concentrate", approved November 2, 1966, as amended (16 U.S.C. 778f) is amended by adding at the end of the second sentence the following new sentence: "There is also authorized to be appropriated not to exceed $1,500,000 for each fiscal year beginning after June 30, 1973, to carry out the research authorized by the first section of this Act."

FISHERMEN'S COOPERATIVE ASSOCIATIONS

SEC. 108. The Secretary is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to make grants to fishermen's cooperative associations, for the following purposes;

(1) to finance the purchase of fish and shellfish or products thereof and the cost of storing fish and shellfish and the products

thereof in cold storage or other storage facilities owned, leased, or used by such association;

(2) to provide operating capital needed to supplement the capital funds of such association; and

(3) to finance or refinance the acquisition by purchase or lease of land, buildings, and equipment and the construction or reconstruction of buildings or other improvements used by such association in connection with activities related solely to the storage, processing preparation for market, handling, or marketing of fish and shellfish or the products thereof.

No grant shall be made under this subsection if, in the judgment of the Secretary, the grant will increase the production of any fish or shellfish which is commonly produced in excess of annual marketing requirements, or will materially contribute to the depletion of any fish or shellfish species contrary to sound conservation practices. There is authorized to be appropriated $3,000,000, for the fiscal year ending June 30, 1974, and for each of the two succeeding years, for grants pursuant to this section.

TITLE II

STATEMENT OF PURPOSE

SEC. 201. The purpose of this title is to assist voluntary associations of fishermen, processors, cooperatives, and other organizations and persons engaged in handling fish and fish products, and to conditionally exempt such associations from certain provisions of the antitrust laws, so that they may, through marketing agreements, promotional and product development activities, marketing research, and other related activities, better regulate the fluctuation of prices and the marketing of fish and fish products which create the unstable and chaotic conditions in the fishing industry, and expand and develop existing and new markets, both domestic and foreign, for underexploited species.

VOLUNTARY ASSOCIATIONS AUTHORIZED

SEC. 202. (a) In order to effect the purpose of this title, the Secretary shall have the power, after due notice and opportunity for hearing, to permit the voluntary association for the purpose of this title of fishermen, processors, cooperatives, and other organizations and persons engaged in the handling of fish or fish products (hereinafter referred to as "handlers").

(b) Such voluntary associations may be formed for the purposes of the issuance of marketing agreements, the development and promotion of a specific product or products, and the establishment of market and product research programs designed to improve the quality or increase the consumption of the product.

(c) The making of any such agreement shall be lawful and shall not be held in violation of any of the antitrust laws of the United States if such agreement meets the requirements of this title and such additional requirements as are prescribed by the Secretary for the purpose of this title.

PURPOSES OF MARKETING AGREEMENTS

SEC. 203. Agreements made pursuant to section 202 may—

(a) limit, or provide methods for limiting, in a fair and equitable manner the total quantity of any fish or fish product, or any grade, size, or quality thereof, produced in any specified manner during any specified period or periods of more than three months each, which may be marketed in or transported to any or all markets during any specified period or periods by each handler or all handlers, but such limits shall be subject to minimum limits determined by the Secretary;

(b) allot, or provide methods for alloting, in a fair and equitable manner the amount of any fish or fish product, or of any grade, size, or quality thereof, which each handler may purchase from or handle on behalf of any and all other handlers during any specified period or periods;

(c) establish or provide for the establishment of reserve pools of any such fish or fish product, or of any grade, size, or quality thereof, and provide for the equitable disposition of the net return derived from the sale thereof among the persons beneficially interested therein;

(d) require or provide for the requirement of inspection of any such fish or fish product produced during specified periods of marketing;

(e) determine, or provide methods for determining the evidence and extent of the surplus of any fish or fish product, or of any grade, size, or quality thereof and provide for the control and disposition of such surplus and for equalizing the burden of such surplus elimination or control among the handlers thereof;

(f) prohibit unfair methods of competition and unfair trade practices in the handling of any fish or fish product;

(g) provide that any fish or fish product, or any grade, size, or quality thereof shall be sold by the handlers of any class or handlers in the manner provided in such agreement;

(h) provide to the association the powers and duties—

(1) to administer such agreement in accordance with its terms and provisions;

(2) to make rules and regulations to execute the terms and provisions of such agreement;

(3) to receive, investigate, and report on complaints of violation of such agreement; and

(4) to recommend amendments to such agreement; and

(i) make such other provisions incidental to, and not inconsistent with the terms and conditions above specified and necessary to execute the provisions of such agreements.

AGREEMENTS NOT APPLICABLE TO RETAILERS

SEC. 204. Agreements formulated under this title shall not be applicable to any person who sells fish or fish products at retail in his capacity as retailer.

AUTHORITY TO PREVENT SHORTAGES

SEC. 205. The Secretary shall not permit to continue in effect any agreement which reduces the supply of any fish or fish product below a quantity sufficient to provide for normal domestic consumption, exports, and carryover.

SHARING OF EXPENSES

SEC. 206. Each association formed under this title and approved by the Secretary may require that each member thereof shall pay to the association such member's pro rata share (as approved by the Secretary) of such expenses as the Secretary may find are reasonable and are likely to be incurred by such association, during any period specified by him, for such purposes as the Secretary may determine to be appropriate for the maintenance and functioning of such association, other than expenses incurred in receiving, handling, holding, or disposing of any quantity of commodity received, handled, held, or disposed of by such association for the benefit or account of persons other than members. Such pro rata shares shall be computed on the basis of the quantity of the fish or fish products distributed, processed, or shipped by such association, and such other activities as the Secretary may approve.

INFORMATION REPORTS

SEC. 207. (a) All parties to any marketing agreement pursuant to this title shall severally, from time to time, upon the request of the Secretary, furnish him with such information as he finds to be necessary to enable him to ascertain and determine the extent to which such agreement has been carried out or has effectuated the declared policy of this title, and with such information as he finds to be necessary to determine whether or not there has been any abuse of exemptions from the antitrust laws. Such information shall be furnished in accordance with forms of reports to be prescribed by the Secretary. For the purpose of ascertaining the accuracy of any report made to the Secretary pursuant to this section, or for the purpose or obtaining the information required in any such report, where it has been requested and has not been furnished, the Secretary is authorized to examine such books, records, papers, copies of income tax reports, accounts, correspondence, contracts, documents, or memorandums, as he deems relevant and which are within the control of (1) any such party to such agreement from whom such report was requested, (2) any person having, either directly or indirectly, actual or legal control of or over such party, or (3) any subsidiary of any such party.

(b) All information furnished to or acquired by the Secretary pursuant to this section shall be kept confidential by all officers and employees of the Department of Commerce and only information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the agreement with reference to which the information so to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit (1) the issuance of general statements based upon the reports of a number of parties to an agreement or of handlers subject to an agreement, which statements do not identify the information furnished by any persons, or (2) the publication by direction of the Secretary, of the name of any person violating any marketing agreement, together with a statement of the particular provisions of the agreement violated by such person. Any such officer or employee violating the provisions of this section shall upon conviction be subject to a fine or not more than $1,000 or to imprisonment for not more than one year, or to both, and shall be removed from office.

GRANT ASSISTANCE

SEC. 208. (a) The Secretary is authorized to make grants to voluntary associations formed pursuant to this title in order to assist such associations in carrying out the purpose of this title. No grant shall be made under this section if, in the judgment of the Secretary, the grant will increase the production of any fish or shellfish which is commonly produced in excess of annual marketing requirements, or will materially contribute to the depletion of any fish or shellfish species contrary to sound conservation practices.

(b) There are authorized to be appropriated $1,500,000 for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years, for grants pursuant to this section.

SEPARABILITY

SEC. 209. If any provision of this title is declared unconstitutional, or the applicability thereof to any person, circumstance, or commodity is held invalid the validity of the remainder of this title and the applicability thereof to other persons, circumstances, or commodities shall not be affected thereby.

S. 788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(a) of the Act entitled "An Act to authorize the Federal Surplus Commodities Corporation to purchase and distribute surplus products of the fishing industry", approved

August 11, 1939, as amended (15 U.S.C. 713c–3(a)) is amended by striking out "30 per centum" and inserting in lieu thereof "100 per centum".

S. 789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fishing Vessel Insurance and Safety Act."

FISHING VESSEL SAFETY

SEC. 2. (a) The Secretary of Commerce (hereafter referred to in this Act as the Secretary) is authorized under such rules and regulations and under such terms and conditions as he may prescribe, to promulgate voluntary safety standards for the construction, reconstruction, and operation of commercial fishing vessels, after consultation with the Secretary of the Department within which the United States Coast Guard is operating, for the purpose of reducing operational hazards and lowering the risks of fishing vessel casualties and loss of life.

(b) The Secretary is authorized to develop a certification system for determining compliance with the voluntary safety standards promulgated pursuant to section 2(a) and to certify fishing vessels as having complied with the voluntary safety standards. Certification can be made upon receipt of a statement of compliance by a marine surveyor or naval architect previously registered and accepted as qualified by the Secretary.

(c) Costs of inspecting vessels for the purpose of obtaining certification by the Secretary shall be borne by the vessel owner.

LOAN GUARANTEES FOR FISHING VESSEL SAFETY

SEC. 3. (a) The Secretary is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to guarantee the entire amount of loans made to owners of commercial fishing vessels by private lending institutions for the cost of equipping, maintaining, repairing, altering, modifying, rehabilitating, or improving commercial fishing vessels in order to meet standards of safety for fishing vessels promulgated by the Secretary pursuant to section 2(a).

(b) The aggregate unpaid principal amount of the loans guaranteed under this section and outstanding at any one time shall not exceed $15,000,000.

LOAN GUARANTEES FOR FISHERMEN'S MARINE INSURANCE ASSOCIATIONS

SEC. 4. (a) The Secretary is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to guarantee loans made by private lending institutions to fishermen marine insurance associations to provide insurance against (1) damage to or loss of commercial fishing vessels; (2) injury or death of a member of a fishing crew; or (3) other commercially insurable risks and perils associated with commercial fishing vessel operations.

(b) No loan or loans guaranteed hereunder shall exceed 50 per centum of the capital and surplus of such fishermen's marine insurance association at the time the guarantee agreement is executed.

(c) A fishermen's marine insurance association may not insure any commercial fishing vessel other than a vessel which is owned by a citizen or national of the United States who is a member of such association.

(d) The term "fishermen's marine insurance association" means any association, whether corporate or otherwise, which is composed of citizens of the United States and is organized and existing under the laws of any State.

(e) The aggregate unpaid principal amount of the loans guaranteed under this section and outstanding at any one time shall not exceed $10,000,000.

CONDITIONS FOR MAKING LOAN GUARANTEES

SEC. 5. (a) Any loan guarantee made under either section 3 or 4 shall be on such terms and conditions as the Secretary determines, subject, however, to the following minimum restrictions and limitations:

(1) Loans shall bear interest (exclusive of premium charges and service charges, if any) at rates not to exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Department of Commerce.

(2) Loans shall mature in not more than 10 years.

(3) No loan guarantee shall be entered into unless some security or other reasonable assurance of repayment is furnished, as the Secretary may require.

(4) The Secretary is authorized to make commitments to guarantee any such loan prior to the date of execution or disbursement thereon.

(5) The Secretary shall charge and collect such amounts as he may deem reasonable for the investigation of applications for a loan guarantee, for the appraisal of properties offered as security, and for the issuance of commitments: *Provided,* That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the loan to be guaranteed. Unless otherwise agreed, the charge for any such services shall be paid by the borrower.

(6) The Secretary is authorized to fix a premium charge for the guaranteeing of loans under this Act. Such premium charges shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of the loan outstanding. Premium payments shall be made when moneys are first advanced under the loan and on each anniversary date thenafter. All such premium charges shall be computed and shall be payable to the Secretary under such regulations as he may prescribe.

(7) An applicant for a loan guarantee under section 3 must be a citizen or national of the United States.

(8) Within the meaning of this Act, a corporation, partnership, or association shall not be deemed to be a citizen of the United States, unless the Secretary determines that it satisfactorily meets all of the requirements set forth in section 2 of the Shipping Act, 1916, as amended, for determining the United States citizenship of a corporation, partnership, or association operating a vessel in the coastwise trade.

(9)(A) The nationality of an applicant shall be established to the satisfaction of the Secretary. Within the meaning of this Act, no corporation, partnership, or association organized under the laws of American Samoa shall be deemed a national of the United States unless 75 per centum of the interest therein is owned by nationals of the United States, citizens of the United States, or both, and in the case of a corporation, unless its president or other chief executive officer and the chairman of its board are nationals or citizens of the United States and unless no more of its directors than a minority of the number necessary to constitute a quorum are nonnationals and noncitizens.

(B) Seventy-five per centum of the interest in a corporation shall not be deemed to be owned by nationals of the United States, or both, (i) if the title to 75 per centum of its stock is not vested in such nationals and citizens free from any trust or fiduciary obligation in favor of any person not a national or citizen of the United States; or (ii) if 75 per centum of the voting power in such corporation is not vested in nationals of the United States, citizens of the United States, or both; or (iii) if through any contract or understanding it is so arranged that more than 25 per centum of the voting power may be exercised, directly or indirectly, in behalf of any person who is not a national or citizen of the United States; or (iv) if by any other means whatsoever control of any interest in the corporation in excess of 25 per centum is conferred upon or permitted to be exercised by any person who is not a national or citizen of the United States.

(b) There is hereby created a Loan Guarantee Fund which shall be used by the Secretary as a revolving fund for the purpose of carrying out the provisions of sections (3) and (4).

(c) The faith of the United States is solemnly pledged to the payment of interest on and the unpaid balance of the principal amount of each loan guaranteed under this Act.

(d) The Secretary shall upon payment of the guarantee to the lender, be entitled to take an assignment from the lender of any collateral or security given by the borrower or others in connection with the loan.

(e) If at any time the moneys in the Loan Guarantee Fund authorized herein are not sufficient to pay any amount the Secretary is required to pay hereunder, the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions as may be prescribed by the Secretary of Commerce with the approval of the Secretary of the Treasury.

(f) No application for a loan guarantee authorized under this Act may be accepted by the Secretary after June 30, 1981.

REINSURANCE FUND

SEC. 6. (a) The Secretary is authorized, under such rules and regulations and under such terms and conditions as he may prescribe, to establish and administer a Fishing Vessel Reinsurance Fund (hereafter referred to in this section as the Fund), which will provide a reinsurance service to insurance carriers organized and existing under the laws of any State and which issues insurance to commercial fishing vessels documented under the laws of the United States. Such reinsurance service shall be limited to policies issued to such commercial fishing vessels.

(b) The Secretary is authorized to charge premiums for this reinsurance service in accordance with a schedule of rates to be determined by the Secretary. For the purpose of specifying appropriate rates, the Secretary is authorized to provide for a centralized risk evaluation service to be used for establishing reinsurance rates and to provide fishing vessel risk information to the public.

(c) The Secretary shall create an insurance fund in the Treasury to enable him to carry out the provisions of this Act. Moneys appropriated by Congress to carry out the provisions of this Act and all moneys received from premiums or other recoveries and all receipts in connection with this Act shall be deposited in the Treasury to the credit of such fund. Payments of return premiums, losses, settlements, judgments, and all liabilities incurred by the United States under this Act shall be made from such fund through the Division of Disbursement, Treasury Department. Upon the request of the Secretary of Commerce, the Secretary of the Treasury may invest or reinvest all or any part of the fund in securities of the United States or in securities guaranteed as to principal and interest by the United States. The interest and benefits accruing from such securities shall be deposited to the credit of the fund.

(d) The Secretary is authorized to reinsure through the Fund a sum not to exceed 75 per centum of the amount of coverage written by the insurer on all fishing vessels.

(e) If at any time the moneys in the Fund authorized herein are not sufficient to pay

any amount the Secretary is required to pay by subsection (d) of this section, the Secretary is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and condtiions as may be prescribed by the Secretary with the approval of the Secretary of the Treasury.

(f) The aggregate principal amount of the notes or other obligations outstanding as described in subsection (e) of this section, at any one time shall not exceed $10,000,000.

Sec. 7. There is hereby authorized to be appropriated such sums as are necessary to administer the provisions of this Act.

S. CON. RES. 10

Concurrent resolution to express a national policy of support for the New England fishing industry, and the domestic coastal fishing industry in all parts of the United States

Whereas the New England fishing industry is in peril due to the fishing practices of foreign nations off the coast of New England

Whereas the New England fishing industry is further jeopardized by obsolete and unsafe vessels and equipment, the high cost of insurance, and dwindling fish resources

Whereas the revitalization of the New England fishing industry is in the best interests of the industry and consumers in New England and across the Nation

Resolved by the Senate (the House of Representatives concurring), That the Senate endorse the position regarding fisheries now being taken by the United States delegation to the United Nations Seabed Committee, namely, that the coastal State has the right to regulate the fish stocks inhabiting the coastal waters off its shores as well as its anadromous species, and further that the United States begin to study the need to implement this policy immediately in order to protect our Nation's living resources by creating in the United States or the individual States the authority to regulate such stocks, to the limits of their range, as well as the authority to reserve to itself (or selves) all of the available catch its (their) vessels are capable of handling.

By Mr. DOLE:

S.J. Res. 53. A joint resolution to establish a joint congressional committee to investigate the causes and origins of U.S. involvement in the hostilities in Vietnam. Referred to the Committee on Foreign Relations.

JOINT COMMITTEE ON THE VIETNAM WAR

Mr. DOLE. Mr. President, in Saigon, 3 days before Christmas in 1961, a specialist 4th class named James T. Davis left his billet and boarded a truck for a mission into a province bordering on Saigon. Davis was a member of a highly secret intelligence-gathering organization called the Third Radio Research Unit. He was called Tom by the men of the unit and he was well liked. He was 25 years old. He was married and had a young son whom he had never seen back in Tennessee. On December 23, Tom Davis was to return to the United States for discharge.

On that December 22, he was boarding a truck for one last mission. The unit commander, Col. William Cochran, passed the truck and told Davis he did not have to go out—that it was not worth the risk. But Davis did not like Saigon, and he wanted to take a few more pictures before going home. Besides, it was his job. And if he did not do it, somebody else would have to do it, so he stayed aboard the truck.

On a narrow track in the province, Davis' convoy moved, strung out, around a curving road, and suddenly Davis' truck was blown off the road. The ARVN guards on the truck were all gunned down from ambush. Davis' body was found with his carbine. The clip was empty, so it was apparent he had been able to fight back. The stock was broken, which suggested he had fallen heavily when he was hit. And 3 days before Christmas, they brought his body back to Saigon to send home to Tennessee.

It was said, among Tom Davis' buddies in the 3d Radio Research Unit, that Colonel Cochran had put his name in for a Silver Star, and that the Pentagon had replied saying it was not authorized, because the medal was only given in time of war. No one seemed to know if the story was true, and no one wanted to risk destroying the nice irony of the whole thing by inquiring.

Davis was the first man to die in the Vietnam conflict.

He was the first of 45,941 who died in combat through January 27, 1973. The last man to die before the peace agreement went into effect, Army Col. William B. Nolde, was buried only yesterday in Arlington National Cemetery.

ELEVENTH ANNIVERSARY

In the 11 years and 36 days between the deaths of Tom Davis and William Nolde, more than 56,000 Americans died in Southeast Asia from hostile and nonhostile causes. If we had the time, each single death could probably be told as I have told of Tom Davis', and each would show the same elements of chance or irony, of devotion to duty and to America, of loss to loved ones and to this Nation's future.

We cannot know what we have lost in Vietnam, but as President Nixon said 2 years ago:

> There would have been poets among them, and doctors and teachers and farmers. There would have been builders of this Nation.

We cannot know what was lost to America over the last 11 years. We cannot recount each single story, and know the pain of what was lost to each one who paid the supreme sacrifice.

But it seems to me that we can try to discover the "why" of the whole thing.

For despite the motives which led to the loss of those lives, despite the judgments which led to such a loss—these American lives can be redeemed, and lessons can be found in these losses that will help bring a lasting peace to this Nation and the world.

WE MUST SEEK LESSONS

We owe it to those who died to search out these lessons. We owe it to their loved ones. We owe it to our children and to their children yet unborn to take from the ashes of death and destruction a spark of understanding which alone can insure that those dead have not died in vain. And we owe it to those who have been crippled and maimed.

We must learn from the past if we are not to be condemned to repeat it—again and again.

World War I began because men refused to recognize the meaning of events, and they were mastered by those events. When the war was finished, the German Chancellor was asked: "How did it all begin?" And he replied: "Ah, if one only knew."

In the years leading to World War II, America rejected the lessons it might have learned from World War I. From the seeds of ignorance the world again reaped the whirlwind of war, and a petty tyrant was able to bully his way up to sit forever astride a legacy of horror that, to this day, staggers the imagination.

In Korea, we acted on behalf of freedom to repel aggression and to dispel any doubt of the free world's commitment to its freedom. From World War II we had learned not to tempt tyranny with the appearance of weakness. Whether an alternative course might have been pursued is academic now. At least we know why we fought; we were not drawn by events and indecision into the war.

PEACE HAS COME

Today, our commitment of forces in Vietnam is ending, and in less than 60 days it will be over. The peace agreement has been signed. The basis for lasting, workable peace—a peace with honor—is established. It is a fragile thing. There are many questions which depend on the seriousness and determination of all the parties. But it is a beginning for peace and an end to war.

It serves no useful purpose now to second guess the terms of the agreement or to complain that it should have been reached earlier. I say we should give thanks that the agreement was reached, that it fulfills our fundamental objectives, and we should unite in efforts to support the peace and make it work.

THE LARGER QUESTION

But a larger question today, as the war ends, is not that ending, but the beginning of our involvement—in the days of men like Tom Davis—when our men in Vietnam were called advisers and when their number was secretly creeping up and up beyond the limits that the American public knew. Our questions must go to such matters as the murders of President Diem and his brother and the way this period set us irrevocably on the road to the tragic loss, diminution, or disruption of so many lives, both American and Vietnamese. We must question those early events and those first policies.

When the battle flags are brought home and America has recovered her sons and the question is asked, "How did it all begin?", a people such as ours cannot simply reply with weary indifference, "Ah, if one only knew."

We must know. We have paid bitterly for whatever wisdom there may be in this longest war. And if from that wisdom, we may get peace and reconciliation—and if by that wisdom we may prevent the loss of other, future lives—then should we not seek that wisdom?

I think we must.

But we should not do so to condemn or to justify the actions and decisions of the past. Rather, we should attempt to learn from them, so the seeds of sacrifice shall

not have fallen on barren ground to be blown away in the winds of another war.

FULL, IMPARTIAL ANSWERS

With these thoughts in mind, I offer a resolution to create a joint congressional committee to investigate the causes and origins of U.S. involvement in the Vietnam hostilities. This measure was introduced in the 92d Congress but was not acted upon; however, the momentous achievement of the peace agreement in January makes such a study all the more appropriate and timely.

A joint committee, appointed by the Speaker of the House and the President of the Senate, will, I believe, provide the fairest, most impartial means of providing the answers we must have.

ROLE OF CONGRESS

Many in the Congress have expressed concern recently regarding the obligation of Congress to exercise its full constitutional authority and fulfill its responsibilities to the American people in a number of areas.

I certainly share this concern. As a Senator, I have a deep interest in seeing that the institutions and individuals of the legislative branch are executing the duties with which they are charged. As an American, I do not want to see any branch of government—judicial, executive or legislative—fail in its obligations to seize, in an appropriate manner, upon opportunities for meeting a compelling public need.

And I can see no more clear-cut and pressing necessity than the illumination of the reasons, decisions and policies that led America into this war with its terrible division, cost and suffering.

I believe many Americans share this concern. We are an inquisitive people and a people who have shown a willing ability to learn from the past. So, now it is the time to search out the lessons of the latest chapter in our history. Hopefully, they can be learned—and in time.

Again, I would emphasize that this task has no partisan bias. It is not a matter of liberalism or conservatism—or of hawks and doves. It is a matter, though, of great importance.

PRESIDENT JOHNSON'S PAPERS

I noted an article which appeared shortly after President Johnson's death. In it, the director of the Johnson Library in Austin, Tex., was reported to have revealed that President Johnson was hopeful his private papers on the conduct of the war could be declassified and made public as soon as possible after peace was achieved.

I am sure President Johnson must have felt a great concern that these lessons of the war be learned while the events of these trying days were still fresh in our minds. He certainly bore the heavy burdens of the war in some of its most agonizing moments.

And let me say at this point—as one who has supported three Presidents as they fulfilled their responsibilities as Commander in Chief in Southeast Asia—it was heartwarming to hear Mrs. Johnson's statement that President Johnson did know that the peace had come before he died last month. Lyndon Johnson was a strong President and a strong leader of his party. But no one who served in the Congress with him and during his Presidency, as I did, could ever doubt or question his great love for this country and the depth of his dedication to everything he believed was best for it.

So his papers, and those of President Eisenhower and of President Kennedy, could all contribute to this process of gaining something from the war.

LEARNING AND HEALING

In conclusion, I would simply express the hope that the Congress will approve the creation of this special committee. I believe it can perform two essenial functions for America.

First, it can lead us to those vital "whys" of our involvement in Vietnam—and from there to wisdom and understanding for future decisions and policies.

Second, by bringing this wisdom and understanding, it will be a means of healing the wounds which 11 years of war have left.

So with increased wisdom and greater understanding, a healed and once again united America can make the start of its third century the beginning of its greatest era.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD at this point.

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

S.J. RES. 53

Whereas Congress has in the past undertaken investigations to determine the causes of United States involvement in World War I, World War II, and the Korean conflict;

Whereas complete and accurate information concerning United States involvement in the hostilities in Vietnam is not available because (A) the series "Foreign Relations of the United States", containing documents concerning the policy of the United States toward Vietnam, has been prepared only through 1946, and (B) the Department of Defense study "United States-Vietnam Relations, 1945–67", known as the Pentagon Papers, has not been fully disclosed and does not represent a thorough or independent review of such involvement; and

Whereas the people of the United States have a right to full disclosure of all information concerning the background, origins, and causes of United States involvement in the hostilities in Vietnam: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a joint congressional committee to be known as the Joint Committee on the Causes and Origins of United States Involvement in the Vietnam Hostilities (hereafter referred to as the "joint committee").

(b) The joint committee shall be composed of the following fourteen members:

(1) Seven Members of the Senate appointed by the President of the Senate, four of whom shall be members of the majority party and three of whom shall be members of the minority party; and

(2) Seven Members of the House of Representatives appointed by the Speaker, four of whom shall be members of the majority party and three of whom shall be members of the minority party.

(c) The joint committee shall select a chairman and a vice chairman from among its members. Eight members of the joint committee shall constitute a quorum, except that the joint committee may prescribe a lesser number of members to constitute a quorum for the purpose of conducting hearings. Any vacancy in the membership of the joint committee shall not affect its authority, and shall be filled in the same manner in which the original appointment was made.

DUTY OF THE JOINT COMMITTEE

SEC. 2. (a) It shall be the duty of the joint committee to conduct a thorough study and investigation of—

(1) the actions of each President and administration relating to Vietnam since 1945, and the effects of such actions on the commitment of the United States to the Republic of Vietnam;

(2) the foreign policy assumptions of each such President and administration relating to Vietnam, with special emphasis on the United States view of the objectives of Communist China and the Soviet Union worldwide and in Southeast Asia and how this may have affected United States involvement in Vietnam;

(3) the diplomatic policy of the United States relating to Vietnam since 1945 and the influence of such policy on the United States commitment to the Republic of Vietnam;

(4) changes in United States military and strategic concepts and doctrines since 1945 and how military concepts and doctrines affected the United States military role in Vietnam; and

(5) executive-congressional relations in the context of United States involvement in Vietnam, and the manner in which the overall pattern of the executive-congressional relationship on foreign policy matters since 1945 affected congressional and executive actions with respect to Vietnam.

(b) Not later than September 6, 1972, the joint committee shall transmit to each House of the Congress a report which shall contain its findings and conclusions. Upon the transmittal of such report, the joint committee shall cease to exist.

ADMINISTRATIVE PROVISIONS

SEC. 3. (a) The joint committee, or any subcommittee expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel, information, and facilities of any such agency, (8) to procure printing and bindings, (9) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under the subsection (i) of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony.

(b) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such person as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses.

(c) Upon the request of the joint committee each department, agency, and instrumentality of the executive branch of the Government is authorized and directed to furnish to the joint committee such reports, documents, and information as the joint committee deems necessary to carry out its duty under this joint resolution.

(d) The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 316

At the request of Mr. ROBERT C. BYRD (for Mr. JACKSON), the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 316, a bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system.

S. 371

At the request of Mr. TOWER, the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 371, a bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to persons engaged in the production or gathering and sale but not in the transmission of natural gas.

S. 418

Mr. DOMINICK. Mr. President, I am pleased to join as a cosponsor of S. 418, a bill which has as its purpose reinstatement of the Emergency Loan program of the Farmers Home Administration. As a result of its continuing battle against inflation and excess spending, the U.S. Department of Agriculture on December 27, telegramed the regional offices of the Farmers Home Administration instructing that all county offices cease receiving, processing, and approving applications for emergency aid for farmers or rural homeowners in counties which have carried an emergency designation by the Secretary of Agriculture for 60 days or more. This action was taken to counteract inflationary pressures and to adhere to a $250 billion Federal budget.

Such action created an immediate crisis in many areas of our Nation. I have received many telegrams, phone calls, and letters from Colorado residents on the Western Slope, particularly in Mesa, Montrose, and Delta Counties, concerning the damage and loss suffered to crops. Some persons have advised me that they had only learned of the possibility of assistance under the emergency loan program on December 21, 1972.

Regardless of the details, there is no question that some assistance must be available to our farmers and rural homeowners under a workable emergency loan program. I cosponsored S. 418 because prompt enactment of such a bill would provide the means of resolving most of the problems created by the December 27 curtailment of funds.

Last summer, the 92d Congress enacted legislation which broadened the emergency assistance program. The significant change in the congressional response to the destruction caused by Hurricane Agnes and the Rapid City flood, was to increase the amount of the disaster loan which could be forgiven to $5,000, and provide for interest on the remaining principal at 1 percent per annum. Officials at the Office of Management and Budget have advised that this provision has created a runaway program which could only be curtailed by a complete termination. For persons in Colorado, this meant a termination date of December 27, 1972. S. 418 would reinstate the emergency loan program, eliminate the $5,000 forgiveness feature, and set the interest rate at 5 percent per annum on the amount of the loan. There is no question that there is a vital need for such an emergency loan program. In many instances the modern family farm is in a tight credit situation. When hit by a natural disaster, it must have a source of emergency credit. The bill that I support would provide such assistance.

On January 15, 1973, Congressman ALEXANDER introduced H.R. 1975 in the House of Representatives. That bill would eliminate forgiveness, set interest at 6 percent, and require that applicants be unable to obtain credit elsewhere at reasonable rates and terms. That bill, although varying slightly from the terms of Senator BELLMON's bill, would meet the credit needs of those suffering losses in existing disaster areas that are presently ineligible for assistance, and would correct the problems which are being experienced under our present laws.

The Senate Agriculture Committee will be holding hearings this week on the problems created as a result of the December 27 curtailment of funds for the emergency loan program and other cutbacks in agricultural programs. I urge the Senate Agriculture Committee to promptly consider S. 418, and report out a bill that will assist persons who have suffered losses before the commencement of spring farming programs. I shall support any reasonable measure that would accomplish these purposes. Time is of the essence.

S. 440

At the request of Mr. JAVITS, the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Nevada (Mr. CANNON) were added as cosponsors of S. 440, the War Powers Act.

S. 565

At the request of Mr. NUNN, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 565, a bill to require the Congress to prescribe a ceiling on expenditures for each fiscal year and to establish procedures to effectuate such ceilings.

S. 566

At the request of Mr. HRUSKA, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 566, a bill to define the circumstances in which foreign states are immune from the jurisdiction of the United States courts and in which execution may not be levied on their assets, and for other purposes.

S. 649

At the request of Mr. JAVITS, the Senator from Alaska (Mr. STEVENS) and the Senator from Washington (Mr. MAGNUSON) were added as cosponsors of S. 649, a bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes.

S. 662

At the request of Mr. ROBERT C. BYRD (for Mr. JACKSON) the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 662, a bill to authorize the Secretary of the Interior to establish and administer a program of direct Federal employment to improve the quality of the environment, the public lands, Indian reservations, and commonly owned and shared resources through a program of recreational development, reforestation, and conservation management.

SENATE JOINT RESOLUTION 10

At the request of Mr. SCHWEIKER, the Senator from North Carolina (Mr. HELMS) and the Senator from Kentucky (Mr. COOK) were added as cosponsors of Senate Joint Resolution 10, the school prayer amendment.

SENATE JOINT RESOLUTION 11

Mr. TOWER. Mr. President, I am pleased today to join my distinguished colleague from South Carolina (Mr. HOLLINGS) in cosponsoring his Senate Joint Resolution 11, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

Certainly, Law Day is an appropriate time to selectively commend the courageous men and women who, each day of their lives, risk their personal safety to protect and defend our freedom and our security.

America is a Nation built on law. Americans are a people governed by law. More important, however, Americans are a people protected by laws they have chosen themselves to insure the perpetuation of their collective liberty. Americans have always taken pride in their system of laws and the security it afforded them; however, today there are growing numbers of people who question these laws and flagrantly abuse them in an audacious attempt to test their strength.

We are particularly aware of this element in our society having just witnessed the senseless attack on our distinguished colleague from Mississippi. Law enforcement officers, more than ever before, must bear the brunt of this violent, reckless element in our society. They, too, more than ever before deserve the credit for defending and perpetuating our system.

Let us not pass this off lightly. We cannot afford to take this courage and dedication for granted, for the fight against crime and violence in this Nation is the responsibility of us all.

Our system of government is flexible. It can adapt to changing values and social attitudes. It can accommodate a variety of philosophies, and if change seems appropriate, the means of orderly change are built into the system itself. It provides for continuity through change which provides the flexibility necessary for survival. Indeed, this is the wisdom and the strength of the system.

Our Nation's law enforcement officers have a grave responsibility. They deserve our open and public support and our most sincere thanks for their efforts in our behalf. Let us pause this year, on Law Day, 1973, to renew our commitment to a Government of laws, and plant our feet firmly behind our law enforcement officers.

SENATE JOINT RESOLUTION 14

At the request of Mr. BROCK, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of Senate Joint Resolution 14, an amendment to the Constitution of the United States relat-

ing to the open admission to public schools.

SENATE JOINT RESOLUTION 20

Mr. HASKELL. Mr. President, I am honored to join many of my distinguished colleagues in cosponsoring Senator BROOKE's Senate Joint Resolution 20 which designates January 15 of each year as Martin Luther King Day. I am equally honored to present to the Senate a joint resolution from the Colorado State House of Representatives recognizing January 15 as Martin Luther King Day in the State of Colorado. Colorado State legislators encourage us to recognize Dr. King and his contributions to freedom and democracy by honoring his memory on his birthday each year. Martin Luther King left our Nation a legacy of courage and sacrifice in his struggle for social progress; a legacy of accomplishments that have brought hope to all mankind. It is altogether fitting and appropriate that we honor him with other great leaders of our Nation by designating his birthday each year as a holiday. Mr. President, I ask unanimous consent that Colorado House Joint Resolution 1002 be printed at the conclusion of my remarks.

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

HOUSE JOINT RESOLUTION NO. 1002

Whereas, The United States of America was founded upon the principle that all men are created equal and endowed by their Creator with the individual rights of life, liberty, and the pursuit of happiness; and

Whereas, This nation has always carried the torch of liberty, justice, and equality for all with dignity and pride; and

Whereas, Dr. Martin Luther King, Jr. was unquestionably a man of vision who in his lifetime championed these rights for all; and

Whereas, Dr. King lived and died by his personal conviction that "Injustice anywhere is a threat to justice everywhere"; and

Whereas, Dr. King is remembered as one who brought a sense of hope not only to this country but the entire world; and

Whereas, The accomplishments of this great American are too numerous to be adequately reviewed in this resolution; and

Whereas, We should take every possible opportunity to remind ourselves and others of the value of remembering such persons and of rededicating ourselves to the principles that make us a great nation of one people; and

Whereas, January 15, the birth date of Dr. King, is recognized by various cities and states throughout the nation as a time to consider the great potential for good that each person has within him as so courageously exemplified by the life of Dr. King; now, therefore,

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

That January 15 be recognized as Martin Luther King Day in the State of Colorado.

Be It Further Resolved, That this General Assembly be recorded as commending national groups that are seeking U.S. Congressional approval of January 15 as a legal public holiday in honor of Dr. King, and that schools, businesses, and organizations and community groups be encouraged to recognize Dr. King and his contributions to freedom and democracy in various appropriate ways, and

Be It Further Resolved, That copies of this resolution be sent to the widow of Dr. Martin Luther King, Jr. (Mrs. Coretta King) and to the Dr. Martin Luther King, Jr., Legal Holiday Committee and the Colorado Congressional delegation.

JOHN D. FUHR,
Speaker of the House of Representatives.
LORRAINE F. LOMBARDI,
Chief Clerk of the House of Representatives.
JOHN D. VANDERHOOF,
President of the Senate.
COMFORT W. SHAW,
Secretary of the Senate.

SENATE CONCURRENT RESOLUTION 10—SUBMISSION OF A CONCURRENT RESOLUTION TO EXPRESS A NATIONAL POLICY OF SUPPORT FOR THE NEW ENGLAND FISHING INDUSTRY

(Referred to the Committee on Commerce.)

Mr. KENNEDY submitted the following concurrent resolution:

S. CON. RES. 10

Concurrent resolution to express a national policy of support for the New England fishing industry, and the domestic coastal fishing industry in all parts of the United States

Whereas the New England fishing industry is in peril due to the fishing practices of foreign nations off the Coast of New England.

Whereas the New England fishing industry is further jeopardized by obsolete and unsafe vessels and equipment, the high cost of insurance, and dwindling fish resources.

Whereas the revitalization of the New England fishing industry is in the best interests of the industry and consumers in New England and across the nation.

Resolved by the Senate (the House of Representatives concurring), That the Senate endorse the position regarding fisheries now being taken by the United States delegation to the United Nations Seabed Committee, namely, that the coastal state has the right to regulate the fish stocks inhabiting the coastal waters off its shores as well as its anadromous species, and further that the United States begin to study the need to implement this policy immediately in order to protect our nation's living resources by creating in the United States or the individual states the authority to regulate such stocks, to the limits of their range, as well as the authority to reserve to itself (or selves) all of the available catch its (their) vessels are capable of handling.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. BAKER, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of Senate Concurrent Resolution 6, making apportionment of funds for the National System of Interstate and Defense Highways.

SENATE RESOLUTION 61—SUBMISSION OF A RESOLUTION AUTHORIZING THE COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO CONDUCT HEARINGS RELATING TO THE CONDUCT OF THE POSTAL SERVICE

(Referred to the Committee on Post Office and Civil Service.)

Mr. MCGEE (for himself, Mr. RANDOLPH, Mr. BURDICK, Mr. HOLLINGS, Mr. MOSS, Mr. FONG, and Mr. STEVENS) submitted the following resolution:

S. RES. 61

Resolved, That, whereas the Committee on Post Office and Civil Service in carrying out its responsibilities to the Senate did in 1970 recommend the enactment of legislation relating to the reorganization of the United States Postal Service; and

Whereas the postal policy of the United States as enacted in the Postal Reorganization Act in 1970 was established as follows:

"§ 101. Postal policy

"(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the over-all value of such service to the people.

"(b) The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

"(c) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

"(d) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

"(e) In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

"(f) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

"(g) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and contol of costs to the Postal Service"; and

Whereas it is the duty of the Congress to exercise its oversight and investigations authority to insure that the public policy shall be faithfully executed by the President through the executive branch: Therefore be it

Resolved, That the Committee on Post Office and Civil Service shall conduct open public hearings into the conduct of the Postal Service: *And provided further,* That the committee shall undertake such other investigations into the Postal Service, including, but not limited to, on-the-spot

investigations of postal facilities and installations without advance notice; interviews on and off the record with postal officials, administrators, and employees; investigation of official documents and statistics of postal services relating to volume, revenue, costs, levels of service, employment, and other matters as determined by the committee; and such other matters as the committee may deem necessary.

SEC. 2. The committee shall report its finding, including recommendations for legislation, not later than August 31, 1973.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 36

At the request of Mr. NUNN, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of Senate Resolution 36, prescribing certain procedures for the Senate.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION INTERIOR AND INSULAR AFFAIRS COMMITTEE

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. on February 23, in room 3110, Dirksen Senate Office Building, on the following:

Informational hearing on, establishment of a reservation system for camping in selected units of the national park system.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HARRY S TRUMAN—IN MEMORIAM

Mr. SYMINGTON. Mr. President, the title of this short talk about a great American is:

HARRY S TRUMAN—A LEGACY OF CHARACTER, COURAGE, AND COMMONSENSE

It is a privilege indeed to pay tribute today to the memory of one of the most outstanding public servants in the history of America, a superb U.S. Senator and a great President—Harry S Truman.

This patriot brought dignity and credit to his many and varied accomplishments; his World War I battery, his county, the State of Missouri, the U.S. Senate, as well as to his Nation which called upon him to lead this country in grave times.

For nearly 8 challenging but rewarding years, 1945–1952 inclusive, he guided America in its new role of leadership of the Free World; and that leadership will long be remembered for its character, its courage, and its commonsense.

At the time President Truman left the position of presiding judge of the Jackson County Court, he summed up as follows his experience as the leader of that administrative body with characteristic lack of pretension as to his own future:

"I'll go out of here poorer in every way than when I came into office . . . I hope that there are no bond issues and no more troubles, until I'm gone, and then maybe I can run a filling station or something until I've run up my three score and ten and go to a quiet grave.

The future, however, would hold neither a filling station, nor lack of trouble, for Judge Truman. Some 12 years later he would become the leader of the most powerful of all nations; and he brought to the presidency in 1945 the same qualities of leadership and regard for the public trust that had been the hallmark of his entire previous career.

Most Americans, who knew relatively little about their Vice President of but 97 days, worried about the future of the country as the thread of constitutional succession passed from Franklin Roosevelt to Harry Truman on that fateful day, April 12, 1945. For some 12 years Americans had first lived through its most serious depression and then 4 years of tragic war. They had strong faith in the President who told the Nation in 1933 that "the only thing we have to fear is fear itself."

We now know that the new President we commemorate today carried out that thinking in practical fashion. A man of middle America, of farm-oriented origin, President Truman would inspire the Nation with his vigor and determination to carry on the program of his famous predecessor. As a former White House assistant, the North Carolina editor, Jonathan Daniels, commented:

Americans felt leaderless when Roosevelt died. Truman taught them, as one of them, that their greatness lay in themselves.

Dr. Richard Kirkendall of the University of Missouri, who has studied the Truman record for 15 years, concluded his extensive research on this President as follows:

Truman was not a small man who suddenly had a very big job imposed upon him. The job was very big, but he brought to it rich and varied experiences in American life and politics. He had served for eight years as the chief administrative officer of a populous county and more than nine years as a United States Senator. He had campaigned for office on local and state levels, administered and constructed court houses, welfare agencies, roads, and other public facilities in Jackson County, contributed significantly to the war effort as an investigator of the economic side of it, and learned much about the American political and economic systems . . . If he did not shape the Administration's proposals, he did obtain opportunities to build support for them. His career before the White House was not a little man's career.

Although reluctant to accept the Vice-Presidency because, as his beloved daughter later recounted, he did not want to enter the Presidency "through the back door," Harry Truman never shrank from tackling the great problems which faced him shortly after he took the oath as our 33d President. His instinct for decisive action promptly moved his administration forward to implement plans for the United Nations at the same time he gathered the facts prior to that fateful decision which he alone could make—the first use of a nuclear weapon.

President Truman also proceeded to create a governmental structure which reflected his personal discipline and passion for orderly administration. He did this through an administration which displayed the personality of a man who believed that those in government owe their allegiance and loyalty to the people; that is to the citizens who put them in office.

In the field of foreign policy, his famous Secretary of State, Dean Acheson, described vividly some of the more momentous decisions it was necessary for him to make in the interest of America, when he said:

The 1947 assumption of responsibility in the Eastern Mediterranean, the 1948 grandeur of the Marshall Plan, the response to the blockage of Berlin, the NATO defense of Europe in 1949, and the intervention in Korea in 1950—all these constituted expanded action in truly heroic mold. All of them were dangerous. All of them required rare capacity to decide and act.

Neither the unpopularity, nor the political explosiveness of any decision would deter this firm Missourian once he had decided on the course of action he believed in the best interests of his country.

As but one example, the impressive strides made on behalf of equal rights for all Americans during later years were first advanced in the party platform and legislative proposals of the Truman administration.

Mr. Truman was conscious of the role the United States should play in guaranteeing equal rights for all Americans if this Nation were to advance that concept in other parts of the world. Accordingly, early in his administration he established a Committee on Civil Rights to recommend Government action; and out of that committee grew the first U.S. Civil Rights Commission. He thereupon sought national legislation to provide Federal protection against lynching, as well as a law to protect the voting rights of every citizen.

Always fearless about what he believed to be right, President Truman was characteristically courageous when he took his record to the people for reelection in the 1948 campaign. He felt that the constructive work of his administration had not yet been achieved; and he was always confident, despite the almost universally unfavorable polls, that the people would respond to the goals he had set for America.

Perhaps his legal counsel, Clark Clifford, later Secretary of Defense, summed up best the logic behind Mr. Truman's reelection, when he said:

Here was President Truman the underdog out appealing to the people in thousands of meetings literally, from the back platform of his train. With his simplicity, his sincerity, they understood him. If he had a style they weren't conscious of it but they understood the man and they understood what he was saying and his ideals became their goals and their ideals.

Despite his being President of the most powerful Nation on earth, Harry Truman was always a man of the people.

He followed in the traditions laid down to that end by such Presidents as Andrew Jackson and Abraham Lincoln. His stature in history grows steadily. He was truly a great President, with a humility in his efforts that was matched by both pride and faith in the United States of America.

Mr. President, in recent days, Members of the House of Representatives, led by Congressman WILLIAM J. RANDALL, of Missouri, have already paid their respects to President Truman. During their eulogies, Congressman RANDALL and others inserted outstanding editorials from Missouri and other papers across the country.

In addition to the tributes which they placed in the RECORD, I ask unanimous consent that editorials from newspapers throughout the Nation, reprinted in the Kansas City Star on December 28, under the heading, "Legacy of Harry S Truman," be inserted at this point in the RECORD.

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

[From the Kansas City Star, Dec. 28, 1972]

THE LEGACY OF HARRY S TRUMAN

NEW YORK TIMES

Harry S Truman waged the last fight of his long life with the same courage and stamina that never failed him during eight taxing years as President of the United States. Thrust into the highest office by the death of Franklin D. Roosevelt, this unassuming, small-town politician drew on hidden reserves of those qualities, along with decisiveness and rocklike integrity, to meet with credit the staggering challenges of a momentous era in history and vindicate democracy's faith in the common man.

In a world that was just emerging from a devastating war, Mr. Truman presided over one of the most constructive and innovative periods of American foreign policy. Isolation had been sunk along with the battleship Arizona at Pearl Harbor in 1941. Mr. Roosevelt had directed the mightiest armed forces ever assembled and forged the greatest coalition in history to crush the Axis powers.

In educating the nation to meet the vast new responsibilities it could not safely evade in the aftermath of the war and the rapid dissolution of the alliance with Soviet Russia, the former artillery captain of World War I demonstrated in an uncommon ability to seize upon the grand strategic concepts that were developed by the extraordinary group of able men from the Roosevelt administration who surrounded him.

The Truman Doctrine of 1947, never called that by the man himself and never intended to be the globe-embracing policy that both champions and critics claimed; the Marshall Plan which restored much of a devastated continent and laid the foundation for European integration and unity; the Atlantic Alliance of 1949, recognizing the enduring identity of vital interests between North America and Western Europe; Point Four, making benefits of scientific and technical progress available to the world's hungry and needy—all these innovative manifestations of a foreign policy designed to meet the conditions of a new world took form in Harry Truman's administration.

Mr. Truman's bold decision to check aggression in Korea in 1950 despite the enfeebled state of American armed forces in the area probably saved the United Nations from collapse and more or less stabilized for 20 years a highly volatile situation. It was during the Korean War that Mr. Truman, in one of his most courageous and most important actions, fired an unquestionably insubordinate General MacArthur, thereby preserving civilian control over the military and over the conduct of foreign policy.

One of the most difficult decisions any President has ever had to face was the question presented to Mr. Truman in his very first days in office: Whether to drop, without warning, two atomic bombs on Japan.

With hindsight, it seems a terrible failure of the human spirit to have used nuclear weapons on densely populated cities without at least having given the Japanese and the world a demonstration of their unique horror by dropping a bomb on an uninhabited island.

Mr. Truman knew some moments of greatness in domestic affairs. He recognized the twin evils of McCarthyism and McCarranism from the first and stood firmly against them. He championed the civil rights of the Negro in his 1948 message to Congress, and he defied the subsequent Dixiecrat revolt.

Yet he could speak and act impetuously, even recklessly, and play the pettiest kind of politics, reflecting his early training in a corrupt big-city machine.

Some of his appointments were deplorable, including some to extremely high posts in government. He was fiercely loyal to old friends, some of whom certainly did not deserve his loyalty.

He could be carried away by bad advice or by an impatience for quick results, as when he proposed to seize the steel mills.

He never cast himself in a role of a man of destiny, always retaining his sense of humor and humility. His fellow citizens trusted him, however much some may have disagreed with him, because they could be confident that the "image" of the President reflected the true character of the man.

TULSA DAILY WORLD

It will be years before historians can fully evaluate Mr. Truman's presidential service and place it in perspective with the events that followed. But it's safe to guess that his stature and place in history will grow as time goes by.

In any event, in this age of yearning for "charisma" and political image-making divorced from reality, we are not likely to see another Harry Truman.

ST. LOUIS POST-DISPATCH

Looking back on the Truman years, some of our younger writers are inclined to fault the President for policies that in perspective appear to have been misguided.

It should be remembered that when Mr. Truman entered the White House the world was falling apart. Colonialism was on its last legs; big powers and little powers alike were scrambling to fill vacuums. The aims and capabilities of the Communists were not fully understood.

A generation has passed since the Truman years and some of the problems the Missourian faced have not yet been solved: Germany remains divided, Korea is divided, the U.S. is engaged in paracolonialism in Vietnam. One can well afford to look back with a measure of charity.

Mr. Truman was overwhelmingly a man of the people—earthy, gregarious, stubborn, courageous, honest, a mixture of pride and humility. He had small preparation for high office, but he gave the day's responsibilities the best he had and slept at night in the comfort of knowing that no man can do more. He was not only a native of this state, in many ways he was typical of its citizenry. We can be thankful that Mr. Truman walked among us.

DES MOINES REGISTER

Harry S. Truman never lost his flat Missouri twang nor acquired the slightest trace of cultural gloss. He remained a home-town boy who loved his home town and his family.

The American public regarded Mr. Truman as a scrappy fighter who dared long odds. The greatest of these fights was his battle for re-election in 1948 when polls and political experts pronounced him doomed.

Though some of this administration's agencies were riddled with scandal, and "the mess in Washington" became a household phrase, historians polled near the close of his administration ranked Mr. Truman among the great U.S. President.

Historical revisionists are disagreeing with this estimate now. They see the Cold War as a serious mistake for which Mr. Truman was partly to blame.

These reassessments overlook the fact that Mr. Truman acted at a time when hot voices in this country were calling for more dangerous warlike responses than Mr. Truman permitted.

TOPEKA DAILY CAPITAL

When he assumed the presidency President Truman had been kept on the outside of all of the Rooseveltian strategies, and it was Mr. Truman's task to pick up the threads of policy, action and intrigue as they were being woven by F.D.R.

For example, Mr. Truman did not know the United States had developed the A-bomb although the Russians were privy to this information. But he did not hesitate to order it dropped on Hiroshima and Nagasaki.

Mr. Truman had no regrets over the loss of Japanese lives. He easily translated this into the saving of a million American lives.

WALL STREET JOURNAL

His contemporaries judged him harshly, at one time his approval rating in the Gallup Poll sank to 23 per cent, a record low for any President. Yet now, these 20 years later, it grows increasingly hard to remember what Harry Truman did wrong, and increasingly hard to dispute that he did most of the big things right.

Today many would deprecate some or all of these decisions, as they would deprecate the gutsy quality that went into them. But Josef Stalin was not the figment of anyone's imagination. The containment policy has achieved its purpose of moderating the ambitions of the Soviet leaders. The reason the second-guessers question whether the dam was needed is that there has been no flood since it was built.

Merely glancing through the photographs in Miss Truman's book you can guess the experiences that forged Harry Truman. Here is a child standing with relatives in a wooden-wheeled wagon, scarcely removed from the frontier. Here are slices of the Americana now mocked in fashionable movies. From this Mr. Truman drew the earthy sense, the directness, the sense of self-worth by which both his contemporaries and history judge him.

WICHITA EAGLE

His honesty was never questioned, though he had the active support of the corrupt Pendergast political machine of Kansas City. He said Tom Pendergast never asked him to do a single dishonest act. And, though his connections with the machine were criticized in political campaigns, he never abandoned his friend, Pendergast.

He had his enemies. He was the object of an assassination attempt, in which two of the attackers were killed. The third was sentenced to death, but his sentence was changed to life imprisonment by Mr. Truman just before he left the presidency.

DAILY OKLAHOMAN

He was uncharacteristically subdued and humble when he took the oath of office. He asked for the nation's prayers, and a great many of his apprehensive countrymen may have agreed that prayers were needed. But the office of the presidency has a recognized capacity for bringing out unsuspected qualities of greatness in its occupants and Mr. Truman soon showed in what ways he was destined to become great.

OMAHA WORLD-HERALD

As an administrator and decision-maker, he proved to be both tough and wise. He could see that Soviet expansion had to be stopped in the late '40s and early '50s, and he committed the resources of this country to do it. He saw the development of the hydrogen bomb was a military necessity and our country developed it.

ATLANTA JOURNAL

His detractors wouldn't leave him alone. They said he was little, he was vulgar. He did not have the graces. What they really were saying was he was a plain, unvarnished citizen of the United States, typical of millions of us except that he had more character, more determination, more gumption and more political shrewdness than his detractors combined.

After the White House, Mr. Truman lived a full life. He enjoyed his family and his neighbors. He stayed active. He was accessible. And what must have been sweetest of all was the decline of his detractors and the growth of his admirers. Now, on his death, he is praised as one of the great American presidents.

Mr. SYMINGTON. Mr. President, I also ask unanimous consent that the observations of two students of the Truman era, Dr. Richard Kirkendall, to whom I referred earlier in these remarks, and D. W. Brogan, a British historian and commentator on American life for some 30 years, be inserted at this point in the RECORD.

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

HARRY S TRUMAN—A GREAT AMERICAN PRESIDENT

(Memorial Address by Dr. Richard S. Kirkendall at University of Missouri-Columbia, January 17, 1973)

Harry S Truman was one of America's greatest presidents. This is not to say that he was always wise and always successful at every point. We have not been ruled by gods. We have been forced to make do with men, and men have limits on their abilities. In appraising presidents, the historian must have realistic expectations. Harry S Truman achievements and proposals entitle him to recognition as a great occupant of the Executive Mansion. He failed more than once; a bolder man might have accomplished more; a wiser one would have avoided some of his moves. His accomplishments may not have been as substantial and significant as Washington's, Lincoln's or Franklin Roosevelt's. Yet, he did promote valuable changes; he developed a new and larger role for the United States in the world, affected some parts of it in very desirable ways, and encouraged social and economic improvements at home. And our experiences since he left the White House suggest that his advice should have been followed more closely.

Truman was not a small man who suddenly had a very big job imposed upon him. The job was very big, but he brought to it rich and varied experiences in American life and politics. He had served for eight years as the chief administrative officer of a populous county and more than nine years as a United States Senator.

He had campaigned for office on local and state levels, administered and constructed court houses, welfare agencies, roads, and other public facilities in Jackson County, contributed significantly to the war effort as an investigator of the economic side of it, and learned much about the American political and economic systems. Although his brief vice presidency had not supplied specialized training for the higher assignment, his selection as a candidate had enabled him to wage a national campaign in 1944, and his responsibilities as vice president had given him a chance to exercise his political talents in new ways. If he did not shape the administration's proposals, he did obtain opportunities to build support for them. His career before the White House was not a little man's career.

Truman's life before April 12, 1945 also supplied him with a philosophy on the issues that he would face, including the international affairs that would dominate his presidency. His thinking on foreign policy emphasized political considerations, especially the distribution of power, the importance of the military factor, and the need to deal forcefully with aggressive nations. This philosophy was the product of his own experiences as a soldier extending over more than thirty years and of the nation's experiences in world affairs from 1918 to 1945.

As president, Truman was determined to avoid what he regarded as the errors of the past: weakness and refusal to get involved in the major international problems. He feared that the American people would retreat to the foreign and military policies of the 1920's and 1930's that had failed disastrously. He was convinced that the nation must play a very significant role in the world in the postwar period and must possess military strength.

With Truman supplying essential leadership and making the basic decisions, the United States did not retreat to the policies of the interwar period. Instead, it played a large role in the world. Truman carried to completion Roosevelt's plans for the creation of and American membership in the United Nations. Of greater importance, at least in the short run, his administration developed and implemented a plan—the Marshall Plan—for European recovery. The plan and the program that followed contributed decisively to the economic recovery of Western Europe and to the development of political stability and strength in the region.

Truman believed that the United States could and should play a large role in world affairs, but he did not regard American power as unlimited. He did not believe that the United States could do all that it might wish nor accomplish all that it might hope. This sense of limits affected his efforts in Eastern Europe, where he relied largely on words in a futile effort to influence political developments. He was distressed by Russian behavior there but believed that there was little he could do to change it. The sense of limits also prevented him from intervening in a large way in the Civil War in China even though he hoped that Chiang Kai-shek could avoid defeat. He and his aides did not believe that the United States could mobilize the economic and military resources needed to exert a decisive influence on that very large, very complex, and deeply troubled nation.

The sense of limits also contributed significantly to another very controversial aspect of Truman's presidency: his conflict with General Douglas MacArthur in 1951. The President rejected the General's proposal to throw more force against the Chinese in Korea and to carry the war into China itself, using American air and naval power and Chiang's troops. Truman regarded the suggestions as extremely dangerous. "We are trying to prevent a world war—not to start one," he explained. Furthermore, MacArthur's proposals would tie the United States down in an area of secondary importance and thereby give the Russians new opportunities in a much more important region: Europe. MacArthur's strategy would, according to Truman's top military adviser, "involve us in the wrong war, at the wrong place, at the wrong time, and with the wrong enemy." MacArthur's objectives—the reunification of Korea under non-Communist control and the weakening of China—were not unattractive, but they seemed to Truman to be beyond the limits of American power. The pursuit of them would result in losses that would far outweigh those objectives in importance.

The Truman-MacArthur controversy also involved another very important consideration: the place of the military in American life. Truman regarded military power as essential but also dangerous. His solution was civilian control. This was, of course, the solution of the American Constitution. MacArthur tried to use his prestige to force a change in policy and appealed publicly for support of his ideas. His actions challenged Truman's authority as commander in chief, and the President concluded that he must remove the General from command in order to uphold and maintain the essential principle of civilian supremacy.

Foreign affairs was the most significant aspect of Truman's presidency. The record of his domestic accomplishments did not contain any contribution as substantial as the Marshall Plan, to cite a major example. Nevertheless, he was not insignificant in the domestic history of the United States. He was not able to gain acceptance for new domestic proposals, but he did expand and improve already established ones, such as Social Security and public power, and he did defend them against their foes. Moreover, by publicizing various issues, such as health insurance, he paved the way for later accomplishments. Furthermore, he did more on behalf of the civil rights of black Americans than any of his predecessors in the twentieth century.

Truman's civil rights record deserves more than brief mention. It was influenced by his interest in the nation's relations with other people as well as by domestic concerns and humanitarian considerations. Well aware of the international implications of American race relations, he was convinced that the country "could no longer afford the luxury of a leisurely attack upon prejudice and discrimination." In 1951, when vetoing a bill that would segregate schools on federal property, he explained:

"We have assumed a role of world leadership in seeking to unite people of great cultural and racial diversity. . . . We should not impair our moral position by enacting a law the requires discrimination based on race."

Truman's concern in this area was expressed by several significant actions. Late in 1946, he established a Committee on Civil Rights to investigate race relations and make recommendations for government action to protect civil rights, and less than a year later, the committee produced a bold report that influenced the administration's subsequent behavior. Soon, his Justice Department joined the NAACP in an attack before the United States Supreme Court on segregated housing. This marked the beginning of that department's significant participation in the civil rights movement. Early in the following year, the President delivered a special message attacking discrimination and segregation and calling for national legislation that would provide federal protection against lynching, protect the right to vote, prohibit discrimination in interstate transportation facilities, and establish a permanent agency concerned with job discrimination. And in July, 1948, Truman issued two executive orders on civil rights, including one calling for equality of treatment and opportunity in the armed forces and the establishment of a committee to help with the implementation of the order. The President explained that it was intended to end segregation.

Truman enjoyed some successes in this area. His Justice Department continued to function as a "friend of the court" in the major civil rights cases and helped the NAACP win its battles. His appointees to the United States Supreme Court also played important roles in these cases, which attacked segregation in housing, railroad dining cars, and higher education and prepared

the way for the monumental decision in 1954 attacking segregation in all public schools. And the armed forces were desegregated. They had taken on new importance as a result of the enlargement of the nation's role in the world, and he promoted progress in race relations in this part of American life.

Truman failed, however, to obtain passage of the broad civil rights legislation that he proposed. Perhaps he might have accomplished more if he had pressed his proposals more boldly. His appraisal of political realities restrained him, however. His ability to promote change was limited by strong resistance, especially in the South. Many southerners bolted the Democratic party in 1948 and supported Governor J. Strom Thurmond of South Carolina in a presidential campaign that focused upon race relations. And after the election, a congressional coalition of conservative Democrats, mostly southerners, and conservative Republicans dominated Congress on domestic issues and frustrated Truman's appeal for a legislative attack upon problems in American race relations. Even before Truman became president this coalition had demonstrated that it could thwart a president. It was chiefly responsible for his failure in this area.

Truman did not always succeed, and he did not always make wise decisions. One unwise one was the decision to provide financial support for the French in their battle against revolution in Indochina. This marked the beginning of an involvement that led to disaster.

Truman, however, was not responsible for the disaster. His successors were. They lacked his appreciation of the limits on our power and enlarged enormously a rather small commitment that could have been terminated after the French failed or at some other point far short of massive military involvement.

Many Americans, however, could not accept Truman's belief that their power had limits. That belief was one of the sources of his unpopularity during his last years in office. By early 1952, only 25 percent of the people thought that he was doing a good job. His most prominent critics were very dissatisfied with his foreign policy, seeing it as responsible for the "loss" of China and for other undesirable developments, and they assumed that the United States could and should accomplish much more than he had accomplished. It was this attitude that led to our large-scale involvement in Vietnam. It has been an effort to "avoid another China."

Truman made mistakes; he failed to accomplish some of his objectives, but he was a much greater president than most Americans realized during his years in the White House. They should have accepted rather than resisted his advice on civil rights and made a much larger effort to solve the problems in American race relations. Instead, those problems—or many of them—were allowed to grow and become a serious threat to the nation as well as a source of suffering and sorrow for many individuals. More attention should have been paid to his suggestions about the limits on American power. Instead, we enlarged our role until bitter and destructive experiences in Vietnam provided persuasive evidence on this point.

In his area of greatest significance, international affairs, Truman's point of view and performance were complex and balanced. He believed that the United States must play a large role in world affairs, but he also maintained that there were limits on what the nation could and should do. He insisted that the United States must have a strong military establishment, but he also knew that a strong military posed a threat to the American system and must be kept in a subordinate position.

We need that complexity and balance at the present moment. Alive now to the folly of globalism, we may swing back to isolationism, forgetting its dangers. The United States once tried to play a small role in the world, but that failed. It did not keep the country out of major wars. Now the nation, or at least a very substantial part of it, has become aware of the short-comings of the global role, the limits on American power, and the need to make choices, and efforts are being made to define a role in the world that minimizes difficulties. The thought and record of one of our greatest presidents could help us define that role.

AN HISTORIAN'S VIEW OF HARRY TRUMAN'S PRESIDENCY

(By D. W. Brogan)

From the beginning, the office of Vice President of the United States has seemed to nearly all its incumbents futile and to most of them disillusioning. The only real attraction of the office (except for a naturally lazy man) is the possibility of succeeding to the Presidency on the death of the President. This has happened eight times. Lyndon B. Johnson is too much part of current history for his role to be assessed even tentatively, but of other Vice Presidents who have succeeded, only two can have any claims to be considered great Presidents. One of them was Theodore Roosevelt; the other was Harry S. Truman.

From the moment that the sudden death of Franklin D. Roosevelt made Harry Truman the center of American power, the new President was involved in issues of the highest importance. Not all of his decisions can be justified, and some have been severely criticized. But from the first Mr. Truman showed the essential qualities of a President: the willingness to take responsibility and to decide rapidly. His motto, "the buck stops here," is the essential aspect of the Presidential office.

In the light of history, perhaps the most important act performed by the new President was the decision to drop the atomic bomb, a weapon of whose existence he knew nothing when he became President. That decision has been much debated, especially the resolve to drop the bomb on densely populated cities like Hiroshima and Nagasaki; but it was made. For good or ill, Truman was the President who opened Pandora's box by deciding to bomb Hiroshima. Both Truman and Churchill looked on the bomb as a providential weapon to end the war with Japan; without the bomb, their military advisers calculated that Japan would have to be invaded, with the possible loss of a million Allied lives. Truman solicited the counsel of his top scientific, military and civilian advisers, but he has clearly stated that the final decision and responsibility were his. For as an enthusiastic student of American history, Mr. Truman knew that on him, and on him alone, lay the ultimate responsibility of any great decision of the President and Commander-in-Chief of the United States.

Truman did not look back. Having determined to drop the atomic bomb on Japan, he did not stay awake nights. Whether the decision was justifiable, whether the demonstration of the new power of destruction could have been made in another way, are still matters of bitter dispute. But Mr. Truman accepted responsibility for what he did, apparently without regrets or pangs of conscience.

For the nearly eight years that Mr. Truman was in office, this power of decision was the most important power to have. For it was essential that the United States should be, and should seem to be, under firm command, even if not all the examples of the command were encouraging or successful. For this reason Mr. Truman will go down to history as one who maintained the power as well as the dignity of the Presidential office. He is in the line of Chief Executives who used Presidential power sometimes outside, if not quite against, the letter of the Constitution—the line of Jefferson buying Louisiana, Jackson facing down the revolt of South Carolina, Lincoln deciding, as finally he alone decided, to open the Civil War by replying in arms to the firing on Fort Sumter. Truman repeatedly demonstrated his readiness to use his power, perhaps most notably by moving quickly and decisively when South Korea was invaded, without waiting for full Congressional debate and declaration of war.

At the time he took office this power of decision was not immediately visible. Mr. Truman was thought of as a very accidental President—indeed, as having been an accidental Vice President (F.D.R. passed over several more impressive candidates for that office in 1944). He even showed in his early days some regard for the old hierarchy by nominating a Senate leader whom he admired, James F. Byrnes, as Secretary of State. He asked for advice from elder statesmen like Henry Stimson; he took advice. But it soon became apparent that he was fully conscious that he was President and that the buck stopped with him.

In part, this was the result of the educational impact of the office he had inherited. When Winston Churchill was asked why his successor, that very undramatic figure Clement Attlee, had shown himself so authoritative a Prime Minister, Churchill replied that he had fed "on the Royal Jelly." But of course both Truman and Attlee were men whose basic qualities had been hidden in minor offices and were revealed only when each man was stretched to his fullness. That each had been a successful fighting officer commanding men in the field is perhaps significant in assessing their later roles.

There were other aspects in the new President's career that were perhaps more useful to him than his experience as a captain of field artillery on the Western Front in 1918, although that was an experience he liked to dwell on. He had been put into the Senate by the Pendergast machine in Kansas City, as he had been given his first political job by that machine, a job in which he combined executive efficiency with rigid honesty, a rare combination in the Kansas City of that age. It was these qualities of thoroughness and honesty that enabled Truman to live down, both at home and among his colleagues in the Senate, his first reputation of being merely a Pendergast stooge. Yet Truman preserved some of the habits of the Kansas City political world—particularly a deep loyalty to old friends that involved him indirectly in scandals, especially toward the end of his administration. But by that time people concentrated more on the loyalty he showed than on the indiscretion he displayed. He had by then earned on a national scale the trust he had earned long before in Kansas City.

Truman had not merely to live down the Pendergast machine, he had to live in the shadow of a great name, that of F.D.R. He inherited a great deal of unfinished business, and he inherited a Cabinet and other personnel chosen by a President who had been in office so long that many young Americans could not remember any other. It was natural for Truman to get rid of the Roosevelt Cabinet, but it was bitterly resented by many loyal New Dealers, especially those on the radical side like Henry A. Wallace.

The Roosevelt Cabinet and F.D.R.'s great administrative chiefs had been prima donnas. The Truman appointees, for the most part, were not. Yet at the end of his administration there could be no doubt that the Truman Cabinet was a more effective instrument of government and contained more useful public servants than the Roosevelt Cabinet had; more than that, the devotion of the Cabinet (containing figures like Dean Acheson and Robert Lovett) to their chief was

more manifest than the devotion of the Roosevelt Cabinet to F.D.R. And the relationship between President Truman and General George C. Marshall was far closer and mutually far more trusting than that between Roosevelt and Marshall. In this sense Truman was out of F.D.R.'s shadow long before he left the White House.

In another way, as well, Truman was out of the Roosevelt shadow. He was a great maker of the modern Presidency as a department of the nation's government in its own right.

The most that F.D.R. did was to improve, to some degree, the organization of the White House. But what Truman did was to improve very markedly, and impose discipline on, the whole organization of the executive branch of the United States government. In administrative history, despite the scandals and despite the errors, Mr. Truman will go down as a great innovator and reformer. There were few of the tense personal rivalries that had marked Roosevelt's Cabinets—with Roosevelt's approval, since F.D.R. believed that in the clash of personalities fresher ideas might be born. Instead Truman used his Cabinet to sift carefully ideas and approaches to problems. He also met frequently with the various committees and boards that operated within the executive branch, soliciting expert opinion before making his own decisions. He often asked that memoranda and position papers be formulated for his careful scrutiny. He brought into the White House such men as Clark Clifford and encouraged them to impose organizational efficiency on what had tended to be independent chaos. (Clifford, important as an adviser and strategist for Truman, remained a part-time adviser of Presidents John F. Kennedy and Lyndon B. Johnson, and became Secretary of Defense in Johnson's Cabinet.)

When Eisenhower succeeded to the Presidency, he inherited a much more effective instrument of command than had Truman.

PROGRESS IN FOREIGN AFFAIRS, SERIOUS FRUSTRATIONS AT HOME

But what did Truman do with this instrument of command? His accomplishments in the foreign field were substantial, but he was less lucky in domestic affairs. As always happens after a great war, the public was in the mood, consciously or unconsciously, to revenge itself on the government that had imposed such burdens on it. In addition, Truman found himself confronted with serious and disruptive postwar problems—strikes, rising prices, food and housing shortages—that were bound to antagonize the electorate. He dealt firmly with these problems, sending message after message to Congress asking for needed legislation. But Congress did not always give him the laws he felt he needed to meet the onrushing crises. The people, only imperfectly aware of Truman's efforts, decided on change, and the climate of the country turned against the Democrats. In 1946 the party lost control of Congress for the first time since 1930. The subsequent Republican-dominated Congress, the 80th was even less inclined to enact the domestic legislation that Truman asked of it.

But if Truman was often frustrated in his domestic policies, it was a different story in foreign affairs. A careful student of U.S. history, Truman had learned an important lesson; not to quarrel unnecessarily with the Senate. He would not imitate Woodrow Wilson who had fought so bitterly with Senator Henry Cabot Lodge over U.S. membership in the League of Nations in 1919. Instead Truman frequently invited Senate leaders to the White House for consultations, carefully and diligently asking their opinions. He won over eminent Republicans like Senator Arthur Vandenberg and was able to gain support for what could be called a national foreign policy. As a result, the Senate voted enormous appropriations and backed the bold policies that bulwarked war-ravaged Europe and started the "Free World" on its road to recovery.

Despite these accomplishments, Truman was on the defensive as the 1948 election approached. It was almost universally assumed that he would be beaten.

The assumption led to very open conspiracies within the Democratic Party to deny him the nomination, a kind of mutiny that Captain Truman had no intention of tolerating. He had his drawbacks as a politican. He was often indiscreet at press conferences, and he sometimes contradicted himself, relying too much on his memory, good as it was. He may be suspected of having succumbed to some political temptations: the very rapid U.S. recognition of the government of Israel was connected by some critics with vote-getting in the Bronx rather than with Truman's concern to bolster the new Jewish state. Truman's confidence that he could get elected never wavered, however. He coolly got the nomination in Chicago and then set out on his famous and arduous "give 'em hell" campaign. To the confusion of pundits and pollsters, he won.

By 1950 the United States had recovered from the brief postwar depression and from the brief and trivial shortages that followed the war. The fruits of Truman's decisiveness and successful moves in what was the most important part of his office, foreign affairs, soon became apparent. The Marshall Plan, a brilliantly conceived blueprint for the revitalization of European industry instead of a vengeful stripping of the conquered countries' resources, was one of the key achievements of his foreign policy. Although the makers of the Marshall Plan were such men as Dean Acheson and, above all, George Marshall, the final responsibility resided in the White House. The decision to concentrate American aid and military resources in Europe was the President's. So was the "Truman Doctrine," which probably saved Greece and Turkey from a Russian-inspired Communist upheaval. The resolve to use the "airlift" to defy Stalin's attempt to isolate Berlin was a Presidential decision. Thus Western Europe was saved from the danger of collapsing in economic chaos and misery out of which a Communist controlled Europe might well have emerged.

Meanwhile Truman was ever-more-vigorously taking hold of the job of Chief Executive. He would not brook sloppy work or any form of insubordination in his official family. When Secretary of State Byrnes overstepped his role by presuming to negotiate with the Russians without keeping Truman fully informed of his steps (he issued independent press statements and generally acted as if *he* were the country's leader), he soon found himself replaced by Marshall. The same fate befell the irascible, powerful Harold Ickes, long Roosevelt's Secretary of the Interior, when he crossed Truman.

Hindsight suggests that the President did not sufficiently allow for the fact that his bold foreign policy required more military strength than his economical administration permitted. It is often forgotten that it was Mr. Truman who, for a brief period, first balanced the budget after many years of built-in deficits. Perhaps he took this part of his job too seriously. The outbreak of the Korean War puts a tremendous strain on the nation's military establishment, weakened by the cutbacks Truman had made in the interests of economy. The Korean War was a turning point in his administration, casting a shadow over its later years and over his miraculous election in 1948.

BOLD AND SPEEDY INTERVENTION IN KOREA

The War had three results for Mr. Truman's immediate popularity and perhaps for his permanent reputation. It showed, first of all, his power of decision at its highest. Instead of giving South Korea "all kinds of aid except help," as the Washington wags predicted, President Truman immediately ordered General Douglas MacArthur to dispatch troops to support South Korea's faltering forces. He did not, as we have noted, ask for a Congressional declaration of war or, indeed, for Congressional approval. It was a pure exercise of Presidential prerogative, of a sort much criticized today because of Vietnam. But there is no doubt that President Truman was within his rights as Commander-in-Chief, although he was exercising those rights to the full.

A second result of the Korean War for Mr. Truman was his much publicized and hotly debated dismissal of General MacArthur. MacArthur openly challenged Truman's direct orders to confine the war to Korean soil and refrain from violating China's borders. Truman asserted his authority without hesitation and relieved the general of his command. There can be little or no doubt that he was constitutionally right. No general can be allowed to openly criticize and oppose the policy of the Commander-in-Chief. Lincoln, as Truman knew from his reading, had not stood for this from General George B. McClellan, and Truman did not stand for it from a much greater soldier, Douglas MacArthur. Captain Truman knew the spirit and the letter of the American Constitution better than his five-star General of the Army.

But all of Truman's decisiveness could not bring an end to the Korean War. The fifth bloodiest conflict in American history, it dragged on and on, deeply disillusioning a country brought up to believe that all its wars ended in complete victories signalized by Yorktown, Appomattox or Tokyo Bay. It cast a pall over Mr. Truman's last years in the Presidency and doubtless influenced the 1952 election, which put a Republican in the White House. It could and should be argued that the Korean War offered America a valuable lesson in the perils and perplexities that lurk in Asia. But it was an expensive lesson, and it was only imperfectly digested. It served to confirm in their beliefs those who clung to the legend that the U.S. somehow "lost China," that only some form of negligence (or possibly treason) allowed the Communists to take over. And it has been pointed to by those who believe that every form of aggression in Asia must be met with military counterforce.

If Truman had a leading fault as Chief Executive it was that he almost invariably met problems head on—which sometimes meant that he ran his head against a Congressional stone wall. This fault, of course, is but the mirror image of his overwhelming virtue, his bold decisiveness. His legacy to the office, to the nation and to the world was great and on the whole beneficient.

He held the front of the "Free World" against Communism when many people believed that the front was collapsing. He defended the prerogatives of the President against an overweening general. He made the Presidency for the first time in its history an effectively organized instrument of government. He opened the Pandora's box of the atomic bomb. Perhaps it had to be opened; perhaps it had to be opened that way. Perhaps because it was opened that way it need never be opened again. No one knows.

An outstanding quality of Truman himself was his ironical acceptance of his own limitations, his humor and his dislike of pomposity. He is reported to have offered an important job to a man he much admired who demurred, saying, "I don't really feel qualified for it." Truman replied, "Maybe you're not. There are probably hundreds of people better qualified than you, but I don't know any of them. There are probably hundreds of people better qualified than I am to be President, but they weren't elected." Whether Truman really believed the second half of this famous statement is doubtful. What is certain is that he never acted as if the task

of being President was an easy one, that it demanded anything less than his never-flagging zeal and constant watchfulness. It was this quality perhaps more than any other that made him the very remarkable and possibly great President that he was.

And—a point very hard to demonstrate, but which is necessary to make—he showed in his brisk, man-in-the-street, man-from-the-farm way that the promise of American life for the average citizen had not been withdrawn. It has been an age of Presidents whose backgrounds have been very different from that of Harry Truman: a great engineer, Hoover; a country gentleman full of the social arts, F.D.R.; a great soldier, Eisenhower; a great millionaire with charm, high culture, dazzling personal appearance, Kennedy. The American public, as it rejoiced in his upset victory of 1948, took and kept to its heart the brusque little man from Independence, Missouri.

Mr. EAGLETON. Mr. President we pay tribute today to a man who, during a lifetime of outstanding service to his country, was characteristically uncomfortable while being praised for his many accomplishments. Harry Truman once described a statesman as "a politician who has been dead for 15 years."

But Harry Truman was a great politician who was recognized by historians as a great statesman long before his death.

Much has been said about Harry S Truman the President. The great decisions that he made and the social programs that bear his imprint will stand as the only tribute he would enthusiastically endorse for himself.

It was a painful irony that President Lyndon Baines Johnson, a close friend and ally of Harry Truman during the years of his Presidency, would die within a month after attending President Truman's funeral. Last week on network television Americans saw the last interview with President Johnson before his death. During that interview he discussed the many social programs that were enacted during his administration and—in a fashion characteristic of Lyndon Johnson—he gave credit to Harry Truman for the most significant of those programs.

President Truman fought for medicare and civil rights legislation long before it was popular to do so because, in his words, "it was the right thing to do."

Two men of humble beginnings, Harry Truman and Lyndon Johnson, shared a dream and now, in death, they share a place in history for their respective roles in bringing health care to America's elderly and equality under the law to Americans of all races.

President Harry Truman also achieved greatness through his work in foreign affairs. His initiation of the Marshall plan—his program of aid to underdeveloped countries—his courageous early recognition of Israel's nationhood—and his steadfastness in meeting aggression—have all contributed to thrust upon him the title of "statesman."

But Harry Truman would not want us to remember him only for his service in the great office of the Presidency. He also was proud of the record he built as a U.S. Senator.

Harry Truman was elected to this body in 1934. And it was not an easy first term. He was unfairly labelled as a "machine" politician and when he defied the machine—as was his custom, since he voted his conscience—he was charged with disloyalty. It was the type of situation that inspires most men to pull up stakes and quit.

At the end of his first term, the effect of these attacks had taken their toll. Harry Truman was prime for defeat. It would have been easy to back out quietly and not run. But if there is one characteristic that looms larger than any other in Harry Truman's life, it is that he is not a quitter. In 1940 he said:

I'm going to run for reelection, if the only vote I get is my own.

Harry Truman ran for his second term in the U.S. Senate and defied all odds by winning reelection. It would not be the last time that he would confound the political pundits by ignoring their predictions and going directly to the people for his victory.

Returning to Washington, Senator Truman took an interest in what he considered to be the alarming amount of waste and mismanagement in the defense establishment. In typical fashion he left Washington immediately on a rigorous month-long inspection tour of military installations around the country.

When he returned he told the Senate of the waste he had seen and requested that a special committee be created to oversee the Defense Establishment. This was the beginning of the Truman committee that was to save the Nation billions of dollars during a period when we badly needed to build our military strength while, at the same time, maintaining a careful watch over a shaky economy.

Senator Truman knew that the war effort could be damaged just as much by mismanagement as by faulty leadership.

His work in the defense area earned him a degree of notoriety in Washington that he had not known before. But he was not looking for publicity, he was simply trying to do a job. Early in 1942 he wrote to a close friend concerning the new-found prestige of the Truman committee:

My committee has had so much publicity in the last 60 days that its work is not nearly as efficient as it was before that time. We are in a situation where the slightest mistake will cause us serious difficulty . . . One bad tactical error, political or otherwise, can ruin the whole structure much more easily than it could have done when we were first starting.

Senator Truman was intent on doing his job and doing it well. He understood the significance of that work and he never attempted to use his new-found prominence to advance himself at the expense of his country. He was, in short, an outstanding Senator.

Mr. President, I have spoken today of Harry S Truman, Senator from the State of Missouri and President of the United States. History will recognize Harry Truman as a great President but the record will show that he was also a great Senator.

In a letter to his daughter Margaret, Senator Truman, with his usual humility, showed that he knew the significance of being a United States Senator:

It's awful what it means to some people to meet a Senator. You'd think I was Cicero or Cato. But I'm not. Just a country jake who works at the job . . .

Whether serving his country as judge, Senator, or President, Harry Truman was always proud to be "just a country jake." And, whatever job he held he never failed to make an impact on his State and on his country.

Mr. President, I ask unanimous consent that articles on President Truman's life that appeared in the Washington Post, the New York Times, Time, and Newsweek be printed in the RECORD at this point.

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

SAYING "WE GOING TO GIVE 'EM HELL," HE DID

(By David S. Broder)

For the Washington Post's veteran political reporter, Edward T. Folliard, it was a very puzzling phenomenon.

A week earlier, on September 9, public opinion analyst Elmo Roper had announced he was suspending his polling on the 1948 election. "Thomas E. Dewey is almost as good as elected," Roper had said, "That being so, I can think of nothing duller or more intellectually barren than acting like a sports announcer who feels he must pretend he is witnessing a neck-and-neck race."

Yet, here, on September 16, was the annointed loser, President Harry S Truman, starting off on a 16-day train tour, and acting, as Folliard wrote, "not at all like a man who . . . is destined to be an also-ran on election day. He seemed gay and confident as he was boarding his 17-car campaign special and told the crowd: 'We're going to give 'em hell.'"

It was the start of the showdown phase of one of the most remarkable campaigns in American political history—a struggle against seemingly insuperable odds that was to result in perhaps the greatest upset in our presidential history. That campaign of 1948 remains today one of the imperishable memories left behind by Mr. Truman.

Before the Democratic convention that July, Joseph and Stewart Alsop had written that "if Mr. Truman is nominated, he will be forced to wage the loneliest campaign in recent history."

The "if" was needed, because there were powerful elements in the party who felt that their own political survival dictated dumping the man who had inherited the presidency from Franklin D. Roosevelt three years earlier. Their favorite was none other than Dwight D. Eisenhower and, as Irwin Ross noted in his book on the 1948 race, "The Loneliest Campaign," the coalition behind the draft-Eisenhower movement was indeed "bizarre." Two days before the convention opened, 19 prominent Democrats invited their fellow delegates to a caucus to select "the ablest and strongest man available."

Among the signers: Mayor Hubert H. Humphrey of Minneapolis, Minn., Chester Bowles, Gov. William Tuck of Virginia and Gov. J. Strom Thurmond of South Carolina.

Mr. Eisenhower chilled the fever by issuing a statement that he "could not accept nomination for any public office or participate in partisan political contest." Although such men as Connecticut's boss John M. Bailey persisted in their efforts to draft Ike, the desperate coalition splintered, some turning to Justice William O. Douglas, some to Senator Claude Pepper of Florida.

None of these movements got off the

ground and the Democrats settled back, glumly, to renominate their "loser."

Why were they so sure he was a loser? Well, the Republicans had won a massive victory in the midterm election of 1946, capturing both houses of Congress for the first time in 16 years.

The old Democratic coalition appeared shattered. The start of the Cold War had split both labor and the liberals, with Henry A. Wallace quitting the Truman Cabinet to form a left-wing Progressive Party that threatened Mr. Truman's chances in New York, California and other industrial states.

The South, traditionally Democratic, was restive over the civil rights program Mr. Truman had sent to Congress.

SOUTHERNER'S WALKOUT

Before the convention was over, a tough civil-rights plank, sponsored by Humphrey, was to cause a walkout by some Southern delegations and provoke a "States Rights" Party campaign with Thurmond as its nominee.

Like George McGovern, 24 years later, Mr. Truman did not reach the platform to make his acceptance speech until the small hours of the morning. "Senator Barkley (Alben Barkley of Kentucky, his running mate) and I will win this election," he said, "and make the Republicans like it—don't you forget it." But few Democrats believed either the first or second clause of that sentence, and most acted as if they would like to forget the whole thing.

Yet, as Folliard noted on the day the Truman campaign train left Washington in Mid-September, "Mr. Truman's buoyancy, his refusal to believe that he is whipped, is not merely a campaign attitude, according to those who know him well . . .

"On his last barnstorming trip, the one that took him to Michigan, he said something that he has often said in private conversation: 'In 1940, I had the bitterest campaign for reelection to the United States Senate that I think any man had in the history of this country. I had every newspaper in the state against me, the governor of the state and his organization was against me, and at 11 o'clock that night all the radio broadcasters and the papers said that I was defeated by 11,000 votes. I went to bed and got up the next morning and found out I had been nominated . . .'"

TYPICAL OF CAMPAIGN

The first major speech of the trip was at the National Plowing Contest in Dexter, Iowa, and one of its lines is sufficient to recall both the rhetorical style and the substance of Mr. Truman's campaign. "The good-for-nothing, do-nothing Republican 80th Congress," he said, "has stuck a pitchfork in the farmer's back."

With suitable variations for the audience, this was the Truman message—that the Republican Congress which had been elected in 1946 had hurt the farmers (by cutting grain-storage facility funds), had hurt labor (by passing the Taft-Hartley bill), and hurt consumers (by ending price controls), had helped the privileged and hurt the common man (by voting tax cuts, cutting housing programs.) (It was also refusing to pass most of Mr. Truman's domestic program.)

It was a broadside attack, in exaggerated language, ending with a warning that the "catastrophes" of the past two years were only a sampling of what would happen if Dewey were elected and the Republicans had the government to themselves.

"If you let the Republican reactionaries get complete control of this government," Mr. Truman said on Labor Day in Detroit, "I would fear not only for the wages and living standards of the American working man, but even for our democratic institution of free labor and free enterprise."

Often, Truman would chide his audiences to remember that it was their interests, even more than his own, that were at stake in the election. "How many times do you have to be hit over the head before you find out what's hitting you?" he demanded. "If you let those Republicans get in again, you deserve what will happen to you."

SPELLED OUT BY CLIFFORD

The strategy underlying the campaign had been spelled out back in November, 1947, in a 43-page memo to the President from Clark Clifford, then a youthful member of the White House staff. Correctly anticipating both the Dewey nomination and the Wallace third-party candidacy (but not the Southern defection and the Thurmond challenge), Clifford argued that Mr. Truman could win the election by cementing the allegiance of farmers, laborers, blacks and Catholics.

His prescription for forming this alliance: Staunch anti-communism abroad and a liberal domestic program at home, designed to force Dewey to say "me, too" to the Truman foreign policy and to defend a conservative Republican congressional record on domestic affairs.

The congressional Republicans were more conservative than the likely GOP nominee, Clifford wrote the President: "The administration should select the issues upon which there will be conflict with the majority in Congress. It can assume it will get no major part of its program approved."

Mr. Truman did just that in 1948, heightening the drama by concluding his acceptance speech with the announcement that he would call Congress back for a special "Turnip Day" session to let the country determine "if there is any reality behind that Republican platform," which, tailored to Dewey's desires, was more progressive than the Republican record. Predictably, nothing came out of the special session, and Mr. Truman had his issue.

Both the reporters covering him could not determine if it was a real issue or not. Folliard noted that there was rarely much response to the rough rhetoric of Mr. Truman's prepared speeches. Although 72,000 people turned out for him at the Plowing Contest "not a single handclap or cheer was heard."

Richard H. Rovere, writing of that September tour in The New Yorker, said, "Nobody stomps, shouts or whistles for Truman . . . I should say that the decibel count would be about the same as it would be for a missionary who had just delivered a mildly encouraging report on the inroads being made against heathenism in Northern Rhodesia."

BETTER OFF THE CUFF

But it was also clear to the reporters that Mr. Truman was drawing big crowds and that the response to his off-the-cuff remarks, much more homely and less strident than his prepared speeches, was overwhelmingly friendly.

On Sept. 25, Folliard wrote: "Hardly a reporter aboard the 17-car special believes that Mr. Truman can reach his goal of a full, four-year term in the White House. The Republican tide is running strong after 16 New Deal years, and it looks at this time as if Gov. Thomas E. Dewey . . . can afford to drift to victory with it.

"If the decision were left to those who turn out for Mr. Truman at the whistle-stops, however—well, the outcome might be different.

"They like 'Harry,' those people who have been gathering along the railroad tracks all across the continent and down the Pacific coast. They like him a lot. You can see it in their faces as they look up at him there on the rear platform of the Ferdinand Magellan, smiling and waiting for the high school band to finish Hail to the Chief and the Missouri Waltz . . ."

Whatever the faces showed, the polls showed defeat. The late September Gallup Poll put Dewey ahead, 46.5 to 39—virtually unchanged from the previous month.

DEWEY CONFIDENT

The Republican nominee, accompanied on his campaign train by a press corps twice the size of the incumbent President's, was serenely confident. In his first speech, he said his was "a campaign to unite America." He ignored most of Mr. Truman's thrusts and avoided any pledges of his own more specific than "the biggest unraveling, unsnarling, untangling operation" Washington's bureaucracy had ever seen.

October was more of the same—for both the main rivals. Mr. Truman toured the Eastern cities, drawing what The Post's Robert C. Albright called "huge crowds, running well into the hundreds of thousands."

Having established his domestic indictment, Mr. Truman turned to the other half of the Clifford formula: anti-communism. He had been stung by Republican charges of Red infiltration of his administration. In Boston, with its heavily Catholic population, he sought to turn the tables by arguing, "You can fight communism with a clear-cut vote to defeat Republican reaction. Reactionary Republican policies invited communism in 1932. We were saved then, but we cannot afford to take the risk again."

Time and again, he ridiculed his rival, taunting him as "the man whose name ryhmes with hooey." In Minneapolis, he charged, "The Republican Party either corrupts its liberals or it expels them." The crowds continued large, and Frank McHale, the Indiana Democratic National Committeeman, told reporters Oct. 15, "this election could be the biggest upset in political history."

Newsmen traveling with Dewey noted a slight ripple of apprehension and a brief sharpening of the Republican nominee's rhetoric. But an informal poll of the reporters accompanying him found a unanimous belief that he would be victorious, and he settled back into his accustomed pleas for unity.

On Oct. 26, in Cleveland, Mr. Truman charged that the Republicans were using the pre-election polls to insure a light vote. "These polls are like sleeping pills . . . You might call them sleeping polls."

The next day, Dr. George Gallup said loftily that the President's comments were "all part of politics. Mr. Truman would love us if we could show him out in front . . . Either he is wrong, or we are. The people will know in another week."

On the final weekend of the campaign, with Mr. Truman heading for St. Louis and the 275th and last speech of his 22,000-mile campaign, The Post's Marshall Andrews wrote:

"There can be little doubt that Mr. Truman has picked up votes in the last week of his campaign . . . There is a general feeling among unbiased observers that Mr. Truman will poll a much larger vote next Tuesday than has been credited to him . . . He is a new man . . . a platform fighter who has been counting his own points and sees the decision in the bag."

Yet, when all was said and done, Andrews said those same "impartial observers are not willing to concede that Mr. Truman's confidence is justified."

They would admit, he said, "he has put up a masterful fight against what seemed to be insuperable odds" and "if the campaign could have gone on just a few weeks longer, it might have become one of the most exciting in history . . ."

Weeks earlier, however, on Oct. 13, Mr. Truman had given campaign aide George Elsey a state-by-state rundown on his election prospects in which he predicted he would win 340 electoral votes.

NO DOUBT VOICED

Clark Clifford later said that "from the beginning of the campaign until election day, I never heard him express a doubt about winning."

He was virtually alone in that faith, however. The final pre-election Gallup gave Dewey 49.5 per cent and Truman 44.5 per cent. All 50 political reporters in the Newsweek survey picked Mr. Dewey. The pre-election issue of Life carried a picture of the Republican nominee captioned: "The next President of the United States travels by ferry boat over the broad waters of San Francisco Bay." Drew Pearson, the Alsop brothers and others wrote advance columns for the editions of Nov. 2, discussing Dewey's Cabinet selections and the problems of the transition to a new President.

As for Mr. Truman, he went home to Independence, Mo., cast a straight Democratic ballot and handed it to the Democratic receiving judge, who happened to be his brother-in-law. His name: George Wallace. Mr. Truman told reporters: "It can't be anything but a victory."

Then he slipped off to Excelsior Springs, had a mineral hot-water bath, came home for a supper of ham-and-cheese sandwiches and buttermilk, and, at 7 p.m., went to bed!

He awoke about midnight and, as he later recalled in one of his most humorous and famous speeches, turned on the radio to hear H.V. Kaltenborn saying he was 1,200,000 votes ahead but was sure to lose when the country vote came in. "So I went back to sleep," Mr. Truman said.

VICTORY CONFIRMED

He was up before dawn, and heard the first newscast of the day confirm the victory he had confidently expected. He went down to the Muehlbach Hotel in Kansas City to join his staff and the newsmen accompanying him.

The sequence was startlingly like that in the earlier senatorial primary, which Mr. Truman had told his audience about back on Labor Day. It was also exactly the kind of "neck-and-neck race" which pollster Elmo Roper had said could not develop.

He won 303 electoral votes (37 fewer than he had predicted), compared to 189 for Dewey and 39 for Thurmond. But a shift of less than 30,000 votes to Dewey in California, Illinois and Ohio would have swung those three states to the Republican and given him an electoral-college majority.

The analyses of the upset were as numerous as the pre-election predictions of a Dewey victory. But as the Alsop brothers wrote, "There is only one question on which professional politicians, poll takers, political reporters and other wiseacres and prognosticators can any longer speak with much authority. That is how they want their crow cooked."

Mr. Truman himself seemed totally nonchalant. He rode his train back to Washington and went to work.

NIXON SETS DAY OF MOURNING

Text of a proclamation by President Nixon announcing the death of Harry S. Truman:

To the people of the United States:

It is my sad duty to announce officially the death of Harry S. Truman, 33d President of the United States, on Dec. 26, 1972.

Throughout his long career in public service, Harry S. Truman was known as a man of forthrightness and integrity. He served with distinction in the United States Senate; and when the death of President Franklin Delano Roosevelt thrust him suddenly into the presidency in April of 1945 at one of the most critical moments of our history, he met that moment with courage and vision. His far-sighted leadership in the postwar era has helped ever since to preserve peace and freedom in the world.

Confronted during his presidency with a momentous series of challenges, his strength and spirit proved equal to them all. His fortitude never wavered, and his faith in America never flagged.

President Truman had a deep respect for the office he held and for the people he served. He gave himself unstintingly to the duties of the presidency while he held it, and in the years afterwards he honorably supported and wisely counseled each of his successors.

The nation to which he gave so much will honor his memory in admiration and respect, and the other countries for which he helped keep freedom alive will remember his name with gratitude.

Now, therefore, I, Richard Nixon, President of the United States of America, in tribute to the memory of President Truman, and as an expression of public sorrow, do hereby direct that the flag of the United States be displayed at half-staff at the White House and on all buildings, grounds, and naval vessels of the United States for a period of 30 days from the day of his death. I also direct that for the same length of time the representatives of the United States in foreign countries shall make similar arrangements for the display of the flag at half-staff over their embassies, legations, and other facilities abroad, including all military facilities and stations.

I hereby order that suitable honors be rendered by units of the armed forces under orders of the Secretary of Defense on the day of the funeral.

I do further appoint Thursday, Dec. 28, 1972, to be a national day of mourning throughout the United States. I recommend that the people assemble on that day in their respective places of worship, there to pay homage to the memory of President Truman and to seek God's continued blessing on our land and on this his servant. I invite the people of the world who share our grief to join us in this solemn observance.

In witness whereof, I have hereunto set my hand this 26th day of December, in the year of our Lord 1972 and of the independence of the United States the 197th.

[From the Washington Post, Dec. 27, 1972]

FORMER PRESIDENT TRUMAN DIES AT 88

(By David S. Broder)

Former President Harry S. Truman, the man from Independence who set an example of personal courage in making the critical decisions that shaped the post-World War II world, died yesterday at the age of 88.

The 33d President of the United States, eulogized by President Nixon as "a fighter who was best when the going was toughest," succumbed at 8:50 a.m. (EST) to a combination of infirmities that had hospitalized him in Kansas City, Mo., 22 days ago.

His widow, Bess Wallace Truman, and his only daughter, Margaret Truman Daniel, who had been at his bedside until last Christmas night, were notified of his death moments later at the family home in Independence, Mo. by his personal physician since White House days, Dr. Wallace Graham.

Mr. Nixon, one of many past political antagonists whose respect for the former President grew with the years, proclaimed Thursday a day of national mourning and ordered flags on federal buildings flown at half-staff for 30 days—past his own inaugural date.

Mr. Truman's state funeral will be held at 3 p.m. Thursday (EST) in the auditorium of the Harry S. Truman Library in Independence. Burial will be an hour later in the courtyard of the library, in accordance with plans approved by Mr. Truman several years ago. He had rejected proposals that his body lie in state in Washington.

Attendance at both events will be by invitation only, according to an announcement from Army officials handling the funeral arrangements.

President and Mrs. Nixon will fly to Independence today to lay a wreath at the Truman library and to pay their respects to the Truman family. The Nixons will return to Washington tonight. They will not attend Thursday's funeral, which will be a simple, private ceremony.

Former President Lyndon B. Johnson and Mrs. Johnson will also fly to Independence today to pay their respects.

From 2 p.m. today, when the body is moved from the Carson Funeral Home in Independence, until noon Thursday, Mr. Truman's remains will lie in the lobby of his library, where the public may pay its final respects.

The ceremony in the 200-seat auditorium is expected to be devoid of pomp and pageantry. A more formal memorial service will be held in Washington's National Cathedral at a date within the next two weeks.

Mr. Truman, a World War I artilleryman and unsuccessful haberdasher, who succeeded Franklin D. Roosevelt in the presidency on April 12, 1945, died in a sixth-floor room at Kansas City's Research Hospital.

He had entered the hospital on Dec. 5, suffering from lung congestion. His heart, his kidneys and other organs were also impaired and for the last four days he had been in a coma.

The official medical bulletin said: "The Honorable Harry S. Truman, 33d President of the United States, died at 8:50 a.m. (EST). The cause of death was a complexity of organic failures causing a collapse of the cardio-vascular system."

In addition to his wife and daughter, he is survived by a sister, Miss Mary Jane Truman, 83, who is recovering from injuries suffered in a fall and has been a patient at the hospital where Mr. Truman died. He is also survived by the four children of Margaret Truman Daniel and her husband, E. Clifton Daniel, an associate editor of The New York Times.

Mr. Truman began his political career at the age of 38 with election as judge of the Jackson County court, an administrative post. He served 10 years in the Senate before being selected by Mr. Roosevelt as his fourth-term running-mate in 1944.

The almost eight years he spent in the presidency—from Mr. Roosevelt's death only 82 days into the new term until the succession of Dwight D. Eisenhower on Jan. 20, 1953—was a time of momentous change for his country and the world.

Mr. Truman was barely in the White House when he was called upon to decide whether the atomic bomb—a weapon whose existence had been unknown to him until he succeeded Mr. Roosevelt—should be used against Japan.

Although the decision to drop the nuclear bombs on Hiroshima and Nagasaki remains one of the most controversial of his tenure, Mr. Truman said, "It was a military decision. No other course was conceivable."

More difficult, he said, was the decision to send U.S. troops into South Korea to battle a Communist invasion from North Korea in June, 1950.

But the decision was consistent with the first anti-communism that came to dominate American foreign policy as Mr. Truman guided the nation from the final months of World War II into the Cold War.

In response to earlier challenges, he had sent massive U.S. economic and military assistance to counter Communist threats to Greece and Turkey and mounted the Berlin airlift to defeat a Soviet blockade of the former German capital.

In all these crises, the blunt, plain-talking Missourian won the respect not only of

his fellow citizens but of the international leaders—Churchill, Stalin, Adenauer and the rest—who had at first been skeptical of his mettle.

While Mr. Truman will probably be best remembered for the series of decisions Mr. Nixon said yesterday were "crucial to the defense of liberty . . . in the world," he took equal pride in what he called his "acts for peace and human dignity."

Among these he numbered his support of the fledgling United Nations, the Marshall Plan for economic recovery of Europe, his "Point IV" program of technical aid to underdeveloped countries and his quick recognition and strong backing of the state of Israel.

Uniquely among modern Presidents, Mr. Truman combined simplicity of manner with a strong assertion of the authority of his office.

"I'm a meat and potatoes man," Mr. Truman said, disarming his critics. But he was also one who understood and fully exercised the powers of his office. His White House desk carried a small sign reading, "The Buck Stops Here," and he did not hesitate to dismiss a national hero, Gen. Douglas MacArthur, in a bitter dispute over management of the Korean War that Mr. Truman made a classic demonstration of the superiority of civilian authority in the American government.

A strong partisan who achieved one of the great upsets of American political history in winning re-election in 1948, Mr. Truman was engaged in controversy with Congress during much of his time in office.

Although few of his recommendations became law, during his own presidency, included in his "Fair Deal" program were the seeds of many of today's civil rights, housing and social welfare programs.

Those proposals—like his decisions in the international arena—were matters of great controversy at the time, but today the antagonists of the past joined in tribute to Mr. Truman's memory.

House Republican Leader Gerald R. Ford of Michigan called him "one of the most courageous men ever to lead the American people." House Speaker Carl Albert said he was "a people's President, a man who always was himself and with whom every citizen could identify."

Mr. Truman supplied his own appraisal in 1953 after leaving the White House, and it bespeaks the man. "There are a great many people—I suppose a million in this country—who could have done the job better than I did," he said. "But I had the job and I did it."

[From Time magazine, Jan. 8, 1973]

THE WORLD OF HARRY TRUMAN

While visiting Harry Truman in the closing months of his presidency, Winston Churchill spoke with blunt generosity: "The last time you and I sat across a conference table was at Potsdam. I must confess, sir, I held you in very low regard. I loathed your taking the place of Franklin Roosevelt. I misjudged you badly. Since that time, you, more than any other man, have saved Western civilization."

If Churchill was deceived at first, so were most of his contemporaries. Sir Winston, in fact, was some years head of other historians in his re-evaluation. Truman was one of those public men whose reputations flourish only after years of retirement. His nondescript appearance, his shoot-from-the-hip partisanship, his taste for mediocre cronies who tainted the record with scandal—all the things that made him seem too small for the office—dwindled in importance with the passing decades. What loomed larger was a sense of the man's courage, a realization that he faced and made more great decisions than most other American Presidents. It was Harry Truman who decided to drop the atomic bomb. It was the Truman Doctrine that shattered the long U.S. tradition of peacetime isolation by supporting Greece and Turkey against Communist threats. It was Truman's Marshall Plan that committed U.S. resources to the rebuilding of Europe. Later Truman defied the Soviet blockade of Berlin and risked war by authorizing the airlift. Still later he met the Communist invasion of South Korea by ordering U.S. forces into the field.

If those accomplishments were long past, the Trumanesque spunk and will that produced them were evident right up to the end. After a tenacious 22-day struggle in Kansas City's Research Hospital and Medical Center, the nation's 33rd President died, at 88, from what doctors officially termed "organic failures causing a collapse of the cardiovascular system." Truman had detested Richard Nixon for years after the 1952 campaign, when Nixon implied that Truman might be treasonously soft on Communism, but the feud was since mended. Now Nixon proclaimed a 30-day period of national mourning and praised Truman as "one of the most courageous Presidents in our history" and "a man with guts." Warm tributes from world leaders flowed into Independence, Mo. France's President Georges Poumpidou and Great Britain's Queen Elizabeth II both cited Truman's aid in rebuilding Europe after the war. Noting Truman's early recognition and support of Israel, Foreign Minister Abba Eban said the U.S. President had "helped a tormented humanity to stand on its feet and to raise its head high once again."

Truman had personally approved elaborate military plans for a five-day state funeral ("A damn fine show. I just hate that I'm not going to be around to see it," he had said), including attendance by heads of state. But a shorter, simpler schedule was ordered by his wife Bess, 87, whom he had often referred to fondly as "the boss." Instead of the planned procession with muffled drums, a casket-bearing caisson and the symbolic riderless horse, a caravan of 21 cars and a hearse briskly transferred the body from a funeral home to the Truman Library in Independence. There some 75,000 people queued patiently through the night, some carrying sleeping children in their arms, to file past the mahogany coffin. Explained one mourner from Independence: "This whole town was a friend of Harry's." A wreath of red, white and blue carnations (Truman's favorite flowers) was placed at the casket by President Nixon, who, with Pat, also visited the plain white frame Truman house on Delaware Street. Nixon told Mrs. Truman that the simple ceremonies befitted her husband—"He didn't put on airs." A similar visit was made by Lyndon Johnson, now the only living former President, and Lady Bird. Johnson called Truman "a 20th century giant" and "one of the greatest men to lead freedom's cause."

The funeral itself, held at the library, was basically an Episcopal service, although a Baptist minister and a Masonic leader also participated (Truman, past Masonic Grand Master, was baptized in the Baptist church at age 18; Bess is an Episcopalian). At Truman's request, no hymns were sung and there was no eulogy. Bess and her daughter Margaret watched the ceremony from behind a green curtain that screened them from the 242 invited mourners, all relatives or close friends of the family. At the burial site in the library courtyard—a spot Truman had selected 15 years ago—a frail but composed Bess accepted the folded flag that had covered the coffin, after a trio of traditional military touches: three musket volleys, a final 21-gun salute from howitzers of Truman's beloved World War I Battery D and the blowing of taps.

LIGHTFOOT

Harry Truman was the country boy of legend who comes to the big city and outwits all the slickers. His parents and grandparents were people of the Middle Border, the odd blend of Midwesterner and Southerner that enriches Missouri with all the paradoxes of that mid-continental mixture. He was innately religious and believed in daily prayer, but like his mother, he was a lightfoot Baptist; he looked on dancing, cardplaying and bourbon drinking with a tolerant eye. He wore his provincialism as proudly as he did his loud sports shirts, which, to much of the world, represent the American tourist.

And what, Harry Truman would have asked, is wrong with the American tourist? He never pretended; better than most men, Truman knew himself. He possessed some hard inner kernel of conviction—partly moral, partly intellectual, partly folk wisdom—that was neither proud nor ashamed. It made him secure.

Though he was born provincial, he was not born poor. The family farms ran to hundreds of acres. But wheat futures went bad just when young Harry graduated from high school in 1901, and college was out of the question.

A congenital eye defect condemned him to thick lenses and excluded him from the wide fraternity of athleticism. Reserved, almost withdrawn as a boy, he read every book in the local library. Later, because he was essentially lonely, he became a joiner. In 1918, his field artillery regiment was sent to France, where Captain Truman for the first time on record displayed the cockerel courage that was to characterize his career. Later he recalled his greeting to the battery: "I told them I knew they had been making trouble for the previous commanders. I said, 'I didn't come over here to get along with you. You've got to get along with me. And if there are any of you who can't, speak up right now and I'll bust you right back now!' " Added Truman: "We got along."

Back in civilian life, Truman married his childhood sweetheart, Bess Wallace, and invested his life savings of $15,000 in a haberdashery shop in Kansas City, Mo. He prospered briefly, then went broke during the depression of 1922, but proudly paid back all his creditors although it took years to do so. His political career began when the brother of Kansas City's Boss Thomas Pendergast walked into the failing store, leaned an elbow on the counter, and asked whether Truman would be interested in running for county judge in Jackson County—which includes Kansas City. The offer was apparently made because Boss Pendergast's nephew Jim had served in Truman's regiment. Having no better prospects at the time, Truman said, "Yes, why not?"

In Jackson County, the county judges are the chief elected executives, and are concerned with roads, hospitals and political patronage. Truman held the job of judge and later presiding judge for ten of the next twelve years. In 1934, at the age of 50, with the help of Pendergast's machine, he was elected to the U.S. Senate. They called him "the Senator from Pendergast."

The snide remark was unfair. Truman frequently got advice from Pendergast, all right, but just as frequently he disregarded it. Even F.D.R. thought Truman was in Pendergast's pocket; he asked the Missouri boss to get Truman's vote for Alben Barkley as Senate Majority Leader. Truman voted for Pat Harrison, observing: "They better learn downtown right now that no Tom Pendergast or anybody else tells Senator Truman how to vote." Re-elected to the Senate in 1940, he soon launched the Special Committee Investigating the National Defense Program—the Truman Committee—which was to help carry him to the White House.

LOAD OF HAY

Truman's investigation saved the nation billions of dollars during the huge hurry and grab of wartime procurement. By 1944, his personal stature had grown so impressive that some Democrats saw him as a way out for F.D.R., who was looking for a new running mate to replace the controversial Henry Wallace. James Byrnes was proposed and Truman even agreed to nominate him. But the final choice was an astonished Harry Truman.

Truman's tenure as Vice President was brief. In less than three months, Eleanor Roosevelt was to tell him: "Harry, the President is dead." The new President spoke to reporter next day: "I don't know whether you fellows ever had a load of hay or a bull fall on you. But last night the moon, the stars and all the planets fell on me. If you fellows ever pray, pray for me."

He was ill-prepared because Roosevelt had not taken him into his inner councils, had not even let him in on the secret of the atom bomb. For a while, Truman floundered, and he never did acquire any sense of personal grandeur. But he did come to understand his office. On his desk, he placed a sign: THE BUCK STOPS HERE. So did pretension.

Neither status nor success made any significant change. Truman's idea of a holiday was to spend a week in the VIP quarters at the Key West naval base and do a little fishing. He still took his early-morning walks (at the military quick-time pace of 120 steps a minute), to the distress of Secret Service men and reporters trying to stay awake and keep up with him. When a Washington critic said some unpleasant things about the singing talent of his daughter Margaret ("my baby"), he dashed off a letter which said, in part: I have just finished reading your lousy review. I never met you, but if I do you'll need a new nose and plenty of beefsteak and perhaps a supporter below."

MANURE

Always an earthy talker, Truman once offended a friend of his wife's by referring repeatedly to "the good manure" that must have been used to nurture the fine blossoms at a Washington horticulture show. "Bess, couldn't you get the the President to say 'fertilizer'?" the woman complained. Replied Mrs. Truman: "Heavens, no. It took me 25 years to get him to say 'manure.' " When confronted by a press conference question he did not care to answer, Truman did not hesitate to say "no comment" or, more pointedly, "That's none of your business."

When confronted by the great issues Harry Truman never flinched. The one that has brought him the heaviest criticism was the decision to drop the atomic bomb. As was his practice, Truman listened to both sides of the argument, thought, and then decided. Later he recalled: "We faced half a million casualties trying to take Japan by land. It was either that or the atom bomb, and I didn't hesitate a minute, and I've never lost any sleep over it since."

In the wake of World War II, Truman enjoyed a brief honeymoon with the public. Then trouble came. Abroad, the Communists were pressing hard, backing an armed insurrection in Greece and threatening Turkey. In 1947, the hard-pressed British declared that they could no longer defend the borders of freedom in the eastern Mediterranean. Remote as such places then seemed to U.S. interests, the President proclaimed the Truman Doctrine: the U.S. would aid free countries threatened by Communist aggression.

Only months later, Truman initiated Secretary of State George Marshall's plan for the economic revival of Europe. Along with the largely military Truman Doctrine, the Marshall Plan probably staved off imminent revolution in some countries and provided Western Europe with the means to rebuild its cities and industries.

At home, Truman was less successful. He was heavily beset by postwar shortages, inflation, strikes and the mink-coat, deep-freezer hanky-panky of a few subordinates. In responding, Truman characteristically attacked rather than turned defensive. When the railroad workers struck, he threatened to seize the railroads. In early 1948, his popularity was at a low ebb. Panicky party strategists declared that if the Democrats did not appease the South, the party would vanish. Some seriously suggested that Truman should resign. Truman responded by proposing an elaborate series of civil rights measures that only further antagonized the South.

The Democratic Convention in Philadelphia kept him waiting until nearly 2 a.m. on a sweltering night in July 1948 before reluctantly nominating him for a full term. Harry Truman walked in, wearing an ice-cream suit that only a haberdasher from Missouri would choose for the occasion—and brought the dispirited convention cheering to its feet. He announced that he was calling a "Turnip Day" session of what he had labeled the "do-nothing" 80th Congress to give it a chance to enact its own Republican program.

The Congress predictably did nothing, and Harry Truman, without major money or major support, set out on a whistle-stop campaign across the country. He lambasted Congress for the higher cost of living, for blocking low-rent housing, for failing to vote grain-storage bins. "Give 'em hell, Harry!" the crowds cried. The Democratic left had deserted to the third-party candidate, Henry Wallace, the South to Strom Thurmond's States' Rights party, Republican Candidate Thomas E. Dewey was calm, self-confident, and spent much of his time discussing his future Cabinet. Not until midmorning on the day after election did an amazed nation learn that Truman had scored the greatest upset in U.S. electoral history.

UPROAR

His second term soon turned frustrating. Scarcely a month went by without some congressional committee grilling one of his friends for some peccadillo or outright misfeasance. China had been taken over by Communists, contributing to the charge that the State Department was "soft on Communism." When the invasion of South Korea started, Truman reacted with typical dispatch. In a space of 60 hours, he ordered U.S. forces into battle and got U.N. endorsement. When General Douglas MacArthur tried to bully him from abroad and issued battlefront ukases challenging U.S. policy, Truman did not hesitate. He recalled the hero of World War II despite public and political uproar. Truman's reaction was characteristic: "General MacArthur was insubordinate and I fired him. That's all there was to it."

By 1952, the Korean War was bogged down in a seemingly endless stalemate. Senator Joe McCarthy was in full cry, charging that the State Department was infested with Communists. Nervous because of the discovery of some real spies, concerned that the Russians had developed an atom bomb of their own, dismayed by the course of events in Asia, the nation was all too ready to listen. Though he could have run for another term, Harry Truman decided that he had had enough. It was another sound decision.

In retirement, Truman willingly faded from public life. In Independence, he built a library for his papers of which he was inordinately proud. He still ate at lunch counters, stopped at roadside restaurants on his rare trips, and offered no punditry to later Presidents. He was discontented with the intellectual style of the 1952 candidate, Adlai Stevenson, but could not convey to him what he felt was wrong. Truman was a man of action, and deprived of the power to act, he receded into near anonymity.

When he died, Harry Truman was under no illusion that he was a giant of intellect or even a "great" man. He was, as has been said, perhaps the greatest little man the U.S. has known. In a nation founded on the principle that ultimate wisdom lodges in its citizens, that is no mean accolade.

A LITTLE TOUCH OF HARRY

Margaret Truman was not only very close to her father, she also attentively followed his career. In an affectionate biography published by William Morrow & Co., she provides some insights and asides to the official record.

Truman's relations with Franklin Roosevelt was always ambivalent. Though F.D.R. would later select Truman as his Vice President, in 1940, Margaret reveals, he tried to dump Truman from the U.S. Senate. Harry resisted and defended his relationship to Kansas City's Pendergast machine.

"It was the White House calling. It was an offer from the President. If Senator Truman would withdraw from the race, he could have a seat on the Interstate Commerce Commission, a life appointment at a salary that was a lot more than Senators were paid. 'Tell them to go to hell.' Dad said. 'For my own self-respect, if nothing else, I must run.' "

Though he chaired the most important wartime committee in Congress—the Truman committee acted as watchdog over defense—Harry tried to enlist in the Army. He went to see Army Chief of Staff George Marshall.

" 'I would like very much to have a chance to work in this war as a field artillery Colonel,' he said.

"General Marshall pulled down his spectacles, eyed my gray-haired father, and said, 'Senator, how old are you?'

" 'Well,' said Dad, 'I'm fifty-six.'

" 'You're too damned old. You'd better stay home and work in the Senate.'

"Tartly, Dad replied: 'You're three years older than I am.'

" 'I know, but I'm ready a general.' "

Truman was never torn by ambition. He did not particularly want to be Vice President in 1944 when word went out that F.D.R. was interested. Margaret shows how Roosevelt maneuvered him into the job against his will. First, F.D.R. had to get rid of two contenders, Vice President Henry Wallace and James Byrnes.

"The story has long been told that F.D.R. finally yielded to the hostility of the city bosses who assured him that they could not deliver their heavily Catholic constituencies for Byrnes because he had abandoned Catholicism in his youth and became a Protestant. James Farley recently told me that the true story is the exact reverse—it was the President who ordered the bosses to spread the story to eliminate Mr. Byrnes. As for Vice President Wallace, F.D.R. sent him off on a trip to China."

As the convention opened, Truman was balking. Finally, Roosevelt was called by the party's chairman, Bob Hannegan, while Truman listened.

" 'Bob, have you got that fellow lined up yet?'

" 'No,' said Mr. Hannegan. 'He is the contrariest Missouri mule I have ever dealt with.'

" 'Well, tell him if he wants to break up the Democratic Party in the middle of a war, that's his responsibility.'

"There was a click and the phone was dead. My father got up, walked back and forth for a moment, and then said, 'Well, if that is the situation, I'll have to say yes. But why the hell didn't he tell me in the first place?'

"In politics, and in every kind of relationship, Dad believed in dealing straight from the shoulder whenever possible. Mr. Roose-

velt obviously enjoyed juggling friends and potential enemies to keep them all within the charmed political circle on which he rested his power."

While he served as President, Harry remarked more than once that he thought the White House might be haunted. He wrote Margaret in 1946:

"I told your mother a 'haunt' story which you'd better have her read to you. This old place cracks and pops all night long and you can imagine that old Jackson or Andy Johnson or some other ghost is walking. Why they'd want to come back I could never understand. It's a nice prison but a prison nevertheless. No man in his right mind would want to come here of his own accord.

"Now about those ghosts. I'm sure they're here and I'm not half so alarmed at meeting up with any of them as I am at having to meet the live nuts I have to see every day. I am sure old Andy could give me some good advice and probably teach me some good swear words to use on Molotov and De Gaulle. And I am sure old Grover Cleveland could tell me some choice remarks to make to some political leaders. So I won't lock my doors or bar them either if any of the old coots in the pictures out in the hall wants to come out of their frames for a friendly chat."

When Truman gave up the haunted house he never really liked and retired to private life, he had a chilly meeting with his successor, Dwight Eisenhower. Margaret describes their drive together to Ike's inauguration.

"There was very little conversation during the one-mile ride to the Capitol. Ike remarked that he had not come to the 1948 inauguration because he did not want to attract attention from the President.

" 'You were not here in 1948 because I did not send for you,' Dad said. 'But if I had sent for you, you would have come.'

"When they reached the Capitol, they went to the sergeant-at-arms' office to wait for the summons to the platform. Ike suddenly turned to Dad and said: 'I wonder who is responsible for my son John being ordered to Washington from Korea? I wonder who is trying to embarrass me?'

" 'The President of the U.S. ordered your son to attend your inauguration,' Dad said. 'If you think somebody was trying to embarrass you, then the President assumes full responsibility.'

"My father had ordered John Eisenhower home as a gesture of thoughtfulness. He was not serving in the front lines or in any vital role in the Army, so there was no reason to accuse either his father or Dad of favoritism, or of endangering the public interest. It astonished Dad that Ike resented his gesture. It still astonishes me."

[From Newsweek, Jan. 8, 1973]

FAREWELL TO MR. CITIZEN

There is by now an established ritual for the funerals of American ex-Presidents—lying in state at the Capitol, a congregation of the mighty and the media, a horse-drawn caisson and troop-lined streets, rolling drums and a riderless black horse bearing polished boots stuck backward in the stirrups. But Harry S. Truman had decided that he didn't want most of that, and when his long and exhilarating life finally ended last week at the age of 88, he went out in his own way—in Independence, Mo., his home since boyhood, in a simple funeral ceremony attended by his family and perhaps 250 neighbors and old friends, with burial following immediately near a stand of pin oaks, flowering cherry and hawthorn trees in the courtyard of his treasured Truman Library.

History would not be stayed entirely, however—nor would the sentiments of those millions who had come to feel an unabashed and curiously personal affection for the plain-spoken, straight-headed, good-hearted Missourian who became the nation's 33rd President. The generation of postwar leaders who knew him as one of their own—Churchill, Stalin, de Gaulle, Adenauer, Marshall, Eisenhower, Attlee—is now dead, but their successors found words to remember him by. France's President Georges Pompidou spoke of the "restoration" of Europe under Truman, and South Korea's President Park Chung Hee of the "heroic leadership and decisions" of the 1950s. U.N. Secretary-General Kurt Waldheim recalled that HST had been present at the creation of the U.N., and NAACP chief Roy Wilkins remembered that it was Truman who first ordered the desegregation of the armed forces. President Nixon, in a measured statement from Key Biscayne, hailed his old foe's "exceptional vision and determination" and offered "a description he himself might have appreciated the most—as a man with 'guts'."

But apt as these assessments were, Truman's farewell took its real tone from his friends. A few old comrades (Clark Clifford, Averell Harriman, HST's Treasury Secretary John W. Snyder) and present-day politicians (Sen. Hubert Humphrey, Kansas Gov. Robert Docking, Missouri Gov. Warren Hearnes) were on hand for the hour-and-a-half funeral services at the Truman Library. But the mass of mourners were home folks—Bess Truman's bridge club, house painter Robert E. Sanders, several retired guards from the Truman Library, housekeeper Mrs. Vietta Garr, and about fifteen survivors, almost all in their 80s, of Battery D, 129th Field Artillery, 35th Infantry Division, the unit that Capt. Harry Truman had commanded in France in World War I. Only four pool reporters and one TV camera crew were allowed into the Library auditorium and the nearby courtyard for the services, and they were given minimal shrift. In the auditorium, the Truman family—Mrs. Truman, Margaret Truman Daniel, her husband Clifton Daniel and their four sons—sat concealed behind a green gauze curtain. Outside, at the burial, Mrs. Daniel and her mother stood silent and hatless in the 30-degree chill, flinching at the first boom of a 21-howitzer salute, dabbing occasionally at their eyes, but otherwise defending the privacy of their grief.

HST's death, when it came at 7:50 a.m. on the day after Christmas, ended a 22-day vigil for his family and the nation. The old man, increasingly frail the past two years, had been taken to Research Hospital in Kansas City, Mo., on Dec. 4, suffering from congestion in the lungs. But other complications—kidney malfunction, digestive disorders, the strain on a weakened heart, the over-all burden of his 88 years—quickly set in. The old man doggedly pulled through one crisis and then another—both times reviving enough at least to speak a few words to Bess and Margaret—before slipping into unconsciousness for the last time on Christmas Day.

After his death the next day, his body was taken to the Carson Funeral Home in Independence, where Truman's long-time friend and barber, George Miller, gave him his final trim. The body was dressed in black suit, white shirt and black tie and laid to rest with HST's horn-rimmed glasses and Masonic ring in a flag-draped 6-by-6-inch mahogany casket. Despite the preparations of the U.S. Army—which had spent four years rehearsing a full state funeral, complete with air-lifted horses for the caisson—the Truman family settled on a simple black hearse to carry the former President's casket to the Truman Library, where it would be displayed in the main lobby for the next 24 hours.

What pomp there was to Harry Truman's departure occurred in this brief public interlude. An Army band played "Hail to the Chief" and "Ruffles and Flourishes" as the casket was borne inside the Library, and a flight of 21 A–7 attack bombers cracked over the treetops at 380 mph. President and Mrs. Nixon flew in from Key Biscayne to make a stop at the Truman Library and spend some time paying their respects to the family before heading South again. Lyndon Johnson and Lady Bird also passed through. Then the Library was thrown open to the quiet throngs lined up in the street outside, and for the next 22 hours, through the night and into the next morning, the people filed by—perhaps 75,000 in all.

There was a deeper poignance elsewhere. At the gabled Victorian house on North Delaware Street, Mrs. Truman, thin and exhausted, was supposed to be resting for the funeral—and it was perhaps the best measure of HST's final standing with the public that she got no chance to. Neighbors began phoning, Missouri style, with offers of casseroles and pies to tide the family over the long ordeal. Often, when they called, they found the 87-year-old Mrs. Truman herself on the line. She met with the Nixons, met with the Johnsons, met with the Humphreys—and sent Hubert away bearing one of Harry's favorite black canes as a last memento. Then after the guards had cleared the last of the visitors from the Truman Library, she went off to bury her husband. When President Nixon disclosed that a formal memorial service, with full honors, would be held in Washington on Jan. 5, after Congress returns, a Truman family friend said that Mrs. Truman was not prepared to say if she would attend.

HARRY S TRUMAN

To most Americans, Harry S Truman in recent years had become a ghostly figure out of a different, distant past. As his public appearances grew fewer, as frailty and age finally confined him to his large old white frame house in Independence, Mo., it became easier to forget that this quaint and elderly gentleman had been the single most powerful leader in the world through nearly eight tumultuous years—and that Winston Churchill, at dinner on the Presidential yacht Williamsburg in 1952, had roused himself from a postprandial snooze and said to him: "I must confess, sir . . . I loathed your taking the place of Franklin Roosevelt." The old Tory paused, then continued: "I misjudged you badly. Since that time, you, more than any other man, have saved Western civilization."

"Saved" may be too strong a word, but the perception behind it was accurate enough. From April of 1945, when he succeeded Franklin D. Roosevelt in the White House, until he retired to his beloved Independence in January of 1953, Harry Truman made all the important decisions not only for the U.S. but for the whole of the non-Communist world. The policies he laid down in those germinal years are still, for better or worse and whatever the latter-day variations, the bedrock of the U.S. position in the world.

It was Truman who ordered atomic bombs dropped on Hiroshima and Nagasaki in 1945 and then refused to use them against any other foe. It was he who presided over the victorious end of World War II and the perhaps inevitable onset of the cold war, and he who decreed that enlightened self-interest demanded that the U.S. share its incredible resources and wealth with the poorer nations. It was he who pushed the once and future schism on the Democratic Party by running on a strong civil-rights platform in 1948. And most poignantly, it was Truman who fixed the nation's determination—in Greece, Korea and a dozen other places—to use military force against all forms of Communist expansion everywhere, defining the dogma that led eventually, in decisions by his successors, to the U.S.'s commitment to Vietnam.

The appealing irony about Harry Truman was that all his forcefulness—all this initiative and certainty and Jovelike grace to a crushed and frightened world—came pouring out of one of the folksiest and most out-at-

elbow Presidents since Andrew Jackson. At the age of 50, eleven years before taking over the Presidency, Truman was a failed farmer and businessman, a lame-duck county judge and a minor pawn in the Kansas City, Mo., machine of boss Tom Pendergast. Even after his accession to the Senate, the Vice Presidency and the Presidency—even after his upset victory over Thomas E. Dewey in the 1948 Presidential campaign—he was constantly demeaned and condescended to.

Robert Taft called him "that roughneck ward politician" and Virginia-born Lady Astor made fun of his twang. (Said Harry: "At least my accent is natural.") Everybody heehawed at his colorful sport shirts and blanched when he excoriated Washington Music critic Paul Hume for panning his daughter Margaret's singing. Truman was 5 feet 9 inches tall, but the adjective for him was always *"little."* Even Dwight Eisenhower, riding up Pennsylvania Avenue on his own Inauguration Day in 1953, turned to Truman and explained patronizingly that the reason he hadn't attended Truman's Inauguration four years earlier was that "if I had been present I would have drawn attention away from you." Truman replied evenly: "You were not here in 1949 because I did not send for you. But if I had sent for you, you would have come."

Truman's unsurpassed sureness came partly from Missouri mulishness, partly from his almost magical belief in the power and dignity and rightness of the office of President. In the beginning, he needed all of this faith just to survive. Truman himself told of being summoned to the White House from Capitol Hill on the night of April 12, 1945, and being told by Eleanor Roosevelt: 'Harry, the President is dead." Truman finally stammered, "Is there anything I can do for you?" Mrs. Roosevelt replied immediately: "Is there any way we can help you? For you are the one who is in trouble now."

The new President's deepest trouble came not from the stunning news of Roosevelt's death—Truman and most of the Democratic hierarchy had known that FDR could not live out his fourth term—but from his own innocence of statecraft. FDR had run the Presidency out of his hat for thirteen years, with no executive chain of command, no clear division of responsibilities and no contingencies whatever for his dying. Truman was now responsible for a final decision about using the atomic bomb but he didn't know that such a thing existed. He was about to debate the course of the postwar world with Stalin and Clement Attlee at Potsdam but he had never met either of them nor been to Europe since 1918. He was a Commander in Chief who knew none of his generals, a President who barely knew his Cabinet.

Yet he got the hang of things extraordinarily fast. Stalin fooled him for about two days (he told an aide that Stalin was as nice a fellow as his old patron Tom Pendergast), but by the end of the Potsdam conference he was writing home to his mother: "You never saw such pigheaded people as are the Russians. I hope I never have to hold another conference wtih them." Truman could be pretty stubborn himself. In Iran, Trieste, Berlin and finally Korea, to the howls of Western leftists, he countered Stalin's expansionism with enough American force to do the job, at the same time holding off those who wanted a nuclear attack launched against the Russians before they got their own A-bomb. The touchiest test came when the Russians sealed off the Allied corridor into Berlin in June of 1948. Some advisers wanted to fight their way through, others to launch preventive war on Russia. Truman decided (over the objections of Gen. Hoyt Vandenberg, his Air Force Chief of Staff) to fly over the blockade, and the U.S. fed, fueled and supplied a city of 2.4 million by airlift for nearly a year.

The Missourian was equally decisive about the atomic bomb, though history will probably never make up its mind whether he decided rightly. Truman learned about the atomic project from Secretary of War Henry Stimson half an hour after he took the oath of office, and was assured the next day by Adm. William D. Leahy that it wouldn't work. "This is the biggest fool thing we have ever done," said the Chief of Naval Operations. "The bomb will never go off, and I speak as an expert in explosives." Three months later the first atomic device did go off at Alamogordo, N.M. Told by his advisers (now including Leahy) that use of the bomb would save 500,000 American lives—and just as many Japanese—by obviating an invasion of the Japanese mainland, Truman ordered the first bomb dropped in early August of 1945 on one of four cities: Hiroshima, Kokura, Nagasaki or Niigata. On Aug. 6, the Enola Gay destroyed Hiroshima. When the Japanese hesitated, Truman ordered the other one dropped on Nagasaki, and five days later the war ended. There had been no real thought given to showing the Japanese the awesome power of the bomb on uninhabited terrain because the U.S. had only two atomic bombs. "I never lost any sleep over my decision," Truman said later.

For a man with his instant military reflexes, Truman was extraordinarily receptive to the more humanitarian tools of policy. In May of 1947, he sent the late Dean Acheson (then his Under Secretary of State, later the Secretary) to deliver a speech in his stead at an obscure teachers college in Cleveland, Miss. The U.S., said Acheson, speaking the President's words, must "push ahead with the reconstruction of the great workshops of Europe." The U.S. press paid little attention, but The Times of London and other European journals saw what was coming and cheered. Ten months later the U.S. Senate passed the so-called Marshall plan, appropriating the first $5.3 billion of the roughly $29 billion in economic aid that the U.S. would send to Europe in the next twenty years. The Point Four program, introduced in Truman's Inaugural Address in 1949, did much the same thing for undeveloped countries. Historian Arnold Toynbee has since written that these mammoth projects of economic assistance, both of them without any real precedent in world history, "will be remembered as the signal achievement of the age."

The substitution of Acheson for the President in Cleveland had a touch of the prophetic. In 1949 the unschooled Missourian appointed the Connecticut Brahmin to the top job at the State Department, and the two of them together laid most of the cornerstones of American cold-war foreign policy—NATO, military assistance to the "free world," a determination to contain Communism wherever an aneurism appeared. The two men had a curiously deep symbiotic relationship. Truman valued and relied on his Secretary, and defended him to the ditches when the GOP came howling for his scalp; Acheson for his part heaped his chief with praise that stopped just short of fulsome. Acheson called him "the greatest little man" he had ever known and in later years paid lengthy written tribute to Truman's decisiveness, integrity, wisdom, modesty, selflessness and humanity—usually making his point with an anecdote in which Truman would demonstrate the virtue in question by deferring to his Secretary of State. If Truman detected a whiff of condescension, he never let on.

Truman's domestic programs were frequently as bold as the foreign ones, but most of them were summarily beaten back by Congress whether or not the Democrats were in charge. In the first blaze of his triumphant Inauguration in 1949, with overwhelming Democratic control of both houses, Truman sent up an ambitious 24-point "Fair Deal" program that would take up where FDR's New Deal left off. Of the 24 programs—covering medical insurance, immigration policy, farm supports, civil rights, the whole liberal range—only his public-housing bill got through Congress, and that only through the last-minute cooperation of conservative GOP Sen. Robert A. Taft.

For most of the last years of his Presidency, in fact, it seemed that everything Truman touched turned to controversy and vituperation. Corruption flowered in half a dozen places, never involving Truman but now and then touching old friends whom the President characteristically would not disavow—leading to widespread talk of a "mess in Washington." The Washington Times-Herald called him a "dishonest nincompoop" and Sen. Joseph McCarthy, waving his fictitious list of 205 "Communists" in the State Department, implied that the President was a traitor. Truman snapped back tartly. "We are not going to turn the United States into a right-wing totalitarian country," he said, "in order to deal with a left-wing totalitarian threat." On the other hand, he often got too tart for his own good. Acheson once remarked that the State Department "kept on hand, as a sort of first-aid kit, a boxful of 'clarifications' " for use after the boss had harpooned everyone at a news conference.

The national uproar reached its loudest over the President's instigation and conduct of the Korean War. When the U.N. Security Council—taking advantage of Russia's absence—branded North Korea an aggressor in June of 1950, Truman immediately committed the full weight of U.S. forces to the defense of South Korea, at the same time avoiding a declaration of war by labeling the conflict a "police action." His middle-road policy was clear enough—he wished to hold the line in Korea without touching off World War III—but he was pummeled by criticism from both sides. If this was war, the liberals asked why not have Congress declare it? If this was war, conservatives demanded, why not fight it all-out—not excluding the use of atomic weapons, and not excluding the bombing of Red China after the nation entered the war from the north in 1950? The President demurred; his object, he reiterated, was to preserve the integrity of South Korea, the U.S. and the U.N., not to risk global war.

Truman's policy led him into a running debate—private at first but finally open and bitter—with Gen. Douglas MacArthur, the flamboyant and imperious commander of allied forces in Korea. As the war ossified into a bloody stalemate between two unbudgeable armies, MacArthur called more insistently for the right to bomb Chinese bases, atomically or otherwise. Truman warned his commander to keep his arguments private. When MacArthur persisted in publicly second-guessing his Commander in Chief, Truman sacked him in April 1951, then watched an apprehension as MacArthur came home to a gigantic hero's welcome in the streets and before a joint session of Congress. Truman's fears that MacArthur would foment some kind of reactionary movement were unfounded. But the general's dismissal did fortify the suspicions of those right-wingers who thought they detected a "softness" in U.S. policy, and also gave new impetus to the China lobby, which held the Democrats responsible for Mao Tse-tung's defeat of Chiang Kai-shek in 1945–1949. Though the Korean intervention ended in 1953 with South Korea territorially and politically intact, it left as bad an after-taste of any U.S. war up to Vietnam.

Truman's supposed unpopularity—and just about everybody who was anybody agreed that he was unpopular—led to the most flamboyant success of his Presidency: his own re-election in 1948. In May of that year, Time was calling him "awkward, uninspired and above all mediocre," and Gallup reported that only 36 per cent of the nation

thought he was doing well in his job. Half a dozen top Democratic politicians—including Jake Arvey in Chicago, Richard Russell in Georgia, and Mayors Frank Hague and William O'Dwyer of Jersey City and New York—tried to get Eisenhower to declare himself receptive to a Democratic draft for President. When Eisenhower finally declined, the Democrats nominated Truman in a spirit of helpless gloom, WE'RE JUST MILD ABOUT HARRY, read the signs at the Democratic convention, and The New York Post concluded: "The party might as well immediately concede the election to Dewey and save the wear and tear of campaigning."

Things got worse before they got better. Henry Wallace, FDR's Vice President from 1941 to 1945, had already formed his own Progressive Party to chip away at the Democratic left. South Carolina's Gov. J. Strom Thurmond, then a Democrat, led a massive Southern walkout over civil rights and formed his own Dixiecrat ticket to box off the Democrats' so-called Solid South. A reporter asked Thurmond why he was so angry, since Truman's civil-rights platform was no different from FDR's. "I agree," said Thurmond, "but Truman really means it."

Just about the only man who believed that Truman had a chance was Truman himself—and he knew something the others didn't. In June of 1948, before the campaign began, HST accepted an honorary degree from the University of California at Berkeley and used the cross-country train trip to deliver a score of fiery, crowd-rousing partisan speeches. They were slangy, combative, extemporaneous talks and they brought the crowds to life in a way that Truman had never managed in all his Presidential years of earnest, droning statesmanlike dullness. When the campaign began, the brand-new "Give-'em-Hell" Harry just stepped up the volume and the tempo, jeering and slashing at the Republicans and the "do-nothing 80th Congress" for 22,000 miles and reaching some 10 million to 15 million citizens in person.

Give-'em-Hell Harry drew some phenomenal crowds—50,000 on a cold night in Indianapolis, 300,000 in Chicago, 5,000 in a driving rainstorm at 8 a.m. in Albany, N.Y. In Ohio, Democratic gubernatorial candidate Frank Lausche, fearing defeat-by-association, made plans to ride the train for only a few miles. But he peered unbelievingly at a mob in the Columbus station, murmured that it was "the biggest crowd I ever saw in Ohio," and stayed on the train all the way to Cleveland. Reporters and pundits saw it all but would not believe that it meant anything. "Could we be wrong?" asked a Washington Post reporter after Truman outdrew Dewey by 2½ to 1 in St. Paul. The polls insisted tha Dewey would win easily, and the papers, the pundits and politicians agreed—including Truman's own staff and all the Democratic fat cats. The President's campaign was so underfinanced that he was regularly cut off the radio in mid-speech for nonpayment, and once in Oklahoma his staff took up a collection to get his train out of the station.

And in the end he won it anyway—in a way that still doesn't seem quite credible. The Wallace vote gave New York to Dewey, and Thurmond carried four Southern states for the Dixiecrats. But Truman swept California, Ohio and Illinois, all supposedly safe for Dewey, and took most of the Republican Farm Belt; he woke up the next morning with 304 electoral votes, 38 more than he had to have. "You've got to give the little man credit," said Republican Sen. Arthur Vandenberg of Michigan, damning him with the adjective again, but Ohio's Taft could not manage even a backhanded graciousness. "I don't care how the thing is explained," he said, "it defies all common sense to send that roughneck ward politician back to the White House."

It defied Taft's sort of common sense for Truman to have got to the White House in the first place. Harry S. (for nothing) Truman was born on May 8, 1884, the eldest of three children of John Truman, a western Missouri mule trader and farmer, and his wife, Martha. His mother was the major force in the boy's life, a proud, vigorous, lemony Baptist and Southerner who lived to be 94 and who said, before her first visit to the White House in 1945, "You tell Harry that if he puts me in the room with Lincoln's bed in it I'll sleep on the floor." She fell down an East Wing stairway on that stay—she was 92 years old—but didn't tell anyone about it until after she had gone home to Independence.

Young Harry was bright, diligent and retentive—60 years later he was winning scripture-quoting contests from visiting clergymen—but his father's financial collapse ruled out college. For ten years in his 20s and early 30s, Harry farmed 900 acres belonging to his mother's family, and he might never have left but for the Great War. Harry went over as an eager first lieutenant of artillery and came back as the seasoned Capt. Harry Truman of D Battery, a good drinker and poker player and a confident leader of men. "So far as its effect on Harry Truman was concerned," wrote his biographer Alfred Steinberg, "World War I released the genie from the bottle."

Flush and fired up with his own modest sense of destiny, the 35-year-old Truman went back to Independence to acquire a bride—Bess Wallace, whom he had been courting since high school—and a mother-in-law, the imperious and disapproving Madge Gates Wallace, who made her home with the Trumans for the next 30 years and assured reporters in 1948 that her son-in-law was going to be thrashed by Dewey. The Trumans' only child, Margaret, was born in 1924.

By this time, Truman had already taken his first political plunge and come up as county judge under the aegis of the Pendergast machine in Kansas City. (Truman's one business venture—a haberdashery store that got caught in the recession of 1921—had already gone under, a failure that some Republicans were still gratuitously sneering about in 1948.) Truman was beaten in 1924 by someone named Rummell, the only man ever to win an election from him, then was elected presiding judge in 1926 and again in 1930. But in 1934, not allowed to succeed himself again, Truman wrote that "retirement in some minor county office was all that was in store for me."

Instead, he got lucky and stayed lucky for the rest of his life. Pendergast's three top choices for U.S. Senator in 1934 declined to run, and Truman got the chance to stand as Pendergast's man in a three-way Democratic primary. The whole campaign, said The St. Louis Post-Dispatch, was "the pot, kettle and stewpan calling each other black." On election night, the bosses in St. Louis reported that Truman's principal opponent, a local boy named John J. Cochran, had run up 104,265 votes to 3,742 for Truman. Just hours later Pendergast announced the Kansas City vote Truman 137,529, Cochran 1,525. Truman was in and he won handily in the main election against a worn-out Republican, but FDR was so offended by the logistics of his fellow Democrat's victory that he wouldn't receive Truman in the White House for months after he was sworn in.

Truman's connection with Pendergast was curious but probably not venal. The machine delivered plenty of votes, and HST always declared himself grateful; on the other hand, Truman always did his job independently and honestly, and even when Boss Tom was put away for taking a $750,000 bribe from a group of insurance firms, Truman's name never turned up even on the fringes. The public and the press remained suspicious of the Pendergast connection clear through his nomination for Vice President in 1944. But politicians understood the niceties of the situation far better, and Truman was a popular Senate club man almost from the beginning. He was trustworthy, hard-working and fanatically loyal, all of which virtues were balanced nicely by his fondness for bourbon, stud poker and courthouse camaraderie. (Unlike many of his colleagues, HST was never a womanizer; he wrote primly in his diary: "In reading the lives of great men, I found that the first victory they won was over themselves and their carnal urges.")

Truman voted a straight New Deal line for six years—and his reward was that Roosevelt backed Missouri Gov. Lloyd Stark in the 1940 Senatorial primary. Truman's response presaged 1948. With few allies, no money and no prospects, "Tom Pendergast's stooge" toured 75 rural counties by car, swapping insults with his opponents in what he later called "the bitterest and dirtiest fight I ever witnessed." Truman put together a rough alliance of a few labor, Negro and urban leaders to strengthen his hand in the cities, and it was just enough. He won the primary by 8,000 votes, the main election against Republican Manvelle Davis by 44,000; FDR gave up and wrote congratulations.

FDR and HST were destined to come far closer together than that. World War II gave Truman his first taste of national celebrity, when he was appointed to head a committee looking into chicanery and waste in defense programs. In less than three years, the Truman committee turned out 32 major reports on inefficiency and corruption in war production and claimed to have saved taxpayers $15 billion. By 1942, Tom Pendergast's stooge was a major campaign asset for the Democrats; by the spring of 1944, he was being touted to run with the ailing FDR, who was under strong pressure from labor unions and party bosses to dump his current Vice President, the excessively Russophilic Wallace. When FDR tapped him for the nomination, Truman knew clearly enough what it meant, "I had a hollow feeling within me," he said after seeing FDR in early 1945. "He seemed a spent man."

Truman was 60 when he took over the Presidency and 68 when he left Washington for the last time to retire to Independence. A few months after he left the White House, a reporter asked him if he wasn't getting a little less militant. "Not in the slightest degree," said Harry. "They are trying to make a statesman out of me but they will never succeed."

One of his regular targets in those first days as a private citizen was the new President. Truman's wartime friendship with Dwight Eisenhower had deteriorated in 1952 when, said Truman, Ike "permitted a campaign of distortion and vilification that he could not possibly have believed was true." Truman subsequently referred to Eisenhower as the "most inept" President since Millard Fillmore. In both 1952 and 1956, Truman campaigned for Adlai Stevenson (although the independence and vacillation of the Illinois governor offended HST's sense of party solidarity), as he did for John Kennedy in 1960.

Truman liked to tour the nation's schools and colleges, talking about government and history. Reporters were forever seeking him out in airport lounges and hotel lobbies—or trotting behind him on one of his habitual morning walks—to ask his opinion on the latest developments at home and abroad. Truman would not generally comment on foreign affairs—"no one but the President has enough information," he would say—but he went pretty much all the way with LBJ on the Vietnam war.

In between public appearances there was a happy, busy life among his neighbors in Independence. Bess took up housework again and Harry got used to dialing a phone and driving a car. He wrote about the years of his

Presidency and those that followed, later turning some of the material into a TV series. He also had more time for his daughter and her husband, New York Times associate editor E. Clifton Daniel, and their four sons. "Leaving the White House involves no problem of adjustment if you were a common citizen before," he remarked.

His favorite project was raising funds for—then presiding over—the $1,659,000 Harry S Truman Library in Independence, now run by the National Archives. The library features 9.5 million documents of Truman's Administration, a replica of his old Executive Office and a White House piano—not to mention an informal talk about "The Greatest Government in the World," given periodically to visiting schoolchildren by an ebullient Harry himself.

In the last two years, the old engine quietly ran down, confining him more and more to the frame house on North Delaware Street. One final accolade remained—a proud thorough and loving memoir by Margaret Truman Daniel called "Harry S Truman," advance copies of which were just reaching the bookstores in the week when Truman was taken to Research Hospital with lung congestion.

Through all the years of power and the accolades that came to him in retirement, Truman never dropped the modest bearing that tied him to the common man. Before the sprightliness went out of his step near the end, he made a point of attending the annual birthday party thrown for him at a Kansas City hotel. At one such celebration, an unexpected phone call came through from then President Lyndon Johnson. "We've had thirteen years to see the wisdom of your policies," Johnson remarked. "I have always thought you'd rather have your friends cussing you than praising you, but you'll have to go right on paying the cost of greatness."

"I can't agree that it was great," beamed Harry Truman, "but I did the best I could."

RICHARD BOETH.

JUST CALL ME "CAPTAIN HARRY"

"Dear Mamma and Mary:

"I am 61 this morning and I slept in the President's room in the White House last night. They have finished the painting and have some of the furniture in place. I'm hoping it will all be ready for you by Friday. My expensive gold pen doesn't work as well as it should.

"This will be an historical day. At 9:00 o'clock this morning I must make a broadcast to the country announcing the German surrender."—Letter to his mother and sister. May 8, 1945.

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"I remember when I first came to Washington. For the first six months you wonder how the hell you ever got here. For the next six months you wonder how the hell the rest of them ever got here."—To Leonard Lyons. February 1950.

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"I never ran for a political office I wanted. But I've fought for every one I ever had. Damn it! I've never had an office I didn't have to fight for, tooth and nail."—To a reporter. July 1944.

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"Card games? The only game I know anything about is that game—let me see—I don't know what the name is, but you put one card down on the table and four face-up, and you bet."—To a reporter. October 1944.

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". . . the President gets a lot of hot potatoes from every direction . . . and a man who can't handle them has no business in that job. That makes me think of a saying that I used to hear from my old friend and colleague on the Jackson County Court. He said, 'Harry, if you can't stand the heat, you better get out of the kitchen.' I'll say that is absolutely true."—Remarks at the Wright Memorial (Dinner of the Aero Club of Washington. Dec. 17, 1952).

* * * * *

"The Republicans have General Motors and General Electric and General Foods and General MacArthur and General Martin and General Wedemeyer. And they have their own five-star general running for President . . . I want to say to you that every general I know is on this list except general welfare, and general welfare is in with the corporals and privates in the Democratic Party."—Campaign speech, 1952.

* * * * *

The Buck Stops here!—Sign on HST's desk.

* * * * *

". . . a man in his right mind would never want to be President, if he knew what it entails. Aside from the impossible administrative burden, he has to take all sorts of abuse from liars and demagogues . . . All the President is, is a glorified public relations man who spends his time flattering, kissing and kicking people to get them to do what they are supposed to do anyway."—Letter to his sister. November 1947.

* * * * *

"We'll have none of that now. When I put on those striped pants and that top hat, you can call me 'Mr. President,' but here and at all such reunion occasions you can make it just 'Captain Harry'."—Reunion breakfast with Battery D. Inauguration Day 1949.

* * * * *

"I have just read your lousy review [of Margaret Truman's recital] . . . I never met you, but if I do you'll need a new nose and plenty of beefsteak and perhaps a supporter below. Westbrook Pegler, a guttersnipe, is a gentleman compared to you."—Letter to Washington Post music critic Paul Hume, Dec. 6, 1950.

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"It all seems to have been in vain. Memories are short and appetites for power and glory are insatiable. Old tyrants depart. New ones take their place. Old allies become the foe. The recent enemy becomes the friend. It is all very baffling and trying, [but] we cannot lose hope, we cannot despair. For it is all too obvious that if we do not abolish war on this earth, then surely, one day, war will abolish us from the earth."—Independence, January 1966.

* * * * *

"I always qoute an epitaph on a tombstone in a cemetery in Tombstone, Arizona: 'Here lies Jack Williams. He done his damnedest'."—Press conference, April 1952.

[From the New York Times, Dec. 27, 1972]

FROM MISSOURI FARM TO FAME

"My first memory is that of chasing a frog around the backyard in Cass County, Missouri. Grandmother Young watched the performance and thought it very funny that a 2-year-old could slap his knee and laugh so loudly at a jumping frog."

Harry S Truman was 68 when he wrote that recollection of his carefree farm childhood, so secure in strong, affectionate family bonds.

A product of the Middle Border and of hardy farming stock with frontier traditions, Truman was born at 4 P.M. May 8, 1884, in a small frame house at Lamar, Mo. He was the first-born of John Anderson Truman and Mary Ellen Young Truman. The initial "S" was a compromise between Shippe and Solomen, both kinsmen's names.

Within the year the family moved to a farm near Harrisonville, Mo., where another son, Vivian, was born in 1886. A year later the Trumans were living on a Jackson County farm, near what was to be Grandview. There, Mary Jane, the third child, was born.

"Those were wonderful days and great adventures," Truman said of his growing up on 600 stretching acres. "My father bought me a beautiful black Shetland pony and the grandest saddle to ride him with I ever saw." When Harry was 6, the family moved once more, to Independence, a Kansas City suburb, but John Truman remained a farmer and took up the buying and selling of cattle, sheep and hogs.

THE GIRL WITH GOLDEN CURLS

It was in Independence that Harry, whose mother had taught him his letters by 5, went to school. He made friends, one in particular. "She had golden curls . . . and the most beautiful blue eyes," he said of Bess Wallace, the childhood sweetheart who was to become his wife. Harry was a shy boy with weak eyes, who wore glasses from the age of 8. Shunning rough-and-tumble sports, he read fast and furiously. By 14 he "had read all the books in the Independence Public Library, and our big old Bible three times through."

Poor eyesight barred him from the United States Military Academy (to which he had an appointment) when he was graduated from high school in 1901; and, since the family lacked the money to send him to college, he turned to a variety of jobs. He worked as a drugstore clerk, timekeeper on a railroad construction project, in a mailroom, in a bank. He speculated in zinc and oil. And he toiled on the family farm. Meantime he joined Battery B of the National Guard in 1905 and became a member of the Masonic Order in 1909.

When the United States entered World War I, Truman, then 32, was a farmer. He left the soil to help organize the 129th Field Artillery, and he became commander of its Battery D. He led it into action at St. Mihiel, in the Meuse-Argonne offensive in France, and again at Verdun, gaining the respect and affection of his men. (At convivial reunions later, "Captain Harry" used to play the piano—he had learned as a youth, at his mother's insistence—while his comrades sang.)

Mustered out in 1919, he returned to Independence and married Miss Wallace on June 28. Then 35 and without a firm station in civilian life, he opened a haberdashery shop in Kansas City in association with Edward Jacobson, an Army buddy. At the start, business was excellent, but the postwar depression changed all that, and Truman & Jacobson were obliged to close. Jacobson went through bankruptcy proceedings; Truman did not, and he was still paying off his creditors (the total was $28,000) 10 years later when he was a Senator.

Truman's entry into politics was fortuitous. It occurred in 1921, when James Pendergast, an Army friend, introduced Truman to his father, Mike Pendergast, who, with his brother, Thomas J., ran Democratic politics in western Missouri. A veteran, a Baptist, a Mason, the personable Truman was adjudged a likely officeholder, and in 1922 he was elected a judge of the Jackson County Court. The post, a nonjudicial one, had jurisdiction over the building and upkeep of the county roads and public buildings.

Truman was conscientious, vigorous and industrious, both as a campaigner and as an administrator. He was defeated, however, in 1924. But in 1926 he was elected presiding judge and again in 1930, both times with the help of the Pendergast organization. In 1934 Truman wanted to run for the House of Representatives, but the Pendergasts put him up for the Senate instead. Running on a pro-Roosevelt program in a strenous campaign, he won with a majority of more than 250,000 votes. His record of probity as a county official and his Masonic connections helped him.

Although Truman never disavowed his close friendship with Thomas Pendergast, the leader of the party machine, he made it clear in the Senate and elsewhere that he was not "Pendergast's messenger boy." There

was never any tarnish on his reputation for personal integrity.

Truman was nearly 51 when he took his Senate seat. But "I was as timid as a country boy arriving on the campus of a great university for the first year," he recalled. "I had a prayer in my heart for wisdom to serve the people acceptably."

"PLAIN FOLKS" IN CAPITAL

In Washington, Senator and Mrs. Truman lived simply in an apartment with their daughter and only child, Mary Margaret, who was born Feb. 17, 1924. The family was "plain folks," with Truman coming home in the evening to talk to Margie, as he called his daughter, and to recount the day's happenings to his wife, whom he called "The Boss." The Trumans were little evident on the social and cocktail circuit. Mrs. Truman was popular with the Congressional wives and her husband with his colleagues. For relaxation, he liked to sip bourbon and water (but never in the presence of women, not even his wife) and to play a bit of poker. Otherwise he worked; there were documents and books and reports to read, committee duties to fulfill, constituents to see and do favors for, Senate sessions to attend.

The years Truman spent in the Senate he recalled as "the happiest 10 years of my life." He found his fellow Senators "some of the finest men I have ever known," and he used the word "cherish" to describe his friendship for them. He was a member of two important committees—Appropriations and Interstate Commerce—to whose work he devoted himself with diligence. He read voluminously from the Library of Congress, but he spoke seldom on the Senate floor, and then simply, briefly, without ostentation. His voting record was New Deal, which earned him the opposition of the big Missouri papers.

Truman was re-elected in 1940, but only after a hard and close Democratic primary race. Harry Vaughan, later to be a White House crony, and Robert Hannegan, later to be Postmaster General, worked hard for Truman, and to them, as to other friends, he was unswervingly loyal. It was part of his creed of "doing right."

DEFENSE WASTE EXPOSED

When Truman was sworn for his second term in 1941, the nation was preparing for war, and the letting of defense contracts was surrounded with rumors of favoritism and influence. Deeply concerned, Truman got into his automobile for a 30,000-mile tour of major defense plants and projects.

"The trip was an eye-opener, and I came back to Washington convinced that something needed to be done fast," he said. "I had seen at first hand that grounds existed for a good many of the rumors . . . concerning the letting of contracts and the concentration of defense industries in big cities."

The result was the Special Committee to Investigate the National Defense Program, soon shortened to the Truman Committee after the name of its chairman. It saved the country many millions of dollars by curbing waste and discouraging graft. And it made Truman a minor national figure, conspicuous for his firmness and his fairness.

Truman prepared his investigation by making a thorough study of similar committees in the past, especially of the records of the Joint Committee on the Conduct of the War Between the States. Defining his approach, the Senator said:

"The thing to do is to dig up the stuff now and correct it. If we run the war program efficiently, there won't be an opportunity to undertake a lot of investigations after the war and cause a wave of revulsion that will start off the country on the downhill road to unpreparedness and put us in another war in 20 years."

The committee got under way slowly, with $15,000 appropriated for its tasks. Truman invested $9,000 of this in the salary of Hugh Fulton, the group's investigator and counsel. The committee quickly turned up disquieting evidence of waste in military-camp construction and equipment. And once its first reports—sober, factual and damning—were issued, more money for its operations was forthcoming.

The dollar-a-year man came under its scrutiny, and the committee was able to produce evidence that between June 1, 1940 and April 30, 1941, Army and Navy contracts totaling almost $3-billion had gone to 65 companies whose officials or former officials were serving in Washington and elsewhere as unpaid advisers to Federal agencies.

Truman also inquired into aluminum production, the automobile industry, the aviation program, copper, lead, zinc and steel; into labor, plant financing, defense housing, lobbying, ordnance plants, small business and Government contracts. Scarcely any aspect of procurement escaped his attention. The committee's hearings were orderly, remarkably free of partisanship, but they produced news and, more important, correction of the abuses that the Senators had brought to light.

Truman was as unsparing of industrialists as he was of union leaders. He criticized William S. Knudsen, director of the Office of Production Management, for "bungling"; he was just as harsh with Sidney Hillman, the union leader, who was associate director of the office.

The Senator was himself a zestful investigator and a keen questioner. He said later that the committee's watchdog role "was responsible for savings not only in dollars and precious time but in actual lives" on the battlefield.

In the course of the committee's work, Truman was in touch with President Roosevelt, but there was no immediate serious thought of him as Vice-Presidential material. When early in 1944 some friends mentioned the possibility to him, Truman "brushed it aside."

"I was doing the job I wanted to do; it was the one I liked, and I had no desire to interrupt my career in the Senate," he said.

Indeed, Truman had so far removed himself from consideration that he had agreed in July, on the eve of the Democratic Convention in Chicago, to nominate James F. Byrnes for Vice President, after Byrnes told him that Roosevelt had given him the nod. Meantime Roosevelt had decided to drop Vice President Henry A. Wallace and also, it turned out, to pass over Byrnes.

The choice fell on Truman. He was not so closely identified with labor as Wallace, although he was acceptable, nor was he a Southern conservative, as was Byrnes. He was without fierce enemies, had an excellent reputation, was moderate on civil rights and was a Midwesterner. Truman, however, was almost the last to know of Roosevelt's decision.

"On Tuesday evening of convention week," he recalled, "National Chairman Bob Hannegan came to see me and told me unequivocally that President Roosevelt wanted me to run with him on the ticket. This astonished me greatly, but I was still not convinced. Even when Hannegan showed me a longhand note written on a scratch pad from the President's desk which said, 'Bob, it's Truman. F.D.R.,' I still could not be sure that this was Roosevelt's intent."

It took a long-distance call to Roosevelt, then on the West Coast, to convince Truman.

"Bob," Roosevelt said, "have you got that fellow lined up yet?"

"No," Hannegan replied. "He's the contrariest Missouri mule I've ever dealt with."

"Well, you tell him," Truman heard the President say, "if he wants to break up the Democratic party in the middle of a war, that's his responsibility."

"I was completely stunned," Truman remarked afterward. After walking around the hotel room, he said, "Well, if that is the situation, I'll have to say yes, but why the hell didn't he tell me in the first place?"

Following the nomination, Truman stumped the nation for Roosevelt and himself; for the President campaigned almost not at all. The Roosevelt-Truman state won with ease over Gov. Thomas E. Dewey of New York and Senator John W. Bricker of Ohio, the Republican choices for President and Vice President. The popular vote was 25,602,555 to 22,006,278, and the Electoral College tally was 432 to 99.

On Jan. 20, 1945, a snowy Saturday, Harry S Truman stood on the South Portico of the White House and was inaugurated. The man he was about to displace, Vice President Henry A. Wallace, administered the oath.

Mr. MOSS. Mr. President, as we all know, time is a relentless critic. It assesses a man's greatness as it never can be assessed while he is in the mainstream of life.

When Harry S Truman went home to Missouri—and private life—20 years ago, the Nation knew he had been a fine President, a courageous and strong President. But we did not realize how right had been his decisions, how wise his actions, how farsighted his views.

We know now. He has grown in stature with each passing year. Time has tested Harry Truman and has found him to be one of our truly great Presidents.

When he first assumed the Presidency, this onetime farmer and haberdasher stood in the towering shadow of Franklin Roosevelt. He had not wanted the job; he had wanted only to be a U.S. Senator. Yet when the burden of the Presidency fell suddenly upon his shoulders, he put a firm hand on the helm and steered the country resolutely through some of the most critical days of its history.

He made excruciating decisions without vascillating. He dropped the bomb on Hiroshima and ended the war with Japan. He enunciated the Truman doctrine—stood almost alone in his insistence that it was right—and got the money from Congress to prevent a Communist takeover of Greece and Turkey. He established the Marshall plan, and used its massive aid to help vast sections of the world stay free from tyranny and aggression.

He secured ratification of the United Nations, the North Atlantic Treaty Organization, the Inter-American Treaty of Reciprocal Assistance. He unified the armed services. And in so doing, he laid the foundations for the foreign and defense policies of the United States for more than 25 years.

On the domestic front, his Fair Deal was far reaching. The Hill-Burton hospital construction act, the program providing Federal funds for airport construction, the flexible price support program, were enacted. The minimum wage was raised; the social security program expanded. The Atomic Energy Commission was created, and housing and farm program established.

It was President Truman who first saw the need for Federal aid to education, universal health insurance, the establishment of a Department of Health, Education, and Welfare, and greater leadership in the field of civil rights. Some of these things did not come until more than 10

years after he left Washington—some are still not law. But he gave them impetus and status.

But mostly he will be remembered as the President with the common touch—the man who could communicate his thoughts as few Presidents have to the rank and file of America. They liked his tough-minded approach, his fearlessness, his straight talk about what he was trying to do and why. His sincerity was unquestioned; he instilled confidence and trust.

Harry Truman brought an earthy commonsense practicality to the Presidency—and he left his mark vividly not only on his own times but on the times we live in today.

Both Mrs. Moss and I extend deep sympathy to his devoted widow and his able and charming daughter. Their loss is the Nation's great loss as well.

Mr. MANSFIELD. Mr. President, I remember President Harry S Truman as a Senator and as "the Man in the White House." His simplicity, his lack of ostentation, his ability to understand, to see the other man's point of view, those are the characteristics which I recall in my memory of this outstanding President of the United States.

I recall the part he played in making it possible for the veterans of all wars to have a veterans hospital located at Miles City in the eastern part of Montana.

I recall being called to the White House, when I was a Member of the House—Elbert Thomas then a Member of this body was called at about the same time—and we both were asked the same question, what should be the decision vis-a-vis retention of the Emperor of Japan at the conclusion of the war.

I recall speaking to Senator Thomas about it, that we both made the same recommendation that the Emperor should be retained in the interests of harmony, stability, and commonsense.

Some of my colleagues will recall at that time that there was talk of forcing out the Japenese Emperor and establishing some other form of government.

I recall, also, when President Truman came to Montana during the election campaign in 1948, that he visited the Hungry Horse Dam up in the Flathead country. I recall his humorous remark when he said to the people assembled that they should take a good look at the Hungry Horse Dam because if the Republicans were elected it would be the last dam they would see in a long, long, long time.

I recall being called to the White House while a Member of the House, when President Truman notified various Members of Congress, both Representatives and Senators, that he had ordered General MacArthur to move to Korea to repel the aggression which had occurred across the 38th parallel and the North Korean forces which were on the way, down south into the area of the Pusan perimeter.

I recall President Truman meeting with the Democrats on Jefferson Island in the Potomac. If I am not mistaken, the distinguished Senator from Arkansas (Mr. McCLELLAN), now in the Chamber, was one of those present on that occasion.

I recall President Truman playing poker with some of our Senate colleagues and losing.

I recall many things about this man who was both humble and great, who was, I repeat, a man of simplicity, a man who lacked ostentation, but a man who truly reflected the temper of the times in which he lived—and a man who, I think, will go down in the history of this Republic as one of the great Presidents.

So I join my colleagues today in expressing my family's deep regret and sadness at the passing of President Harry S Truman and to express to his wife, Bess, and to his daughter Margaret, our sense of loss because of it.

May his soul rest in peace.

Mr. GRIFFIN. Mr. President, a truly effective political leader, it has been written, is one who has the rare capacity to make hard decisions.

Judged by this qualification alone, Harry S Truman our 33d President, was one of the great leaders this Nation has produced.

Few men have been confronted with the necessity for having to make so many momentous decisions as he was called upon to make during his years in the White House.

He entered upon the Presidency at a climactic moment in history. A great war was drawing to a conclusion. Much of the world was in chaotic disarray and the problems confronting Mr. Truman were immense.

But he never hesitated, he never wavered.

As liquidation of the war in Europe began, he made the difficult and terrible decision to drop the atomic bomb which ended Japanese resistance.

As the cold war ensued, Mr. Truman met the challenge of Communist expansionism with the Truman doctrine in Greece, the Berlin airlift, the Korean war and, perhaps most significant of all, the Marshall plan for rebuilding a shattered Western Europe.

These and other decisions, taken together, set the course of the Nation's foreign policy which, with remarkable consistency, has endured to the present time.

In 1965, on the 20th anniversary of his becoming President, he received the Freedom Award in recognition for setting "the pattern for America's worldwide activities in behalf of freedom." In an address on that occasion, Dean Acheson, who was Mr. Truman's Secretary of State, described Mr. Truman's decision as "in truly heroic mold."

No less a figure in history than Winston Churchill ungrudgingly praised Mr. Truman as one who did more than any other man to save Western civilization.

With all the greatness he achieved as a leader of the free world, Mr. Truman remained essentially a modest, unassuming, and even folksy individual. Once it was proposed that he should be awarded the Congressional Medal of Honor.

He dismissed the idea with characteristic directness, writing:

> . . . In the first place, I do not consider that I have done anything which should be the reason for any award, Congressional or otherwise.
>
> Next, the Congressional Medal of Honor was instituted for combat service. This is as it should be and to deviate by giving it for any other reason lessens and dilutes its true significance. Also, it would detract from those who have received the award because of their combat service.
>
> Therefore . . . I would not accept it.

Mr. Truman often said:

> If you do your best, history will do the rest.

With Mr. Truman, a most uncommon man, history, I am sure, will do full justice.

HARRY S TRUMAN—A LEADER EQUAL TO THE TASK

Mr. RANDOLPH. Mr. President, I believe the mantle of greatness falls easily on few men. Some are acclaimed because they achieve broad prominence and power, but the judgment of history may prove otherwise.

Harry S Truman, the 33d President of the United States, became the most powerful leader in the world, but it was under a cloud of uncertainty. As we look back, we know this was true. His enemies dismissed him at that time as a political accident. His friends and allies adopted a posture ranging from toleration to almost outright anguish. None could foresee that this man, who came from Missouri, would be equal to the task, and he certainly was more than equal to the awesome assignment which was placed before him.

Harry Truman grew in stature through the years. The hallmark of his public career was courage and loyalty and devotion to our country—most importantly, to our people.

His White House leadership was characterized by sound, mid-America judgment; yet, his profound actions encircled the very earth.

His philosophy was in many instances small town, but he developed a grasp of international affairs, and he carried our country and the free world through exceedingly difficult times.

Harry Truman was a man of tough mind and yet of tender heart. He has been acclaimed the last old-style politician by some, a description that is accurate only if it means that he held those virtues of which I have spoken—loyalty, integrity, and devotion—most dear during the years he served in the Senate and in other positions of trust in the executive branch of Government.

As a leader, he used candor rather than charisma. I am sure we could use more of that today, tomorrow, and in the years ahead, He used plain talk rather than polished press agentry to the degree we use it today. He was truly a man of the soil and a man of the people.

President Truman identified himself with Americans in all walks of life. They came to know him and felt he was one of them. There was no question of his great love for America and for the heritage that has been a part of our country. He had a belief in the traditions of America that might be considered old fashioned by some in these changing times.

There was never a question about his unwavering faith in America's future and her people, as he discussed goals for a fuller life for all segments of our society.

I think history will judge him well because Truman was a shining light in America's darkest hours. Our Nation, I believe, will be forever in his debt. He had a very rewarding life. It certainly was a full life by its achievements in those perilous days in which he led the country, when the civilization we knew at that time tottered on the ragged edges, and on the brink. His achievements are indelibly etched in the history of the world.

Mr. Truman often visited West Virginia, as have other Senators, other Vice Presidents, and other Presidents of the United States. It was my good fortune on many of these occasions, as it was the good fortune of my esteemed colleague, Senator ROBERT C. BYRD of West Virginia, and others, to share with our guest the experiences of some of those visits to the Mountain State.

I remember when I asked the President and Mrs. Truman if their daughter Margaret might grace an occasion where she was to dedicate a commercial aircraft, new in flight at that time, the Constellation named the Capitaliner United States. About 2,500 persons attended the event in the late spring of 1950. So characteristic of him was the fact that he and his wife, Mrs. Truman, were old-fashioned but right in their belief that it was good for the family to talk matters over. I had asked their daughter, Margaret, to participate in this noteworthy program at Washington National Airport. They considered the matter and I remember we walked to the door. He said proudly—

I am happy that Margaret can do the job—the christening of this new bird of flight.

And he added—

I am glad because you know no one would do a better job.

That is the way he was about his family; not just boastful, but very conscious of the ability of his daughter to participate in a successful manner.

Yes, we have these closely knit friendships that touch our lives. I know my wife, Mary, would want me to say that she and Bess Truman also shared a friendship.

He will be judged in history not for what he did for individuals or even for entire groups and governments, but for the impact of his leadership in directing our society toward a goal of betterment for mankind.

THE LIFE OF PRESIDENT HARRY S TRUMAN

Mr. NUNN. Mr. President, when Harry S Truman became President, I was an 8-year-old boy. Therefore, my impressions of this great man are based on my boyhood memory, but more importantly, on the historical analysis of his term in office.

President Truman's courage and fortitude enabled him to make tough, hard decisions. Many, though unpopular at the time, were crucial decisions which set the course for this Nation for generations to come.

In this day and time when so many decisions are based on the popular whim of the moment, the leaders of our States and Nation should pause not only to pay tribute to this great American but also to learn from his courageous example.

The life of Harry S. Truman is very much a representative American story—of how a man can rise from humble origins to the highest office in the land. He embodied in his personality and character the qualities shared by the vast majority of his fellow citizens.

Through all the great controversies in which he participated and which tested and proved his leadership, he retained that humility which we call "The common touch," the ability to speak directly and frankly to his fellow Americans. With good reason, General Marshall noted his curious blend of humility and boldness, nourished by faith in God and belief in America.

An eminent preacher of 19th century America, Henry Ward Beecher, once observed that "greatness lies not in being strong but in the right use of strength." Let it be said of Harry Truman that he used the powers of his office and the God-given gifts which were his inner resource to give effective leadership not only to his own country but to the free world in a time of grave crisis and disruption. His enduring legacy is the foundation of a just and lasting peace and the love of liberty in the hearts of free men and women.

Mr. HARRY F. BYRD, JR. Mr. President, Harry S Truman was as stubborn as a Missouri mule—and as courageous as any President this Nation has had.

At least that is the way the senior Senator from Virginia views the man from Independence, Mo., who served his country in World War I as an artillery captain, who served his State as a U.S. Senator, and who served his Nation as the 33d President.

When President Roosevelt died in April of 1945, the former Missouri Senator had been Vice President less than 3 months. His Nation was at war on two fronts—with Germany and Italy in Europe, and Japan in the Pacific.

The most important decision, perhaps, which President Truman was called upon to make was whether to drop the atomic bomb, U.S. scientists having just fathomed the secret of the atom. President Truman determined that the use of the bomb on two Japanese cities would bring the war to an end and thus save an estimated 1 million American military personnel who otherwise would have been ordered to invade Japan.

While none was so far reaching as the decision to bomb Japan, President Truman faced many difficult decisions during his nearly 8 years as President. I found myself at odds with some of Mr. Truman's decisions. But always did I recognize him as being a man of courage and of the highest patriotism.

It has been 20 years now since Harry Truman left the White House. His stature has grown as the years have lengthened.

History, I feel, will treat President Truman well. He very likely will stand near the top when historians determine which Presidents of the United States have best and most unselfishly served our great country.

HARRY S TRUMAN

Mr. PASTORE. Mr. President, this is February, the month of Presidents, as we observe the birthdays of Lincoln and Washington—while, within the week, the birthday of Franklin Delano Roosevelt has passed with little comment.

In this young year of 1973, this Capitol has echoed to the inaugural triumph of a living President and the tribute eulogy of Lyndon Johnson.

This hour is given to another President, to Harry Truman, who is in this Capitol today only in our memories.

I note a symbolic incident from the Time magazine anniversary party last week at the National Portrait Gallery. There the Time cover portrait of President Harry S Truman hung on the wall.

Margaret Truman Daniel, his daughter, was distressed when she saw that her father's portrait was not hanging straight.

So she adjusted it.

And history continues to adjust the picture of this President from Missouri who presided over the most critical times in our Nation's history.

It is refreshing to recall his optimism and his openness—the down-to-earth democracy that history will accord to the Truman era.

Historians will continue to weigh and value the influence of this humble human being on the fortunes of mankind.

Each of us will treasure a simpler thought—perhaps a single episode—a precious contact we enjoyed with this lively and lovable Missouri man in the White House.

My mind goes back to an October day of 1948—at the height of a presidential campaign—Truman's contest for election.

All the prophets were forecasting disaster for the Democrat.

They were grueling October days—the final days of Truman's personal appeal to the people.

In 35 days he made 365 speeches—covered 31,500 miles—and wound up October 30 in St. Louis, Mo.

Two days before that—on October 28—Truman's quest brought him to Rhode Island. As the then Governor of the State, I had the honor to escort him from one border of my State to the other.

I treasure a newspaper picture of that dramatic day in 1948. It was reproduced at the December death of this great man of Independence.

The picture is that of President Truman in his automobile—surrounded by a sea of people. The motor seat was shared by myself as Governor of Rhode Island and our U.S. Senator, Theodore Francis Green, already established as a leader in this great body.

I might add that the other Senator from Rhode Island was J. Howard McGrath, at the time national chairman of the Democratic Party and one of the architects of what the newspaper world termed "the greatest political upset of modern times."

I had the chance that day to experience the heart of America responding to the challenge and charm of a great soul. I saw the individual on his little farm

wave his hat as we rode by—another bless himself—and most of them shouting the war cry, "Give 'em hell, Harry."

And I understood the confidence Truman had in his cause and its ultimate victory.

He had reason.

On that October day, 50,000 Americans gathered to greet him and cheer him before the City Hall in Providence.

Not only that great number but the spontaneous enthusiasm of the thousands reflected the appeal and response of human nature in a democracy at a crucial hour in our Nation's existence.

In those 35 days of 10 speeches a day—in large groups and small—15 million people had seen and heard him. They confirmed the Truman doctrine—as he expressed it—that people are not swayed by polls but prefer to make up their own minds about candidates on the basis of direct observation.

It is a salutary experience for a people to see and hear their public servants at close range—and the higher the office, the more important it is that the servant should have genuine contact with the common people so that he may know their desperate needs—and so that their needs shall shape the mood and mind of the leader.

I like a sentence from a Providence Journal-Bulletin editorial at the December passing of President Truman.

It reads:

If, as some believe, history finds the right man in crisis to lead a nation, history did magnificently well by this country when Harry S Truman turned the last great bend on his road to the White House.

Indeed, the entire editorial from this newspaper—politically independent in its views—deserves a place in our comments today; and I ask unanimous consent that the Providence Journal-Bulletin editorial be printed in the RECORD.

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

[From the Providence Journal, Dec. 27, 1972]

HARRY S TRUMAN

The cocky little man from Lamar, Missouri, went a long long way in 88 years—from chores on a small farm to decisions that shook the world. Harry S. Truman, 33rd President of the United States, was a man of deep personal honesty and integrity, a husband and father of folksy warmth, and a leader with shining courage in the tumultuous years of a troubled presidency.

Nothing ever was easy for Harry Truman. Poor vision denied him a career at West Point. A depression denied him a career in business in Kansas City. Sent to the Senate by the boss of a corrupt Missouri political machine, he seemed doomed to the humdrum existence of a hardworking back-seat member—until World War II engulfed the nation and the world.

Out of his assignment as chairman of the Truman committee in exposing war time frauds in work for the government, the senator built a reputation that stood him in good stead. He was handpicked to run for the vice presidency in 1944 with Franklin D. Roosevelt, but even in victory, he was denied access to the presidential confidences on domestic and foreign affairs.

When Mr. Roosevelt died in the spring of 1945, Harry S. Truman took the oath of office, perhaps the most under-briefed vice president to succeed to power. Yet events did not wait upon him; it was fortunate for the country that he had and took good advice, had the wit to make the right decisions, and had the courage to stick by them when the going got rough.

It was Harry S. Truman who authorized and later announced the destruction of Hiroshima by the first atomic bomb, not for the sake of destruction, but to speed the peace that soon came. It was Harry S. Truman who announced and stood by the Truman Doctrine to keep Turkey and Greece on their feet, and who inspired the Marshall Plan to renew the strengths of a prostrate Europe.

In domestic affairs, he did less well. His efforts to write a Fair Deal fell afoul of a hostile Congress. It took all his courage and strength to win an election in 1948 that no political expert expected. Then in 1950 came Korea, and all his hopes of domestic progress had to give way to the problems of serving as leader of the key nation in the United Nations forces in Korea.

Yet for all the demands made upon him as the nation's leader, he had time always for the human touch. He declined to abjure his political relationships with Thomas J. Pendergast even when he was warned that the Pendergast machine's corruption might stain him fatally. He did not hesitate to berate a music critic who dared to criticize his beloved only daughter, Mary Margaret.

Harry S Truman survived an assassination attempt; he survived the bitterest political criticism. He was proud of the fact that his desk was where "the buck stopped," and when he did what he felt was right, he did not much care who criticized him. He made some gross political errors; sometimes, he wasted his friendship on ingrates who rode his coattails.

He became as much a symbol of his times as any single figure in the land. Who can forget the happy malice of his smile before the television cameras when he, victorious the day after Election Day in 1948, waved the front page of a newspaper which had prematurely and mistakenly identified his opponent as the winner? Who can ever forget his cocky grin and strut?

It will be for history to judge him finally as we his contemporaries today mark his passing by recalling the memories of the great events and the petty events of his career in the White House. If, as some believe, history finds the right man in crisis to lead a nation, history did magnificently well by this country when Harry S Truman turned the last great bend on his road to the White House.

Now the great of the nation will gather in his home state; the great of the world will send condolences. The caisson with its coffin will roll, and the guns will thunder farewell in a winterswept midwest cemetery—and Harry S Truman, the brash little guy from Lamar, Missouri, will go to his last resting place, a man of his times and for his times, a dedicated servant of a land he loved intensely.

Mr. HUMPHREY. Mr. President, we observe in the Senate today our appreciation of the life of President Harry S Truman. I wish to address myself for just a few moments to the remarkable career of this unusual and remarkable man.

His work and his achievements are immortal. The life story of Harry Truman is America at its best—patriotic, self-reliant, courageous, simple and uncomplicated, forthright and loyal, a partisan and a patriot, a devoted husband and father, and a great President and statesman.

He was a builder in a world ravished by war. He was a healer in a world beset by disease, pestilence, and poverty.

He was a giant of a man who lived in troubled times and had the courage to make difficult decisions.

I have shared in his friendship and honor it second to none. I have followed and supported his leadership—a rare privilege for any man.

He has served America and all mankind with humility, dignity, and greatness.

I recall when the Humphreys first came to Washington in 1948. I was elected to be the freshman Senator from Minnesota. Harry Truman was our President.

My parents came to visit me during those first few months. Concluding that even a freshman had the right to make at least one request of the White House, I phoned the President's appointments secretary, Matt Connelly, to ask if my parents could meet the President. My father was a lifelong Democrat and a strong supporter of President Truman. Not long after, my parents and I were escorted into the President's office.

My father and mother had never been in the White House before and for them and for me it was an exciting experience. The President was kind and gracious, particularly to my mother, who admitted she was "scared to death" to be in his office. Truman gave her a hug and said, "Oh, we're just folks here."

The 33d President of the United States then took my parents on a personal tour of the White House. I shall never forget it. And I know that to my father in particular it was the high point of his life.

So as a human being we remember Harry Truman for his uncomplicated, direct, and friendly appeal. He truly was a man of the people, from the people, and for the people.

As President, we remember him for courage, frankness, and principle, in the face of monumental decisions which had to be made and which he did make;

The atom bomb and the peacetime uses of atomic energy;

The Potsdam Conference and the diplomatic and military followup to World War II.

The creation of the United Nations and the guarantee of U.S. participation in it;

His timely and firm response to the threat of communism in Greece and Turkey; the Marshall plan in Europe; the point 4 program;

His combat of disease, and pestilence, and poverty worldwide;

The North Atlantic Pact;

The Berlin Airlift;

Resistance to Communist aggression in Korea; and

The maintenance of civilian control over the military.

And then his pioneering in so many areas of domestic policy. We should never forget that it was Harry Truman's administration that laid before the Nation and the Congress proposals for the improvement and expansion of our health care system, including the proposal of medicare. Nor should we ever forget that it was President Truman who appointed the commission that came forth with a monumental study on race relations in America and recommended the shaping of a program for reform.

For these and so many other acts of leadership in the world, President Truman won our admiration and gratitude. He established the basis for postwar peace and the survival of human dignity.

For most Americans, President Truman was not a President whose greatness would be recognized only after the passage of time. He was recognized—as a great and Democratic President. If I may repeat here a portion of the remarks I made on March 31, 1952, following President Truman's retirement, I think I can illustrate this point. I said then in part:

President Truman is beloved by the American people because of his candor, honesty, frankness, and principle. He received the support of the American people because he represented in the minds of the American citizens the bold principles of the New Deal and the Fair Deal. The Democratic Party has a responsibility to choose for its candidates for President and Vice President of the United States candidates willing, eager, and determined to carry on in those traditions and faithful to a Democratic Party political platform committed to the foreign policy of the administration and to a domestic program of parity and progress for agriculture, full and equal civil rights for all, public power—REA, social legislation, development, and conservation of our natural resources, free collective bargaining, and defense mobilization. That is the program of the Democratic Party. This is our record. It is the record that has earned and received the support of the American people.

Mr. President, that is what I said in those days after the President had decided in 1952 not to seek reelection.

Mr. President, I wish to say before closing how much Mrs. Humphrey and I have admired the Truman family. All Americans have been appreciative of the quiet and resolute strength of Mrs. Truman—affectionately called by her beloved husband "Bess" Truman—throughout the years and during the difficult period of recent weeks.

Mrs. Humphrey and I were privileged to be with Mrs. Truman on the day of the funeral services in Independence, Mo. She is a beautiful woman, beautiful in character and in spirit. President Truman was vastly proud also of his daughter, Margaret Truman Daniels. I considered it a special privilege to know her, her husband, and family as close and dear friends. Indeed, President Truman should well have been proud of Margaret, because she is a remarkable woman.

The loyalty and love among the members of the Truman family and the quality of their lives have been a guide and an inspiration for us all.

Mr. President, because President Truman died during the adjournment of Congress, I am concerned that much of the editorial comment following his death will not appear in the CONGRESSIONAL RECORD as is customary. For that reason I have made a limited selection of editorials from different sections of our country, editorials that relate to the life and the work of President Harry S Truman.

Mr. President, I ask unanimous consent that those editorials, insofar as they do not duplicate others that have been printed in the RECORD, be printed at this point in the RECORD.

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

[From the Atlanta Constitution, Dec. 27, 1972]

HARRY S TRUMAN

"I underestimated you," Winston Churchill once told Harry Truman.

So did the rest of us.

So did Truman himself.

Who would have thought that an ex haberdasher from Missouri would become one of the most decisive and effective leaders of the 20th Century?

A great man? Not in the usual sense. Truman had none of the grand style of a Churchill or Roosevelt, none of the godlike presence and egotism of a Des Gaulle, none of the intensity and mystique of a Hitler, none of the cold, ruthless power of a Stalin.

All Truman had going for him was courage, a clear vision, common sense and a common touch, basic intelligence, and the ability to make up his mind on the tough questions, to make a decision, and then get a good night's sleep.

There are a lot of people like that, people who will never be President of the United States. They are among your neighbors, your fellow workers, your family. American democracy breeds them, always has. Quite ordinary, unpretentious people who are not born great, do not have greatness thrust upon them, don't seek greatness out, but who rise to the occasion whenever extraordinary demands are made on their character their intelligence and their judgment.

Truman's daughter Margaret, in her recently published biography of her father, notes that he didn't want to be a vice presidential candidate with the awesome possibility that he might become President. This was not false humility. It was the honest humility of a man who knows in his bones that the nation is greater than any one man, who hesitates because of a sense that his own personal ambitions and goals and values may not be those of the rest of the people, may not be worthy. Upon the death of President Roosevelt in the last months of World War II, Truman took office with a halting and obviously sincere acknowledgment that he was aware of the tremendous burden he was being asked to carry.

But Truman's basic humility was balanced by a healthy joy of life and action, and he very quickly acquired the ability to deal effectively with the problems and decisions required of the President of the world's most powerful nation. Among his first major decisions, still controversial, was the decision to drop atomic bombs on Japan. That ended World War II within weeks (and prompted Churchill's remark). Truman presided over the reconstruction of Europe and Japan after the war, converting, in one of America's finest hours, former enemies into steadfast friends. He stood firm against Communist bids to take over other nations by political intrigue or military might. He took the first concrete steps to end our government's support of racial segregation. He didn't hesitate, as commander in chief to slap down the popular war hero, General MacArthur, when MacArthur was insubordinate. And he won reelection against the predictions of polls and pundits by going to the people, speaking their language, and delighting them in a rousing campaign devoted to "giving the Republicans hell."

"If you can't stand the heat," said Harry Truman, "stay out of the kitchen." He could stand the heat—and there was plenty to stand. His administration had its failures and its scandals and it may be that history will severely judge some of his basic decisions on domestic and foreign problems. Yet Churchill, who himself knew a thing or two about courage and greatness, said that Harry Truman "had done more than any other man to save Western Civilization." Pretty fancy language that—and Truman's common sense probably took it with a grain of salt. Yet there was truth in Churchill's judgment. Everybody knew that Truman was making the key decisions that determined the course of the post war world, that opened the nuclear age.

Truman spent his last years a respected and honored elder statesman in his native Missouri, writing and publishing his memoirs, occasionally catching the notice of the newspapers and the newfangled television cameras when he took his "morning constitutional" and delivering himself of peppery and shrewd observations on life and politics. He lived to the ripe old age of 88. His lingering death, painful as it must have been for his family, his loved ones and admirers, demonstrated once again those strong qualities that made him one of our outstanding Presidents.

Will we see his like again? Let us hope so—because our nation's future depends on it. Harry Truman wasn't a great man in the sense that Caesar or Napoleon or even Churchill was, with all their air of power and genius and brilliance and arrogance. He was basically an ordinary man, honest, with courage and humanity and old fashioned horse sense. And that was good enough for America in a time of great crisis—and good enough for civilization.

[From the Denver Post, Dec. 26, 1972]

UNCOMMON COMMON MAN, "HE DONE HIS DAMNDEST"

On a late afternoon in April 1945, a grieving Eleanor Roosevelt placed a hand on the shoulder of a bewildered little man in bifocal glasses and said to him softly, "Harry, the President is dead."

Harry S Truman, the Missouri farm boy who had become vice president of the United States, was unable to find words for a moment. Then he asked: "Is there anything I can do for you?" Mrs. Roosevelt replied: "Is there anything we can do for you? For you are the one in trouble now."

As Truman himself later described it, he "felt like the sun, the stars, an dall the planets had fallen on me." But he faced his troubles quickly without flinching in what he once called "the most terribly responsible job a man ever had."

On the occasion of his death, Harry Truman has passed into history as a plain, blunt, unspectacular man who made some of the boldest decisions ever to emerge from the White House.

His was the voice that authorized the first use of atomic bombs on cities, that launched the Truman Doctrine, the Marshall Plan and the Point Four Program of technical assistance to underdeveloped nations.

He also sent American troops to fight in Korea, ordered the development of the hydrogen bomb, promoted the North Atlantic Treaty Organization and directed a global cold war against communism.

On his desk at the White House was a sign, "The Buck Stops Here." He never tried to duck his responsibilities, and he never appeared to agonize over his decisions or lose sleep once they were made.

As much as any president since Lincoln, Truman brought to the White House the traits and language and values of the American common man.

He was direct and unpretentious in his manner, salty in his speech, and quick and impulsive in his reactions. He was spunky and full of fight in dealing with his political enemies and his newspaper critics.

When Truman sallied forth on the campaign trail, the crowds loved to shout "Give 'em hell, Harry." He commented later: "I never did give anybody hell—I just told the truth on 'em and they thought it was hell."

As an aroused father, he once wrote to

a critic who had disliked his daughter's singing: "I never met you, but if I do you'll need a new nose and plenty of beefsteak and perhaps a supporter below."

His frequent letters to his mother and sister in Missouri, written in the midst of tumultuous affairs of state, are the kind many small-town Americans might have written if suddenly transplanted to the White House.

Writing to "Dear Mamma & Mary" that a general had given him the baton of German Field Marshal Hermann Goering, Truman observed: "I always get those dirty Nazis mixed up but it makes no difference. Anyway it's the fat marshal's insignia of office . . . Can you imagine a fat pig like that strutting around with a $40,000 bauble—at the poor taxpayer's expense. . . ."

If his manner did not always enhance the dignity of his office, it kept him in tune with many voters who felt and spoke as he did. They helped to return him to office in 1948 in an election almost all the experts said he would lose.

In a poll of American historians, conducted by the late Prof. Arthur Schlesinger Sr. in 1962, Truman was rated among the "near great" presidents and ranked ninth on the list of all of them.

The later judgment of history will be influenced by future attitudes toward hot and cold war and by other values. But Harry Truman will always be recognized as a man who had a powerful influence in shaping the American future.

Whatever else may be said of him, even his critics will acknowledge that he deserves the epitaph he once admired on a grave at Tombstone, Ariz.: "He done his damndest."

[From the Los Angeles Times, Dec. 27, 1972]

HARRY S TRUMAN

More than half of the people now living in the United States had not been born when Harry S Truman of Missouri was called to the White House on April 12, 1945 and told that Franklin D. Roosevelt was dead. Only those who lived through those dramatic days can fully appreciate the grave problems he faced.

This little known Son of the Middle Border, the product of a corrupt political machine, a man with little experience in foreign relations and the affairs of state, was thrust into the shoes of a revered world leader at one of the most critical junctures in world history.

Furthermore, Harry Truman came into office without being informed about the secret work being done on the atomic bomb or the military, political and diplomatic complications involved in the great problems then facing President Roosevelt.

Yet this indomitable man from Independence went on to make some of the most momentous decisions in the history of the world—decisions that played a major role in shaping events in the crisis-ridden postwar period during the early days of the Cold War between the Soviet Union and the United States.

After he left office, Mr. Truman was asked how he thought history would deal with him, and he replied in characteristic fashion: "I don't give a damn what history thinks of me. I know what I did and that's enough for me."

This was the essence of the Truman creed—do what you think is right and never mind the critics. It was the creed of a self-confident man whom his close friend, the late Gen. George C. Marshall, said had that curious blend of humility and boldness.

And Harry Truman was bold enough to make unflinching decisions that would unsettle the most courageous of men. During his Presidency, he made decisions to:

Bring the United States and the world into the atomic age and drop nuclear bombs on two Japanese cities to hasten the end of World War II.

Proceed with development of the hydrogen bomb after Russia developed its own atomic capability.

Have the United States take the lead in creation of the United Nations during the closing of World War II.

Establish the multibillion-dollar postwar program for European recovery, the Marshall Plan.

Enunciate the Truman Doctrine to provide economic and military aid to Greece and Turkey to help those countries resist Communist moves being led by the Soviet Union.

Send American troops to Korea to push back the invasion of South Korea by Communist North Korea.

Operate a $250 million airlift to supply food and other essentials to the people of West Berlin and break the 327-day Russian blockade that was designed to force the Western powers out of the city.

Begin the Point Four program to give technical aid to undeveloped countries.

Form the North Atlantic Treaty Organization.

Fire Gen. Douglas MacArthur as the supreme commander in the Pacific for insubordination during the Korean war and reaffirm the historic American principle of civilian control over the military.

All of these decisions were controversial, and Mr. Truman knew they would be. For example, on April 10, 1951, the day he announced the firing of MacArthur, he wrote a friend: "It will undoubtedly create a great furor, but under the circumstances I could do nothing else and still be President of the United States. Even the Army chief of staff came to the conclusion that civilian control was at stake. And I didn't let it stay at stake very long."

On the home front, Mr. Truman's achievements appeared to suffer by comparison. He was in a constant struggle with Congress on domestic legislation, and many of his proposals were ignored or rejected—particularly in the field of civil rights, social welfare and education.

Nevertheless, his administration was responsible for the unification of the armed forces, a move that came only after the most bitter infighting among the separate branches of the services.

The Truman administration also was responsible for the Employment Act of 1946, which for the first time committed the federal government to a policy of maintaining high employment and a strong economy. The act also created the President's Council of Economic Advisers, which in recent years has played a major role in shaping U.S. economic policies.

When Mr. Truman came to office most of the world had serious doubts that he could handle the awesome tasks of the Presidency. Many critics tended to leap on his personal faults of being loyal to his friends and a feisty tendency to "shoot from the hip." And he suffered for it. He was plagued by friends and subordinates who let him down or embarrassed him.

Criticism was also heaped on Mr. Truman for his earthy manners and his blunt talk. His angry letter to a music critic who didn't enjoy his daughter's singing and another that took a dim view of the Marine Corps were incidents that were treated gravely at the time. But with the passage of the years they were looked upon by most persons as amusing events involving a very human President.

Even though Mr. Truman was under constant attack from critics, the people sympathized with him and seemed to understand that he was doing the best he could under the most difficult circumstances.

This feeling, perhaps, was the main underlying reason for Mr. Truman's surprising victory over Thomas E. Dewey in 1948—the most astounding political upset in American history.

Jonathan Daniels, the North Carolina editor who had served as a White House assistant under both Presidents Roosevelt and Truman, hit on this point: "Americans felt leaderless when Roosevelt died. Truman taught them, as one of them, that their greatness lies in themselves."

Of course, the other factor in that 1948 victory was Harry Truman's indomitable courage—the same courage he showed in the last days of his life in a Kansas City hospital.

Harry Truman's mark on history was made chiefly in the field of foreign policy, where he worked unceasingly to prevent the unthinkable devastation of World War III.

Early in his term, shortly after the end of World War II, he put some private thoughts down on White House stationery. He wrote that he could see some of the forces of "selfishness, greed and jealousy" at work, and he wondered if he could continue to "outface the demagogues, the chiselers and the jealousies."

"Time only will tell," he wrote. "The human animal and his emotions change not much from age to age. He must change now, or he faces absolute and complete destruction, and maybe the Insect Age or an atmosphereless planet will succeed him."

In his last address to the American people before leaving the White House, Mr. Truman said: "We have averted World War III up to now, and we may have already succeeded in establishing conditions which can keep that war from happening as far ahead as man can see . . ."

This foundation—which each succeeding President has built upon—is the legacy Harry Truman left to the American people and the people of the world.

[From the New York Times, Dec. 27, 1972]

MAN OF INDEPENDENCE

Harry S. Truman waged the last fight of his long life with the same courage and stamina that never failed him during eight taxing years as President of the United States. Thrust into the highest office by the death of Franklin D. Roosevelt, this unassuming, small-town politician drew on hidden reserves of those qualities, along with decisiveness and rocklike integrity, to meet with credit the staggering challenges of a momentous era in history and vindicate democracy's faith in the common man.

In a world that was just emerging from a devastating war, Mr. Truman presided over one of the most constructive and innovative periods of American foreign policy. Isolation has been sunk along with the battleship Arizona at Pearl Harbor in 1941. Mr. Roosevelt had directed the mightiest armed forces ever assembled and forged the greatest coalition in history to crush the Axis powers. In educating the nation to meet the vast new responsibilities it could not safely evade in the aftermath of the war and the rapid dissolution of the alliance with Soviet Russia, the former artillery captain of World War I demonstrated an uncommon ability to seize upon the grand strategic concepts that were developed by the extraordinary group of able men from the Roosevelt Administration who surrounded him.

The Truman Doctrine of 1947, never called that by the man himself and never intended to be the globe-embracing policy that both champions and critics claimed; the Marshall Plan which restored much of a devastated continent and laid the foundations for European integration and unity; the Atlantic Alliance of 1949, recognizing the enduring identity of vital interests between North America and Western Europe; Point Four, making benefits of scientific and technical progress available to the world's hungry and

needy—all these innovative manifestations of a foreign policy designed to meet the conditions of a new world took form in Harry Truman's Administration.

Mr. Truman's bold decision to check aggression in Korea in 1950 despite the enfeebled state of American armed forces in the area probably saved the United Nations from collapse and more or less stabilized for twenty years a highly volatile situation. It was during the Korean War that Mr. Truman, in one of his most courageous and most important actions, fired an unquestionably insubordinate General MacArthur, thereby preserving civilian control over the military and over the conduct of foreign policy.

One of the most difficult decisions any President has ever had to face was the question presented to Mr. Truman in his very first days in office: whether to drop, without warning, two atomic bombs on Japan. With hindsight, it seems a terrible failure of the human spirit to have used nuclear weapons on densely populated cities without at least having given the Japanese and the world a demonstration of their unique horror by dropping a bomb on an uninhabited island. However, Mr. Truman made this decision on the advice of experienced statesmen and generals, deeply concerned by the forecast of a million American casualties should an invasion of Japan be required to end the war. On this, as on other controversial decisions, Mr. Truman never tried to blame others or to shirk his own responsibility before history.

Mr. Truman knew some moments of greatness in domestic affairs. He recognized the twin evils of McCarthyism and McCarranism from the first and stood firmly against them. He championed the civil rights of the Negro in his 1948 message to Congress, and he defied the subsequent Dixiecrat revolt.

Yet he could speak and act impetuously, even recklessly, and play the pettiest kind of politics, reflecting his early training in a corrupt big-city machine. Some of his appointments were deplorable, including some to extremely high posts in government. He was fiercely loyal to old friends, some of whom certainly did not deserve his loyalty. He could be carried away by bad advice or by an impatience for quick results, as when he proposed to seize the steel mills.

He never cast himself in the role of a man of destiny, always retaining his sense of humor and humility. His fellow citizens trusted him, however much some may have disagreed with him, because they could be confident that the "image" of the President reflected the true character of the man. Today millions of his countrymen mourn as friend and neighbor and millions more around the world remember as protector and benefactor the 33d President of the United States, the man of Independence.

[From the Courier-Journal, Dec. 27, 1972]

MR. TRUMAN: FEW HAVE RISEN SO SPLENDIDLY TO THE OCCASION

Harry Truman has been singled out as a prime example of a man who "grew" in the presidency. It is a backhanded compliment, one that tends to exaggerate his presumed inadequacy when the mantle of Franklin Roosevelt fell upon his shoulders. After all, Mr. Truman had been a pretty solid Senator, His instincts, if one examines his record in Congress, were good.

It is easy to remember the challenging circumstances in which Lyndon Johnson assumed the presidency in 1963. Harry Truman came to the presidency under even more trying circumstances. He was bound to suffer—any man would have—in comparison with his predecessor. Mr. Truman was succeeding the only man who had been elected President more than twice, a man who was a father figure for a whole generation. Moreover, Harry Truman succeeded Franklin Roosevelt while the country was still fighting World War II.

Harry Truman suffered more in comparison than some other men would have. He lacked prestige. No one really knew much about him. His accession to power was viewed as a freakish political accident. He was rated as a well-meaning mediocrity at best, a cheap political hack at worst, a typical product of grubby Kansas City machine politics. He wasn't typical, however. He had shown a streak of independence, a stubborn adherence to certain principles.

TO USE THE ATOMIC BOMB

Despite the sudden shock of his elevation to unrivaled power and responsibility, somehow Harry Truman took hold. He had a deep respect for the office of the presidency and he knew, from his reading of history, a great deal more about it than most people gave him credit for knowing. He made the awesome decisions. It was his decision to use the A-bomb (he didn't even know it was being developed when he took the oath); he saw the war to a conclusion and he helped launch the United Nations.

Then he put the Marshall plan in motion, which helped raise a war-battered Europe from its knees, and announced the Truman Doctrine to protect Greece and Turkey from Soviet aggression. He proposed far-reaching social and economic programs at home. He called for a more comprehensive program of medical care than we have today; he set a goal of "full employment"; he pressed for action against racial discrimination.

Still, most people kept on underestimating the little man from Missouri. They said he didn't have a chance of being elected in his own right in 1948, but he was. They said he couldn't continue to stand up to the pressures of the office, but he did.

It is not now possible to make a final judgment on some of his policies. There are those who blame Harry Truman for starting the Cold War; yet, knowing what we now know about Joseph Stalin during those years, who can say it wasn't Stalin who started it? The results of the Truman Doctrine are still ambiguous. It may have saved Greece and Turkey from a Communist takeover, but it did not save them for democracy.

At home there are those who say the Truman administration opened the way for McCarthyism by going along with loyalty checks, by setting up some of the machinery of the witchhunt. Nevertheless, Harry Truman resisted some of the excesses of the witchhunters. His ringing veto of some of the repressive legislation of the period was later vindicated by events and the courts. If the Truman administration is to be blamed for letting the genie out of the bottle, it also must be credited with trying to put it back in.

From the time he took over at the White House, Harry Truman was accused of "croneyism." There was some truth in the charge. He had some fifth-rate people around him, and he entrusted some of them with responsibility. Some of his friends served him ill. However, they did not make the big decisions.

A LIFE TO REFLECT UPON

The popular understanding of just what's involved in using presidential power to the fullest goes back to such Trumanisms as, "The buck stops here" and "If you can't stand the heat, get out of the kitchen." At times a bitter partisan, Mr. Truman believed in setting national priorities in the clearest terms, then getting down into the political arena for them, with the knowledge that history will redeem good causes—even those that seem beyond saving in the heat of the moment.

It was an approach to the presidency that he learned in the turmoil of politics, and it served him, and the nation, well.

In the shy boy with thick glasses who found his heroes in treasured history books, there developed a tenacious mind, a rock-hard power of decision and—what many politicians claim, but few attain—an identification with the ideals of plain Americans. In their bereavement, his nation and his party could do worse than meditate on the life of Harry Truman.

[From the Philadelphia Enquirer, Dec. 27, 1972]

HST "DONE HIS DAMNEDEST"—AND HE DID IT VERY WELL

Harry S Truman, according to one of his biographers, Jonathan Daniels, liked the story of the small-town man who became Postmaster General and who, some time afterward, returned to his hometown on an early morning train. Only the village half-wit was on hand at the station, so the great man asked him:

"What did people say when I was appointed Postmaster General?"

The half-wit spoke for the town: "They just laughed."

No one laughed when Harry Truman became President. On the contrary. People wept at the death of Franklin Delano Roosevelt, and trembled at the fact that the little-known Vice President was assuming the august office of President of the United States, with all its awesome powers and in a time of awesome decisions.

For Mr. Roosevelt was a great man. There was no disputing that, even by those who loathed "that man in the White House." He had what later came to be known as "charisma," and he was an aristocrat, born to the purple, who had presided over the destiny of the United States for more than 12 years. He had led the country out of the Great Depression. He had been Commander-in-Chief of American forces in the war against the Nazis and the Japanese. He had conferred with kings and prime ministers and dictators. He was a world figure.

By contrast Harry S Truman was a very ordinary man. A haberdasher who had gone broke in the post-World War I depression, a product of the infamous Pendergast machine in Kansas City, an amiable nonentity as senator from Missouri. He had gained some distinction as chairman of a Senate watchdog committee investigating war profiteering, but the only thing great about him was that he was a great unknown, as he had been a few months before when Roosevelt picked him to replace Henry Wallace as Vice President. A very ordinary man. He even looked ordinary.

Harry Truman had to make some of the most extraordinary decisions in American history, and he made most of them with extraordinary sagacity. What he lacked in charisma he made up for in courage. Not every decision he made was right. You can still get up quite a controversy over whether he should or should not have dropped the atomic bomb on Hiroshima and, a few days later, on Nagasaki. To Mr. Truman, the only issue was whether the war would be ended quicker and lives would be saved, and he never regretted his choice.

It was often observed of Mr. Truman that he was great on great issues, small on small. Not a bad thing to have said of you, all things considered, and especially considering the opposite.

In these days of disenchantment about America's role in the world, it may be difficult to remember how the world looked in those years following the collapse of Germany and Japan. Indeed, almost half the Americans now living were not even born when Mr. Truman entered the White House. Then, a nation which had existed in "splendid isolation" for most of its history had global responsibilities thrust upon it—to feed the starving, to restore the devastated economies of its allies and its enemies, to retool for peacetime production and reassimilate millions of American GIs into civilian

life, and increasingly, to resist the glowering menace of the Soviet Union under Stalin.

Mr. Truman rose to the challenges and, with considerable Republican assistance, notably from the late Sen. Vandenberg of Michigan, brought America along with him. The Truman Doctrine drew the line against a Soviet threat which was very real. The Marshall Plan still stands as a monument to American generosity, to defeated foes as well as allies.

He had spunk and a sense of the authority and dignity of the Presidency—qualities he demonstrated in 1951 when he fired General Douglas MacArthur as Supreme Commander in Korea and shogun of Japan—and had an abiding loyalty to the values of a free society, as he demonstrated the preceding year when he vetoed an internal security bill, knowing he would probably be overridden as he was.

In domestic affairs he was less successful. In those days "politics stopped at the water's edge," most of the time, but up to the water's edge it was, as it still is, fierce. Mr. Truman played the partisan game with relish, won the big one in 1948, when no one but himself and Louis Bean thought he could, but lost most of his Fair Deal program to an increasingly cantankerous Congress.

He had the defects of his virtues. Much too loyal to friends who betrayed his friendship, too outspoken at times, confident on occasion to the point of cockiness, he will nevertheless be honored for his achievements and remembered for his own integrity and warmth and scrappiness.

His favorite epitaph was in Tombstone, Arizona:

"Here Lies Jack Williams. He Done His Damnedest."

So did Harry Truman—an ordinary man who accomplished the extraordinary.

[From the Oregon Statesman, Dec. 27, 1972]

TRUMAN UNITED COMMON TOUCH WITH GREATNESS

A tough, little man who brought both the common touch and the greatness of indomitable courage to the U.S. Presidency died Tuesday at a Kansas City hospital.

Harry S. Truman was not just respected or admired. He was loved—with a warmth which grew as the passing years measured him against those who followed him and the legacy he left his country and the world.

The United States seldom has had a more unlikely candidate for greatness. At age 36, by the time most men have their careers well under way, Truman had given up life as a farmer and had ended a haberdashery business $28,000 in debt.

Turning to politics, he was assisted by the Pendergast Machine, the living symbol of big-city machine politics and favoritism.

By 1941 he was a U.S. Senator from Missouri, making a national reputation by ferreting out favoritism in defense plant contracts.

He shared the concern the entire nation felt when, as a newly-elected Vice President, the death of President Franklin D. Roosevelt pushed him into the Presidency.

He inherited the burden of ending a World War, and establishing the U.S. as Free World leader.

He asked his countrymen for their prayers. With humility but with determination, he began implanting his image on the course of history.

He decided "thousands of American lives" would be saved by dropping the atomic bombs on Hiroshima and Nagasaki. After an uncertain start in world diplomacy, he initiated the "Truman Doctrine" which drew the line against Communist aggression in Greece and established NATO. On the economic side, he sponsored the Marshall Plan to revitalize Europe and had Gen. MacArthur help re-establish Japan's economy.

At home, he presided at the stormy changeover from a wartime to peacetime economy, rapping the knuckles of business, labor and Congress. He gained the nickname "Give 'em Hell Harry" and won the public's votes as well as its hearts in the 1948 election.

He made another lonely decision in the middle of a June night in 1950 which sent American troops into Korea. It was a difficult war, but the American people understood his decision and supported him.

He spent his retirement years in the old family home in Independence, Mo., with his wife, Bess, his personal life untouched by the power he had known.

"Some are born great, some achieve greatness thrust upon them," Shakespeare wrote. Harry Truman grew out of the heartland of America, out of its soil, its culture and its values, and when he was called to greatness, he was ready.

And in his readiness, he not only wrote an important chapter of American history, he confirmed the basic premises upon which this democratic nation was founded.

[From the Boston Globe, Dec. 27, 1972]

A GOOD AND COURAGEOUS MAN

There were many things that Harry S. Truman proved in his 88 years on a troubled and often panicky earth. One of these is that he was by no means "only a small duck in a very large puddle," as he himself once described himself. (And watch that period after the S. No one, including his daughter, Margaret, knows to this day whether the S stands for Solomon, the first name of one of his grandfathers, or Shippe, the first name of the other one, and the Trumans never wanted anyone to know lest feelings be hurt on one side of the family or the other. But he himself used the period in his autobiography and he must have been quietly amused as the curious legend grew that it should always be omitted. Mr. Truman liked his little jokes and was as likely to break into a chuckle as he was to break into the irritated earthyisms for which his beloved Bess never failed to scold him.)

The late President has been variously described as "that pugnacious little rooster," the "bantam heavy-weight," and "the bankrupt haberdasher from Independence." He was all of these, and proud of it. His bankruptcy was in 1920–21 when business failures tripled overnight. Typically, Mr. Truman charged it to "the Republican recession engineered by Old Mellon" (Andrew Mellon, Secretary of the Treasury under President Harding), and just as typically he refused to go into bankruptcy but spent the next 15 years trying to pay off some $12,000 in debts.

News accounts say that death came quietly to the nation's 33rd President. This is comforting to his family and friends. But death certainly is the final adversity, man's last great fight, at least in most circumstances, and it is difficult to imagine Mr. Truman quitting without putting up his dukes.

He was one of the great scrappers of our times. He more than once laid out Missouri's "Boss Pendergast," to whom he was falsely reported to be beholden for his first political election as an administrative judge in Missouri's Jackson County after the haberdashery had failed. He had more than one good battle with President Roosevelt, whose third term he opposed while he himself was serving his first Senate term. Mr. Roosevelt returned "the favor" with icy coolness to Mr. Truman's own successful campaign for a second term in the Senate, neither of them having the remotest idea that Mr. Roosevelt, in his own battle for the fourth term nomination, would insist that he had to have "that independent S.O.B. from Independence" as his running mate. "Tell the President to quit treating me like an office boy," was one of Mr. Truman's messages to the White House. An office boy, he wasn't.

He fought with "that Do Nothing (80th) Congress," with arms manufacturers in World War II, with the brass in the military services which he unified in his own creation, the Defense Department, after he ascended to the Presidency upon Mr. Roosevelt's death in April, 1945. He fought with Gen. Douglas MacArthur, even fired him to the surprise of everyone except Bess because the popular General refused to follow orders in the Korean war. He fought the steel industry, the railroads, John L. Lewis.

There was no one in Washington or out whom he refused to take on, when need be, except Bess and daughter, Margaret. He even found time to do word battle with the music critic whose reviews of Margaret's tour as a concert singer were unkind. And most of all, this bespectacled and deceptively mousy-looking little man, who "felt like the moon, the stars and all the planets had fallen" on him when Mr. Roosevelt died, fought Thomas E. Dewey tooth and nail on city streets and in the nation's crossroads in the 1948 campaign which none but Mr. Truman himself, and, of course, Bess and Margaret, thought he had a chance of winning.

Typically, he had a Turkish bath on election night, ate a ham sandwich, drank a glass of milk and went to bed while the nation piled up 24 million popular votes for him, 304 electoral, in what is generally regarded as the biggest political upset in the nation's history.

Mr. Truman, in the controversies that swirled round his head, resolutely refused to pass on such blame as there might be, and proudly announced that "the buck stops here,"—his own desk. The bucks were many and varied—the prosecution of World War II to its conclusion, including the atomic bombing of Hiroshima and Nagasaki—the Korean War, where he preceded President Nixon in the insistence that Congress has no right to dictate how a President deploys American troops—the Truman Doctrine of "containment" of Communism, which, it is argued even now and perhaps rightly prolonged the Cold War if it did not actually precipitate it—the Marshall Plan—Civil Rights legislation—the airlift to break the Berlin blockade. Mr. Truman even took on and licked the architects and the traditionalists when he insisted upon the building of the balcony, "the back porch," on the south side of the White House.

When he first went to the United States Senate, a friend counseled him, "Harry, don't you go to the Senate with an inferiority complex. You'll sit there about six months wondering how you got there. But after that you'll wonder how the rest of them got there."

The friend need not have worried. Mr. Truman had few, if any, complexes. An inferiority complex was not one of them. He was asked to fill the shoes of a great President. All observers are agreed that he filled them more than adequately. Some, perhaps many, insist that Mr. Truman himself will be recorded in history as one of the great Presidents. Certainly to the degree that courage is one of the proper measures, Harry S. (for Solomon or Shippe) Truman will measure up.

[From the Des Moines Register, Dec. 27, 1972]

HARRY TRUMAN

Harry S. Truman, who died at 88 this week, never lost his flat Missouri twang nor acquired the slightest trace of cultural gloss. He remained a hometown boy who loved his hometown and his family. He supported his friends, even when they didn't deserve it.

Truman was tapped as a candidate for U.S. senator by Kansas City Democratic boss Tom Pendergast in 1934, because Truman's reputation for honesty and efficiency as the Missouri equivalent of chairman of the county board of supervisors was hard to come by in the Pendergast machine. Truman won the nomination and election with day-and-

night campaigning. He won re-election the same way in 1940 when he was considered an underdog.

He became a national figure after the committee he organized to expose war profiteering began to grab headlines. He was a compromise choice for vice-president on Franklin D. Roosevelt's fourth term ticket. That term was only two months old when Roosevelt died and the figure of Olympian majesty in the White House was replaced by someone who looked, sounded, and acted like the guy next door.

Crucial decisions were thrust upon Truman. He gave the word to drop the world's first atomic bomb. He shaped the Marshall Plan of economic aid to Europe. He bolstered Greece and Turkey against Russian pressure. He ordered U.S. troops to fight the North Korean invasion of South Korea.

The American public regarded Truman as a scrappy fighter who dared long odds. The greatest of these fights was his battle for re-election in 1948 when polls and political experts pronounced him doomed.

He was equally combative when he fired an American hero, Douglas MacArthur, as commander in Korea in the face of certain public and congressional outrage.

Though some of his administration's agencies were riddled with scandal, and "the mess in Washington" became a household phrase, historians polled near the close of his administration ranked Truman among the great U.S. Presidents.

Historical revisionists are disagreeing with this estimate now. They see the Cold War as a serious mistake for which Truman was partly to blame.

These reassessments overlook the fact that Truman acted at a time when hot voices in this country were calling for more dangerous, warlike responses than Truman permitted.

America was fortunate to have as President in those unsettling days an uncommon man.

[From the Chicago Tribune, Dec. 27, 1972]

THE MAN FROM MISSOURI

It would not have been like Harry S. Truman to mar a holiday weekend by his death. For three days, he clung to life and confounded his doctors with the same tenacity that marked his career, yielding only when the holidays were over. He was 88 years old.

The perspective gained by Mr. Truman's 20 quiet years of retirement has brought a mellowing of his reputation, just as 31 years of retirement did for Herbert Hoover. Yet two superficially contrasting judgments of his character and public life still stand confirmed.

More than perhaps anyone else, Mr. Truman proved that any American boy may become President; the American people liked and trusted the way he talked and acted, after the event as well as before it. The man from Missouri faced grave historic challenges with gutsy confidence and courage. His many political allies and his many political opponents [including The Tribune] could agree on that.

Few national figures were ever launched under less promising circumstances than Mr. Truman. At the age of 50, he arrived in Washington in 1935 as junior senator from Missouri, by favor of the Kansas City machine bossed by Tom Pendergast. The only public offices he had held earlier were in Kansas City. Before that, he had been a partner in an unsuccessful men's clothing store and had worked on the family farm. Truman was loyal to the end to the man who lifted him out of obscurity.

In the Senate, Mr. Truman exceeded expectations as in investigator of profiteering and waste in war contracts. In 1944, lightning struck him again; he was slated as a compromise choice, in place of Henry Wallace, as second man on the ticket with President Franklin D. Roosevelt. When he succeeded to the Presidency on April 12, 1945, he felt, he said later, that "there must be a million men better qualified than I to take up the Presidential task." Many Americans agreed with this, yet respected him for saying it.

Despite a spunky performance as President between 1945 and 1948, few people in the country except Mr. Truman himself believed that he could return to the White House in his own right. Neither the prevailing doubts nor the discouraging early returns kept him from defeating Thomas E. Dewey 24.1 million to 22.0 million in the popular vote.

Often and with glee, Mr. Truman displayed a headline which appeared briefly on an early election night edition of The Chicago Tribune announcing boldly [and erroneously], "Dewey Defeats Truman." It was not one of our proudest moments, but we didn't begrudge Mr. Truman his laughs. He was entitled to them.

Tho eligible to run again in 1952, he declined to do so, instead vigorously supporting the ineffectual campaign of Adlai Stevenson.

Mr. Truman's Presidency was spectacularly eventful. He was President at the time of the atomic bombing of Hiroshima and Nagasaki, the end of World War II and the beginning of the United Nations, the early stages of the "cold war" with the Soviet Union and the founding of NATO, the Korean War and the dismissal of Gen. Douglas MacArthur, post-war foreign aid, the peacetime draft, the Berlin airlift, and critical strikes in the coal, steel, and railroad industries. It was a time to try any man's soul, especially any man burdened with heavy responsibility.

Tho, even as President, Mr. Truman showed capacity for hot-tempered vulgarity and for too easy dismissal of corruption in political associates as mere "fly specks," his high office lifted this rather average man to unforeseen levels of principled decisiveness. After many hard decisions, he could say as he retired from the Presidency, "I hope and believe we have contributed to the welfare of this nation and to the peace of the world."

After 20 years, that hope and belief are still possible to hold. Certainly there is no doubt about the accuracy of another of Harry Truman's valedictory remarks: "I have tried to give the work everything that was in me." A grateful nation gives him a last salute, and his family its condolences.

[From the Houston Chronicle, Dec. 28, 1972]

A DAY OF MOURNING

Harry S Truman shunned ostentation. Although he held for crucial years the most powerful office in the world, he remained true to his heritage, a man of the people with roots in the Missouri soil.

The funeral arrangements for Truman reflect the beliefs of the former president. He wanted no riderless horse, no carriages, no pageantry. For Truman, the simple traditions were sufficient. He believed that men provide their own dignity.

Only relatives and close friends could attend the private ceremony in the small auditorium at the Truman Library, three-quarters of a mile from the Truman home in Independense. Truman himself selected the burial plot, the courtyard of the library, near a rose garden.

The simplicity of the ceremonies reflects the closeness of the former president and the people of this nation. He was a man with whom millions and millions felt empathy; he was a friend.

Today is a national day of mourning, proclaimed by President Nixon.

Our sympathies go out to Truman's wife, Bess, and daughter, Margaret.

The nation is saddened, and grateful.

[From the Miami Herald, Dec. 27, 1972]

FOR ALL TRUMAN'S EARTHINESS, HE DIGNIFIED THE PRESIDENCY

(By Peter Lisagor)

WASHINGTON.—President Truman was the first President I ever met, and the encounter was so simple and straightforward that I forgot for a moment that I was in the presence of the Chief Executive.

It was early in 1950, and I had been in town for just about a month.

Paul R. Leach, then chief of The Chicago Daily News' Washington bureau, took me to a Presidential news conference in the old Indian Treaty Room across from the White House.

Mr. Truman usually lingered in an anteroom after the conference to greet newcomers and guests. Leach introduced me as the newest addition to his staff.

"Howdy," the President said, smiling. "Your publisher has never had a good word to say about me."

It was a genial remark, but I was startled by its directness.

My lame rejoinder was, "Well, at least we know where we stand."

The President laughed, and said, "Don't worry; you fellows do your job all right."

It was President Truman's lack of pretentiousness, a down-to-earth quality he never lost, that endeared him to Washington newsmen. He never got tangled up in fancy syntax or resorted to empty ambiguities to conceal how he felt.

And he rarely shrank from the use of the phrase, "No comment" when he wanted to evade an answer. Except on occasion, he would say, "That's none of your business."

The late Dean Acheson, his second-term secretary of state, once wrote that Mr. Truman learned "from all mistakes but one—the fast answer in the nightmare of Presidents, the press conference. We kept on hand, as a sort of first-aid kit, a boxful of 'clarifications' for these events."

His distinguishing characteristic was that he never lost the common touch. The trappings of power didn't bend him out of shape.

He resisted what he called an "importance complex," and it was charmingly illustrated when someone asked him what was the first thing he would do when he moved back to his home in Independence, Mo., after leaving the White House. "I'm going to take the suitcases up to the attic," he said.

He stayed close to the people, and his early-morning walks through the streets of Washington were a cheerful manifestation of his refusal to be insulated behind the walls of the White House. They were also the sign of a quieter time in the life of the nation.

His dislike of critical publishers didn't extend to reporters; they were working stiffs trying to do a fair and objective job, in his view.

He especially liked photographers, and became an honorary member of the "One More Club," an informal group of lensmen which got its name from the familiar cry of photogs when shooting pictures, "One more, please."

Before he left the White House, the One More Club gave him a farewell party which has become a legend of the craft. He imbibed with "the boys" and played the piano until the small hours of the morning. And when the party was over, the club disbanded.

He was an earthy man, without airs. A favorite story of his admirers was the one about his visit to a horticultural show at the D.C. Armory. With him was his wife, Bess, and a woman friend of hers.

As he walked among the plants, he would pause at a particularly lush specimen and remark, "My, you must use good manure on this." After several comments, the friend whispered to Mrs. Truman, "Bess, couldn't you get the President to say 'fertilizer'?"

"Heavens no," Mrs. Truman replied. "It took me 25 years to get him to say 'manure.'"

For all his earthiness, though, he dignified his office and presided over some of the most momentous events of this century. Acheson dedicated his memoirs to "Harry S Truman—the captain with the mighty heart." In those memoirs, Acheson wrote:

"Today no one can come to the Presidency of the United States really qualified for it. But he can do his best to become so. Mr. Truman was always doing his level best.

"He aspired to the epitaph reputed to be on an Arizona tombstone:

"'Here lies Jack Williams. He done his damnedest.'"

[From the Washington Post, Dec. 27, 1972]

HARRY S TRUMAN

A few minutes after Harry S Truman took the oath of office as President of the United States—when, as he put it, he "felt like the moon, the stars, and all the planets had fallen on me"—he was asked if the San Francisco Conference on the United Nations would meet, as had been planned. "I did not hesitate a second," he recalled in his memoirs. "There was no question in my mind that the conference had to take place." Within hours, he was dealing as an equal with Winston Churchill and Josef Stalin.

There were not many who were prepared to say in that dark hour that Harry Truman was equal to the appalling burden put upon him. The members of the Roosevelt Cabinet tended to feel that they would have to take him under their tutelage; they were considerate but patronizing. He very quickly replaced them. He had no very exalted opinion of himself; but he had great self-respect. Acknowledging that no one was "big enough" to be President of the United States in the crucial years of a great world war, he nevertheless felt himself to be about as big as the fellow. What he had to do, he would do to the best of his ability.

Diffidence and doughtiness, humility and self-confidence, vulgarity and grandeur were mingled in this solid, unpretentious man, a seemingly typical product of smalltown politics in middle America. He was an able and conscientious senator, although by no means one of the towering figures of Congress. He was a man for whom—and probably to whom—the Vice Presidency seemed the very summit of legitimate aspiration. Yet when immeasurable responsibility was suddenly thrust upon him against his honest wish and will, he found within himself the resources to meet the task honorably and, indeed, greatly.

"Some scholars of American history with whom I talk from time to time are of the opinion," he wrote years later, "that it is history that makes the man. I am inclined to differ. I think that it is the man who makes history. I find that throughout our own history the greatest strides occur when courageous and gifted leaders either seize the opportunity or create it."

It may well be that both views are true. In any case, Harry Truman lacked neither opportunities nor the courage to seize them. Perhaps the greatest single decision of modern times was made by him very early in his Presidency—the decision to use the atomic bomb in the war against Japan. "The final decision of where and when to use the atomic bomb was up to me," Mr. Truman recalled with characteristic simplicity. "Let there be no mistake about it. I regarded the bomb as a military weapon and never had any doubt that it should be used. The top military advisers to the President recommended its use and when I talked to Churchill he unhesitatingly told me that he favored the use of the atomic bomb if it might aid to end the war."

For good or for evil, a new dimension was added to the world. For the salvation or the destruction of mankind, a new force was created. Years of experience with the ineradicable threat of atomic war, years of reflection on the moral implications of employing so terrible a weapon, may lead to a judgment that Harry Truman was wrong. But let those who make that judgment ponder his straightforward justification for what he did: "General Marshall told me that it might cost half a million American lives to force the enemy's surrender on his home grounds." And, conversely, let those who applaud his decision ponder what it foreshadows for any future war.

Harry Truman made another decision inexpressibly more life-giving and perhaps almost as momentous in its way—the decision to commit the immense resources, strength and skill of the American people to the reconstruction of Europe at the end of the war. The Marshall Plan, formulated and implemented under his leadership, represented what may well be considered the most enlightened piece of national generosity in all history. Indeed, American aid went generously to the vanquished as well as to the victors. In Mr. Truman's own estimation, "The Marshall Plan will go down in history as one of America's greatest contributions to the peace of the world. I think the world now realizes that without the Marshall Plan it would have been difficult for Western Europe to remain free from the tyranny of communism."

To arrest "the tyranny of communism," President Truman took the country into a considerable and troublesome war of his own—the war in Korea. The swift American response to the North Korean invasion of South Korea afforded a fresh illustration of the President's decisiveness and toughness in the conduct of his office. And in the course of the war he gave a dramatic demonstration that as President he was also indubitably Commander in Chief of the nation's armed forces when he summarily removed Gen. Douglas MacArthur from his post in the Pacific.

Harry Truman was a pragmatist and a politician. He preferred the specific gain to the idealistic goal. And he understood with unblurred realism that specific gains in American political affairs are achieved by leadership which embraces not only an imaginative appeal to the aspirations of a free people but also the crasser arts of political influence, pressure and manipulation. He was in constant conflict with Congress. "When a President does not have a fight or two with Congress, you know there is something wrong," he wrote. "A man with thin skin has no business being President."

His fiercest political controversy centered in the cult of loyalty that developed in the late 1940s and reached its culmination in obsessive attacks upon Government employees, especially in the State Department, by Senators McCarthy, McCarran and Jenner. There was a passionate commitment in Harry Truman to the principles of the Bill of Rights and to the concept of individual liberty. The tactics of what came to be called McCarthyism were abhorrent to him, and he was unreserved in his condemnation of them. Unfortunately, however, in his zeal to protect Government employees from the brutal assaults of McCarthyism, he established the Federal Employee Loyalty-Security Program—a pernicious process, still in full effect, which bases the determination of an employee's trustworthiness on accusations made by informers unknown either to the accused employee or to his judges.

Despite this grievous lapse into the fundamental error of McCarthyism, Harry Truman was otherwise a stalwart champion of a principle he enunciated in simple terms: "In a free country, we punish men for the crimes they commit but never for the opinions they have." Nothing in his official career redounded more greatly to his glory than his veto in 1950 of the Internal Security Act which established the Subversive Activities Control Board. In the hysteria of the time, the bill was passed over his veto within 24 hours. But he gave assertion, nevertheless, to a reassuring faith in his fellow Americans and in their fealty to the principals of political liberty.

His faith in the American people found reciprocation. In 1948, he sought election to the Presidency in his own right. Although it was not widely supposed that he could win, he campaigned with a verve, ebullience and indomitable determination that led him to victory. It may be that the American people saw in him an embodiment of their image of themselves—an exemplification of their own rooted virtues and values. There were qualities about Harry Truman now often referred to as old-fashioned—his rather simple morality, his devotion to his family, his uncritical loyalty to his country, to his party, to past political associates who had been loyal to him, his capacity, on occasion, for intemperate and injudicious indignation, his earthiness—qualities that stamped him a common man yet a man capable, as other common men are capable, of ascent to the heights of heroism. Harry Truman showed his countrymen what they were made of and what they could become.

[From the Arizona Republican, Dec. 27, 1972]

MAN FROM "MIDDLE AMERICA"

President Franklin D. Roosevelt was a glittering, sophisticated, worldly aristocrat from New York, a graduate of Groton and Harvard.

Vice-President Harry S. Truman was an ex-haberdasher from Missouri who studied law at night school.

Their official paths crossed infrequently; their social paths never.

World War II was approaching its climax in 1945, and the scientists at the Argonne Laboratory were nearly ready to raise the curtain on the Atomic Age.

Communications between the President and the Vice-President had been so bad that Mr. Truman required a briefing on the Manhattan Project after Mr. Rooseelt died.

The new President knew next to nothing about the military situation in Europe and Asia.

But Harry Truman took his place with the great and near-great as though he had been "to the manor born."

He exchanged toasts and barbed quips with Stalin, kidded with Churchill, was not overly impressed by De Gaulle, took the measure of Chiang.

In 1948, with the hot war ended and the cold war under way, Mr. Truman sought the presidency on his own. The polls all predicted he would be defeated by Thomas Dewey, a prestigious Wall Street lawyer and a successful governor of New York state.

Mr. Truman took to the hustings in a "give 'em hell" campaign that caught fire without the pundits realizing what was happening. He won handily, although the Chicago Tribune proclaimed Dewey's victory before all the votes were counted.

The history of the Truman presidency glistens with accomplishments. He used the atomic bomb at Hiroshima because he wanted to save a million American lives. He undoubtedly saved even more Japanese lives by forcing the Emperor to surrender without an invasion of Japan.

When the Communists started an overt drive for world domination by crossing the 38th Parallel in Korea, President Truman ordered General MacArthur to repel the attack.

He later fired MacArthur, in an unnecessary belittlement of the general, but the action was in keeping with a grass-root recog-

nition of his own power and his belief in himself.

(Another great military hero, Dwight Eisenhower, followed Truman into the White House. "I didn't go to your inaugural because I didn't want to steal the show," Ike told the retiring President. "You didn't go because I didn't order you to," said the commander-in-chief. "If I had ordered you to, you would have gone.")

The seemingly parochial Missourian was as impressive in his peace moves as in his war moves.

He proclaimed the Truman Doctrine, which kept Greece and Turkey out of Communist hands.

He implemented the Marshall Plan, which restored Europe's shattered economy. He helped launch the United Nations, raised minimum wages, increased Social Security payments.

Harry S. Truman wasn't always right. The U.S. Supreme Court rebuked him for seizing the steel companies.

But he was never lacking in courage, and he was much closer to being an average American than most of his nation's chief magistrates.

Death has removed a great citizen who represented Middle America long before the Republicans coined the phrase.

[From the Montgomery Advertiser, Dec. 27, 1972]

HARRY S TRUMAN

As in life, Harry S Truman refused to give up on his deathbed.

In a sense, his last battle capsuled his life—the life of a doughty, audacious fighter against seemingly impossible odds.

This time the odds proved impossible, but had his will and determination been enough, the former President would have made it. Throughout the three weeks of his final illness, he continued to amaze doctors by rallying time and again at the point of death.

On April 12, 1945, when the country was still at war, he was elevated to the presidency of the sudden death of Franklin D. Roosevelt.

The nation was almost as stunned by the realization that this average man, this haberdasher, this political functionary (as he was generally viewed at the time) had become chief executive as by the death of FDR.

Truman had none of the "charisma" of Roosevelt, but he proved that wasn't necessary. He was a hard-worker, decisive and never fretted once he had made up his mind.

Fate handed him many hard decisions, which he made almost alone: using the atomic bomb on Japan, an act he and others believed saved millions of lives; the Truman Doctrine to halt Soviet expansionism in post-war Europe; the Marshall Plan for economic recovery of the war-ravaged continent; the Berlin airlift; Korea; the firing of Gen. MacArthur for insubordination when the General was a national hero and Truman wasn't; and, not least, the 1948 election which he was supposed to lose by a landslide, in the estimate of Democrats, Republicans, polisters and pundits.

In that campaign, against what seemed the insurmountable victory of Thomas E. Dewey, and with the defection of the South and liberal Democrats under two splinter parties, he fought. His gutsy appeal to the people, his never-say-die spirit and the vitality of an uncommon common man upset all predictions.

Although many despised him (notably Southerners because of his civil rights stand, moderate by today's standards), hindsight and the verdict of history have revealed him to be one of our strongest presidents.

President Truman was the perfect example of maximum output from limited input.

He will be remembered, in spite of his pettiness and cronyism, as a great man and a great president.

But most of all, perhaps, he will be remembered as a fighter against apparently insuperable circumstances, even the final one when he survived far longer than anyone had believed possible.

With all his flaws, he was a superior American.

[From the San Francisco Examiner, Dec. 26, 1972]

HARRY TRUMAN

The story of Harry S Truman is one of the most remarkable in the entire saga of America. It is the story of a small town Missouri politician, lacking either the desire or the background for the Presidency, who in less than eight years made as many history-changing decisions as any other man who ever occupied the White House.

Coming out of Middle America as the hand-picked senator of Kansas City boss Tom Pendergast, Mr. Truman first attracted national attention when he chaired a Senate investigation into World War II defense production. In that role he acquitted himself so well that Franklin D. Roosevelt, faced with a compromise between James Byrnes on the right and Henry Wallace on the left, selected Mr. Truman as his 1944 running mate.

Within three months of their inauguration, Roosevelt was dead and Mr. Truman was President. In the whole history of the Republic, no man has ascended to the Presidency in such a troubled time. One vast contingent of American fighting men was battling its way across Europe to Berlin while another was pushing across the Pacific to Tokyo. The United Nations was waiting to be born here in San Francisco.

Although Mr. Truman felt that the whole world had fallen in on him, he did not flinch before the challenge that confronted him. He did not agonize in the face of decision nor did he torture himself with doubt after a decision had been made.

In his simple, direct, humane manner, Mr. Truman did what had to be done. He ordered the dropping of the first atomic bomb because he was convinced that was the only way to save hundreds of thousands of American lives and bring World War II to a speedy conclusion.

When Russian aggression in Europe destroyed the world's hopes for peace, the President sent aid to Greece and Turkey and thus prevented them from being overwhelmed by Communist insurgency.

In doing so, he set down the Truman Doctrine: "I believe that it must be the policy of the United States to support all peoples who are resisting attempted subjugation. If Greece should fall under the control of an armed minority, confusion and disorder might well spread throughout the Middle East."

During his Presidency, Mr. Truman was bitterly maligned by the right wing. He also was assailed by the left wing, which decreed that only political disaster could result if he were nominated by the Democrats in 1948.

How sweet it was for the hard-hitting Missourian when, in the fact of opposition from both extremes, he pulled off the most surprising election victory this nation has ever known.

Mr. Truman's Presidency was one of almost constant controversy and conflict. When he finally retired to his Victorian home in Independence, his popularity was at a very low ebb.

In the ensuing 20 years Mr. Truman's stature has risen to the point where he is almost universally recognized as one of the great American Presidents.

Now, Mr. Truman is no longer with us. But this is no time for tears or vapid eulogies.

Indeed Harry S Truman's epitaph was written long before he departed this mortal world. It was written when imperial Japan surrendered aboard the battleship Missouri, when Greece, Turkey, Berlin and South Korea were saved from Communist subjugation, when the Marshall Plan resurrected Western Europe from the holocaust of war, when the North Atlantic Treaty Organization was created, when the state of Israel was founded with American support and when civilian control of the national defense was preserved with the firing of Gen. Douglas MacArthur.

But perhaps the most fitting epitaph for Harry S Truman is one that he himself liked to cite from a grave marker in Tombstone, Ariz., "He Done His Damnedest."

[From the Wyoming State Tribune, Dec. 27, 1972]

TRUMAN THE COLD WARRIOR

It is absolutely fascinating to see the praise being heaped on President Truman by persons whose philosophy represents the very antithesis of what the man from Missouri believed in, particularly with respect to U.S. foreign policy.

It was Harry Truman who by drawing a line and daring Joe Stalin to step over it, actually committed America to the Cold War, who also committed it to the Korean War, and in a sense set the stage for Vietnam.

What Mr. Truman ordained, largely by his own determination and courage, was that the United States of America would stand as the leader of the Free World athwart the purposes of the communists powers which was that of world conquest.

Yet how ironic it is today that the 33rd President whose niche in history will be carved on his policy to oppose the purposes of the man in the Kremlin, Josef V. Stalin, in gobbling up every bit of territory within the Soviets' capability of seize and conquer, is being hailed by those whose philosophical concepts are at total variance with this credo.

If the Berlin airlift represented the extension of Truman's policy of 1946 in telling Stalin to hold back; if the Marshall Plan implementation was to shore up the economic structure of Western Europe so it could not fall easy prey to Soviet incursion; if the Korean War was designed to prevent overrunning of Eastern Asia by the communist powers; and the Vietnam War a continuation of that policy of simply resisting territorial seizures by the communist powers, all this was faithful to the basic thinking of Harry S Truman.

Yet today persons of note in this country are joining in the eulogy of Mr. Truman as a man of great bravery and sense of purpose. And many of these same persons are individuals who have occupied high places in the councils of our country, especially the Senate; and who in those places have done their very best to defeat the purposes of Vietnam and in effect the whole scheme of this country's prosecution of the Cold War.

It is they who have made common cause with the enemies of this country with whom our military servicemen have been engaged in mortal combat and still are; and who would have had us throw in the towel long ago to the discernible goals of the communists, and that is simply extraterritorial conquest, the overrunning of neighboring countries like South Vietnam, Laos and Cambodia.

Mr. Truman has been out of office for 20 years and these hypocrites who so sententiously prate about his great achievements must think that people have forgotten Truman's endeavor in the cause of a Free World by opposing with force of arms, explicit or implicit, the thrusts of this nation's most powerful enemies.

While there are those who set up a great noise about the alleged injustice of the U.S. bombing of Hanoi, forgetting that it is the North Vietnamese who are the ones who are absolutely intractable about acceding to a key point of an Indochinese peace and that

is getting their troops out of South Vietnam, it must not be lost on the people of America what the whole purpose of the Vietnam War has been.

Especially in this day when the country and the world mourns Mr. Truman, who more than any one person set the stage for the effectuation of a policy which led to Vietnam and possibly beyond. He cannot be allowed to go to his eternal rest with a cynical rejection of what he wrought.

[From the Richmond Times-Dispatch, Dec. 27, 1972]

HARRY S TRUMAN

When Harry S Truman astounded the pollsters and the political prognosticators by winning the presidential election of 1948, one of his aides explained the victory:

"People liked him. He spoke their language. They called him 'Harry' and they liked the way he talked and acted."

Harry Truman talked and acted in ways that ordinary citizens could identify with. They might not use quite as crude language as he did in threatening a critic of his daughter's singing ability, but they understood a proud father's indignation over what he considered the ridiculing of his child. They might not have used a profane term in publicly referring to another individual, but they could sympathize with a man who struck back in anger at what he considered a political columnist's unfair attack. And they liked a man who, though holding the highest office in the land, would candidly admit that he was under the handicap of living two lives, "one as President and one as a human being."

Harry Truman's term as a human being lasted more than 88 years; his term as President of the United States spanned seven years, nine months and eight days, and it is this period, of course, that will put him in the history books for all time.

No one, in 1972, can see the Truman presidency with the perspective that will be possible a generation from now, but it can be assessed today with more objectivity than when it ended two decades ago.

It can be seen, in retrospect, that the actions of the Truman administration may well have saved the Western nations from being devoured by the Russian bear.

The economic and military collapse of Western Europe and of pro-West Middle East countries in all probability was prevented by the massive assistance rendered by the United States under the Marshall Plan and the Truman Doctrine. The Soviet military juggernaut may have attempted, at least, to roll westward had not free nations bound themselves together for mutual protection under the NATO banner. And World War III could have been the catastrophic result if the United States and the othert free countries of the United Nations had been too timid to resist the Communists' naked aggression in South Korea.

THE COLD WAR

They were tense and dangerous years after World War II when Russia probed for weaknesses in Western power and resolve. The effort to force the West out of Berlin by putting a strangling blockade around that city failed only because Truman ordered an airlift which, against almost insurmountable obstacles, kept 2 million Berliners alive month after month with the staggering total of 2,343,000 tons of supplies transported by air.

Of all the decisions made by Harry Truman during his nearly eight years in the White House, none seems more awesome than that to drop the atomic bomb. Truman knew the release of this terrible weapon would devastate Hiroshima and Nagasaki, but he was convinced it would save far more lives than it would take, by bringing Japan to her knees and ending the war. History, we believe, will sustain his decision as the right one.

On the domestic scene, Truman's "Fair Deal"—succeeding Franklin D. Roosevelt's "New Deal"—was an effort to push social legislation much faster than many Americans wished. He antagonized the South with his antidiscrimination legislative program, yet years later he was outspoken in his denunciation of sit-ins and other civil rights protests and referred to Dr. Martin Luther King Jr. as a "troublemaker." (When somebody reminded him that King had won the Nobel Peace Prize, Truman growled: "I didn't give it to him")

Truman was out of touch with reality when he dismissed the Alger Hiss spy hearings as a "red herring," and some of his criticisms of his successor, Dwight Eisenhower, were ridiculous. He once said that Ike was a great military commander in Europe and in NATO "when he had someone to tell him what to do." He added that he was the one who told him.

ANTISTRIKE ACTIONS

Pro-labor though he was, Truman took far-reaching actions in strike-preventing efforts. A rail strike ended after he seized the railroads and threatened to use troops to run the trains. But the Supreme Court ruled he went too far when he seized the steel mills in a vain attempt to halt a strike in that industry.

Master politician though he was, Truman's political influence quickly waned after he left the White House. The Democratic party rejected his choice of Averell Harriman as presidential candidate in 1956 and of Stuart Symington in 1960. He resigned as a delegate to the latter convention in bitter protest.

But although the ex-President's political clout was gone, the American people as a whole came to regard Harry Truman with growing affection during the latter years of his life. They nodded in agreement when, in referring to juvenile misconduct, he declared that "Mama and Papa are more to blame than the kids; parents should stay home and raise their children and spend less time in taverns." And they liked the down-to-earth quality of a man who, upon arriving at a dinner party without his wife, passed up fancy excuses and bluntly explained: "Bess' feet hurt her, so I told her to stay home."

"NEAR GREAT"

A decade ago 75 American historians were asked to rank the presidents in order of greatness. Among the 31 presidents included in the assessment, Harry Truman was listed ninth, below five who were classified as "great" and with six who were viewed as "near great." The vast majority of Americans would not have the historical knowledge to attempt any comparative rankings of greatness among the men who have occupied the White House. But only the most short-sighted and biased citizens would deny that, on balance, the Truman administration served the nation creditably, particularly in the field of foreign affairs. And regardless of what one may think of his political philosophy, the man who headed that administration was a scrappy, courageous and dedicated leader who deeply loved his country and who was held in affection and admiration by most of his fellow-Americans.

[From the Burlington Free Press, Dec. 27, 1972]

MAN FROM INDEPENDENCE

On Nov. 2, 1948, President Harry S Truman with his customary aplomb, switched off his radio and went to sleep. By then he had heard the inimitable H. V. Kaltenborn and several other radio commentators of the period pronounce his epitaph.

While he slept, the presses at the Chicago Tribune ran off their now-prized editions which screamingly proclaimed, "Dewey Defeats Truman." Others in the country quietly were preparing for the transition from a Democratic to a Republican President.

By the next morning, though, the picture had changed and the perky little haberdasher from Independence, Missouri, had pulled off one of the most stunning upsets in political history.

It seemed, too, that Harry Truman was making a career of confounding his critics. After living in the awesome shadow of the magnetic and articulate President Franklin D. Roosevelt, Mr. Truman was not a figure likely to stir the imagination of the American people when he became the nation's leader in April 1945 after Roosevelt's death. But it was not too long before his critics learned that he would not evade crucial decisions.

Though much has been written and said about his decision to drop the atomic bomb on Hiroshima and Nagasaki, there can be little doubt that his action headed off a disastrous invasion which could have claimed countless thousands of American and Japanese lives.

Much of the credit for resurrecting Western Europe from the ruins of World War II must go to the blunt and outspoken President. His Marshall Plan shored up teetering governments and curbed the Soviet Union's voracious appetite for more and more territory.

Mr. Truman, too, was a strong backer of the United Nations and opened that international organization's conference by radio. In June, 1950, he demonstrated just how much he backed the U.N. when he ordered American troops into Korea to meet the threat of a Communist take-over of that country.

On the domestic scene, Mr. Truman pushed for a higher minimum wage, increased Social Security benefits and housing aid for all Americans.

Even after he left Washington, Mr. Truman retained a keen interest in the nation's affairs and could be counted on from time to time to deliver a typically acerbic opinion on any political subject.

He has left an indelible imprint on the minds of many here and overseas for putting the pieces of the world together again after it had fallen apart in history's worst war.

Mr. ERVIN. Mr. President, if I had to describe Harry S Truman in a nutshell, I would say that he was an ordinary man who was endowed with the most extraordinary character, commonsense, and justice. He had the courage to make great decisions when the time for the making of those decisions was at hand. He was the ultimate determinator of all that he did, as is shown by the fact that he is said to have kept on his desk in the White House a statement to the effect that "The buck stops here."

He had, as I have stated, a great amount of commonsense. He was a man who came from the people, and was one of the people, and he understood their hopes and their aspirations. He was faithful to the highest degree in all that he did as President of the United States to the best interests of the people of this Nation.

In addition to these things, Harry Truman was a very humble man, as was so well exemplified in the manner of funeral he wished to have held for himself.

Although he was, as I say, an ordinary man who came from the people, he will go down in history, in my book, as one of the greatest Presidents this country has ever had, simply because he was endowed with such extraordinary character, commonsense, and courage. We shall not see his like again.

Mr. HART. Mr. President, the delivery of eulogies is rarely a pleasant experience. But I think all of us have been fortunate, in thinking about what we might say on this occasion, to find that grief—though present—is not the prevailing emotion.

It cannot be said that we were deprived of Harry S Truman unexpectedly or with total suddenness. He lived a good life, a full one and a long one.

And so when we reflect on the man and his career, it is easy to find ourselves possessed less of sorrow than of nostalgia. And the memories, in history's perspective, are pleasant ones indeed.

Harry Truman entered history's spotlight as an ordinary American, uncertain of his own talent, who found himself running the country.

And when he walked offstage, he was still an ordinary citizen but there was no longer any uncertainty about this particular American's talents for leadership, compassion and decision.

Those are truly nostalgic times. He was the last President, I think, to walk freely and regularly out into the street among his fellow citizens.

He was the last President, as far as we know, to dial his own phone calls.

Probably the reason that history took a few years to really appreciate the merit of his decisions was because he embarked on them in a totally understated manner.

He occupied the office of the President without presumption, with no pomp and without self-importance.

The public in those days, I believe, held politicians in somewhat higher regard than they do now and it is my guess that it was because Harry S Truman upgraded the image of the profession.

There may have been mutterings about administration mistakes in those days, but there was no talk of a credibility gap.

There was never any doubt about where he stood. And his retirement was a victory for every stuffed shirt in the Nation.

In a way, I suppose, it could be argued that he did the public a disservice by teaching the people that candor and politics, honesty and government are not incompatible items.

After President Truman, the public—not unreasonably—expected complete straightforwardness and frankness from everybody elected to Federal office thereafter. The disappointment was inevitable.

He was a great man, yes, but he has given us a gift that we do not always get from great men—he gave us the gift of warm, smiling memories.

George Washington, I think, was a great man. Samuel Adams. Andrew Jackson. Woodrow Wilson. Franklin Roosevelt. The list is long.

But how many great men have really left us with warm, human memories as a wrapping to their impressive deeds? Great men are rather prone to become more and more one-dimensional with time, honored but faded and lifeless, like paintings of medieval saints.

Not Abraham Lincoln, for example. Somehow, his humanity projected itself into history without effort and so we can read about him a century later and still occasionally want to nudge a companion and relay a warm anecdote or a self-effacing remark.

Harry Truman, to the good fortune of all who come after him, will be remembered that way, too. Because his humanity, too, projected itself beyond all the barriers and insulations surrounding the Presidency.

Happily, he had a daughter with the wit and talent to record his character. But even absent her valuable book, Mr. Truman's humor and humility would have become his trademarks.

Yes, we will all remember those decisions about the atom bomb and the Korean development. But is it not a delight now to remember that the wisdom to make those decisions was in the possession of a President who could get irritated because an expensive gold pen did not work.

Had he been given one more term, the consumer protection movement would doubtlessly have had an earlier birth.

Unhappily, I cannot claim to have known him well. He left this town before I came. So I am in the position of most Americans: It pleases me that I live in a nation that had the wisdom to make him President.

Mr. McGEE. Mr. President, although I had taken an earlier occasion to pay tribute to the memory of President Harry S Truman, I would like to add my personal experiences with our 33d Chief Executive since time has been set aside today for additional eulogies.

I first met President Truman when I was a young professor of history at the University of Wyoming. It was during the month of May 1950, on the very eve of the Korean war, and the President addressed a capacity house convocation for university students and faculty.

I remember on that occasion, President Truman talked to me about launching on a political career. At that time he urged me to consider running for the House of Representatives, pointing out that times were changing and that academicians could dare to venture into the political arena.

From that moment on, until I arrived in Washington as a U.S. Senator, Harry S Truman grew in stature on the pages of history even though at the time of our first conversation he was being castigated and demeaned by his critics.

Upon my election to a first term in the U.S. Senate, I had barely arrived in Washington, D.C., when I was summoned to the Mayflower Hotel by President Truman. I have never forgotten the warm, fatherly counsel he gave me on that occasion.

Thus, in a very real way he played a very meaningful part at significant moments of my life. And for that, I will be forever grateful and appreciative.

In conclusion, I would request that my remarks today be placed immediately following my tribute to President Truman of January 26, 1973, in the bound volume of eulogies.

Mr. DOLE. Mr. President, Americans of every political affiliation mourned the death of former President Harry S Truman, who was a unique figure in modern history.

A strong leader, Mr. Truman never shrank from the difficult decisions of his Presidency. In the closing days of World War II, when freedom was threatened and when Israel was born out of controversy and discord, he always stood firm. But he was also a wise and compassionate statesman who led the reconstruction of a war-torn Europe through the Marshall plan.

The Senate has a special fondness for for Mr. Truman who considered a seat in this body one of the highest and most important positions to which an individual could aspire. His reluctance to give up his Senate seat and become President Roosevelt's Vice President was well known, and throughout his Presidency he always held the Congress in high regard and maintained warm relationships with many of its leaders.

I first became interested in politics when President Truman was in office; and, though we sometimes held different views, he always had my utmost respect for his integrity, decisiveness, and dedication to America's best interests.

Millions of free people—here and around the world—will long remember and be grateful for President Truman's service to his country and mankind.

Mr. MONTOYA. Mr. President, The man we gather here to honor today was a reluctant genius. A man who celebrated his common origins and proudly continued to live humbly throughout his whole life.

This is no small accomplishment for a person who wears the mantle of President of the United States. But then Harry S Truman was a man who made a habit of doing the unexpected—and doing it well—during a long, distinguished career in public service.

For Harry Truman, unlike so many others, was a man dedicated to the act instead of the word. He came from Missouri, the "show me" State. That was his personal philosophy, too.

When visitors came into his office, the first thing that always caught the eye was the famous sign: "The buck stops here." He knew that someone must be responsible, and he accepted the challenge.

Although a farm boy, to his lot would fall some of the most important decisions of the 20th century. Decisions requiring subtle analysis of the most complex questions. And while we may—from the perspective of 20 years and more—criticize some of those decisions, none of us can say they were not made.

To the everlasting credit of Harry Truman, policies of his Presidency were created and molded for the needs of the times. There was no drift. The Nation did not lack for leadership.

When Harry Truman was suddenly catapulted into the Presidency, he was immediately confronted with dozens of decisions that would determine the course of peace and war in the world for the next generation.

Harry Truman made the decisions, living one day at a time. "I never look back," he used to say.

Harry Truman brought World War II to a close, settling the division of war-torn Europe and establishing a new order based on democracy and justice.

Former enemies became firm and staunch allies under the guidance and leadership of Harry Truman, and old allies remained good friends.

When war-ravaged Europe was threat-

ened with economic catastrophe, Harry Truman worked with George C. Marshall to develop the Marshall plan to save the European democracies from totalitarianism.

When Greece, already staggered from 4 years of Nazi atrocities, was attacked by a Communist neighbor, Harry Truman propounded the Truman Doctrine and we aided in that Nation's self-defense.

To many, the policies of the Truman administration and their nearly unanimously successful outcome were miraculous. To Harry Truman, there was nothing miraculous or even strange. After all, he said, commonsense works wonders.

All his life he applied the lessons he learned on his parents' Missouri farm. Do not be afraid to ask about something you do not know. Learn from others. Get all the information you can before you decide, but once you are sure you are right, do not back down.

Honesty, straightforwardness, a sense of humor about himself, a deep and abiding faith in his fellow man and an equally deep faith that American citizens will do the right thing if they have all the facts.

These were the virtues of the American frontier, and these were the virtues that Harry Truman brought with him to his Nation's highest office. And these were the virtues that carried him through seven of the most difficult years that the office has ever seen.

When Harry Truman won a political victory that all the experts said he could not win, he was not surprised. Although the experts knew about politics, he said, but he knew about the people. And the people were the voters, not the experts.

Harry Truman had a long history of knowing the people. Harry Truman, really, was the people.

He grew up poor, he operated his own small business. He was a soldier and a member of the Reserves. Although he was an officer, he obtained his rank through an election of the battalion members. His commission only served to confirm the judgment of his fellow artillerymen.

Harry Truman was not a man to be called great. He was not heroic. He was not a ringing orator.

Instead, he was a man who looked like your next door neighbor and talked like him too.

For some the thought of that fellow in the White House was terrifying. But for millions of Americans, the thought of him in the White House was a reassurance to them that America worked. That a common man could not only become President, but could also stay President.

That reassurance in a time of turbulent change gave him a special importance. In a turbulent time, he was a symbol the world was not turned upside down.

Mr. BIBLE. Mr. President, few Americans have served their Nation with the devotion and dedication of Harry Truman. He became President in one of the most critical periods in our country's history and faced some of the most awesome and far-reaching problems ever to confront an American President.

Harry Truman assumed the Presidency only months after his election to the office of Vice President, and at a time when the United States was engaged in one of mankind's most devastating wars. In rapid order, he faced some of history's most difficult decisions. There were the negotiations with Stalin, the decision to drop the atomic bomb, the Berlin blockade and the Korean war, to name only a few.

And through all these monumental decisions, Harry Truman was more than equal to the challenge. His courageous and decisive leadership during those troubled years stand today as a hallmark of excellence in American history. With each passing year since he left the White House, we have gained a deeper appreciation of the enormity of his contribution to his Nation and to the free world.

Today there is little question that time and history have judged Harry Truman to be one of our greatest Presidents.

But Harry Truman was more than a bold and decisive leader, he was a man of great compassion and vision. He was totally committed to building a better America for all of our people. Many of the great social programs enacted during the decade of the 1960's were first suggested by President Truman. He was an early leader in the struggle to provide equal treatment for all Americans regardless of race, and he advocated government assistance in providing medical care for our senior citizens years before medicare finally became reality.

Throughout his life, Harry Truman cared deeply about the people of this great country. And in return, I think the American people cared deeply about Harry Truman. We admired his strength and wisdom, and we loved his warmth and honesty.

The magnitude of his contributions to the American people and to all the free nations of the world can never be adequately measured. Perhaps it is enough to say that we are immeasurably in his debt, just as future generations of freedom-loving people everywhere will be in his debt.

Mr. PACKWOOD. Mr. President, former President Harry S Truman served his State, the Senate, and the Nation with dedication and distinction, and his death is a sad loss.

During his decade of service in the Senate, President Truman compiled an impressive record. He took his duties seriously and will long be remembered as one of the hardest workers in the history of the Senate. The story is often told that as a member of the Senate Appropriations Committee, Harry Truman never missed a meeting of the committee.

But, perhaps his greatest and most lasting achievement while a member of this body, was his service as chairman of the Special Committee To Investigate Contracts Under the National Defense Program. Realizing that billions of tax dollars were being wasted, Harry Truman drafted the resolution creating this committee, was named its chairman, and is largely responsible for saving the taxpayers countless billions of dollars by exposing much of the waste and corruption which permeated our military programs during World War II.

In 1944, because of his outstanding work in the Senate, President Roosevelt chose Harry Truman as his Vice-Presidential running mate. After serving as Roosevelt's Vice President for only 3 short months, Harry S Truman acceded to the Presidency on the death of Franklin D. Roosevelt.

As the 33d President of the United States, Harry Truman performed with the same zeal he had previously demonstrated in Missouri and in the Senate. Within his first 6 months as President, Harry Truman presented the United Nations Charter to the Senate, attended the Potsdam Conference to plan the peace in Europe, ended the war in the Pacific and sent his "Fair Deal" domestic legislation package to Congress.

He will long be remembered as the architect of the foreign policy programs and commitments which have endured for the past quarter of a century. He was largely responsible for the Senate ratification of the United Nations Charter, for the initiation of the massive foreign aid programs which rebuilt and stabilized half the world and for the conclusion of the mutual security treaties which were designed to keep the hard-won peace.

Mr. President, I ask unanimous consent that there be printed in the RECORD, at the conclusion of my remarks, an article which appeared in the "Congressional Quarterly Weekly Report" of December 16, 1972, itemizing in great detail the dramatic foreign and domestic achievements of the Truman administration.

President Truman's courage and determination will never be forgotten. Nor will his boundless foresight and imagination.

Mrs. Packwood joins me in extending our deepest sympathy to his devoted wife, Mrs. Bess Truman, their daughter Margaret, and the Truman grandchildren.

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

HARRY TRUMAN: HIS CAREER, ACHIEVEMENTS, VIEWS

Harry S Truman, the 33rd President of the United States, has been waging yet another uphill battle. The 88-year-old former chief executive, suffering from pulmonary congestion, complicated by bronchitis, a weak heart and kidney problems, remained hospitalized in serious condition Dec. 15.

Truman's condition has fluctuated from fair to critical to serious since he entered Research Hospital and Medical Center in Kansas City, Mo., Dec. 5. His heart—weakened by hardening of the arteries—was being closely monitored.

The former chief executive had been hospitalized seven previous times since he turned the presidency over to Dwight D. Eisenhower early in 1953.

Only two Presidents, John Adams and Herbert Hoover, lived longer than Truman. Both died at the age of 90—the age Truman pledged a few years ago to reach. Lyndon B. Johnson, 64, is the other remaining former chief executive.

Although Truman went home to Missouri two decades ago, the legislation enacted during his presidency continues to shape and affect policies today. The United Nations, Marshall Plan, North Atlantic Treaty Orga-

nization and Taft-Hartley labor law are but a few of the landmarks of the Truman era.

But Truman is remembered for more than his legislative triumphs and defeats. The earthy, populist style of the onetime farmer and unsuccessful haberdasher is recalled with nostalgia in an age of Madison Avenue techniques, programmed politics and alienated voters.

Reluctant Candidate.—Despite the monumental events of his post-World War II presidency, Truman would have preferred to participate as a senator from Missouri rather than as President. Great pressure, from the White House on down the line, had to be applied to get him to accept the vice presidential nomination in 1944. According to *Harry S Truman*, a new book by his daughter, Margaret Truman Daniel, Truman knew of President Franklin D. Roosevelt's ill health and tried his best to avoid being on the Democratic ticket.

"Do you remember your American history well enough to recall what happened to most vice presidents who succeeded to the presidency? Usually they were ridiculed in office, had their hearts broken, lost any vestige of respect they had had before. I don't want that to happen to me," he remarked to a St. Louis *Post-Dispatch* reporter during his fight to stay off the ticket.

"It is funny how some people would give a fortune to be as close as I am to it and I don't want it," Truman wrote to his daughter in July 1944, shortly before the Democratic convention. "Hope I can dodge it. 1600 Pennsylvania is a nice address but I'd rather not move in through the back door—or any other door at sixty."

But party loyalty came first. After Roosevelt warned him that he would be responsible for splitting the Democratic Party if he refused the nomination, Truman abandoned his first love and home for 10 years—the Senate—and agreed to be Roosevelt's running mate. Within three months of their inauguration. Roosevelt died and Truman was sworn in as President on April 12, 1945.

Despite his earlier reluctance, Truman did not shrink from his duties, whether it meant standing up to Soviet leader Joseph Stalin, doing battle with a Republican Congress or deciding to assist South Korea. "The buck stops here," read a sign on his White House desk—and he observed it. Within his first six months as President, Truman presented the United Nations charter to the Senate, attended the Potsdam Conference, ordered the atomic bombing of Hiroshima and Nagasaki and sent his Fair Deal domestic legislation package to Congress.

TRUMAN CONGRESSES

The pace had been set, and there were few lulls, especially in the administration's early years. Truman and his Congresses—the 79th, 80th, 81st and 82nd—did more than return the country to postwar normalcy. Together they launched foreign policy programs and commitments that have laid the foundation for U.S. defense and diplomatic policies for the past 25 years. During the Truman presidency, Congress ratified the UN charter, established the Atomic Energy Commission, approved and funded massive foreign aid programs and ratified mutual security treaties.

In domestic legislation, Congress passed a major housing bill, authorized federal aid grants for hospital construction and created the President's Council of Economic Advisers. But Truman's domestic proposals did not fare as well as the foreign policy innovations. Conservative elements in the Truman Congresses banded together to thwart many of the administration's Fair Deal proposals.

In addition, they passed many measures of which the administration disapproved. Truman vetoed 78 bills during his eight years in office. Twelve of his vetoes were overridden.

Only one Truman Congress—the 80th—was controlled by the Republicans. It came under special attack from the President, who termed it the "do-nothing Congress." He called it into special session on July 26, 1948 (Turnip Day in Missouri), to act on a number of domestic measures he considered necessary to the public interest.

The special session produced no domestic legislation, Truman charged. "The Congress ran off and left everything just as I expected they would do and now they are trying to blame *me* because they did nothing," Truman wrote to his sister afterward. "I just don't believe people can be fooled that easily." And he set out to tell his side of the story in the "give 'em hell" presidential campaign of 1948.

Second Term.—Truman, unwilling to join the ticket in 1944, had decided it was necessary to run for another term. "I'm rather fed up on all the fol-de-rol it takes to be President," he explained to his sister. "If it were not for the world situation and my lack of confidence in the presidential candidates I'd throw the whole works out the window and go home and stay there. But I can't run from responsibility as you know."

A few days after he began his second term, someone asked him if he were going to run another term. "Have you lost your mind?" he replied. According to Margaret Truman Daniel, he had thought for some time that eight years in the White House would be enough.

By the time Truman finished his second term, he did not appear to have a choice. His popularity rating was at low ebb. The opposition was shouting "communism, corruption and Korea." Estes Kefauver beat Truman decisively when the President's name was entered in the New Hampshire primary of 1952.

MAJOR LEGISLATION

Labor Management Relations Act.—One of the most significant pieces of domestic legislation enacted during the Truman administration was the Taft-Hartley Labor Management Relations Act. The bill, which was bitterly opposed by organized labor, included provisions permitting 80-day injunctions against strikes imperiling national health and safety and outlawing the closed shop, secondary boycotts and jurisdictional strikes.

The 80th Congress passed the bill in 1947 over the President's veto, and the 81st Congress in 1949 successfully countered an administration attempt to have Taft-Hartley repealed.

Fair Deal.—Truman appeared before Congress early in 1949 to urge a sweeping new program of social reform. The 81st Congress approved some of the "Fair Deal" measures sought by the administration, including a long-range housing bill providing for expanded federal programs in slum clearance, public housing and farm improvement.

It passed the Social Security Expansion Act of 1950 and raised the minimum wage from 40 to 75 cents an hour in 1949.

Otherwise the "Fair Deal" programs hit formidable obstacles. A religious controversy over aid to parochial schools snagged federal aid to education bills. The administration's compulsory health insurance plan—labeled "socialized medicine" by its opponents—never was enacted.

The Truman plan for the establishment of a new Department of Health, Education and Welfare was disapproved by the Senate in 1949 and by the House in 1950.

Civil Rights.—On Oct. 29, 1947, Truman's Committee on Civil Rights released a report calling for greater leadership by the federal government in the field of civil rights.

Early in 1948, the President called for a comprehensive legislative program which included the establishment of a Fair Employment Practices Commission and legislation that would halt lynching, poll taxes and segregation in transportation.

Administration leaders never were able to push Truman's program through Congress in the face of opposition by Republican leaders and southern Democrats.

However, Truman issued two executive orders in 1949 ending segregation in the armed forces and barring discrimination in federal employment and in work done under government contract.

Truman Doctrine.—The threat of a communist takeover in Greece and Turkey prompted Truman, addressing a joint session of Congress on March 12, 1947, to declare that "it must be the policy of the United States to support free peoples who are resisting subjugation by armed minorities or by outside pressures"—the Truman Doctrine.

Nine weeks after the President made his request, Congress authorized $400-million in military as well as economic aid to Greece and Turkey.

European Recovery Program.—The concept of massive economic aid to European countries to assist them in their postwar recovery received final congressional approval in the passage of the European Recovery Program (Marshall Plan) in 1948.

In an interview shortly before he left the White House in 1953, Truman cited the assistance to Greece and Turkey and the Marshall Plan for European recovery as the most significant accomplishments of his presidency.

Investigations.—The Truman Congresses began in 1948 to hold investigations on domestic communism which were to continue and haunt the nation throughout the 1950s.

Television audiences watched a series of hearings conducted in 1951 by the Senate Special Committee to Investigate Organized Crime in Interstate Commerce. The investigation centered on testimony of reputed gangland figures.

LEGISLATIVE SUMMARY

Following is a topical summary of the most notable congressional accomplishments in the domestic area during the Truman years:

Labor—Labor Management Relations Act (Taft-Hartley Act) in 1947. Increase in the minimum wage in 1949 from 40 to 75 cents.

Agriculture—1948 enactment of the Hope-Aiken flexible farm price support bill.

Atomic Energy—Creation in 1946 of a five-man civilian Atomic Energy Commission to control all aspects of atomic energy development.

Transportation—Federal Airport Act of 1947—authorization of $500-million in federal matching grants for airport construction.

Government—Legislative Reorganization Act of 1946—streamlining of congressional procedure and regulation of lobbying activities. Unification of armed forces under a single Department of Defense and creation of the Central Intelligence Agency in 1947.

Presidential Succession Act—designating the speaker of the House and the president pro tempore of the Senate next in succession to the vice president, in 1947.

22nd Amendment—limiting Presidents to two terms—was approved by Congress in 1947 and adopted in 1951.

Health, education and welfare—Hospital Survey and Construction Act of 1946 (Hill-Burton Act).

Housing Act of 1949—expanding federal programs in slum clearance, public housing and farm improvement.

Social Security Amendments of 1950—extending coverage to 9.2 million persons and increasing some benefits, and the Social Security Act of 1951, which increased benefits further.

Most of the major congressional accomplishments were in foreign policy. Following are some of those:

Senate ratification of the UN charter in 1945.

Authorization of a $3.75-billion, 50-year loan to Great Britain in 1946.

Authorization of $400-million in U.S. as-

sistance to Greece and Turkey in 1947—the first implementation of the "Truman Doctrine."

Inter-American Treaty of Reciprocal Assistance, signed by the United States and 18 Latin American countries, ratified by the Senate in 1947.

Funding of the European Recovery Program (Marshall Plan), started in 1948.

Senate ratification of the North Atlantic Treaty in 1949.

TRUMAN AS SENATOR

Truman called his years in the Senate—1935 to 1944—"the happiest 10 years of my life."

He first won election to the Senate in 1934 with the support of the Kansas City Democratic machine led by Tom Pendergast, the organization that had sponsored Truman's rise to the Jackson County Court, the county administrative body.

In the Senate, Truman was a strong supporter of New Deal domestic programs. In 1935, he voted for the Wagner Act, which strengthened union bargaining power, and the Social Security Act. He also supported legislation to regulate public utilities and transportation, as well as President Roosevelt's "court-packing" plan in 1937.

In his 10 years as a senator, Truman became the 11th-ranking Democrat on the Appropriations Committee and the sixth-ranking Democrat on the Interstate Commerce Committee. He gave particular attention to legislation dealing with transportation and communications.

His efforts on the Appropriations and Interstate Commerce Committees gained him a reputation for hard work and attention to detail. He never missed an appropriations meeting and frequently worked 12-hour days.

"Most of the senators who really apply themselves never get much attention in the headlines," he once said.

Truman faced an uphill battle in his 1940 senatorial campaign. Despite his support for Roosevelt's legislative program, the President appeared to favor Missouri Gov. Lloyd C. Stark for the nomination. In fact, early in 1940, the President offered Truman an appointment to the Interstate Commerce Commission if he would withdraw from the race. Truman refused.

Military Investigations.—In his second term, Truman won national attention by investigating corruption and waste in military programs. Concerned by charges that defense contracts and purchases were awarded through favoritism, he drafted a resolution creating a special Committee to Investigate Contracts Under the National Defense Program. After approval of the resolution, Truman was named chairman of the five-member committee.

Truman called leading defense officials before the committee, and its investigations received much public attention.

Witnesses heard by the special committee included Gen. George C. Marshall, Secretary of War Henry L. Stimson, Under Secretary of War Robert P. Patterson and Secretary of the Navy Frank Knox.

Truman also held hearings on a coal strike that threatened the nation's war effort. The strike ended after he threatened to summon mine owners before the committee.

THE COMMON MAN

Washington was a long way from the small Missouri town of Lamar, where Truman was born on May 8, 1884, and from the farm near Independence where he was raised. He spent 11 years as a farmer after graduation from high school and brief stints as a railroad employee, mail clerk for a newspaper and bank bookkeeper.

Truman received a commission in the national guard and served in France during World War I. Returning home as a major in 1919, he married Elizabeth (Bess) Wallace and opened a clothing store in Kansas City. When that venture failed during the Depression, Truman at age 38 turned to politics.

Public Offices.—Taken under the wing of Pendergast, the power in the Kansas City machine, Truman was first elected to public office in 1922 as judge of the Jackson County Court (a county administrative position). Defeated for re-election two years later, he came back in 1926 to win election as presiding judge, a position he held for eight years.

From there, it was the Senate and then the White House. But he never forgot his humble beginnings, nor did he drop his earthy style.

Once in 1956, Democratic nominee Adlai E. Stevenson, whose campaign was not going well, reportedly asked Truman what he was doing wrong. The ex-President walked over to the window and pointed to a man standing in a doorway across the street. "The thing you have got to do is learn how to reach that man," Truman advised.

"Give 'Em Hell."—It was something Truman did with ease. President or not, he was one of the people. His 1948 whistle-stop campaign typified his common-man politics. He would come out on the observation platform of the train—sometimes twisting an imaginary Thomas E. Dewey-like mustache—and would lash out at the "do-nothing" Republicans to cries of, "Give 'em hell, Harry." His election victory over Republican Dewey defied all predictions by pollsters and the news media.

In a 1958 television interview, Truman discussed modern campaign techniques: "Well, it's just like selling soap, and it's not right. It doesn't work. You can't sell human beings. . . . The way this last election came out in 1956 conclusively proves that. This is the first time in 140 years that a President has been elected—and that was a personal matter of popularity on his part—has been elected and has not carried a Congress with him shows Madison Avenue didn't fool the people.

"All my experiences as candidate for office I never did have money enough to run. In the campaign of 1948, the train stopped in the station on several occasions because we didn't have the money to pay the fare. When I campaigned for the Senate both times, we never did have money enough to meet the necessary expenses. We had no chance at all in those campaigns to talk over the radio or anything of the kind, and we won just the same. I'm not so sure that people have the respect for the big money that everybody thinks they have, because they like to vote for a poor man sometimes."

Mr. EASTLAND. Mr. President, Harry Truman was a friend—a protector—a benefactor—a striver for peace—for countless millions of people around the world. He was that rare leader who did much for all mankind.

History's present verdict lists him among the great Presidents of this Republic. History's final judgment could well place him with the few who will be honored and revered through the centuries.

His gallantry was a cornerstone of freedom's victory in World War II. His compassion was a cornerstone of the unprecedented effort which—following the conflict—rehabilitated friend and foe alike.

President Truman's Valley Forge was the complete destruction of Western Europe—which his Marshall plan restored. His declaration of independence was the Truman doctrine—which saved whole nations and peoples.

He steered our ship of state when a hurricane threatened all we have and all we hope to be. I speak of the storm which developed from the monumental conflict between Eastern communism and Western democracy. It was—truly—a testing time for humanity. At stake was the destiny of the race of men.

As always—through his life—Harry Truman met this ultimate test head-on. In his inaugural address he said:

> Events have brought our American Democracy to new influence and new responsibilities. They will test our courage, our devotion to duty, and our concept of Liberty."

President Truman's strong hand shaped vital events which brought America new influence and new responsibilities. His devotion to duty was a model for all who aspire to leadership. His concept of liberty was tested—and, like him, measured up to every test.

During the closing months of World War II—and in the aftermath of that widest of all wars—he made a lasting contribution to the protection and the preservation of Western civilization.

Harry Truman's station—a station he earned—will be conveyed to grateful Americans of tomorrow in the pages of history.

It was here in the Senate that I first knew and came to admire him. Among our present membership—only the senior Senator from Vermont, the senior Senator from Arkansas and I were privileged to be Senator Truman's colleagues in this body.

He loved the U.S. Senate. Modest—kind — unaffected — unostentatious — he was, nevertheless, highly respected and regarded on both sides of the aisle.

His dedicated service—his honesty and integrity in the discharge of his Senatorial duties—first brought him to national prominance. He moved—in a few short months—to the Vice Presidency, and—in April of 1945 he assumed the burden which brings with it the greatest power and the most crushing responsibility that any man has ever held.

I think people here—and in every corner of the earth—came to love Harry Truman because he was—in addition to being a world leader—a very human individual.

He never had an opportunity to earn a college degree but he was educated in the very best of schools—here and abroad.

On the farm in Missouri, he saw poverty at first hand—and became its enemy. On the battlefields of France, he witnessed the horror of war—and sought peace all the days of his life.

In government he earned his bachelor's degree at the county level—his master's in the U.S. Senate—and his doctorate in the Presidency itself.

Every college and every university would honor him today as a master of statecraft—and no one denies that he deserved a doctorate in the art of politics.

He was a statesman who was proud of the profession of politics—the art and science of public service—and he used his unsurpassed skill to strengthen the concept of liberty.

My most enduring memory of the man

from Independence is—and will be—linked to his matchless courage.

His great valor brings to mind the words of Pericles, who said:

The secret of happiness is freedom—and—the secret of freedom is a brave heart.

All who knew Harry Truman should be comforted by the knowledge that he must have been a happy man through all of his years of service to Missouri—his beloved country—and the world.

Mr. TAFT. Mr. President, President Truman, above all alse, was a realist. He understood and appreciated the dangers of communism to a free people in the postwar period. In his inaugural address of January 20, 1949, he said:

Communism is based on the belief that man is so weak and inadequate that he is unable to govern himself and therefore requires the rule of strong masters.

Democracy is based on the conviction that man has the moral and intellectual capacity, as well as the inalienable right, to govern himself with reason and justice.

Communism subjects the individual to arrest without lawful cause, punishment without trial, and forced labor as a chattel of the State. It decrees what information he shall receive, what art he shall produce, what leaders he shall follow, and what thoughts he shall think.

Democracy maintains that government is established for the benefit of the individual, and is charged with the responsibility of protecting the rights of the individual and his freedom in the exercise of those abilities of his.

In the aftermath of World War II, President Truman led a nation that was weary of war and wanted to demobilize its Armed Forces. But President Truman recognized the dangers of total disarmament in the face of Soviet militarism. In his book, "Year of Decision," he wrote:

War weariness leads to easy illusions. It was natural for people everywhere, when fighting ended, to hope that peace and harmony would come at once without too much effort. But keeping the peace is a vast undertaking, and constant vigilance and effort are needed to keep conflicting interests from destroying it.

In that same volume he wrote that:

Once hostilities are over, Americans are . . . spontaneous and . . . headlong in their eagerness to return to civilian life. No people in history have been known to disengage themselves so quickly from the ways of war.

This impatience is an expression of a deeply rooted national ideal to want to live at peace. But the tragic experience following World War I taught us that this admirable trait could lead to catastrophe. We need to temper and adjust the rate of demobilization of our forces so that we would be able to meet our new obligations in the world.

Today, we are once again confronted by political forces, weary of the war in Vietnam, which would have America abdicate its military responsibilities in Western Europe and other parts of the world. President Truman recognized the dangers of these forces and we should learn from his courage and his resolve. As much as he yearned for peace, he understood that in the cold war era the United States would have to undertake firm measures to shore up democracy in Western Europe and in Asia. He launched the Marshall plan, the Truman doctrine, the Berlin airlift, NATO, and our efforts in Korea.

He understood that realistic efforts toward international cooperation would have to be launched if we were to arrive at an age of peace. His first act as President had been to reaffirm the American desire for a world organization to keep the peace.

Because of his realism toward the Russians, he set the stage for the detente that only now may be possible.

In his last address to the American people before he left the White House he said that:

We have averted World War III up to now, and we may have already succeeded in establishing conditions which can keep that war from happening as far ahead as man can see.

I hope that we can be as realistic in our age as President Harry Truman was in his.

Mr. TOWER. Mr. President, Harry S Truman earned a significant place in the history of this country by displaying the type of leadership that was demanded of him at a crucial time. Our Nation was trying to extricate itself from a massive global hot war and survive a massive cold war imposed by the Communist world.

The Nation's highest office was thrust upon Harry Truman by the death of President Roosevelt during the closing days of World War II, but there were still some far-reaching decisions hanging over the Executive Office which only the new President could make. President Truman proved to have the courage to make those decisions; and his leadership in ending the great war—the decision to employ the world's first atomic bomb—and his steady and determined hand during the dark days of cold war diplomacy are his great marks on world history.

President Truman exemplified the compassion of his great Nation through his postwar recovery programs for Europe and the Far East. His Truman doctrine blocked the spread of communism over Western Europe and prevented its domination by Soviet Russia. His determination not to yield to threats in West Berlin kept that part of the city from being engulfed, and, perhaps, forever lost to the free world. Clearly, the policies which President Truman established during those dark days made it a bit easier in our own time for President Nixon to exert the strong leadership which has given us our best chance for an eventual end to the strained relationships which have separated East and West.

True to the great American tradition, Harry S Truman, rising from a humble background, found the strength and determination to face the decisions which were thrust upon him, and to prove his worth as a world leader. He was put to the test as only the Presidency can test a person, and he was found worthy of that high office.

Mr. HATHAWAY. Mr. President, Harry Truman is a man whose stature increases as the years pass. He stood as a leader unafraid of difficult decisions and confident that the American people would support him if he took the time to explain his actions to them. Not one for press agentry, Harry Truman talked commonsense and the people knew, almost by intuition, that he was telling the truth.

His career and success as a President are important to those of us in public life today because of the example he set of courage and candor in office. He proved that the public can understand complex problems and hard decisions and will respond positively if dealt with honestly and openly.

Beyond this, Harry Truman provided leadership on issues of substance which foreshadowed much of the work of succeeding administrations. Aid to education, medical care, and justice for minorities were problems addressed by Harry Truman more than two decades ago, problems which we have only recently begun to grapple with in any realistic way. Unemcumbered by outworn myths and prejudices, he taught us the value of recognizing what had become "acceptable" problems and confronting them in a direct and concrete way.

But above all, it was Harry Truman's style, or lack of it, as that word has come to be used, that so endeared him to the American people. He was truly the citizen-President and our public life is infinitely the richer for it.

Mr. PELL. Mr. President, on December 26, the American people lost not only a great former President of the United States but a man beloved by those he so valiantly led. Harry S Truman has been called a man of the people. He was this, but he was much more. He had rare gifts of compassion and understanding, and the even more rare ability to translate these qualities into actions which made our Nation and our world better places for all of us.

The immense legacy of accomplishment which he left behind continues with us. It includes his leadership in civil rights, in health care, in housing and education. It includes the Marshall plan and the Truman doctrine and a foreign policy which gave Winston Churchill cause to say to President Truman—

You, more than any other man, have saved Western civilization.

And it includes the abiding example of an individual of modest means, not far in those early years from the edges of poverty, who rose to our Nation's highest office and dignified it with exceptional wisdom.

It seems symbolic that he came from a town in Missouri called Independence. For he exemplified the independent spirit which is so cherished by our country and which, indeed, formed the basis for its founding.

Along with this spirit went enormous courage. He was not a man of awesome stature, but his courage filled his world, and above all it filled our hearts, and it lasted until the very end of his life. That courage gave strength to us all. That independent spirit gave us courage.

President Truman was a constant and unrelenting student of history. He knew both the broad visions our history contains and the small details which are the building blocks of those visions and aspirations. He was unafraid of historic judgment. "Do your duty and history will do you justice," he said. A full sense of duty was perhaps his greatest attribute.

His sense of duty was nothing less

than complete dedication. It was enhanced by an honesty and a decisiveness which served as brightest beacons for our own people and for freedom-loving people all over the world. And his dedication was enhanced by fairness. The Fair Deal, which became synonymous with his administration, epitomized his own integrity.

At this moment when we pay our tributes to President Truman, let me recall another historic occasion which took place in this Chamber on May 8, 1964. Previously, during the 88th Congress, I had the privilege of sponsoring Senate Resolution 78, which for the first time entitled former Presidents of the United States to address the Senate. After this resolution was approved, President Truman was the first former President to speak to us here.

We welcomed him both as a beloved former President and as a beloved former Senate colleague.

He said in part on that occasion—

It is one of the greatest things that has ever happened to me in my whole life-time. It is unique. It is something that has never happened before. And between you, and me, and the gate post, since I profit by it, I think it is a good rule.

He was then celebrating his 80th birthday, and he graced this Chamber with his wit and wisdom as he did life itself, and the people he served, and such numbers of those who had the honor of knowing him.

In August of 1964 I had the honor of visiting the Truman Library in Independence under his guidance. I will always remember his kindness and hospitality—and I cherish particularly the good advice he gave me for my own endeavors.

In that library, in whose courtyard he now rests, is the draft of his message to Congress on January 5, 1949. It states in his own stalwart hand—

All I want to do is to carry out the will of the people of the United States—the greatest of all nations.

He so wonderfully fulfilled this ideal.

I am sure that our hearts reach out today to his wife, to his daughter, to his family, as they have for so many years, and with feelings of deepest sympathy since last December 26.

It has been said of President Truman that as a young man and farmer he plowed the straightest furrow in Jackson County, Mo. That furrow widened as his own horizons grew broader and his responsibilities increased; but it did not deviate in its directness.

He could see beyond the horizons of today and his legacy and his life's work rises up now against our American sky.

Mr. HANSEN. Mr. President, it is an honor for me to join my colleagues today to pay tribute to a late President of the United States, whom history will record as a great one.

Harry Truman served our Nation for many years, and most of them were troubled years. He made many of the hard decisions for this country because he knew "the buck stops here"—in the Oval Room of the White House.

President Truman presided over the end of World War II, and that was a time, as all of us will recall, that the United States was the only nation in the world strong enough to preside in anything resembling a fairness to both the conqueror and the conquered. He endorsed the Marshall plan—a revolutionary concept of a single nation contributing of its wealth to aid the many nations of the world—even the nations of the vanquished enemy. Prior to that, Truman made the decision to use the atomic bomb to bring a speedy end to the war in the Pacific. That was a hard decision, but President Truman felt that in the long run it would save more lives by bringing the end to the war sooner.

Truman was not afraid to draw the line on aggression. He made the decisions to aid Greece and Turkey in preventing a takeover by the Communists there, and this became a part of the Truman doctrine. He helped establish the North Atlantic Treaty Organization, and he sent Americans to fight in Korea in the name of freedom for all mankind. History will record the importance of those decisions.

Interestingly, Harry Truman was the first post-World War II President of the United States to send troops to Vietnam, when military advisers were sent there in June 1950. That certainly is a move that only history can judge fairly, but we know that it has been customary for the United States to have military advisers in many countries as a gesture of friendship to allies.

Truman was himself a soldier in World War I, and knowing the horrors of war, he did not lightly enter this Nation into a military conflict. But he believed many things were worth fighting for and he never lacked courage when he felt the United States had to face down a threat by any nation. He knew that to maintain the world balance of power the United States could not shrink from its natural leadership role in the free world. He confronted the Soviet Union and prevented a Berlin blockade, and this came at a time when the world had only recently been through the long struggle of World War II, and it was an especially hard time for Americans to think they might have to fight again. There is a lesson here for us in the wake of the long struggle in Southeast Asia, and that is to show a firm hand now when some nations may assume, with some cause, that America does not have the stomach to stand firm against aggression.

President Truman, because he was a relative unknown in the minds of many Americans when President Roosevelt's death made him President, gave great credence to the theory that the Presidency makes the man. In any event, Truman proved he had the potential for greatness, and in my opinion, Harry S. Truman was a great President.

Mr. McCLELLAN. Mr. President, freedom-loving people everywhere mourn the death of former President Harry S Truman. He was an American son. But he was liberty's apostle the world over. He was our beloved 33d President. His quest for peace reached the four corners of this earth.

I first knew Harry Truman as the distinguished junior Senator from Missouri, whose sweeping probe of the national defense program during World War II set a standard for the firmness and fairness which we strive for in our investigations today. I knew Harry Truman as a conscientious legislator who voted his convictions; a diligent advocate for the people of his State and Nation; an industrious worker who shunned spectacle and ostentation for quiet learning and more lasting pursuits. It was also my privilege to know Harry Truman when he briefly presided over this Chamber as our Vice President, a few months before he was summoned to a greater mission.

Harry Truman's answer to history's call has been etched indelibly into the chronicle of time. No man faced more momentous challenge. No man met its test more decisively. He hastened the end of civilization's bloodiest conflict. He cleared away the rubble of Europe and rebuilt the ravaged continent. He strengthened the will of our allies to resist Communist aggression. He opposed Soviet efforts to isolate West Berlin from the free world. He brought democracy to the Middle East and to Japan. He turned back the conquering Communist horde from South Korea.

The Marshall plan, point 4, the North Atlantic Treaty Organization, the Berlin Airlift—but a few of Harry Truman's extraordinary achievements—meant more than just survival for millions during the Second World War and its aftermath. His resolute stand against tyranny and oppression ignited the torch of freedom in lands throughout the globe.

So, too, did he bring America into a new era of independent growth and prosperity. He fought for his Fair Deal at home with the same ferocity and perseverance as he battled the scourge of despotism abroad. Under his remarkable leadership, our Nation made the difficult transition from wartime controls to a stable, peacetime economy. Harry Truman believed in and practiced the kind of virtues we so critically need today—restraint and prudence. These were his fiscal bywords and he brooked no inflational deviations from them whether on the part of big business, big labor, or big government.

In his domestic vision, Harry Truman was as ahead of his time as he was in drawing the line against the forces of international terror. His proposals for bettering the life of our people were forerunners of many important services our Government provides today.

Many descriptions aptly characterize the kind of man Harry Truman was. He was at home on Main Street as he was on Pennsylvania Avenue, never hiding the basic qualities of his rural heritage—plain talk, humility, and straight dealing—which made him one of the people and raised the stature of his high office to new heights of respect. Harry Truman also was first and foremost a fighter—a man with unique fortitude—a man willing to stand up to adversity and conquer it, whatever the odds.

The Harry Truman I was privileged to know was once characterized as "the captain with the mighty heart." This is a most fitting and enduring tribute for

Harry Truman—a true 20th century giant.

Mr. TALMADGE. Mr. President, today I wish to join my colleagues in expressing my deep admiration for the late President Harry S Truman.

Harry Truman was a great American and a strong leader of our Nation during a most perilous time in history. He was a man of courage and conviction who called shots as he saw them. He made momentous decisions without fear or favor in accordance with what he believed to be in the best interests of the United States.

It was Harry S Truman who, virtually alone, made the agonizing decision to drop atomic bombs on Hiroshima and Nagasaki—thus unleashing the most powerful, the most potent, the deadliest weapon this world had ever known. It was he who weighed the promise of peace against the tragedy of war and chose the deadly price of peace. The bomb was dropped. The war concluded.

It was Harry S Truman who campaigned for peace in Potsdam and signed his hopes for world unity into a United Nations. It was he who attempted to insure that unity by offering the U.S. resources to a war-torn world in its attempt to rebuild.

History will no doubt record Harry Truman as one of our greatest Presidents and one of the world's greatest leaders.

But as we pay tribute to Mr. Truman let us not only recall the caliber of his decisions and the importance of his terms in office—let us remember, as well, Harry S Truman, the individual.

He was a fighter, and a courageous fighter. He never forgot what was at stake during all of his battles: the future of a world recovering from the most devastating war in the world's history. He worked brilliantly toward a better tomorrow for all peoples.

Mr. Truman brought to this Nation simple freshness—the flavor of the farm, the values of Midwest America. Never once did Harry Truman, the man, forsake what he believed Americans held dear. Never once did he lose his humbleness. Never once was he afraid of being human in the seemingly inhuman world of international politics.

Many felt that President Truman was too blunt a man, too earthy, to hold the position he inherited. But a man can never be too close to the earth—he can never hold too dear the lesson of the land.

Mr. Truman was indeed a great President. He was indeed a great individual. We are grateful for the sincerity and understanding he employed as President and for the dedication he inspired as a man. We mourn his passing.

Mr. THURMOND. Mr. President, on Thursday, April 12, 1945, Harry S Truman was propelled into the most important position in the world, the Presidency of the United States. It fell his lot to succeed the urbane and cosmopolitan New Yorker, Franklin Delano Roosevelt, who had served as President longer than anyone in our history. The Roosevelt name had become synonymous with national leadership, and suddenly he was gone.

It was not by choice, but by circumstance, that Harry Truman had the grave responsibility and awesome power of the Presidency thrust on his shoulders. He was a small-town boy who had been elected to the Senate and then chosen Vice President as a compromise. He had no formal college education and little preparation for his new office, but he was determined that he could and would succeed in his efforts to lead our Nation.

Mr. President, he knew that national leadership called for perseverance and hard work. Timidity was unknown to President Truman and "The Man From Independence" set out to reassure an apprehensive Nation.

The Truman trademark became swift and decisive action, and in his trait the American people discovered a characteristic which they long for in national leaders. His readiness to accept responsibility was found in the motto which he placed on his desk, "The Buck Stops Here."

Mr. President, both those who agreed and those who disagreed with him will acknowledge that President Truman did not shirk his responsibility to make a decision.

We must leave it to history to judge the decisions he made, but we all recognize that his decisions were some of the most important in the 20th century. President Truman was faced with the task of dropping the atomic bomb or prolonging World War II in the Pacific. He saw the necessity for swift action in the Mediterranean or the possibility of a Communist takeover. He presided over the formation of NATO and the implementation of the Marshall plan. Other crucial decisions were also his, and he always took the initiative to act.

Mr. President, he did not shun controversy and he welcomed the duties of his position. When Harry Truman relinquished the Presidency, he returned to private life but maintained his interest in national affairs.

As an elder statesman, the former President always answered when his successors in office beckoned. He used his vast experience and knowledge to counsel Presidents Eisenhower, Kennedy, Johnson, and Nixon. I am sure that his perspective was always a comfort to them, and his presence was always a reminder of decisive action.

Mr. President, even though "The Man From Independence" rose to the Presidency of his Nation, he was always proud of his place of origin. The glory and fame of national prominence did not change his manner, and this, Mr. President, was one of his most admirable traits.

From the haberdashery in Kansas City to the White House and back to his home in Independence, Harry S Truman represented the fulfillment of the American Dream. He was always willing to work and to accept responsibility, and he persevered.

Mr. President, Harry S Truman never passed the buck, and this made him a successful leader in American politics. May his life shine forth as an example to all Americans who aspire for success.

Mr. BAYH. Mr. President, in recent weeks the Nation has mourned the passing of two former Presidents, both of whom served in this Chamber with distinction for a number of years before being elected Vice President. Lyndon Johnson, who we eulogized here just 2 weeks ago, and Harry Truman, who we pause to remember today, both assumed the Presidency under the most difficult of circumstances.

When we spoke a fortnight ago about the greatness to which Lyndon Johnson rose in his Presidency, we could not help but recall that two decades earlier Harry Truman had similarly risen to the extreme demands of our Nation's highest office.

In recent years, historians have developed a "revisionist" theory of the Truman Presidency. This theory recognizes the strength of his leadership and the foresight of the direction in which he carried the United States. Curiously, these historians are running 25 years behind the American people who, in 1948, gave Harry Truman a strong vote of confidence in the face of predicted disaster at the polls.

Back then, when just about everyone was predicting a victory for Thomas Dewey, Harry Truman had faith in the American people. And they returned that faith in a great electoral upset which stands as a lasting testament to the popularity this great American enjoyed.

Today, in an era when public cynicism has cast suspicion on the credibility of politicians, it is refreshing and instructive to reflect on the total candor of Harry Truman. Not only did it assure him success at the ballot box; that candor provided him with the necessary public support to pursue domestic and foreign initiatives of great importance in the period following World War II.

The achievements of Harry Truman's public career, from Missouri to the White House, make a long list. Certainly high on that list must be his courageous actions which helped rebuild and defend Europe in the tense years after fascism when there was the serious threat of communism. He carried out with forthrightness the policies of Franklin Roosevelt in order to end World War II; a war whose spending he admirably policed while serving earlier in the Senate.

While he fought inflation, sought to ease labor-management strife, attempted to meet a burgeoning housing demand, Harry Truman also showed a vision which went beyond the crises of his Presidency. As Lyndon Johnson was quick to point out before his death, when he was lauded for the enactment of medicare, it was Harry Truman who first proposed medicare many years earlier.

When some in the Democratic Party urged Harry Truman to ease off from the civil rights plank in the 1948 platform, he showed a valuable and remarkably clear perception of the need for racial justice. He would not renounce the platform, and took a gamble with political disaster as a consequence. That gamble paid off handsomely at the polls when Harry Truman emerged with his honor and his job.

In his retirement Harry Truman returned to the simple life he treasured. Not one to place himself beyond the reach of the American people, he lived

with them, laughed with them in times of joy, and cried with them in times of sadness. To say that he never lost his common touch only suggests the humility and outspokenness which were his trademark.

The fact that he was able to live a long life with his loving wife, Bess, was a deserved reward for a man who had spent decades in public service. It is men like Harry Truman who together make this country the wonderful place it is. Pausing to honor his memory one cannot help but sense the void his death has created.

No more will there be a sudden urge to play the piano for favored guests. Sprightly walks with newsmen who found his pace a bit taxing are ended. But our respect, appreciation and thankfulness for the life of Harry Truman will live on as an eternal part of our history.

Mr. GOLDWATER. Mr. President, on many occasions, particulary during America's involvement in Indochina. I have expressed my appreciation for the great service which former President Truman performed for this country in standing firm in times of repeated crisis. And I noticed that more and more as the years pass the true stature of Harry Truman was becoming recognized by the people he served. Because of this I find myself regretting that President Truman did not live a few years longer—until the full importance of his contributions to the world found its true expression.

It is sufficient for us today to recognize that this quiet, unassuming man proved a tower of strength in those periods when American firmness and determination was the only language understood by America's cold war adversaries. Looking back we find one instance after another where Harry Truman stood firm against the forces of aggression—in Berlin, in Korea, in Greece and Turkey and elsewhere.

In paying tribute to this fine American it should be noted that Western Europe owes its present prosperity and its continued freedom, in very large part, to actions taken by President Truman to initiate the Truman Doctrine and the Marshall Plan for the containment of international communism.

All of us, Republicans and Democrats alike, owe a debt of gratitude to former President Truman which we will never be able to repay. In this connection I wonder how many times recently—especially during the last bombing of North Vietnam—President Nixon called to mind the advice once spoken by Harry Truman when asked if he was annoyed by public criticism of his policies. As I am sure everyone remembers, President Truman replied:

> If you can't stand the heat, you ought to get the hell out of the kitchen.

Mr. ALLEN. Mr. President, on April 12, 1945, Harry S Truman was sworn into office as the 33d President of the United States. Incidentally, he was the first President in our Nation's history to assume office in the midst of war. From the standpoint of experience, he admittedly was unprepared to cope with problems of the magnitude which destiny had thrust upon him. In fact, he had been Vice President for only 82 days during which time he had not been privy to President Roosevelt's far-reaching plans for ending the war and securing the peace.

In truth, few Presidents in our Nation's history have ever assumed office so completely inundated by a flood tide of momentous events originating in causes and plans completely beyond their control. Consider these circumstances: Not only was our Nation at war but in less than a month after assuming office he would be compelled to cope with problems arising from the surrender of Nazi Germany. The Yalta Agreements negotiated by President Roosevelt were even then under suspicion—but worse, they were in the process of disintegration. Too, the date of the San Francisco Conference called to set up the United Nations was but 2 weeks away. The first successful explosion of the atom bomb was but 3 months off, and the decision to use the atom bomb to help end the war in the Pacific was but 4 months off. In July and August of that same fateful year, Harry Truman was to be thrust upon the international scene at the Potsdam Conference in the role of world leader. During the conference, Winston Churchill's Conservative Party was defeated in a general election and Winston Churchill was to be replaced by Prime Minister Clement Attlee.

Mr. President, in evaluating Harry Truman on the basis of nearly 8 years as President, it is well to remember that it was not he who had been the architect of the plans leading up to momentous events with which he was confronted. Instead, it became his awesome duty to make the necessary decisions to implement the plans of the man who had preceded him in office. This he did in a manner true to his determination to protect the interests of the United States and that of the free world.

With the war in Japan successfully concluded, President Truman was next confronted with a series of serious domestic problems. He was faced with the herculean task of leading the Nation through the ordeal of transformation from a war economy to a peace economy. Throughout this truly character-testing period, on both the international and national fronts, two facts become unmistakably clear. First, Harry Truman was determined to be President of the United States in his own right. Second, he had the capacity of making bold and decisive decisions.

On the domestic scene, when railroad unions called a strike in May 1946, Truman seized the railroads and asked Congress for authority to draft workers into the Army so they could be made to go back to work. When coal miners called a national strike, he took over the mines by Executive order and operated them under the Department of the Interior.

In addition, despite the fact that Harry Truman had served in the U.S. Senate from January 1935 to January 1945, when he became Vice President, and had many close friends in both the House and the Senate, he did not hesitate to do battle with Congress when he deemed it in the public interest. He vetoed bill after bill when he thought the national interest demanded it.

In the area of foreign policy, he acted with equal vigor, boldness, and decisiveness. He locked horns with Communist Russia which had repeatedly reneged on terms of the Yalta and Potsdam agreements. President Truman responded with the Truman doctrine. In announcing the doctrine in March 1947, he told the people of the world:

> I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.

As a result of the President's determination to oppose subjugation of free peoples, Congress voted the funds necessary to save Greece and Turkey from being taken over by the Communists, and Congress supported the President's request for funds to reconstruct war-ravaged Europe as reflected in the multibillion-dollar Marshall plan. Soon thereafter, he was confronted with the Berlin blockade. He responded to this challenge by ordering the Air Force to break the blockade with the Berlin airlift—which it did.

These examples of courageous, decisive leadership during extremely crucial years of our history is striking evidence of a potentiality for greatness that lies latent in most men. A potential that can be fully developed only under the stern discipline of adversity or under pressures of extraordinary responsibilities, President Truman rose to the occasion time and time again.

Fortunately, in evaluating a political leader, and particularly our Presidents, it is of little consequence that one may or may not have agreed with some of his decisions. No man is equipped with the power of prescience. From the standpoint of ultimate consequences, we must await the verdict of history. But this we do know—in his conduct of the war and in his resistance to Communist aggressions, his motives were idealistic. At a visit to Berlin during the Potsdam Conference, he said:

> We are not fighting for conquest. There is not one piece of territory or one thing of a monetary nature that we want out of this war. We want peace and prosperity for the world as a whole. We want to see the time come when we can do the things in peace that we have been able to do in war. If we can put this tremendous machine of ours, which has made this victory possible, to work for peace, we can look forward to the greatest age in the history of mankind. That is what we propose to do.

I believe most sincerely that in these words, Harry Truman expressed the sentiments of the overwhelming majority of American citizens. In doing so, he reflected a conviction which we then all shared. I am pleased to note that historians today are more kindly disposed than in earlier years in passing judgment on his tenure.

Mr. President, I salute the memory of Harry S Truman—a patriotic, courageous, and dedicated man who steadfastly faced and responded to unprecedented challenges without equivocation and in a manner true to himself and true to the tradition of great national leaders.

Mr. BAKER. Mr. President, former President Harry S Truman led our Nation wisely and well through one of the most critical periods of our history. The 7 years he served in the White House were years of challenge and change. The decisions he made affected not only this country, but all the world.

Perhaps no man so suddenly elevated to the office of the Presidency was ever confronted with such a bewildering succession of difficult decisions. Yet President Truman did not shrink from his responsibilities. He acted with the characteristic determination and judgment which proved to friend and foe alike the truth of his familiar maxim: "The buck stops here."

Almost immediately after taking office he was faced with the decision of how to end the Second World War. He presided over the final victory in Europe and the uneasy peace that followed. Because he desired to bring the war in the Pacific to a rapid conclusion with a minimum loss of life on all sides, he gave the order to drop the bomb which changed the stakes and the meaning of warfare from that time on.

President Truman also proved to be a strong leader in the transition period from war to peace. He emphasized domestic needs, but was ever mindful of America's new international responsibilities. Faced with the threat of Soviet advances in Europe, he responded with the Marshall plan and other forms of economic and military assistance to rebuild and revitalize the war-torn nations of the continent and help them preserve their freedom.

In Asia, too, he was confronted with the challenge of open Communist aggression. He acted with firmness in using America's strength to protect a small ally. Yet he acted with control to prevent the outbreak of an even wider war.

President Truman was vitally interested in achieving peace through strength and understanding. He believed the United States must always stand ready to honor treaty commitments of the North Atlantic Treaty Organization and other alliances, yet he was also one of the strongest supporters of the United Nations and the quest for peace through international agreement.

Mr. Truman was a proud and fiery partisan whose courage was admired even by those who disagreed with him. No matter how far he rose, he always retained his individualism—his candid, sometimes salty manner and his folksy, smalltown neighborliness. These qualities, as well as his good judgment, incredible stamina and free spirit, endeared him to the American people. They helped explain his remarkable personal victory against the odds and the polls in 1948.

Harry Truman was a fighter for what he believed in. He was his own man. He lived in Independence, the newspapers and commentators recalled when he passed on. The reference, of course, was to his hometown in his State of Missouri. It could just as well have been to his state of mind.

Mr. YOUNG. Mr. President, I would like to join my colleagues in paying tribute to the late President Harry S Truman.

Harry Truman was not only a great President, but one of the more able members of the U.S. Senate in this era. He had an earthy, frank, honest and courageous way about him that won him the admiration and respect of everyone. He was a friend and you always knew where he stood. He did not hesitate to tell you if he thought you were wrong, and he was always very willing to help you if he thought you were right and you had a good cause.

Harry Truman was a man of the soil, and a good friend of farmers and all of rural America. He was unique in that he was one of the few Presidents whose stature continued to grow in the years following his Presidency. He had to make some of the most difficult decisions of any President.

I had a special warm feeling toward him as a friend and as Vice President of the United States. I was the last one he swore in as a Member of the Senate before he became President of the United States.

Mrs. Young and I extend our heartfelt sympathy to Mrs. Truman and all the Truman family.

Mr. CANNON. Mr. President, it is with great honor that I rise today to speak of our late, great President, Harry S Truman.

Harry S Truman was one of the most outstanding Presidents ever to serve this Nation. Just as surely, he was one of the most outstanding leaders the world has ever known.

He guided the United States with exceptional adroitness in the difficult transition from war to peace in the late 1940's. His accomplishments throughout his time in office are many and one could spend hours enumerating them and praising them and still not do this man justice.

The milestones of the Truman era are justly celebrated. The Marshall and Point IV plans are surely two of America's greatest contributions to the peace of the world; for, by "building up rapidly the combined political, economic, and military strength of the free world," they formed the cornerstone of President Truman's foreign policy: That American generosity could enable Western Europe to repel the tyranny of communism.

The dropping of the bomb on Hiroshima to bring a swift end to World War II was, of course, a controversial decision then and now. But President Truman took sole responsibility for this momentous action—"The buck stops here" philosophy was never more apparent. History has already written that, on balance, the vast majority of his decisions were proper. They strengthend the United States and the cause of peace everywhere in the world.

They were the decisions of a human being devoted to the old-fashioned virtues of responsibility and patriotism. He knew his shortcomings and never assumed he was infallible. But he knew final decisions affecting the whole world must be made at his desk and nowhere else.

I regret that I could not have served under Harry Truman's Presidency. He was a man who greatly respected the Office of President, yet he listened to wise counsel, developed an excellent working relationship with the Congress based on mutual respect and equally respected the intelligence and good sense of the electorate.

He was a man of the people, not remote from them. There was no need or desire on the part of Harry Truman to be insulated or isolated from the critical eye of the press and on a broader scale, the American people.

When Harry Truman said "If you can't stand the heat, get out of the kitchen," you knew that here was a man who had the moral fiber needed to handle the toughest job in the world.

He served us faithfully and well, and future American Presidents in time of crisis will be measured against the record of his courage and determination.

Mr. MONDALE. Mr. President, men make history and not the other way around. In periods where there is no leadership, society stands still. Progess occurs when courageous, skillful leaders seize the opportunity to change things for the better.

So did the late Harry S Truman sum up his philosophy in 1959. And if any man of the last quarter century has helped to reshape our history and set our Nation on the path to economic and social justice, that man was Harry S Truman.

Mr. Truman assumed the Presidency at a critical moment in America's history. Throughout almost 8 difficult years in that office, he fought courageously to achieve economic and social justice for all Americans, to maintain civilian control over the military establishment, and to bring about the recovery of war-torn Europe. And at a time when fear and hysteria threatened the basic civil liberties of many Americans. President Truman never hesitated in speaking out for reason and fair play.

Above all, President Truman's long and productive life demonstrated his abiding love for this country. He was a public servant, in the best meaning of that owerworked phrase. First, as a U.S. Senator, and later as President, he sought at all times to carry out his responsibilities under the Constitution, never permitting personal ambition or political expediency to interfere with his devotion to public office and to public service.

When President Franklin D. Roosevelt died, Harry Truman asked the Nation to pray for him. "Last night the moon, the stars and all the planets fell on me," he commented. The Nation prayed for Harry Truman, and President Truman left this Nation with a legacy which shall long outlive him in the hearts of each one of us.

When the history of this century is written, future generations will look to those among our Presidents whose goals were just, whose purpose was steadfast, and whose judgment was unerring. The late Harry Truman will undoubtedly be among those held in highest regard for the service he rendered and the lasting changes on the face of our society he left. We shall all miss him greatly.

HARRY S TRUMAN—HUMILITY, HUMANNESS, AND GREATNESS

Mr. McINTYRE. Mr. President, today we honor the memory of the 33d President of the United States, the late Harry S Truman.

Each of us who speak to his memory will reveal what it was about the man from Missouri that particularly impressed us or particularly won our affection.

We will hear about his courage.

We will hear about his vision.

We will hear how he held us together and moved us ahead after the death of Franklin Roosevelt staggered the Nation and shook the free world.

We will hear about his quantum leap beyond a humble beginning and a limited education to an exalted place in history.

And everything in these eulogies will be richly deserved by the man whose memory we honor.

But for me, Mr. President, the most enduring and endearing characteristic of Harry S Truman was the humility that came with his humanness.

He was a man. No more. No less. A man.

His humility was genuine, because he recognized his own frailties. His humanness was genuine because he recognized himself—faults, virtues, weaknesses, strength and needs—in every man.

In my judgment, Mr. President, it was this characteristic more than anything else that made him truly the people's President.

It was this characteristic that enabled him to say with sincerity that the only lobbyist the whole people had in Washington was the President of the United States—and to act in the Presidency as the whole people's lobby.

Sometimes the people and Mr. Truman were ahead of their times.

I was reminded of this just last week as I watched Walter Cronkite's last filmed interview with the late President Lyndon Johnson.

In that interview, Mr. Johnson graciously noted that he was not the first man to recommend medicare.

Mr. Johnson said:

> Mr. Harry Truman recommended Medicare, and he was called a Socialist and a Communist and everything else.

And so he was.

But in his humanness, Harry Truman recognized the inhumanity of letting the elderly live out their final years in terror of catastrophic illness that would wipe out their modest savings, and plunge them and their sons and daughters into debt.

The people had a need. Mr. Truman related to that need. And Mr. Truman recommended a means to meet that need.

But what he proposed took nearly a quarter of a century for the Congress to accept, and who can judge how much anguish and misery resulted from that long delay.

I cannot help but wonder, Mr. President, how many—if any—votes could be found on the floor today if a motion were made to repeal medicare.

A final thought, Mr. President, but a related one.

Perhaps no President in our time was able to separate the office from the man with more clarity and determination than President Truman.

Of the office he demanded the highest respect. Of the man who held the office, he asked only human understanding.

In his tenure as President, he did not always get either.

But once the man was separated from the office, the man at long last got both.

Mr. HARTKE. Mr. President, born to English-Scotch-Irish parents in Lamar, Miss., in 1884, Harry S. Truman was one who perfectly exemplified a typical average American. In reality, however, he proved he was far more than typical, far more than the average American.

At the time of World War I, Harry Truman left his pastoral home life and enlisted in the Armed Forces in service of his country. Quickly rising to the rank of captain and finally to the rank of colonel at the close of the war. A businessman in his home State in the early 1920's, Truman succeeded in being elected county judge in Missouri and served with honesty and efficiency from 1922–1924.

Harry Truman continued to develop politically and gained a seat in the U.S. Senate in 1934. Throughout his stay in the Senate, Truman served with integrity and honesty, and never failed to pursue objectives which he felt were correct. As chairman of the Railroad Investigation Committee, Truman was informed by his staff that his personal friends in Missouri were involved in questionable practices concerning railroads. He ordered the investigation to continue.

In 1944 when most did not expect President Roosevelt to complete his fourth term, Harry S Truman was nominated and became Vice President of the United States. He became President just 83 days after having been elected to office, at one of the most critical moments in the Nation's history. He took office at a time when World War II still had to be won and when the United Nations was just started. President Truman however faced these problems with courage and steadfast strength.

In the first few weeks of his administration President Truman had to make the awesome decision to drop the atomic bomb. He made that decision which brought peace to the allies and peace to the world. He also faced the difficult task of organizing and changing the economy from wartime to peacetime. In the face of these problems Truman took his stand and acted with firm resolve.

Following peace in World War II, President Truman faced the arduous task of aiding war torn countries. Western nations contemporaneously were also confronted with Communist subversive activities and aggression at a time when the cold war divided the world. He met these challenges by creating such far-reaching programs as the Marshall plan point 4 program, the Truman doctrine and NATO.

In 1948, Harry Truman sought reelection to the Presidency confronted with a Democratic party that had been split by the Dixiecrats and Progressives. With the opposition feeling confident of complete victory, President Truman disregarded what seemed to be insurmountable odds and began his famous "Whistle Stop campaign" and engineered one of the greatest political upsets in our country's history.

President Truman was destined to be plagued throughout his administration. In 1950, he encountered another grave problem when North Korea invaded South Korea. President Truman had to decide whether to risk war with Russia by sending armed troops with or without U.N. action, or possibly sacrifice the free state of South Korea. If he delayed taking his course of action it might be too late. Again President Truman made the decision by sending U.S. troops 2 days later and preserved South Korean independence.

President Truman's strong personality and fighting spirit won him loyal friends as well as bitter enemies. But his courage and steadfastness in grave situations when security of liberty was at stake, secure him a place as one of the world's great leaders.

Often outspoken, at times blunt, he never avoided using forceful rhetoric towards his opposition if he felt justified. His opponents described him as undignified, but his friends loved him as an honest straightforward man of the people.

And President Harry S Truman should forever hold a place as a great leader, a great man, of strength, and firm spirit in the face of great adversities. He will always stand out as a pillar of courage and honesty and should be an example to us and to all future leaders of the United States.

Mr. FULBRIGHT. Mr. President, we pay tribute today to a man who led this Nation through one of the most trying periods in our history—and who did so with vision, determination, and courage. Harry Truman took his oath of office with as little preparation for the job as perhaps any President of this century, and yet he met the responsibilities of his time forthrightly and, to a large extent, wisely.

President Truman was brought up in my neighboring State of Missouri and circumstances of the time did not allow him to enjoy the benefits of much of the formal education and travel which many other Presidents had early in life to help prepare them for the office.

Fortunately, the President was candid enough with himself to realize that he was human—subject to error—and I believe this recognition of his personal limitations was an asset which inured to the benefit of our country. The President did not, as he said, acquire an "importance complex," and I think the perspective made him more receptive to constructive suggestions which were not in line with his own thinking. As his Secretary of State, Dean Acheson, later put it:

> Awareness that he was not an intellectual did not result in self-distrust. The conviction that views opposing or critical of his own might be sound held his irritation in check and made dissent and criticism possible.

President Truman's capacity for decision was one of his finer qualities, and while we had spirited and honest differences, I will always admire the courage he displayed in making crucial decisions, unprecedented at that time in our history.

Of his decisions, I believe one of the most courageous and correct of his Presidency was the relieving of General MacArthur of his Far East Command. A grave constitutional question was at issue, and the President's choice was not a popular one. Yet, after considering MacArthur's contradictory views on our Asian policy, he unflinchingly decided to dismiss the general, reasoning that "If there is one basic element in our Constitution, it is the civilian control of the military."

While Harry Truman is well remembered for his activity in the area of foreign affairs, it should not be forgotten that many of the important domestic legislative programs which came following his administration—notably in the sixties—were first envisioned and initated by Truman. His programs included a national health plan, increased minimum wages, aid to education, higher farm prices, and broadened rights for minorities.

A widely reported misunderstanding between the two of us occurred as a result of a suggestion I made after the 1946 elections that it might be best for the country if the President resigned in favor of a Republican, so that the responsibility of running the Government would be in one party, thereby preventing a stalemate. As I said then, my comment was in no way a personal reflection on the President. Some years after the incident, he received me cordially during a visit to Washington and indicated that he understood my suggestion as it was intended.

Mr. President, Harry Truman was courageous, dedicated, and honest. I am honored to be here today to join in paying tribute to the man who "stayed in the kitchen."

Mr. HUGHES. Mr. President, to me, as to millions of other rank-and-file Americans, Harry S Truman was at once a national hero and a personal friend. I am sure he will forever hold this special place in the affections of the American people. He was the unaffected good guy from back home who met the ultimate test of leadership, but never let it change his friendliness, his forthrightness, or his decent life style.

His honesty, his penchant for speaking his mind, will stand in history like a national monument. Whether he was on target with big decisions or wide of the target with minor shots from the hip, this wonderful human quality endeared him to all of us.

It was his unique humanness, as I see it, that enabled him to unite and lead the country as he did so well. His was a big world of inclusion, not a cramped world of exclusion. This is something for future generations of Americans to remember.

We remember the rich quality of his commonsense. He said:

Whenever the press quits abusing me, I know I'm in the wrong pew.

The humor of this remark should not be allowed to divert us from its essential wisdom.

This humble, plain man, who said unabashedly that he felt as if the moon and stars had fallen on him and asked the citizens of the country to pray for him when he became President, never thought of himself as a great man. He did not waste time worrying about it, though. He prided himself on trying hard and giving the best he had.

He was modest and friendly, but when the great decisions were to be made, he moved with sure-footed self-confidence and courage.

He was not famed for his eloquence, but he was eloquent because he was straightforward and right in principle. He said:

We are a moral people, Peace is our goal, with justice and freedom. We cannot, of our own free will, violate the very principles we are striving to defend. . . . Starting a war is no way to make peace.

Mr. Truman said:

When Franklin Roosevelt died, I felt there must be a million men better qualified than I, to take up the presidential task. But the work was mine to do, and I had to do it. And I have tried to give it everything that was in me. . . .

We know now that the verdict of history will be that this modest, plain man from Missouri was one of the greatest Presidents.

Perhaps the affection in which they held him might blur the objectivity of his own countrymen. But the great leaders of other Nations confirm the judgment.

As Sir Winston Churchill put it:

His celerity, wisdom and courage in this crisis make him worthy, in my estimation, to be numbered among the greatest of American Presidents.

Mr. ROTH. Mr. President, when Harry S Truman was sworn in as President on April 12, 1945, his national reputation rested on his investigation of corruption and waste in military programs. As the new President of the United States, Harry Truman succeeded one of the most influential men of the 20th century. This circumstance alone would have proved exceedingly difficult for any individual, but Harry Truman was not, contrary to many popular statements, the average individual. Harry Truman was a most uncommon man. His stewardship of the Presidency of the United States encompassed some of the most crucial decisions made by this country in the past several decades.

Harry Truman never shrank from the awesome responsibility of the Office of the President. A sign on his desk read, "The buck stops here." Harry Truman fully implemented the idea contained in that sign regardless of the popularity of those decisions.

Within 6 months of taking office, President Truman presented the United Nations Charter to the Senate, attended the Potsdam Conference, ordered the atomic bombing of Hiroshima and Nagasaki and sent his Fair Deal domestic legislation package to Congress.

President Truman's battles with Congress are legendary. His criticism of the 80th Congress as a "do-nothing Congress" was the central theme of Mr. Truman's "give 'em hell" presidential campaign of 1948. Despite the predictions of almost all political pundits, Harry Truman was victorious in his appeal to the people.

Although Mr. Truman was not always on the best of terms with the Congress, his domestic legislative proposals did meet with substantial success.

The same was true in the area of foreign affairs. World War II left Europe prostrate, and the Soviet Union promptly moved in to fill the political vacuum. President Truman quickly moved to counter the attempts of Communists to take over other nations. In an address before a joint session of Congress on March 12, 1947, Mr. Truman stated what was to become known as the Truman doctrine.

He stated:

It must be the policy of the United States to support free peoples who are resisting subjugation by armed minorities or by outside pressures.

Congress concurred with President Truman and authorized $400 million in military as well as economic aid to Greece and Turkey. This aid and subsequent funds provided under the auspices of the Truman doctrine have been credited with allowing Greece and Turkey to resist the efforts of Communist insurrectionists.

Likewise, the European recovery program of 1948, or the Marshall plan as it is better known, is credited with preserving European autonomy.

In an interview shortly before he left the White House in 1953, President Truman cited the assistance to Greece and Turkey and the Marshall plan for European recovery as the most significant accomplishments of his Presidency.

History, of course, must make the final assessment of the effectiveness of Harry S. Truman as President of the United States. In the two decades since he held that office, President Truman's reputation has risen steadily among historians. Mr. Truman expressed his own opinion of his efforts as President in a press conference of 1952.

In the humorous, plain-folks manner for which he was noted, President Truman stated:

I have tried my best to give the nation everything I had in me. There are probably a million people who could have done the job better than I did it, but I had the job, and I always quote an epitaph on a tombstone in a cemetery in Tombstone, Arizona: "Here lies Jack Williams. He done his damnedest."

President Truman did, indeed, do his best, and it was a best which America will for all time remain proud.

Mr. INOUYE. Mr. President, I wish to join with my colleagues today in paying my respects to one of the truly great men in the history of our Nation, Harry S Truman. As a U.S. Senator, as Vice President, and as President of our Republic, he was a living demonstration of the enduring qualities of what he referred to as mid-America. A plain-spoken, unassuming, modest man, with impeccable honesty, integrity, strength of character,

and decisiveness, Harry Truman was admired and respected by all who knew him and millions who knew of him.

President Truman tried less to ingratiate himself with people and succeeded more in earning their respect and admiration than any other political leader in memory. He became not only respected and warmly liked, but deeply loved by the American people. While political analysts predicted his overwhelming defeat, Harry Truman maintained his faith in the people and the people their faith in Harry Truman to confound the expert professional image makers, poll takers, and election prognosticators among us.

Harry Truman's eloquence resided in his simplicity and in his directness. Though a coherent and forceful man he was never superfluous with words. To him those who were less than honest were "damn liars" and he wasted few moments or words on them. You knew where you stood with Harry Truman and you also knew where he stood and what he stood for. While he was a flexible man he was not one easily swayed and he firmly adhered to his creed of "doing things right."

My most outstanding recollection of Harry Truman was his courage to commit himself to a course of action and his self-confidence in his decisions. He never built any false images of himself and yet his unassuming manner lent stature to the Office of President and to the man who utilized its potentialities to advance our national interests in a most trying and turbulent period of our history.

A man of fierce partisan loyalties, he was yet to guide the free world through the closing months of worldwide war with a bipartisan spirit toward a world of stability and peace.

When that peace was threatened whether in the East or the West, he did not hesitate to use the power of our Nation to protect the freedom of others. The man from Independence would rise to meet any test. While he did not seek confrontations, neither did he flinch from those forced upon us as a nation or a people.

During Harry Truman's Presidency, as seldom before in history, our Nation had to face great decisions of worldwide and lasting significance. With the pressures of war and recovery from conflict always present, Harry Truman never lagged in his quest for a better life for the American people, however.

A man of humble beginnings and great achievements, he gave us self-confidence as a people even as he exhibited confidence in his own judgment and capabilities. He dared to be himself and it is for himself that we loved him and admired him.

Proud of his family, we on this day share our sense of loss with them and thank them for sharing their husband and father with us. We are all so much richer for having had him among us.

Mr. HASKELL. Mr. President, I join Senators in paying tribute to the life and service of former President Harry S Truman, who passed away in late December.

Though I did not serve with him and though I never knew him personally, I did know him as my President. During the last years of World War II and during the turmoil of the postwar years, America needed a leader; a man who would make the tough decisions that had to be made; a man who would think of people first; a man who would work to bring peace out of the holocaust of war. America was fortunate. America had Harry Truman as President.

In these times of trouble, the abilities of President Truman will again be needed. May America be so fortunate once again.

Mr. HRUSKA. Mr. President, this Senator notes the passing of Harry Truman, 33d President of the United States, with regret. He also wishes to extend his sympathy to Mrs. Bess Truman and their daughter, Margaret Truman Daniel.

President Truman did not wish to be taken to Washington for the customary ceremonies nor did he wish to be buried in Arlington Cemetery. Throughout his life President Truman had a special attachment to his home State and it is proper today that he rests close to his home in Independence, Mo.

President Truman described himself as a "meat and potatoes man" who was a "home-grown American farm product." Those of us who knew President Truman admired the qualities that the Midwest engendered in him. He was a competent administrator and a great President.

As President, he checked Communist expansion in Greece and Turkey. The Marshall plan put Europe on her feet. President Truman became the man who protected freedom in the postwar world. President Nixon has said about Harry Truman:

> Our hopes today for a generation of peace rest in large measure on the firm foundations that he laid. Recognizing the new threat to peace that had emerged from the ashes of war, he stood boldly against it with his extension of aid to Greece and Turkey in 1947—and the "Truman Doctrine" thus established was crucial to the defense of liberty in Europe and the world.

A grateful nation will long remember his Presidency and his contribution toward a generation of peace.

Mr. BURDICK. Mr. President, America lost a great man and a great former President when Harry S Truman, our 33d Chief Executive died this past December.

We shall surely miss him—as a former leader of our party, and as the living embodiment of those qualities that made his years in office among the finest and proudest our great Nation has ever known. We think back to those fateful years—so long ago, yet so close—and recall the agonizing decisions that fell upon the shoulders of this brave man, this man whom some called in admiration the average-man President.

Yet there was so much about Harry S Truman that was anything but average. He overcame adversity at every turn, from the childhood affliction of poor eyesight, through the business recession of 1921, and into the rough and tumble world of politics. He was the underdog so many times; with no money for campaigning, he still managed to meet the people of Missouri and convince them he was the best man for them to send to the Senate. He confounded the professional politicians and pollsters in 1948. No, Harry S Truman was not average in his determination, in his perseverance, in his profound belief in America and its people.

Harry S Truman will surely be recorded by history as one of our great Presidents, a man who had tremendous impact on the course of world history and on the lives of us all.

The Board of City Commissioners of Fargo, N. Dak., adopted a resolution of condolence to the family of the late President. I ask unanimous consent that this expression of sympathy and grateful appreciation for our departed leader be included in the RECORD at this time.

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

CITY OF FARGO, N. DAK.,
January 2, 1973.

RESOLUTION OF CONDOLENCES ADOPTED—FAMILY OF THE LATE HARRY S TRUMAN

President Lashkowitz relinquished the Chair to offer the following Resolution and move its adoption: (Vice President Markey presiding.)

Whereas, It was with profound sorrow that the Board of City Commissioners of the City of Fargo learned of the untimely demise of the 33rd President of the United States, The Honorable Harry S. Truman; and

Whereas, The citizens of the City of Fargo deeply mourn the passing on of the beloved Harry S. Truman as a President who commanded respect and admiration for his unparalleled leadership during the difficult dark days of the Cold War; and

Whereas, Harry S. Truman was the sort of President that everyone felt a close kinship with because of his humility and decisiveness; it is these qualities of humility, decisiveness, fearlessness, courageousness, and a deep concern for the well-being of his fellow man that kindled the warm affection of the people of Fargo for Harry S. Truman; and

Whereas, Harry S. Truman, as a public figure and as a private citizen, set an example for Americans everywhere to emulate in terms of devotion to his country and service to his fellow man; the people of Fargo join with the people of the rest of the United States and even the Nations of the world in mourning our beloved Harry S. Truman; and

Whereas, Harry S. Truman has earned a secure place in history as one of the true giants of this or any other era.

Now, therefore, be it resolved, That the Board of City Commissioners, in behalf of the citizens of the City of Fargo, North Dakota, takes this opportunity and means of expressing its heartfelt condolences upon the passing on of the Late Beloved Harry S. Truman and wishes to express its gratitude and admiration for the lasting contribution made not only to his nation but to the freedom and dignity to mankind generally.

Be it further resolved, That this Resolution be inscribed upon the permanent records of the proceedings of the Board and that certified copies be forwarded to the family of the Late Harry S. Truman, the Truman Library, and to the North Dakota Congressional Delegation.

Mr. MUSKIE. Mr. President, I am honored to join my distinguished colleagues from Missouri in paying tribute to President Harry Truman, one of the truly great statesmen of our time and a man revered and liked by all Americans.

Harry S Truman was an uncomplicated man—a plain-talking, unaffected

man faced with some of the most complex problems of 20th century America. He met the problems head on, developing in the process a foreign policy which still shapes America's thinking abroad, and offering a domestic program which formed the basis for progressive legislation in the postwar era.

Truman served ably and effectively in this body for 10 years—gaining stature as a watchdog over wastefulness in military spending. He did not seek the Vice-Presidency, and when he was nominated and then elected, he mourned:

I was getting along fine until I stuck my neck out too far and got too famous—and then they made me V.P. and now I can't do anything.

Eighty-three days later, with the death of Franklin Roosevelt, Harry Truman was President of the United States. He said:

I felt like the moon, the stars and all the planets had fallen on me.

But although he assumed the Presidency with the barest of preparation, President Truman immediately established a pattern of courage, directness of judgment, decisiveness, and self-confidence that became hallmarks of the Truman Presidency.

When Russia, our ally, became our adversary in the cold war, Truman found a simple solution—to make our World War II enemies our allies. In those tense, sometimes terrifying postwar days, Truman made the decision to develop the hydrogen bomb, broke the Soviet blockade of Berlin, laid out the Truman doctrine to meet a Soviet threat in the Middle East, formed the North Atlantic Treaty Organization to present a solid front in Europe, and through the Marshall plan helped avoid an economic collapse in Europe.

His tough, no-nonsense approach to foreign affairs has had many critics, but the economic strength of Europe in the 1970's and the rapprochement with Soviet Russia may have proved Truman right.

Truman is better known for his foreign policy decisions, but in domestic affairs he proposed major civil rights, labor, and social welfare legislation, began desegregating the Armed Forces by Executive order, and committed the Federal Government to a policy of high employment and a strong economy. And while he lost most of his legislative battles, the theme he sounded was picked up again in the 1960's.

What do these ideas and accomplishments tell us about the man? He was a man of conviction, and he was willing to stand by his convictions, whatever the pressures to change them.

He demonstrated an understanding of the uses and limitations of military and political power which has scarcely been equaled since his administration. He knew the effectiveness of military strength to prevent aggression. And, more importantly, he knew the limitations of military strength over conquered peoples.

In addition to his major accomplishments, Harry Truman possessed qualities which commanded the admiration of his supporters and the respect of his opponents. A fairminded, straightforward, honest man, Harry Truman acted with conviction and accepted full responsibility for his actions. He added a phrase to our language—"If you can't stand the heat, get out of the kitchen." And because of this same directness and strong sense of purpose, he was "Give-'em-hell Harry" to millions of fond Americans. Here was a man who never quibbled and never stood on the sidelines waiting for events to determine his decisions or actions.

He gave me good counsel when I became a candidate for the Vice Presidency in 1968. When I asked for his advice during a visit in Independence, he said, "Tell the truth." When I replied that my way of telling the truth was not the same as his, he gave me a second piece of advice, "Be yourself," he said. Since then I have always tried to follow that advice.

America and the world owe much to Harry Truman—the man who never lost touch with the man on the street and never forgot his Missouri roots. He was a great President and a strong, but compassionate man who directed America's energies into creative and constructive channels. In times of stress and anxiety he never faltered, never failed the American people. He served her well and brought honor to the office of the Presidency. He bravely led America into her new role of responsibility within the world community.

We shall all miss his quick wit, his disarming humility, and his deep and abiding faith in the intelligence of the American people. We must never forget what he stood for and loved: honesty, integrity, strength, and freedom.

When it was over, Truman himself summed it up better than we can, and provided history with a most fitting epitaph. He said:

I have tried my best to give the Nation everything I had in me. There are probably a million people who could have done the job better than I did it, but I had the job, and I always quote an epitaph in a cemetery in Tombstone, Ariz.: "Here lies Jack Williams. He done his damndest."

Mr. SCHWEIKER. Mr. President, I wish to join my colleagues today in tribute to the 33d President of the United States, Harry S Truman.

Harry S Truman was a man thrust suddenly into a position of world leadership during a time of grave crisis who rose to meet awesome responsibilities with distinction.

He did not seek out these responsibilities, but was always equal to the challenges that faced him. As U.S. Senator from Missouri, he was dubious about running for Vice President in President Roosevelt's last election. Only 3 months later, he became Chief Executive upon the unexpected death of President Roosevelt.

In ending World War II, setting the stage for world peace, and taking up the new cold war, President Truman was faced with complex international problems that no President in American history ever had to review. He has already gone down in history as a strong President who made tough decisions. History will record that the man famous for his desk plaque, "The Buck Stops Here," did not flinch from meeting difficult new international decisions head-on. The development of atomic energy, the Marshall plan, the Berlin airlift, creation of the United Nations, and the Korean war were all important developments of the Truman years in the Presidency.

Although President Truman will perhaps be best known for taking the United States out of its pre-World War II isolationist position and into a position of international leadership as a major power, he also was a leader in domestic affairs as well.

He will be particularly remembered as a strong advocate of civil rights, who insisted on desegregation of the armed services, who established a Commission on Civil Rights, and who initiated many pieces of civil rights legislation and ideas that eventually became law in the 1950's and 1960's.

President Truman was a significant leader. He never forsook his principles for political expediency, but he actively entered into political activities in order to accomplish positive goals he believed were for the good of all Americans, and the country.

President Truman will go down in history as an important President. He will be missed.

Mr. HATFIELD. Mr. President, I speak today to honor the memory of a man who rose from the owner of a small store in Missouri to serve as President of the United States during some of our most "formative" years. Others in this Chamber have noted many areas where his memory will be honored by future historians. I will not repeat what they have said, but will add only a few more comments.

Today, one of the greatest problems facing government at all levels is the general mistrust by the people of any form of government. I noted, with embarrassment, that a survey of "respected" professions ranked politicians 19th out of 20—we finished only ahead of used car salesmen. This problem of growing disenchantment with government is a critical one we face, and we must act to reverse this drift.

I call attention to this because of the unique quality possessed by Harry Truman to call shots as he saw them. People recognized this, and responded to it. It was not necessary to agree with Harry Truman, but you knew he was speaking his mind, without concealing or hiding anything.

How many times have we in this body read or heard charges that as individuals or as a group, we "waffle" on an issue—we avoid it or diffuse it; we conceal a straightforward answer in a barrage of verbage.

Harry Truman spoke plain truths. We as a Congress must return to speaking plain truths to the people of this country. If we do not speak the truth at all levels of government—from Washington to city councils across the country, continued erosion of confidence in government will occur, and problems confronting us today will be magnified manyfold.

President Truman's legacy to us in Congress should be that—we will level and be honest with the people of this country. Just as the people responded to Truman 25 years ago, I believe they would respond today. A renaissance of confidence in government should be a worthy goal of all of us here today who honor Truman.

In closing, I wish to point out another aspect of President Truman of particular interest to me. As my colleagues are aware, I am a student of former President Herbert Hoover. My master's thesis at Stanford dealt with Hoover's labor policies and it was my extremely good fortune to get to know this great American in his later years. I have studied in some depth about his life and his Presidency.

Mr. President, soon after Harry Truman became President, he invited Herbert Hoover to the White House for consultation. Truman utilized the bountiful skills of Hoover during his years as President. In this way, former President Hoover was able to contribute in many ways on a number of important projects. I always believed that President Roosevelt had followed a senseless policy in not seeking the assistance and counsel of Herbert Hoover during the years of Roosevelt's Presidency.

Mr. TUNNEY. Mr. President, "The buck stops here."

Perhaps better than any other phrase, those four words sum up the Presidential character of the 33d President of the United States, Harry S Truman.

However difficult the dilemmas, however tough the decisions, Harry Truman made them. He acted. He led.

We know that he never expected to be President. When that burden fell on him suddenly with the death of Franklin D. Roosevelt, Truman shouldered it without hesitation.

If he was new to the office, he understood its great fundamental requirement—decisiveness.

Harry Truman was human. Not all his decisions were wise ones. And not all of them became part of the fabric of the Nation he served so well.

But Truman battled untiringly for his beliefs. He fought for public housing, for fair employment practices, for improved social security, for civil rights. He fought for the little man.

His accomplishments in the foreign policy field were truly monumental.

It was the Truman administration that developed the historic aid program to rebuild a shattered Europe after World War II. "The most unsordid act in history," it was called by Winston Churchill.

It was the Truman administration that saw to it that America participated in the United Nations, the first successful attempt in modern times to build international cooperation among all nations—large and small.

It was the Truman administration that stood up to provocative expansionist moves in Europe after the war, including the Berlin blockade. And it was the Truman administration that mounted the incredible airlift providing food and fuel for nearly 2.5 million Berliners for almost a year.

The early years of the Truman Presidency presented crisis after crisis. And Truman responded to them with courage, with compassion, with determination.

His Secretary of State, Dean Acheson, paid this tribute to the Truman response in foreign affairs:

> His policies showed a sweep, a breadth of concentration and boldness of action which were new in this country's history. All of them were dangerous. All required rare capacity to decide and act. All of them were decided rightly and vigorously and followed through.

Yet, despite his accomplishments, Harry Truman was all but written off in the presidential election of 1948.

Again, Harry Truman showed his characteristic courage.

He conducted one of the most extensive, exhausting, and amazing campaigns in American history.

They said the people would not respond. But Harry Truman had faith in the people. He spoke to them in plain language. He trusted their judgment. And his faith in the people was rewarded by a stunning and impressive victory.

In the next 4 years Harry Truman worked unceasingly building the foundations for what were to become the New Frontier and the Great Society at home, and preserving the peace abroad.

Our Nation and our world are better places because of Harry S Truman. He was a giant of the 20th century.

HARRY TRUMAN—A REAL PERSON

Mr. GRAVEL. Mr. President, when I was a student at Columbia University in New York City, I drove a taxi cab to support myself and to pay the bills for tuition. My college education had been interrupted by enlisting in the U.S. Army, and my family had already contributed to my earlier education. I was determined to do as much as I could to pay for the rest of my education myself.

One day in the mid-1950's, I was out in my cab looking for a fare. I was driving slowly along Central Park South, a wide avenue that has the lower end of Central Park on one side and a row of fashionable hotels and apartment houses on the other. It was a good area to look for a customer, because it was almost certain I would get a big tip.

I saw a knot of people walking slowly along the sidewalk and slowed down to see what the reason for it was. It was former President Harry Truman, taking one of his famous morning walks. He was in New York City for a visit and I remembered having seen pictures in recent newspapers of him out walking. He liked to walk along Central Park South because of the park and the variety of people he would meet.

There were no cars parked along the curb. I maneuvered my cab so that I could drive slowly along the sidewalk. When I came abreast of President Truman, I noticed that he was surrounded by secret servicemen and newsmen, but that he was going out of his way to greet almost everyone he passed on the sidewalk. He would tip his hat to the ladies and have a cheery hello for everyone.

I slowed down almost to a stop, and leaned across the front seat of the taxicab, until I could put my hand and head out the front door window. The secret servicemen looked at me with concern.

I waved and called out:

> Good morning, Mr. President. It's good to see you.

He took a few steps over to the curb and shook my extended hand. He said:

> Good morning.

And added:

> Young man, you look good to me, just make something of yourself.

I thanked him and drove on. I picked up a fare in the next block. I must have told every customer I had for the next week, along with all my friends, about my meeting with President Truman and what he had said to me.

After I graduated from Columbia, I drove the Alaska Highway and settled in Alaska.

A year or so ago, after becoming Alaska's U.S. Senator, I was invited to speak to a group of people in Kansas City, Mo. On the speaker's platform was the honorary mayor of Kansas City, H. Roe Bartle. He was one of Harry Truman's closest friends and one of the few people who saw him regularly.

I started talking to Mr. Bartle about Mr. Truman and asked if it would be possible to visit him. He explained to me that the former President's health had deteriorated and that he seldom left his home. He was not able to have many visitors. Even when visitors did come to the house, it was for a very short period of time.

But, he said he would call "Miss Bess" and see how Mr. Truman was feeling that day. He did so promptly and assured Mrs. Truman that we would only stay a short time. She said to come.

Within an hour or so, Mr. Bartle and I were at the Truman home. President Truman greeted us with a smile and a twinkle in his eye. He said to me:

> Yep, I'll tell you, you've been a good Senator.

Then he started to tell me how I had voted on this issue and that issue. He told me when he thought I was right and when we disagreed. I was overwhelmed that a man his age would know so much about how one Senator had voted on so many issues.

Then I told him about our meeting in New York and what he had said to me. He, of course, did not remember the chance meeting but he enjoyed the story and felt that I had done well in making something of myself. After we had left the President, I told Mr. Bartle:

> I will never forget this. He was just as friendly to me when I was just a cab driver. He didn't know then that I would be the Senator from Alaska.

Harry Truman was a down-to-earth, real person. A cab driver and a U.S. Senator got the same attention and respect from him. He was interested in people and took the time to talk with them, whether it was to wish them well in the future, or to talk about their votes in the Senate.

We will miss Harry Truman. He was a great President and a great leader of this country at a crucial time in its history. He was also a master politician who won an election no one thought he could win. The reason for his success is that he never let his position change him. He was always the man who liked people, who felt their problems. He was one of us.

THE MAN FROM INDEPENDENCE, MO.

Mr. ROBERT C. BYRD. Mr. President, I thank the senior Senator from Missouri for arranging this period for eulogies to a great American. It is one of the comforts of the human condition on those occasions when our hearts are full of sorrow, that sorrow can often be alleviated by feelings of the highest pride.

So it was when Harry S Truman laid down the burden of the years. Surely no great man who ever lived had a birthplace which more typified his personal qualities in one word than did the 33d President of the United States. When Harry Truman was born in Independence, Mo., he was born into humble circumstances, relative to the riches of those things that are wordly. But while he did not enjoy the benefits of material wealth, there were born into him qualities of heart, mind, and spirit, the worth of which far transcend the values of things of the flesh.

It is beyond the comprehension of any man to whom it has not happened, that in one tragic moment, he finds himself charged with the awesome responsibility of conducting the affairs of the most powerful nation in the world; that he assumes the mantle of a predecessor who had become a legend in his lifetime; and that he is thrust by circumstance into the role of guardian of freedom, not only of his own country, but of tens of millions of human beings in all corners of the world.

If this humble American, ill-prepared as he was for the monumental task that fell upon him, had tried and failed, history could only have been charitable. But he did not fail. Those qualities that were born into him—the qualities of heart, mind, and spirit that had sustained so many of his Missouri forebears in the difficult years after this Nation's birth—triumphed over every challenge that was placed before him.

Even in the most benevolent of circumstances, the burden of the Presidency of the United States is the heaviest burden on earth. But when that burden is thrust upon a man whose country and the world are engaged in the most disastrous war in history, it might well have been unbearable. Yet, Harry Truman not only brought his country out of that war with the highest honor; he also devoted the rest of his years in office to being the architect of a charitable peace.

Historically, the Marshall plan and the North Atlantic Treaty Organization, the genesis of the United Nations and the war against aggression in Korea will be Harry Truman's monuments. But to the millions of middle Americans, of whom he was one, his monument will always be that regardless of the heights to which he rose in the service of his country, he remained at all times, a man of the people.

I will always be thankful that Harry Truman lived long enough to see his tenure as our President praised and admired even by those who were once his severe critics. I have not the slightest doubt that when the history of the middle years of this century is written, the man from Independence, Mo., will emerge as a giant among his peers.

In this Republic, we have been fortunate throughout the two hundred years of our history that in times of crisis and great travail, there has emerged upon the national scene a man of destiny whose strength, courage, capability, and patriotism have steered the ship into calm waters. Harry S Truman will go down as one of our greatest Americans, one of our greatest Presidents.

If you can talk with crowds and keep your virtue,
Or walk with Kings—nor lose the common touch."

TRIBUTE TO A TRUE PRESIDENT

Mr. JAVITS. Mr. President, my memorial to the departed President Truman must be intensely personal, as I served in the Congress immediately after World War II and I vividly recall his succession to President Roosevelt, his 1948 surprise electoral victory, and the ensuing postwar reconstruction years of his incumbency. This period included the era of point IV, the Greek-Turkish aid program, the Marshall plan, and the occupation of Germany, as well as the Berlin blockade and the opening of the cold war. Domestically it saw signal progress in the beginnings of racial desegration in the Armed Forces, massive new housing programs—including the landmark Taft-Ellender-Wagner bill for public housing—to recover from the war moratorium and the GI bill for higher education and veterans' housing. President Truman was extraordinarily well briefed and really magnificent as a President, especially following his election in 1948.

He had an excellent feel for foreign policy and a truly balanced appraisal, both of our future role with the Soviet Union and of the dynamics of communism as an ideology in the world. He also had an excellent grasp of Germany's prior role in the world—and of Germany's potential role in an integrated and ultimately united Europe.

I have met few men who could more thoroughly absorb the facts, get to the essence of a problem, and lock into his solution more decisively than President Truman.

History is already rating him as one of our great Presidents for his initiatives in postwar reconstruction: point IV technical aid, the Greek-Turkish aid program, and the Marshall plan. The latter has often been called generous, but it was far more than that; it was astute. It recognized that the more speedily the world was rehabilitated after World War II, the more sure would be American security and American prosperity—and it worked out just that way. It was an historic example of the most beneficent great-power leadership, and President Truman deserves to be forever honored for it.

Mr. McGOVERN. Mr. President, today we pay tribute to a man who was ordinary, in the best sense of that word, and who became an extraordinary President in a difficult time.

Harry Truman was thrust into the Presidency by fate—and in that place, he affirmed anew the faith of America's people in American democracy. He was blunt and plain, a son of the Midwest frontier with the uncommon gift of commonsense.

Magnanimous in victory, he worked to rebuild nations that had been enemies and to restore the lands and economies of our wartime allies.

Courageous in a time of continuing crisis abroad, he acted decisively to do what he believed was right to protect America's vital interests.

Farsighted about the problems and potential of our society, he was a pioneer in the struggle for civil rights, the father of medicare and Federal aid to education, the spokesman of working people and the poor against the special interests.

Most of all, Harry Truman taught us that in the modern age, too, government for the people can also be government by the people.

He dismissed General MacArthur and some said how dare this ex-haberdasher fire this military genius. But Harry Truman was right—and our free system is safer because he preserved civilian supremacy over the military.

He won an election the columnists and commentators were certain he was bound to lose. In the end, he lost the pollsters, but won the people. And that was the way Harry Truman wanted it.

Harry Truman was an adornment of this democracy. He left us after a full measure of years and a lifetime of service as Senator, Vice President, President, and—the title he gave himself in retirement—the title he treasured most—Mr. Citizen. We honor him today, and Americans will remember and cherish him always, for he was one of us and among the best of us.

Mr. BROCK. Mr. President, Harry S Truman will long be remembered by those with whom he served, and by all in our land who take our governmental process seriously. In particular, he will be remembered by those who were privileged to study, watch, and appreciate his dedication and integrity.

He was a rare individual, colorful and lovable, a man of great candor, but also a man who spread his irresistible humor and good fellowship everywhere he went.

His presence will be missed, yet, there is comfort. We are a better, stronger Nation for his wisdom. We not only enjoyed the years of his leadership, but know that he, too enjoyed being a leader. It is indeed gratifying to see a deserving man live to be a legend in his own time.

Mr. COTTON. Mr. President, they called the late Harry Truman "a man of the people." He was just that throughout his entire private and public career, even in the White House. What better tribute can we offer today than to reflect on the fact that this "Government of the people" was, most appropriately, led through some of its most fateful hours by this "man of the people."

When the crises of our nuclear age confronted President Truman, he called upon personal strength and commonsense which were still rooted in the soil of his rural Missouri birthplace.

He walked among us, we the people. He spoke our language to the extent that his more caustic critics originally derided some of his basic terminology but then lived to learn that his plain-spoken messages had been understood and heeded. Even amid the splendor of the home of our Presidents on Pennsylvania Avenue, Harry Truman was ever the unpretentious family man with a beloved wife and a daughter on whom he unashamedly doted.

All the adulation and fanfare surrounding the Presidency rarely fails to have its impact on the best of men. Harry Truman was the outstanding exception. He came out of the White House thoroughly unspoiled—the same unassuming, down-to-earth, commonsense individual he was when he entered it.

He was the first President under whom I served in the Congress, and on this day of memory I have little concern at what place in history the scholars and wise men may accord him. Instead, I shall merely note that we folks from New Hampshire count ourselves among those who will never forget and always respect a man who can speak clearly and directly, a man undaunted by the heat of the kitchen, a man prepared to take the responsibility at the end of the buck-passing.

To his wife and daughter and his many personal friends who love him we extend our deepest sympathy.

Mr. KENNEDY. Mr. President, Harry Truman came from the heartland of this Nation, from the vast and rolling plains of Missouri that he loved so well. A great American, a great leader of his party and a great President, Harry Truman spoke for the people and acted with the independence and determination that has characterized this Nation.

For those of us who have watched the course of events over the past two decades, it is clear today how difficult and courageous were the decisions that he made after 1945—decisions to pledge the energies of America to rebuilding Europe and Japan, decisions to forge the shield of NATO, and decisions to commit the United States to the creation of a United Nations and the promise of peace.

In public and private, he was dedicated to the same principles that he urged on others:

> To do the right thing, to do the best we could, never complain, never take advantage, don't give up, don't be afraid.

The example of President Truman is one which has inspired every President since, none more than President Kennedy. On his first day in the White House, Saturday, January 21, 1961, I recall President Kennedy greeting his predecessor and the two men talking together in his office. During the years John Kennedy served in the White House he and President Truman developed a warm and strong regard for one another. Every year President Kennedy would call President Truman on his birthday and I remember that on one birthday, his 77th, he asked him how he retained his resilience through 7 long and very hard years in the White House.

And President Truman's response was, quite simply:

> Well, I'll tell you how I did it. I did just what you are doing, try to make the right decision—and then sleep at night and try and forget about it.

It was good, sound, commonsense advice, typical of the man and his philosophy of life.

Harry Truman was a forthright and honest man, and in the eyes of history, I believe he will be regarded as one of our wisest leaders.

Mr. STEVENSON. Mr. President, when I think of Harry S Truman, I think first of that unforgettable photograph of 1948—surely one of the most expressive in the history of journalism. It shows the victorious President holding aloft a copy of the Chicago Tribune which bears a banner headline:

> It's Dewey by a Landslide.

That photograph, it seems to me, was great because it told us so much about Harry Truman—about his sense of humor; his unquenchable exuberance for politics, about his fighting spirit. But it also expressed a great deal about the people who elected him: about their love for the fighting underdog—and about the sheer American cussedness that loves to confound the experts, the pollsters, the know-it-alls.

Now the man who gave us that memorable picture is dead. Harry Truman, who for so many years was a part of the American political landscape, is now a part of its political memory.

But to millions of Americans, Harry Truman is also a warmly personal memory. For he was not a President who held himself above us—he was one of us. He was not a mere symbol of the uncommon virtues of the common people—he was, in his life and personality, an embodiment of those virtues.

At the very pinnacle of political power, he saw himself simply as a citizen with a big job to do. His simplicity seemed to some Americans almost eccentric: Though he lived in the White House, he washed his own socks. Though he was burdened with urgent matters of state, he wrote his mother long, chatty letters explaining events in Washington and the world as if they were bits of homey local news.

But if Harry Truman's vision of himself was small, his vision of his job—and his performance in that job—were never small.

Some of his monuments were completed during those tumultuous years of his stewardship: He made history with a stroke of his pen when he ended racial segregation in the Armed Forces. And with that act, he launched the modern era of progress in civil rights.

Other of his monuments had to wait until long after he had gone back to Independence: Federal aid to education is one. And medicare, which he proposed almost a generation before it was written into law, is another.

A few years ago President Johnson went to Independence to sign the medicare bill and to give President and Mrs. Truman the first medicare enrollment cards. He said then,

> The American people love Harry Truman, not because he gave them hell, but because he gave them hope.

And Harry Truman answered:

> I never gave them hell. I just told the truth and they thought it was hell.

He managed this Nation's foreign policy in the turbulent years after World War II with admirably clear eyes and unfailing courage. These days, the clarity of hindsight makes it easy to minimize the real threats of the cold war—to disparage the architects of the post-war policy of containment.

Let us not reopen that debate; let us only acknowledge what is undeniable: The Truman doctrine and the Berlin airlift were expressions of Harry Truman's own great courage and his determined assessment of this country's national interest. And they succeeded.

But he was no mere cold warrior. Point Four and the Marshall plan—those historic programs of postwar reconstruction and nation building—were expressions of Harry Truman's compassion and again of his view of our national interest. They were—and are—landmarks of national goodwill and generosity. They, too, succeeded.

And it was his great blessing to live long enough to see the fruits of his efforts.

The lesson of his life is a lesson about ourselves; an object lesson in the vitality of popular government; an example of the ability of this society to yield up, from the most unremarkable origins, the most remarkable men.

"Now the Trumans," Eric Hoffer wrote a few years ago:

> Are a dime a dozen in this country. You can almost close your eyes, reach over to the sidewalk, and make a man President—and he'll turn out to be a Truman. Show me any society on earth or in heaven that can supply potential leaders like that. It's breathtaking.

"Such a man," Hoffer said:

> Is not a hero, but one of us, saddled with the toughest job in the world and trying to do his best. If he fails, we fail; if he succeeds, we succeed.

Because he succeeded, we are the more successful as a people. For he was one of us. Let us remember now that he was not only one of us but one of the best of us.

Mr. GURNEY. Mr. President, in this time of tough decisions, it is most fitting to honor the memory of a man, who, as the 33d President of the United States, had to make some of the toughest decisions any man has had to make.

President Harry S Truman became a symbol for many Americans—a symbol of America's emergence as a full fledged world power. He rose from humble beginnings to the highest office in the land—in the finest American tradition. Prior to becoming President he served his country with distinction—as an Army officer, a judge, a Senator, and, for a brief time, as Vice President. After assuming the Presidency, he served with

even greater distinction in a period beset by crises.

It took a man of courage to make the decision to use the atomic bomb; it took a man of vision to implement the Marshall plan; it took a man of wisdom to check Communist aggression in Greece and Turkey and to formulate the Truman doctrine, and it took a man of strength to deal with the conflicting pressures of the Korean war—the first war ever fought under the nuclear shadow. Indeed, President Truman was a man of ample courage, vision, wisdom, and strength—and the record he compiled during 7 years in the White House is testimony to that.

Historians are already writing up President Truman as one of our best Presidents. Certainly, his contributions are manifold and he became recognized around the world as a stalwart in the struggle for freedom.

Some may question his judgment on this or that issue, but no one can deny that President Truman was a dedicated man who loved his country and who served it well. At age 60, he did not have to accept the Vice-Presidency, knowing as he did that he was likely to become President under the most difficult of circumstances, but when duty called he responded. That is the mark of statesmanship, and from the day he took office to the day he died, President Truman was every inch a statesman. His presence will be sorely missed, but his record should shine brightly in the annals of history. We can all learn from what he did.

ORDER FOR RECORD TO BE KEPT OPEN

Mr. SYMINGTON. Mr. President, I ask unanimous consent that the RECORD be kept open for 15 days so that additional Senators may file remarks with respect to our late, great President, Harry S Truman.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the same request made by the distinguished assistant majority leader, the Senator from West Virginia, relative to a certain number of leather-bound copies also be incorporated in the request.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second legislative clerk proceeded to call the roll.

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

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

ADDITIONAL STATEMENTS

A PRAYER OF THANKS

Mr. McGEE. Mr. President, the Nation is sincerely grateful that a cease-fire has been negotiated in Southeast Asia. I, for one, am extremely hopeful that our military involvement in Indochina is drawing rapidly to an end.

The thankfulness felt by so many can be epitomized in a prayer delivered by the Very Reverend Howard L. Wilson, who is dean of St. Matthew's Cathedral in my hometown of Laramie, Wyo. The prayer was delivered to the Laramie Rotary Club on January 25 of this year.

I ask unanimous consent that the prayer be printed in the RECORD.

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

A PRAYER OF THANKS FOR THE CESSATION OF WARFARE

O God, Whose will is that all men everywhere dwell together in peace and brotherhood: we give our hearty thanks that war has ceased, and that men have elected to deal with their problems and differences by other means.

We are grateful for the patience, perseverance and determination exhibited by those empowered to bring an end to hostility and suffering, of violent death and destruction.

Bring us now, O Lord

Out of the paralysis caused by enduring years of warfare;

Out of the frustration which has obscured for many the origins, reasons and purposes of this conflict;

From the divisions among our people, which have imperiled our unity and love for one another;

And so release us from every emotion which would inhibit our true and full expression of thanksgiving for what has now been granted.

Keep us, O God, from using the occasion of peace to turn away from the opportunities yet before us to insure its preservation.

Lead us to redirect our energies, resources and prayers with such diligence and wisdom that what is now ended may never need to be resumed.

Strengthen us to show in our lives the faith that the fullest expression of every man's dignity and human yearnings rests in conformity to Your will, through which all may receive and continue in Your love, perfection and peace.

All this we ask in the Name of Him who proclaimed blessed the peace-makers and came among us as the Prince of Peace; Jesus Christ our Lord. Amen.

AN HONORABLE PEACE IN VIETNAM—RESOLUTION BY OKLAHOMA HOUSE OF REPRESENTATIVES

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution by the Oklahoma House of Representatives commending President Nixon for negotiating an honorable peace in Vietnam.

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

RESOLUTION—AN HONORABLE PEACE IN VIETNAM

A resolution commending the President of the United States for his effort in bringing about peace with honor in Vietnam and directing distribution

Whereas, President Richard M. Nixon has through diligent, arduous and sensitive negotiations achieved an honorable Vietnam peace; and

Whereas, President Richard M. Nixon has resisted the raucous demands and vilification of a radical liberal minority to end the Vietnam conflict at any cost without reference to integrity, commonsense, or reasonable safeguards for the United States Troops, citizens and prisoners of war located in Vietnam; and

Whereas, in spite of the protests, pleas, half-lies, misrepresentations and false tears of this misguided few, President Richard M. Nixon persevered in the pursuit of an honorable peace and has now attained his goal with the aid and the efforts and lives of those Americans who have fought and died in combat; and

Whereas, President Nixon's firm conviction that peace with honor was the proper goal of the American people has proved to be both realistic and vital to international security; and

Whereas, it is fitting and proper that we commend our President for his efforts in successfully dealing with one of the most difficult crises in American history,

Now, therefore, be it resolved by the House of Representatives of the First Session of the 34th Oklahoma Legislature, that

We, the members of the Oklahoma House of Representatives, express our commendation of Mr. Richard M. Nixon, President of the United States, for his tireless efforts in the face of great pressure and criticism at home in bringing about peace with honor in Vietnam.

Further resolved: That a copy of this Resolution be transmitted to the President of the United States.

EUGENE L. WYMAN

Mr. EAGLETON. Mr. President, it was a personal shock to me to learn of the death of Gene Wyman, as it was to all of us in this body who knew him. Although I was not a longtime acquaintance of his, it did not take a long exposure to him to recognize his qualities of principle, energy, love, and devotion to family and friends.

In his too-short lifetime he left a mark on politics, law, philanthropy, and human relationships that few men will equal. While he was personally successful, his activities on behalf of others and in the service of his country demonstrated that he was a selfless man.

It was my privilege to attend a dinner at the Wyman's house last fall and to witness the boundless devotion of the Wyman family to one another. I share the grief and sadness of the Wyman family over the passing of this generous person from our lives.

CLASSIFIERS OF CLASSIFIED DOCUMENTS BREAK THEIR OWN RULES

Mr. ROTH. Mr. President, I commend to the attention of all Senators Theodore Draper's article in last Sunday's New York Times Magazine entitled "The Classifiers of Classified Documents Are Breaking Their Own Classification Rules." The article details Professor Draper's efforts to obtain access to some classified documents concerning the Dominican crisis which had already been made available to some other scholars a number of years earlier on a "not for attribution" basis in violation of regulations for preserving the confidentiality of protected official information.

Professor Draper rightly condemns this practice as unfair and inequitable, and he notes also that the present system of classifying and declassifying information withholds too much too long. He writes:

The material in the documents gets out but in the worst, most tendentious way imaginable. Not only do supposed servants of the people decide the people's fate, but they reserve the right to decide when and how and what the people are going to learn about their fate. That is what more than 90 per cent of the classified documents are all about. We could live with the other 10 per cent if something could be done about the 90 per cent.

What can be done? Professor Draper makes two excellent suggestions. First, he believes that when Government documents have been made public by someone in a privileged position—for the purpose of writing memoirs or justifying past actions—they should become automatically declassified for all. He notes that when William L. Langer and A. Everett Gleason wrote their studies of pre-World War II foreign policy in the early 1950's, the documents they used were automatically declassified.

Second, Professor Draper suggests that classification should stop at the borders of personal interest and partisan politics. I could not agree more. We should make sure that official information is classified for only a few necessary reasons—like protecting the national security or safeguarding trade and commercial secrets that have been entrusted to the Government—and not to hide officials from potential embarrassment or to conceal wrongdoing or misjudgment.

I believe that our present practices of classifying and declassifying information should be thoroughly reviewed and studied with an eye toward making appropriate reforms and then seeing to it that the new regulations are uniformly and effectively—and not selectively—enforced. I introduced two bills in the past session which I hoped would mark the beginning of such an effort, and I hope shortly again to introduce legislation responsive to the problems cited in Professor Draper's article.

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:

THE CLASSIFIERS OF CLASSIFIED DOCUMENTS ARE BREAKING THEIR OWN CLASSIFICATION RULES

(By Theodore Draper)

The problem of classified documents, which has so bedeviled the Government, scholars and journalists—not to mention Daniel Ellsberg, Anthony Russo and Prof. Samuel L. Popkin—is usually discussed in a political vacuum. The three main questions hotly debated in scholarly circles are: Who should classify? What should be classified? How long should it remain classified? Whatever the right theoretical answers may be, however, they can have little to do with the real world of classified documents.

In practice, the rules are largely irrelevant or illusory because there is a privileged group that does not abide by them. This group has existed for a long time; its members have systematically violated their own code with impunity and often for profit. They have created, controlled and benefited from a system which is shot through with duplicity, hypocrisy and favoritism. These are strong words, I know, but, I use them advisedly.

Who are the guilty ones? None other than the custodians of the classified documents. My own experience has convinced me that they, more than anyone else constitute the main problem. The case which happened to concern me is worth relating for two reasons: It is absolutely classic in its revelation of how the real system often works; it can be fully documented from beginning to end.

The story may be told as it actually happened. About two years ago, I was asked by the Political Science Quarterly to review a new book, "Intervention and Negotiation: The United States and the Dominican Revolution," by Prof. Jerome Slater. When I read the book, I was astonished to find that about half of it was largely devoted to a running polemic against my own work in which I had been highly critical of United States policy during the Dominican revolt of 1965.

I was also astounded to learn from Professor Slater's preface that he had been given access "to a great number of papers, memoirs and documents which are not now in the public domain"—in other words, classified documents. In return for this favor, Professor Slater had promised to use the material on a "not-for-attribution" or "no-direct-citation" basis. He was not required to submit his manuscript for clearance or approval.

I did not think that it was proper for me—now, so to speak, an involuntary "interested party"—to review the book. Instead, I offered to write a reply, not a review, discussing the issues raised by the book. Professor Slater tried to prevent the publication of the article without success. It appeared in the Political Science Quarterly of March, 1971.

The more I thought about it, the stranger the whole thing became. Here was a book, written by an academician, put out by a reputable publisher, attacking a book of mine on the basis of material which I could not consult or check. There was no way to know whether he had used the material fairly. Even if he had invented it, no one could be the wiser, though that was not a possibility I seriously entertained.

My own book, "The Dominican Revolt: A Case Study in American Policy," which had appeared in 1968 but was based on articles mainly published in Commentary magazine in 1965–66, made use wholly of open sources, all of them given to the reader so that he or she could make up his or her own mind about the reasons for my reconstruction of the events and my views about them. To be attacked by someone who knew where everything I wrote came from but did not reveal where much of what he wrote came from did not seem altogether sporting.

But Professor Slater was not the first or the last to benefit from this extraordinary favoritism on this very subject. In 1966, the Center for Strategic Studies at Georgetown University had brought out a book, "Dominican Action—1965," which had also advertised that it was based on "restricted" sources. This book was backed by a committee of three well-known former United States diplomats and two Georgetown University professors.

And while I was reading Professor Slater's book, I already knew that a third study of the very same subject, based on the same classified material used by Professor Slater, was on the way. This one, "The Dominican Intervention," by Abraham F. Lowenthal, has since been published by the Harvard University Press.

Still a fourth book which dealt in part with the same events on the basis of much classified material belongs in a somewhat different category because it was written by one of the actors in the story. It was "Overtaken By Events," by John Bartlow Martin, President Kennedy's Ambassador to the Dominican Republic and President Johnson's hapless special emissary at the time of the revolt. Two or three other books might be added to the list. They were done by job specialists who somehow or other managed to make use of some classified material. And, it should be remembered, we are now dealing with a single episode in American foreign policy in the last decade.

All this seemed almost too much of a good thing. Or was it a good thing? Here were at least three books with some scholarly pretensions, one of them in good part directed against me, based on classified documents, obviously made available to the authors by high officials of the State Department. Yet I could not see the same material to defend myself or merely to check the books for accuracy.

Or could I? After finishing Professor Slater's book, I decided to make myself a test case. I made up my mind to give the system a chance, to abide by all the rules, to do everything openly and legitimately. After all, I did not have to prove that at least two books (Lowenthal's had not yet appeared) had used classified material; they had boasted of it. All I wanted was the same privilege.

So I wrote to Dr. William M. Franklin, Director of the Historical Office of the Department of State, the following letter:

"I have just finished reading a recently published book by Jerome Slater entitled 'Intervention and Negotiation: The United States and the Dominican Revolution,' published by Harper & Row.

"Professor Slater takes issue with me—I had put out a little book, 'The Dominican Revolt,' in 1968—partly on the basis of documents not now in the public domain, as he explains [in] his preface. These documents were evidently made available to him by the Department of State. . . .

"Professor Slater's book seems to be the second one which was able to make use of 'restricted' primary sources, obviously originating in the Department of State. The first one to my knowledge was 'Dominican Action—1965,' issued by the Center for Strategic Studies, Georgetown University, in 1966.

"I, therefore, ask for the same privilege to consult and use these documents or materials bearing on U.S. policy vis-a-vis the Dominican Republic in 1965. I will come to Washington at your earliest convenience."

Dr. Franklin took only a week to reply. He assured me that the Historical Office had not made any records pertaining to the Dominican crisis available to Professor Slater or to the Center for Strategic Studies of Georgetown University. He promised to investigate and to write me again as soon as he knew the facts.

I promptly wrote him a second letter which went over the ground again in more detail and which read in part:

"If they [the authors of the two books] did not get them [classified cables] from your office where did they get them? I applied to your office because I considered that the department has given your office the responsibility for its records. But if they can be obtained elsewhere, what is one in my position to do? Complain to the Secretary of State?"

The right place to complain apparently was the Assistant Secretary of State, not the Secretary. Dr. Franklin replied 10 days later to the effect that since the Historical Office had had no contact with either Slater or the Georgetown group, he was referring my letter to the Assistant Secretary of State for Inter-American Affairs, Charles A. Meyer. So I started all over again with Mr. Meyer. Another letter from me ended as follows:

"This is a question which goes to the heart of scholarly work in contemporary history. Criticism has been made by eminent scholars of the existing regulations. But it is a scandal when the existing regulations are not equally and fairly enforced in the short period of five years.

"I respectfully request, therefore, a review of the applicability of the existing regulations in my case. It is, admittedly, a special case—but it is special only in the sense that it is a documented case of how inequitably and unfairly the present system works."

Mr. Meyer mulled over the problem for a month. Then I received this letter from him:

"I have given your letter of Dec. 27, 1970, considerable thought, and I appreciate the reasons for your strong feelings on the matter of equal access by scholars to government documents.

"I do not feel, however, that my personal sympathy for your position can override my responsibility for adhering to the regulations regarding access to classified material. . . . I think strict and uniform compliance is the only proper course. I recognize that in the particular circumstances of your case, this may seem to be turning a deaf ear to an otherwise reasonable request.

"I sincerely regret that the regulations do not allow me to be more forthcoming to your request, but I hope you will understand my unwillingness to assume responsibility for remedying the actions of predecessors when, as appears to be the case here, the cure would require a fresh departure from the regulations."

I thanked Mr. Meyer for his courtesy and candor. I took his letter to be a dead end. But one thing had been gained. As I read Mr. Meyer's letter, it came as close as could be expected in the circumstances to confirming that his "predecessors" had violated their own regulations regarding access to classified material. It should be remembered that those "predecessors" had acted less than three years earlier. I did not think that every Assistant Secretary of State should behave as if the United States Government in general and his department in particular were totally bereft of continuity and had no obligation to take so many precedents set so recently by previous officials into consideration. But there did not seem to be anything else I could do.

Later I learned how Professor Slater had obtained access to the classified material. At least part of the story came out in a recent study called "Classified Files: The Yellowing Pages," made by Carol M. Barker and Matthew H. Fox for The Twentieth Century Fund. Slater told them that in the spring of 1967 he had asked a State Department official with whom he was personally acquainted for an opportunity to see the State Department records of the Dominican crisis. After some time had passed, Slater was informed that he could see the classified files, at that time only two years old. He had bypassed the Historical Office. Neither his notes nor his manuscript was reviewed for breaches of security. He was told by the State Department that there were only two restrictions on his use of the material—he could not quote directly from it or acknowledge his use of it. So much for the ardent zeal with which "security" is protected. Presumably much the same procedure was followed in the case of Dr. Lowenthal.

Slater claimed that he was not told why he was given privileged access to the classified files. But he surmised, not without reason, that those in the senior levels of the department "genuinely believed that their policies and actions had been misunderstood and misrepresented, and fervently felt that if the whole truth were known, and honestly reported and evaluated, the public assessment of their policies would be very different." In plain English, the senior levels of the department wanted Slater to go after me and thought that they could give him the ammunition to fire away by making the classified documents available to him.

I don't think that Slater made a particularly good job of it, though that is for others who read his book and my reply to decide. In any case, the senior levels of the department must have been sorely disappointed by his book. Despite his efforts to undermine what I had written, he came out in the end almost as critical of United States policy as I had been and for much the same reasons. To Slater's credit, it must be said that he took the material and ran. He must have made his friend or friends in the State Department happy only in the first half of his book, not in his concluding chapter. Lowenthal's book was probably equally disappointing.

From a scholarly point of view, these two books show how dangerous this under-the-table practice can be. Both sometimes refer to the same document without giving exactly the same version of what is in it. Yet no one else can check on them to find out just what the document did say.

I can well understand why these young scholars agreed to use classified material under conditions that I consider to be unscholarly and onerous. They were as much victims as beneficiaries of the present system. The scholarly competition is extremely keen, and anyone can justify playing this kind of questionable game on the ground that everyone else plays it—or would if he could.

The Twentieth Century Fund study came to this conclusion: "The Dominican case is significant for its illustration of Government practices. State Department officials ignored the department's own rules for access to its own records; they clearly played favorites; and they violated the regulations for use of security-classified records."

It was not always so. When William L. Langer and A. Everett Gleason wrote their studies of pre-World War II foreign policy in the early nineteen-fifties, "The Challenge to Isolation" and "The Undeclared War," basing them on classified documents, they were able, according to Professor Langer's letter to The New York Times Book Review of Dec. 20, 1970, to get all such documents used by them automatically declassified. Interestingly, the only trouble encountered by them came from the Latin-American Desk.

If the previous practice were followed, much of the trouble would be avoided. For there are two main problems with the present system: (1) it withholds too much, for too long, and (2) it is not fair and equitable. The second problem is more easily solved than the first. But as long as the second problem persists, the first is often rendered nugatory. The material in the documents gets out but in the worst, most tendentious way imaginable. Not only do supposed servants of the people decide the people's fate but they reserve the right to decide when and how and what the people are going to learn about their fate. That is what more than 90 per cent of the classified documents are all about. We could live with the other 10 per cent if something could be done about the 90 per cent.

The real culprits are the high officials who use classified documents as political weapons. This practice is not restricted to the State Department. One of the most crucial and damaging (to President Johnson's Dominican mythology) documents of the Dominican crisis was shown to a well-known Washington correspondent by a high C.I.A. official who presumably was not enchanted by the official policy. A portion of this document was quoted by the correspondent in a contemporary newspaper article and later in a book. Of course, the correspondent would have been out of his mind not to have taken advantage of this beneficence.

Another case in point was "The China White Paper" put out by the State Department in 1949. Its purpose was manifestly political—to counteract the attacks made on the Truman Administration's China policy. Towards this end, former Secretary of State Dean Acheson declassified 642 pages of documents, most of them in the "Top Secret" category. But at least the documents themselves were made available, and from a scholarly point of view, they were pure gain, even if they left something to be desired in the way of completeness.

In the case of the Dominican documents, the practice vitiated whatever scholarly use they might have had. Not only were the documents themselves not made available, but the authors were not permitted to quote from them or to identify what they were using. It is of the essence of scholarly work that other scholars should be able to check on the material or to arrive at their own interpretations from the given body of evidence. A half-world of quasi-scholarship has been created in which the canons of traditional scholarship are perverted and, in the end, no one can be quite sure what was in the documents anyway.

Congressional committees are not without fault. The Senate's high-minded Committee on Foreign Relations held closed hearings on the Dominician crisis and classified the testimony. But one member of the committee invited two of the best-known Washington correspondents to look at the testimony *sub rosa*, locked in a room with pencils and pads, and permitted to take notes (for only one hour!). Their articles on the closed hearings appeared the next day on the front pages of their newspapers. When I asked for the same privilege, it was sanctimoniously denied.

The more powerful the official, the less the classification system restrains him. The Presidents of the United States are in this respect the worst offenders. They seem to consider the entire system a convenience to give them a monopoly of state secrets until they are ready to get out their memoirs—for which publishers bid in the six- and seven-figure range. If everyone followed the example set by Presidents, the classified files would be raided en masse and not a shred left of them.

But Assistant Secretaries have also been known to take advantage of the rule that the classifier can also declassify. The same Assistant Secretary who has classified hundreds, if not thousands, of personal documents during his stay in office may, and has, declassified as many of them as he thinks necessary for that book he has in mind just as he is about to leave office. And if he is too squeamish to quote verbatim, he can always paraphrase.

The New York Times recently requested the declassification of materials relating to a number of foreign-policy questions. One of them, according to The Times's account of Nov. 22, 1972, pertained to "comments of the Joint Chiefs of Staff on the Bay of Pigs invasion." Among the requests that have not been granted was this one. If The Times's researchers will look at pages 187–190 of Gen. Maxwell D. Taylor's recent memoirs, "Swords and Plowshares," they will find just what they are looking for.

How did General Taylor happen to know so much? He was chairman of the committee appointed by President Kennedy to investigate the Bay of Pigs fiasco. His book contains an entire chapter which patently paraphrases his committee's report. If the report can come out in this form, why should it be withheld from The Times? Was the report declassified for General Taylor and no one else? Or didn't he bother to get its declassification?

The highest public officials in the land have set the example and established the tradition of using classified documents for political purposes. It is only when the example and the traditions are used against them that they call for the police, the handcuffs and the courts to uphold the sanctity

of the law and the inviolability of Government regulations. It is precisely this double game that degrades the law and makes a mockery of "security." If a plaintiff is supposed to come into court with clean hands, the Government's hands could not be dirtier.

The double game is rampant in Washington. For this reason there are actually two systems of classified documents. One is abstract and theoretical. The other is real and political. The arguments over first principles and fine points invariably concern the former. "Do you *really* mean that *nothing* should be classified?" "For *God's* sake, where are you going to *stop?*" The answers to such questions are not so difficult if the real, the political system is kept in mind.

(1) Nothing should remain classified if the classifiers themselves do not abide by the system of classification. Whenever a classified document is made public by those in a privileged position, that document should be automatically declassified. As long as the highest officials in the land habitually use classified documents as political weapons, they cannot in good conscience deny the same use to their critics without debasing and perverting the rule of law. Every victim of the present system of classification testifies to the politicalization of the entire process and to its degeneration into a system of special privilege and bureaucratic decadence. The system needs cleaning up; it does not need more victims.

(2) Where should classification stop? It should stop at the borders of personal interest and partisan politics. The system of classified documents has become a scandal because it has been made to serve one-sided personal and political ends. If the system were purged of personal self-interest and political manipulation, many if not most of the present discontents would be greatly mitigated. There would still be problems, to be sure, but they could be held within manageable limits, and at least we would be spared the present flagrant inequities and hypocrisies.

The case of the classified documents in the United States is remarkably similar to that of the woman charged with violating the antiabortion law in France. According to the report in The New York Times of Nov. 24, 1972, her action was defended in court by a French doctor, who was the dean of a Parisian teaching hospital, a practicing Catholic and an opponent of abortion on principle. But he believed that it was sometimes the best solution, and he testified that he himself occasionally performed abortions when the circumstances warranted them. The French Minister of Health summoned him imperiously for an official rebuke. The doctor protested that well-to-do women obtained abortions without risk, only the poor suffered from the law. Whereupon the Minister admonished the doctor that this was "not a reason why the vices of the rich should be made equally possible for the poor."

In American terms, this is the kind of double-bookkeeping which, as in the case of the classified documents, protects the vices of the higher officialdom and persecutes those who are guilty of nothing else but following their example.

EDUCATION: A KEY TO WORLD PEACE

Mr. CRANSTON. Mr. President, a panel of the country's leading educators are telling us that the "search for world peace must begin with schools."

The provocative views of these school curriculum specialists are outlined in a report published in the Education USA, issue of February 5.

I commend this article to Senators and Representatives, 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:

EDUCATION, U.S.A.,
Washington, D.C., February 5, 1973.

SEARCH FOR WORLD PEACE MUST BEGIN WITH SCHOOLS

Programs in peace education, taught in the nation's schools, are the only deterrent to the warfare that has plagued the world in the 20th century. This is one conclusion of the 1973 yearbook of the Assn. for Supervision and Curriculum Development (ASCD), the 12,000-member group of school curriculum specialists. Not satisfied with scattering the subject into world history or "contemporary problems" courses, ASCD believes that the values and issues involved in world peace "should provide the main content of curriculums in the 1970's" and should be "actively pursued" in classrooms. In the 1973 yearbook, Education for Peace: Focus on Mankind, 10 educators conclude that schools must be one of the institutions to take on the responsibility for teaching mutual understanding, justice and the uses of power essential for world peace.

Contributors to the volume reject the thesis that man is innately violent and insist that aggressiveness is learned: "Recognizing that violence is an inadequate solution to a problem by an individual or by groups, the school can become much more deeply involved with choices, decision making, cognitive processes, and values—all leading to solutions other than violence." The place to begin, writes Aubrey Haan, dean of the school of education at California State U., San Francisco, is the school environment. If it is adult-oriented, suppressive or indifferent, the school "can sow seeds of violence, self-hatred, defeat," he says. Individualized instruction, which emphasizes each child's cognitive development, also "can be a constructive force in aiding children to learn coping behavior," he says.

The yearbook justifies giving schools the responsibility for moral development on the basis of educational research. Citing studies on the development of moral judgment in children, several authors note that it proceeds in the same stages as the learning of language or reasoning. Using data collected from interviews with children in five states and in Japan, education consultant Gertrude Noar illustrates the changing concepts of young people about peace and conflict—and gives schools little credit for being influential. "Young children," she says, "describe peace—and its opposite, conflict—mostly in reference to their own home, school and neighborhood. . . . Adolescents move beyond their intimate environments. . . . Older students believe in the efficacy of communication. . . . Some of the older adolescents are without hope."

In the United States, teachers "are still seen as part of the nation's defense system," and education has become synonymous with "indoctrination and training," says James Becker of the Social Studies Development Center at Indiana U. But, Becker says, there are resources to change that. Listing projects on "conflict resolution" at several universities, Becker also points to elementary and high school courses created by the U. of Minnesota, the World Law Center and the Center for War and Peace Studies, especially the Diablo Valley Education Project. (See EDUCATION U.S.A., May 24, 1971.) "Not everyone, either within the education community or the general public, will agree with all the comments and proposals of the many authors," says editor George Henderson, professor of education and sociology at the U. of Oklahoma. "But everyone in this war-weary nation can welcome this forthright search for the elusive road out of our present morass and on to abiding peace." The yearbook is available from ASCD (1201 16th St. NW., Washington, D.C. 20036; 250p; $7.50).

MISGUIDED EFFORTS TO END THE WAR IN VIETNAM

Mr. TOWER. Mr. President, President Nixon's peace agreement is beginning to take hold and American guns are now silent in Vietnam. Our ears are greeted by another silence—Capitol Hill no longer rings with cries for disguised surrender. There were many mistakes in the handling of the Vietnam war. But I shall always regret the persistent misguided efforts by certain Members of Congress to restrict the authority of the Commander in Chief while our men were still fighting overseas.

Time and time again in the last 4 years we have seen serious efforts made to undermine our efforts in Vietnam—and our goal to end the fighting on terms of honor. A study of the record shows no fewer than 87 such major legislative proposals pushed in the Congress between 1969 and 1972.

The chief target of these proposals was President Nixon—a man unfortunate enough to inherit this war but courageous enough to bring it to an honorable end. Now that the struggle is ending, I think it is about time that his critics concede to the President the credit he so clearly deserves.

Congressional interference culminated in Senator MCGOVERN's campaign proposal in 1972 to withdraw unilaterally without making arrangements to get our prisoners back and our missing accounted for. In addition, "the McGovern package" called for the United States to disarm our South Vietnamese allies as we left—leaving them defenseless in the face of 14 divisions of heavily armed North Vietnamese troops plus the Viet Cong. McGovern would have further warned President Thieu of the imminent end of U.S. economic assistance.

In retrospect, as we review the agreement and its provisions relating to the South Vietnamese and to our POW's, it is clear that the McGovern proposals would have prevented the achievement of an honorable peace settlement. Fortunately for the United States and fortunately for history, that plan was buried by the American people when nearly 61 percent of them voted for the reelection of the President.

However, similar proposals kept coming up in Congress throughout the first 4 Nixon years. Many of them drew considerable support. And though no extremely restrictive plans passed, several critical one-vote margins were recorded, bringing us to the brink of a constitutional crisis.

But more important, each of these cut-and-run plans tended to give the enemy encouragement to hold out, to refuse serious negotiation. Each held out the prospect to the Congress handing Hanoi what it could not win on the battlefield. Those who argue that the war could have been ended sooner are probably right. Had some Members of Congress

not given Hanoi so much encouragement to abstain from serious negotiations, a just settlement in all probability could have come earlier.

Here is what some of the most prominent legislative restrictions would have done if they had been adopted:

The President would have been forced to withdraw our forces by a certain date, regardless of the military and political situation as of that date, and with no protection for either the South Vietnamese or our prisoners.

Money to support our fighting men would have been cut off, or severely limited.

The President would have been forbidden to carry out military operations, even if he deemed them necessary to protect American lives.

All in all, the political opposition to the commander in chief within the Congress was one of the unhappiest stories in congressional history. But we can be thankful that we had a President who was courageous enough to hold the course and bring an honorable end to this tragic conflict.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of Vietnam legislation.

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

VIETNAM LEGISLATION

S. 2956. War Powers. Gravel amendment making the bill's provisions apply to hostilities abroad in which U.S. forces were engaged, including Indochina, as of the date of enactment of the bill, unless Congress not later than 15 days after enactment had declared war against the nation whose forces they were fighting. Rejected 11–74: April 11, 1972

S. 2956. War Powers. Fulbright amendment specifying that the provision exempting ongoing hostilities, including Indochina, from the bill did not give the President any authority to pursue hostilities not conferred by the Constitution or other provision of law. Rejected 28–56: April 11, 1972

S. 2956. War Powers. Passage of the bill defining the powers of Congress and the President in decisions involving the armed forces of the United States in hostilities. Adopted 68–16: April 13, 1972

S. 3390. Foreign Military Aid Authorizations. Cannon amendment—as modified by adopted Mansfield amendment—forbidding the use of funds to maintain U.S. forces in South Vietnam after Oct. 1, 1972. Rejected 44–49: July 24, 1972

S. 3390. Foreign Military Aid Authorizations. Cannon amendment—in the nature of a substitute for Cooper amendment—prohibiting use of funds to maintain U.S. forces in South Vietnam 90 days after enactment, contingent upon an agreement for the release of all Americans held as prisoners of war and an accounting for the men missing in action. Rejected 40–55: July 24, 1972

S. 3390. Foreign Military Aid Authorizations. Cooper amendment—as modified by adopted Brooke amendment—forbidding use of funds for U.S. participation in the Indochina war except for withdrawal of the remaining troops from South Vietnam, Laos and Cambodia four months after enactment, contingent only on the release of all American prisoners of war. Adopted 50–45: July 24, 1972

S. 3390. Foreign Military Aid Authorizations. Church motion to table, and thus kill, Brooke motion to reconsider the vote by which the Stennis amendment was rejected. Adopted 49–46: July 24, 1972

S. 3390. Foreign Military Aid Authorizations. Hartke amendment prohibiting all military and economic assistance to Thailand except for funds to aid in the control of the international narcotics traffic, unless the President determined that the Thai government had taken adequate steps to control international traffic in narcotics. Rejected 22–68: July 14, 1972

H.R. 15495. Defense Procurement Authorization. Brooke substitute amendment for Cranston amendment requiring a cutoff of funds for support of U.S. air, naval and ground troops in Vietnam, Laos and Cambodia within four months of enactment of the bills, pending the release of U.S. prisoners of war. Adopted 49–47: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table the Allen motion to reconsider the vote by which the Brooke amendment was agreed to. Brooke amendment called for cutoff of funds for support of U.S. troops in Indochina four months after enactment, pending the release of U.S. prisoners of war. Agreed to 49–47: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table the Scott motion to reconsider the vote by which the Allen motion was rejected. Agreed to 52–45: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Adoption of the Cranston amendment as it was replaced by the Brooke substitute which called for the cut-off of funds for support of U.S. military activities in Indochina four months after enactment, pending release of U.S. prisoners of war. Adopted 50–47: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table the Pastore motion to reconsider the vote by which the Cranston amendment was adopted. Agreed to 51–46: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Pastore motion to table the Dole amendment stating Congress accepted the full responsibility for the consequence of policy they wrote into the bill. Agreed to 59–38: August 2, 1972

H.R. 15495. Defense Procurement Authorization. Mansfield motion to table Miller amendment requiring full accounting by the North Vietnamese for those missing in action in Indochina prior to withdrawal of U.S. troops from Indochina. Rejected 1–96: August 2, 1972

H.R. 16593. Defense Appropriations. Proxmire amendment banning the use of funds for the continued aerial bombing of Vietnam, Laos and Cambodia, and reducing the bills appropriation by $2 billion to reflect savings from the bombing ban. Rejected 26–55: October 2, 1972

H.R. 15495. Defense Proceurement Authorization. Harrington amendment to cut off all funds as of 1 September 1972, subject only to POW release and MIA accounting. Rejected 152–244: June 27, 1972

H.R. 16029. Foreign Military Aid Authorizations. House Foreign Affairs Committee adopts for the first time an "End the War" amendment calling for the termination of activities in and over Indochina by 1 October 1972, subject to a cease-fire, release of POW's and accounting of MIA's. Adopted 18–17: August 1, 1972

H.R. 16029. Foreign Military Aid Authorizations. Whalen amendment postponing the effective date of provision terminating U.S. involvement in Indochina war to 31 December 1972, from 1 October 1972. Rejected 109–304: August 10, 1972

H.R. 16593. Defense Department Appropriations, Fiscal 1973. Addabbo amendment calling for a cut off of all funds appropriated in the bill to support U.S. involvement in Indochina. (The fund cutoff would take place four months after enactment of the bill pending the release of U.S. prisoners of war and an accounting for those missing in action.) Rejected by recorded teller vote 160–208: September 14, 1972

1971

H.R. 6531. Military Selective Service Act. Fraser amendment prohibiting involuntary induction of military personnel for training and service in Indochina or involuntary extension of tour of duty. Rejected 122–160: April 1, 1971

H.R. 6531. Military Selective Service Act. Gonzalez amendment prohibiting involuntary induction of Armed Forces personnel for training and service in any area of armed conflict outside the U.S. and its territories, except during period of war declared by Congress. Rejected by Voice Vote: April 1, 1971.

H.R. 6531. Military Selective Service Act. Gibbons amendment prohibiting use of inducted military personnel in combat or for deployment to a combat zone after June 30, 1971 except in the event of: Presidential affirmation of an armed attack on the U.S. or an imminent attack requiring Armed Forces mobilization; congressional authorization of such induction or force mobilization; congressional declaration of war; or personal consent to such induction. Rejected 97–279: April 1, 1971

H.R. 6531. Military Selective Service Act. Ryan amendment prohibiting the assignment of active duty personnel strengths from use in South Vietnam, Cambodia, Laos, North Vietnam, and adjacent waters. Rejected by Voice Vote: April 1, 1971

H.R. 6531. Military Selective Service Act. McGovern-Hatfield amendment prohibiting the expenditure of authorized or appropriated funds after December 31, 1971, to support the deployment of U.S. Armed Forces in or the conduct of U.S. military operations in or over Indochina; not to be construed as affecting Presidential authority to provide for the safety of U.S. Armed Forces or of South Vietnamese, Cambodians, and Laotians during withdrawal (or asylum for the latter) or for assistance to the nations of Indochina in amounts approved by Congress; stipulating, however, that in the absence of arrangements on the part of North Vietnam and other adversary forces for the release and repatriation by December 31 of all American prisoners (arrangements to be made 60 days after enactment), the U.S. withdrawal deadline may be extended for 60 days and Congress may by joint resolution authorize further action as is recommended by the President to secure American prisoner release and repatriation. Rejected 42–55: June 6, 1971

H.R. 6531. Military Selective Service Act. Chiles amendment prohibiting the expenditure of authorized or appropriated funds after June 1, 1972, to support the deployment of U.S. Armed Forces in or conduct of U.S. military operations in or over Indochina; not to be construed as affecting Presidential authority on the same counts as in the above amendment; stipulating, however, that the prohibition will have no effect in absence of the completion (by 60 days prior to June 1, 1972) of the release and repatriation of all American prisoners of war or American designated as missing in action but held as prisoners of war by North Vietnam and other adversary forces in Indochina. Rejected 44–52: June 16, 1971

H.R. 6531. Military Selective Service Act. Cook amendment (as amended by Mansfield amendment as a substitute) declaring it to be the policy of the United States to terminate all involvement of the U.S. Armed Forces in Indochina as soon as practicable, and to withdraw, within a period not to exceed nine months, all U.S. military forces and equipment from South Vietnam, Laos and Cambodia; prohibiting the expenditure of funds

authorized or appropriated under this or any other law after nine months from the date of enactment to support the deployment of U.S. Armed Forces in or the conduct of U.S. military operations in or over South Vietnam, Laos, Cambodia, or North Vietnam; stipulating that if after 60 days following enactment the President is unable to obtain a firm commitment from the North Vietnamese Government for the release of all U.S. personnel held captive by it and other allied forces, the above provisions will have no further force and effect unless Congress provides for their extension; not to be construed as affecting Presidential authority on the same counts as in the above amendment; and outlining specific procedural arrangements for immediate congressional consideration and votes on bills and resolutions related to withdrawal. Adopted 61–38: June 22, 1971.

H.R. 6531. Military Selective Service Act. Mansfield amendment (as substitute to Cook amendment), declaring it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than nine months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces at a date not later than nine months after enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners concurrently with the withdrawal date established pursuant to the above or an earlier negotiated date. Adopted 57–42: June 22, 1971 on June 28, 1971, a similar provision was voted by the House, 219–175.

H.R. 6531. Military Selective Service Act. Conference report changing Mansfield amendment declaring it to be the sense of Congress (rather than the policy of the United States) that the United States terminate at the earliest practicable date all military operations of the United States in Indochina, and provide for the prompt and orderly withdrawal of all U.S. military forces at a date certain (rather than not later than nine months after the date of enactment) subject to the release of all American prisoners held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the same actions as detailed in the original amendment, except that "establishing a final date for the withdrawal from Indochina of all military forces of the United States" becomes a directive to "negotiate with the Government of North Vietnam for the establishing of a final date . . .", and the original phrase stating that the parties involved may establish an earlier withdrawal date by negotiation than the stipulated nine-month date is deleted. Adopted 55–30: September 21, 1971. A similar provision had been adopted by the House by 297–108 on August 4, 1971.

H.R. 8687. Military Procurement Authorization. Nedzi-Whalen amendment prohibiting the expenditure funds after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any military operations in or over North Vietnam, South Vietnam, Cambodia, or Laos except in the event of Presidential determination that such limitations would prevent the safe and orderly withdrawal of all U.S. military personnel from Vietnam or ensure the return of prisoners of war; not to be construed as affecting the constitutional power of the President as Commander-in-Chief, or his power to provide asylum or other safety measures for endangered South Vietnamese citizens or military/economic assistance to Cambodia, Laos, or South Vietnam consistent with the amendment; or as affecting the assignment of customary military personnel to diplomatic missions. Rejected 158–254: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Robison amendment prohibiting the expenditure of appropriated funds after April 30, 1972, to support the deployment of U.S. military personnel or the conduct of U.S. military operations in or over South Vietnam, North Vietnam, Laos, or Cambodia or by such date as a ceasefire has been arranged either by the parties involved or the United Nations or by any group of neutral nations, and if by such date agreement has been consummated on the identification and exchange of prisoners of war, and if all American prisoners have been released. Rejected by Voice Vote: June 17, 1971

H.R. 8687. Military Procurement Authorization. Mink amendment prohibiting the expenditure of appropriated funds after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos. Rejected 79–327; June 17, 1971

H.R. 8687. Military Procurement Authorization. McDade amendment prohibiting the expenditure of appropriated funds after December 31, 1971, to support the deployment of U.S. military personnel or the conduct of any U.S. military operations in or over South Vietnam, North Vietnam, Cambodia, or Laos, provided that all U.S. prisoners of war under control of the North Vietnamese, the Vietcong, or their Allies, be released not less than four months prior to the above date and that the latter parties refrain from interfering with the safe withdrawal of U.S. troops. Rejected 37–146: June 17, 1971

H.R. 8687. Military Procurement Authorization. McKinney amendment requiring that an agreement be reached prior to December 1, 1971 between the U.S. and North Vietnamese Governments setting a definite date for ceasefire and mutual return of prisoners of war. Rejected by Voice Vote: June 17, 1971

H.R. 8687. Military Procurement Authorization. Findley amendment prohibiting the use of resources authorized by the Act to support action by U.S. combat forces in Vietnam except as required to effect the safe withdrawal of all such forces by the earliest practicable date; not to be construed as limiting the authority of the President to take necessary measures to secure the safe return of U.S. prisoners of war or to provide asylum for those endangered by the withdrawal of U.S. forces. Rejected on Voice Vote: June 17, 1971

H.R. 8687. Military Procurement Authorization. Badillo amendment prohibiting the use of any funds authorized by the Act for engaging in the organization, supervision, or conduct of any military or paramilitary operation of any kind in Vietnam, Cambodia, Laos, or Thailand (including any guerrilla warfare operation) that would necessitate execution by forces composed in whole or in part of mercenaries, regular or irregular personnel of any armed force of any foreign nation or area, a prohibition to apply expressly to the Central Intelligence Agency or any agency acting on its behalf. Rejected 46–172: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Harrington amendment striking out line 18 on page 5 and all that follows down through page 7, line 4. (No other text appears in the Record date; however, the Congressional Quarterly notes that the amendment would have removed from the bill $2.5 billion authorized for support of local and free world forces in Indochina.) Rejected 29–128: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Pepper amendment prohibiting the expenditure of authorized funds after June 1, 1972, to support the deployment or maintenance of U.S. Armed Forces in or the conduct of U.S. military operations in or over Indochina; stipulating, however, that the prohibition will have no effect in absence of the completion (by 60 days prior to June 1, 1972) of the release and repatriation of all American prisoners of war or Americans designated as missing in action but held as prisoners of war by North Vietnam and other adversary forces in Indochina; not to be construed as affecting the authority of U.S. Armed Forces or of South Vietnamese, Cambodians, and Laotians during withdrawal (or asylum for the latter) or for assistance to the nations of Indochina in the amounts approved by Congress. Rejected 147–237: June 17, 1971.

H.R. 8687. Military Procurement Authorization. Symington amendment beginning with the word "local" on page 5, line 26, strike out through the word "Thailand" in line 1 on page 6 and insert in lieu thereof "local forces of Laos in Laos and local forces of Thais in Thailand." Immediately before the quotation marks on page 6, line 25, insert the following: "Notwithstanding any other provision of law (including but not limited to the foregoing provisions of this paragraph), none of the funds made available under this or any other law may be used to support any member of a local force of Laos in Laos who is not a citizen or national of Laos." Not acted on.

H.R. 8687. Military Procurement Authorization. Montoya amendment prohibiting the expenditure of authorized or appropriate funds under this or any other law after February 3, 1972 to support the deployment of U.S. Armed Forces in or the conduct of U.S. military operations in or over Indochina; noting that such date may be postponed by the President to a date not later than six months after enactment if he determines and notifies Congress in writing that the South Vietnamese Government has conducted a freely contested presidential election in which the right of all campaign workers were guaranteed, the franchise of the South Vietnamese people protected, and the election conducted in a manner consistent with the purposes of the United States in behalf of the South Vietnamese; not to be construed as affecting the authority of the President on the same counts as in the above (Pepper) amendment; urging and requesting the President to negotiate with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war and for the release of any remaining American prisoners concurrently with the withdrawal of all remaining U.S. military forces by a date not later than six months after the February 3, 1972 deadline. Rejected 25–60: October 6, 1971

H.R. 8687. Military Procurement Authorization. Gravel amendment prohibiting the expenditure of authorized or appropriated

funds under this or any other law after enactment to bomb, rocket, napalm, or otherwise attack by air any target whatsoever within Cambodia, Thailand, North Vietnam, and Laos, and prohibiting the same within South Vietnam unless the President determines any such air operation to be necessary to provide for the safety of U.S. Armed Forces during their withdrawal from Indochina. Rejected 19–64: October 5, 1971

H.R. 8687. Military Procurement Authorization. Mansfield amendment declaring it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than six months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces at a date not later than six months after enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners concurrently with the withdrawal date established pursuant to the above or an earlier negotiated date. Adopted 57–38: September 30, 1971. The House rejected the provision, 216–192, October 19, 1971.

H.R. 8687. Military Procurement Authorization. Conference report containing Mansfield amendment declaring it to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal at a date certain (rather than not later than six months after the date of enactment) subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces and an accounting for all Americans missing in action who have been held by or known to such parties; urging and requesting the President to implement the above expressed policy by initiating immediately the same actions as detailed in the original amendment, with the addition that the establishing of a withdrawal date be contingent not only upon the release of all American prisoners of war but also upon an accounting for all Americans missing in action who have been held by or known to the North Vietnamese Government and its allied forces. Adopted 65–19: November 11, 1971. The House adopted this provision 251–100, November 10, 1971.

H.R. 11731. Defense Appropriations. Boland amendment prohibiting the use of appropriated funds after June 1, 1972 to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, in line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and for a prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action. Rejected 163–238: November 17, 1971

H.R. 11731. Defense Appropriations. Jacobs amendment prohibiting the use of appropriate funds after November 7, 1972 to finance any military combat or military support operations by U.S. forces in or over South Vietnam, North Vietnam, Laos, or Cambodia, if all American prisoners shall have first been released and all Americans missing in action shall have been accounted for, in line with Title VI of the 1971 Military Procurement Act calling for termination of all U.S. military operations in Indochina at the earliest practicable date and the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners and an accounting for all Americans missing in action. Rejected 52–161: November 17, 1971

H.R. 9910. Foreign Assistance Act of 1971. Scott amendment striking Cooper-Church provisions declaring that, in order to bring an end to the involvement of U.S. Armed Forces in the hostilities in Indochina, to secure the safe return of U.S. prisoners of war held by North Vietnam and its allies, and to help bring about a political settlement of the war in Indochina, it is the sense of the Congress that it should be the policy of the United States to provide for the expeditious withdrawal from Indochina of all U.S. Armed Forces; stipulating that on and after the date of enactment funds authorized for use by such forces by this or any other act may be used only for the purpose of withdrawal of all such forces from Indochina and may not be used for the purpose of engaging such forces in hostilities in North or South Vietnam, Cambodia, or Laos, except for actions necessary to protect those forces against imminent danger as they are withdrawn. Accepted 47–44, October 28, 1971

H.R. 9910. Foreign Assistance Act 1971. Mansfield provision declaring it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than six months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces, such date to be not later than six months after the date of enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining U.S. military forces by not later than the date established by the President pursuant to the above or an earlier negotiated date. No direct vote on floor.

H.R. 9910. Foreign Assistance Act 1971. Gravel amendment lowering the ceiling on all forms of aid to Cambodia to $150 million. Rejected 26–53; October 29, 1971.

H.R. 9910. Foreign Assistance Act. Senate report adding a new section 512 requiring that, beginning with fiscal year 1973, all military aid to South Vietnam, Laos, and Thailand be funded out of the regular military assistance program as authorized under the amended Foreign Assistance Act of 1961 (instead of continuing the interim procedure of funding military aid to these countries under the Department of Defense budget); adding a new section 513 requiring specific congressional authorization before funds from any U.S. Government agency or official can be made available "for the purpose of financing any military operations by foreign forces in Laos, South Vietnam, North Vietnam, Thailand, Cambodia, or Burma outside the borders of the country of the government or person receiving such funds"; not to be construed as infringing or restricting military operations and exercises outside Southeast Asia which are required for self-defense purposes or which are pursuant to regional defense arrangement such as NATO or other arrangements such as United Nations peacekeeping operations. Adopted on Voice Vote: October 29, 1971.

H.R. 9910. Foreign Assistance Act 1971. Case amendment deleting South Vietnam, Cambodia, and Burma from the language of section 513 requiring specific congressional approval for all U.S. funds used to finance military operations by foreign (third country) forces in the six countries of Southeast Asia, leaving the requirements in effect for North Vietnam, Laos and Thailand. Adopted on Voice Vote: October 29, 1971.

H.R. 9910. Foreign Assistance Act 1971. Fulbright amendment leaving committee oversight of military funds for South Vietnam and Laos in the Defense Department budget under the jurisdiction of the Armed Services Committee, but returning oversight of military aid to Thailand to the Senate Foreign Relations Committee and placing such aid in the Foreign Assistanct Act, thus amending section 512. Adopted on Voice Vote: October 29, 1971.

NOTE. After Considering the above and other amendments, the Senate in an unexpected move rejected the overall bill, H.R. 9910, on October 29 by a recorded teller vote of 27 yeas, 41 nays, and 27 not voting.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Mansfield provision declaring it to be the policy of the United States to terminate at the earliest practicable date all U.S. military operations in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces not later than six months after the date of enactment subject to the release of all American prisoners of war held by the North Vietnamese Government and its allied forces; urging and requesting the President to implement the above expressed policy by initiating immediately the following actions: (1) establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the North Vietnamese Government and its allied forces, such date to be not later than six months after the date of enactment; (2) negotiating with the North Vietnamese Government for an immediate ceasefire by all parties to the hostilities in Indochina; (3) negotiating with the North Vietnamese Government for an agreement which would provide for a series of phased and rapid withdrawals of U.S. military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war by a date not later than the date established by the President pursuant to the above or an earlier negotiated date. Adopted by Senate vote of 65–24 on whole bill. Similar provision in bill passed by the House 130–101, December 16, 1971, but motion to instruct conferees to accept Mansfield language was rejected.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Nelson amendment lowering the ceiling on all forms of aid to Cambodia to $263.5 million from the $341 million ceiling approved in section 655 by the Senate Foreign Relations Com-

mittee (the $341 million ceiling was the same as that set by Symington amendment No. 558, adopted as part of the subsequently defeated H.R. 9910.) Rejected 43-46: November 11, 1971

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report adding a new subsection (v) to section 620 of the Foreign Assistance Act stipulating that none of the funds appropriated to carry out the provisions of the act shall be made available to any foreign country which the President determines has failed to actively support the provisions of the 1949 Geneva Convention relative to the treatment of prisoners of war (same as Brock amendment No. 555 adopted as part of H.R. 9910.) Adopted by 65-24 Senate vote on whole bill, November 11, 1971. The House did not consider a similar provision and the Senate receded from this amendment in conference.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report deleting South Vietnam, Cambodia, and Burma from the language of section 513 requiring specific congressional approval of all U.S. funds to finance military operations by foreign (third country) forces in the six countries of Southeast Asia, leaving the requirement in effect for North Vietnam, Laos, and Thailand (same as the Case compromise amendment adopted as part of H.R. 9910.) Adopted by 65–24 Senate vote on whole bill, November 11, 1971, but dropped in conference.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report adding a new section 512 requiring that, beginning with fiscal year 1973, all military aid to Thailand shall be funded out of the regular military assistance program as authorized under the amended Foreign Assistance Act of 1961 rather than under the Defense Department budget (same as Fulbright modifying substitute amendment adopted as part of H.R. 9910); new section 513 as reworded in conference provides that after June 30, 1972, no military assistance shall be furnished by the United States to Thailand directly or through any other foreign country unless that assistance is authorized under this act or the Foreign Military Sales Act. Adopted by 65-24 Senate vote on whole bill, November 11, 1971. The House adopted a similar provision 203-179: January 25, 1972.

S. 2819. Foreign Military and Related Assistance Authorization for FY 1972. Senate Report adding a new section 656 stipulating that the total number of civilian officers or employees of executive agencies of the U.S. Government who are citizens of the United States and of members of the U.S. Armed Forces (excluding such members while engaged in air operations in or over Cambodia which originate outside Cambodia) present in Cambodia at any one time shall not exceed 200; providing further that the United States shall not at any time pay in whole or in part, directly or indirectly, the compensation of allowances of more than 50 individuals in Cambodia who are citizens of countries other than Cambodia or the United States; latter figure changed in the conference report from 50 to 85. Adopted by Senate vote of 65–24 on whole bill. *The House approved* the provision in 203–179 vote on conference report: January 25 1971.

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H.R. 15628. Military Sales Act. Goodell-McGovern-Young—amendment adding the following new section 47: "No part of any amount authorized to be appropriated under this act or any other law shall be used to introduce into or maintain in the territory of Cambodia or the airspace thereof, for any purpose and for any period of time, (1) any military personnel of the United States, or (2) any other persons employed by the United States or hired pursuant to contract with the United States, who perform the functions of military advisors or military instructors." Subject covered in later debates.

H.R. 15628. Military Sales Act. Cooper-Church-Mansfield-Aiken amendment adding the following new section 47 entitled prohibition of assistance to Cambodia: "In order to avoid the involvement of the United States ground forces in Cambodia; (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any person in Cambodia who furnishes military instruction to Cambodian forces or engages in any combat activity in support of Cambodian forces; (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or persons to engage in any combat activity in support of Cambodian forces; (4) supporting any combat activity in the air above Cambodia by United States air force except for the interdiction of enemy supplies or personnel using Cambodian territory for attack against or access into South Vietnam." Subject covered in later debates.

H.R. 15628. Military Sales Act. Cooper-Church Provision in Senate Report adding the following new section 47 entitled prohibition of assistance to Cambodia: "In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended for the purpose of: (retaining United States forces in Cambodia; (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces; (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or (4) conducting any combat activity in support of Cambodian forces." Filed May 12, 1970.

H.R. 15628. Military Sales Act. Cooper-Church revision adding the following new section 47 entitled prohibition of assistance to Cambodia: "In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970 for the purpose of: 1) retaining United States forces in Cambodia; (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces; (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces; or (4) conducting any combat activity in direct support of Cambodian forces; [and further stipulating that] nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief, including the exercise of that constitutional power which may be necessary to protect the lives of U.S. armed forces wherever deployed: [and] nothing contained in this section shall be deemed to impugn the constitutional powers of the Congress including the power to declare war and to make rules for the government and regulation of the armed forces of the United States." Adopted 58–38, June 30, 1970. The provision was later approved by the House in a 237–153 vote on the whole bill but the House killed a motion to instruct conferees to accept this particular section.

H. R. 17123. Military Procurement Authorization. Reid amendment adding the following new section 403: "In line with the expressed intention of the President of the United States, no part of the funds authorized to be appropriated pursuant to this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia." Rejected 32–321, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Findley amendment adding the following new section 403 in place of the language of the above Reid amendment: "In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, to protect the lives of American troops remaining within South Vietnam" [similar to the Dole amendment to H.R. 15628]. Adopted 171–144, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Leggett amendment striking the proviso exception after the word "Congress," thus changing the Findley substitute to read: "In line with the expressed intention of the President of the United States, none of the funds authorized by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of Congress." Rejected 132–215, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Bingham amendment inserting after the word "Cambodia" in the above Reid amendment the following: ", or to finance attacks on the territory of North Vietnam." Rejected 70–232, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Ryan amendment adding the following new section 403: "No funds authorized or appropriated pursuant to the act shall be used to finance the use of American military forces in Cambodia." Rejected on a point of order, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Ryan amendment striking section 401, an open-ended authorization for the funding under this or any other act of the local forces in Laos and Thailand and of South Vietnamese and other free world forces in Vietnam, in effect requiring the Administration to request specific authorization for support of these forces. Rejected on voice vote, June 6, 1970.

H.R. 17123. Military Procurement Authorization. Lowenstein amendment adding the following new section 403: "No part of the funds authorized to be appropriated pursuant to this act shall be used to finance American military operations in Laos, Thailand, or Cambodia." Rejected on a point of order, June 6, 1970.

H.R. 17123. Military Procurement Authorization. McGovern-Hatfield amendment adding a new section: "(1) In accordance with public statements of policy by the President, no funds authorized by this or any other act may be obligated or expended to maintain a troop level of more than 280,000 armed forces of the United States in Vietnam after April 30, 1971; (2) after April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American armed forces in and over Indochina only to accomplish the following objectives: (a) the orderly termination of

military operations there and the safe and systematic withdrawal of remaining armed forces by December 31, 1971; (b) to secure the release of prisoners of war; (c) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and (d) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives; providing, however, that if the President while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American armed forces are exposed to unanticipated clear and present danger, he may suspend the application of paragraph 2(a) for a period not to exceed 60 days and shall inform the Congress forthwith of his findings; and within 10 days following application of the suspension the President may submit recommendations, including [if necessary] a new date applicable to section 2(a) for Congressional approval." Rejected 39–55, September 1, 1970.

H.R. 17123. Military Procurement Authorization. Proxmire-Nelson-Hughes-McGovern-Goodell-Young-Yarborough [revised] amendment incorporating Dominick suggestion that any proposal to end the practice of sending draftees to Indochina include a proviso whereby young men inducted into the armed forces can retain the option of volunteering for such duty, and subsequently changing the use of the term "drafted" to "inducted," thereby adding the following new section: "No funds appropriated pursuant to this or any other act may be expended after the date of enactment of this section for the purpose of sending to South Vietnam, Laos, or Cambodia, any person inducted into the armed forces of the United States under the Military Selective Service Act of 1967, or any subsequent act providing for the conscription of persons into the armed forces, unless funds are specifically authorized to be expended for such purpose by law hereafter enacted; [stipulating, however, that] the preceding sentence shall not apply in the case of any person inducted into the armed forces of the United States under the Military Selective Service Act of 1967, or any subsequent act providing for the conscription of persons into the armed forces, who (1) volunteers for duty in South Vietnam, Laos, or Cambodia, or (2) has voluntarily extended his military service obligation after having been inducted into the armed forces." Rejected 22–71: September 1, 1970

H.R. 19590. Defense Appropriations. Senate Report—amending the House-passed section 838 to include a $2.5 billion limitation on the amount of funds to be made available for expenditure, and adding the restrictive language of section 502 of the Defense Procurement and Research Authorization Act (P.L. 91–441) which further stipulates that nothing in the above limitation "shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos." Adopted [as part of whole bill] 59–0: December 8, 1970

H.R. 19590. Defense Appropriations. House Report—modifying slightly the language of section 838 in the first conference report to read: "Provided further, that nothing contained in this section shall be construed to prohibit support of actions required to insure [rather than support of free world or local forces in actions designed to promote] the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war." Adopted by the Senate 70–2; and by the House 234–18 in second conference report: both in December 29, 1970.

H.R. 19590. Defense Appropriations. Senate Report amending the House-passed section 843 to include the sense of the original Cooper-Church amendment to H.R. 15628, except for the prohibition on the introduction of advisors into Cambodia: "In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia." Adopted [as part of whole bill] 89–0, December 8, 1970.

H.R. 19590. Defense Appropriations. House Report adopting the compromise reached in the first conference report, thereby amending section 843 to read: "In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand, provided, that nothing in this section shall be construed to prohibit the President from taking action in said areas designed to promote the safe and orderly withdrawal or disengagement of U.S. Forces from Southeast Asia or to aid in the release of Americans held as prisoners of war." Adopted by the Senate 70–2 and by the House 234–18 in second conference report: both on December 29, 1970.

H.R. 19590. Defense Appropriations. Riegle amendment adding the following new section 845: "Notwithstanding any other provision of this act, of the aggregate amount appropriated pursuant to titles I, III, IV, and VI of this act, not more than $15,000,000,000, shall be available for expenditure for military personnel, operations and maintenance, procurement, defense readiness, or any other purpose in support of United States, South Vietnamese, and other allied armed forces in South Vietnam." Rejected in voice vote: October 8, 1970.

H.R. 19590. Defense Appropriations. Fraser amendments adding the following new section 845: "(a) None of the funds appropriated by this act shall be used to finance in any manner whatsoever any combat or support operations by any United States armed force in Vietnam other than those such operations which are necessary to carry out the safe and orderly withdrawal of United States forces and United States prisoners of war from Vietnam; provided that the funds not expended or obligated because of the limitations contained in this section shall not be otherwise expended or obligated; (b) notwithstanding any other provisions of this act, none of the funds appropriated by this act shall be available for expenditure nor shall be obligated for expenditure after June 29, 1971 to finance United States military personnel, other than advisors, in Vietnam, provided, that all the funds not expended or obligated because of the limitations contained in this section shall not be otherwise expended or obligated." Rejected 65–23: October 8, 1970

H.R. 19590. Defense Appropriations. Riegle amendment adding the following new section 845: "Notwithstanding any other provision of this act, none of the funds appropriated by this act shall be available to finance United States ground combat forces in Vietnam after June 20, 1971; provided that any funds not expended or obligated because of the limitation in this section shall not otherwise be expended or obligated." Rejected by voice vote: October 8, 1970

H.R. 19911. Supplemental Foreign Aid Authorization 1970. Findley amendment adding the following new section 6: "The military and supporting assistance funds herein authorized for Cambodia shall be used exclusively for purposes the President determines to be essential to the withdrawal of United States military personnel from South Vietnam." Rejected on voice vote: December 9, 1970

H.R. 19911. Supplemental Foreign Aid Authorization 1970. Tunney amendment adding the following new section 6: "Nothing in this act shall be interpreted as authorizing any military assistance to Cambodia other than small arms, ammunition, and communications equipment." Rejected on voice vote: December 9, 1970

H.R. 19911. Supplemental Foreign Aid Authorization 1970. Cooper-Church-Javits-Case-Mansfield Provision in Senate Report adding the following new section 7: "(a) In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of United States ground troops into Cambodia, or to provide United States advisers to or for Cambodian military forces in Cambodia; (b) military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other act shall not be construed as a commitment by the United States to Cambodia and authorized or appropriated pursuant to this or any other act shall not be construed as a commitment by the United States to Cambodia for its defense." Adopted [as part of whole bill] 72–22, December 16, 1970. Adopted in conference report by the House on a voice vote December 22, 1970.

H.R. 19911. Supplemental Foreign Aid Authorization 1970. Williams amendment amending the language of section 7 as contained in the above committee amendment [Cooper-Church] to read: "In line with the expressed intention of the President of the United States, none of the funds authorized or appropriated pursuant to this or any other act may be used to finance the introduction of United States ground combat troops into Cambodia or Israel or to provide United States advisors to or for Cambodia or Israeli military forces in Cambodia or Israel." Adopted Church tabling motion [in effect, rejected] on December 15, 1970.

H.R. 19911. Supplemental Foreign Aid Authorization 1970. Gravel amendment deleting from section 2: "(1) $85,000,000 for additional military assistance and $70,000,000 for special economic assistance for Cambodia." Rejected 33–61, December 16, 1970.

1969

H.R. 11400. Second Supplemental Appropriations 1969. Ryan amendment striking out Title I, "Military Operations in Southeast Asia," which would appropriate $1.2 billion in supplemental funds for the conduct of the war in Vietnam, including military personnel of all the armed services, operation and maintenance, and equipment. Rejected 25–140, May 21, 1969.

H.R. 11400. Second Supplemental Appropriations 1969. Eckhardt amendment revising the Ryan amendment to delete only that portion of Title I which would appropriate $640.1 million in procurement funds for the obtaining of further military material to conduct the war in Vietnam. Rejected 23–134, May 21, 1969.

S. 2546. Military Procurement Authorization. Fulbright amendment adding to the above the following stipulation: "Not to exceed $3 billion of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other act are authorized to be made available for their stated purposes to support . . ." Adopted on voice vote [as modified by Stennis], August 12, 1969.

H.R. 14000. Military Procurement Authorization. Mikva amendment adding to the proposed change to section 407: "In addition, whenever the total number of persons serving on active duty in Vietnam is reduced on or after December 31, 1969, this limitation [on active duty strength of Armed Forces personnel] of 3,285,000 shall within 180 days thereafter be reduced by a like number [and further, stipulating that [nothing in this section shall be construed as requiring the reduction of the permanent active duty personnel strength of any component of the Armed Forces below the level for such com-

ponent prescribed by law." Rejected 38–85, October 3, 1969.

H.R. 15090. Defense Appropriations. Cooper-Mansfield amendment adding the following new section 643 to conform with the Cooper qualification on the nature of support to local forces as passed by the Senate when considering the Military Procurement Authorization [amending section 401 of S. 2546] but subsequently deleted in conference: "None of the funds appropriated by this act shall be used for the support of local forces in Laos or Thailand except to provide supplies, material, equipment, and facilities, including maintenance thereof, or to provide training for such local forces." Adopted 80–9 as modified by the revised Church substitute, December 15, 1969.

PROPOSED REDUCTIONS IN MEDICARE BENEFITS

Mr. EAGLETON. Mr. President, medicare in its early days paid approximately 50 percent of the total health care bill of our elderly citizens. Left uncovered were such major items as prescription drugs and long-term care.

Today, as a result of ever larger deductibles and coinsurance payments and of increases in doctors' fees not recognized by medicare, this program covers only about 42 percent of the health care costs of the elderly.

Now we are informed that President Nixon will propose that medicare beneficiaries pay a still greater share of their hospital and doctor bills.

Referred to euphemistically in the President's budget as "cost-sharing reforms," these proposals would in 1974 shift $1 billion in health care costs from medicare to those elderly and disabled people who need medical care.

Rather than 60 covered days of hospital care after the payment of a $72 deductible, the President will propose that an elderly person pay the full cost of his first day in the hospital and 10 percent of the cost of each day thereafter.

With respect to doctors' bills, where there is now a $60 annual deductible and 20 percent coinsurance payments for all remaining bills, the President will propose an $85 deductible and 25 percent coinsurance payments.

Mr. President, I find these proposals almost incredible.

Virtually every day I receive letters from elderly persons who are struggling to make ends meet on an average social security benefit. Often suffering from chronic conditions, they need medication on continuing basis and should visit the doctor with some regularity.

Before they ever see their social security checks, the part B medical insurance premium has been deducted from it. This now amounts to $5.80 each month; beginning July 1, it will be $6.30.

Yet medicare pays nothing toward the cost of their medication. And each time they go to the doctor's office they must pay at least 20 percent of the bill out of their own pockets. Where fees exceed those charges allowed by medicare, they must pay an even larger share of the doctor's bill.

Mr. President, are these the people who administration spokemen suggest are overutilizing medical services and should become more cost conscious?

In my opinion, the responsibility of Congress is to find ways to decrease—not increase the share of health care costs that the elderly must pay out of their own pockets.

We should, at the earliest possible time, extend medicare to cover the cost of those prescription drugs required by the chronically ill. I have joined with the Senator from New Mexico, Senator MONTOYA, in cosponsoring S. 174, the prescription drug proposal developed last year by the Senate Finance Committee and passed by the Senate as a part of H.R. 1.

We should eliminate the requirement that medicare beneficiaries pay a monthly premium for their supplementary medical insurance. Both the hospital and medical insurance portions of medicare should be financed by a combination of payroll taxes and general revenues so that medicare protection can be fully paid for during a person's working years.

I believe also that Congress should take a hard look at the role of deductibles and coinsurance requirements under medicare.

The hospital insurance deductible, which was originally $40, is now $72—an increase of 80 percent since 1968. The hospital coinsurance rate following the first 60 days of hospitalization has incresed by the same percentage. And the medical insurance deductible has just been increased from $50 to $60.

It is argued that these deductibles and coinsurance payments are required to deter unnecessary use of medical services. Is not it also true that they often serve to deter people from seeking the care they need? Are not there ways to assure the medical necessity of services covered by medicare which do not at the same time raise economic barriers to necessary care?

At the very least, Mr. President, I am confident that a majority of Members of Congress will reject any proposals that will result in placing a greater financial burden on elderly and disabled persons who need medical care.

INTERVIEW OF SENATOR HELMS BY NORTH CAROLINA MAGAZINE

Mr. BUCKLEY. Mr. President, the junior Senator from North Carolina (Mr. HELMS) was recently interviewed in North Carolina magazine. I believe the interview provides an excellent introduction to one of the Senate's newest members. In the interview, Senator HELMS explains how he became a candidate, and how he views his new role.

I first came to know our new colleague last fall, when I undertook to campaign on his behalf. I found him to be a dedicated American who understands that our Federal Government was designed to be limited in scope, and that the vitality of the free market should be encouraged, not stifled, by Government. Further, the junior Senator from North Carolina understands the realities of national defense and foreign policy. He knows that isolationism is no longer a viable option for the United States to consider.

Mr. President, as I believe the interview of the junior Senator from North Carolina will be of interest to all Senators, I ask unanimous consent that the interview be printed in the RECORD.

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

NORTH CAROLINA INTERVIEW: SENATOR JESSE A. HELMS, JR.

BIOGRAPHY

Those who have the opportunity to meet a well known television personality for the first time have been known to exclaim, "Why he's nothing like I expected from watching him on TV."

That has happened often to North Carolina's new Junior United States Senator, Jesse A. Helms, Jr. Twelve years of nightly editorializing before the cameras of Raleigh's WRAL–TV left the impression with thousands of viewers, including those who responded most favorably to his strong conservatism, that the man must be a stern and unbending individual, as stiff in manner and righteous in certitude as any Old Testament prophet.

Coming to a personal meeting with Jesse Helms, many of those viewers were surely surprised to discover a rather shy individual whose conversation could be as rambling and hesitant as his editorial style was positive and direct, who could be almost diffident about his own abilities and influence, and who displayed, often at his own expense, a ready sense of humor seldom apparent in his television editorial capacity.

At age 51, this son of a small-town chief of police has become one of the 100 members of the most sought-after legislative chamber in America. The ways of Congress and of Washington are familiar to him: he spent four years in the early 1950's as administrative assistant to Senators Willis Smith and Alton A. Lennon. Mr. Helms has long had friends and confidants in many high places of government. His next-door office neighbor when he first went to Washington 21 years ago was a young California Senator named Richard M. Nixon. As executive secretary to the North Carolina Bankers Association from 1954–60 he became well known in the business community. And as executive vice president and editorialist for Capital Broadcasting Company and its radio and television outlets during the past 12 years Jesse Helms had become a household name in much of Eastern North Carolina. His reputation as a major electronic editorialist had spread far beyond the coverage area of the stations carrying his Viewpoints.

Nevertheless, the election of Jesse Helms to the United States Senate, looked at in retrospect, was a stupendous political feat. He was, first of all, a newcomer to the Republican Party, Traditionally, the North Carolina GOP hierarchy has not been overly warm toward the idea of recent converts seeking statewide office. Second, while Mr. Helms' conservative views drew wide empathy from people of all classes and income levels, they also created many influential enemies: the editors of major state newspapers, high-ranking public officials and educators and others who regarded Mr. Helms' views on many issues as impossibly negative and simplistic. Third, despite the strong impact of Jesse Helms from the video medium and personal warmth he conveyed to friends, his personal style precluded anything approaching a Kennedy-like charisma on the campaign hustings. As the new Senator put it himself: "I'm just not built for glad-hander politicking."

Nevertheless, there was something about his manner on the campaign trail which tended to drain off potential hostility. Seeking the support of a Republican county chairman during the primary campaign Mr. Helms was initially rebuffed. Why, the chairman asked, should he support a man who had repeatedly and sometimes vehemently criti-

cized President Nixon, and who was a Johnny-come-lately Republican?

Mr. Helms' reply was that the change of parties resulted from a conviction that the Democratic Party was finally beyond any return to the principles which he espoused, and that while he had indeed criticized Nixon, he had also praised him. Further, he would continue to criticize Nixon when he—Helms—felt the President was wrong. Still further, he urged the local chairman to support the candidate whom the chairman felt best represented his own convictions. Whereupon the chairman declared he would do exactly that—and Helms was his choice.

In the Republican primary Mr. Helms defeated former state legislator James Johnson of Concord and William Booe of Charlotte. In the general election he defeated Nick Galifianakis by almost 120,000 votes. Mr. Helms' 795,000 votes represented one of the higher totals garnered by any statewide candidate on November 7.

A native of Monroe, Mr. Helms attended Wingate Junior College and Wake Forest College. His journalism career interrupted by four years of U.S. Navy service during World War II, he was a reporter for "The Raleigh News and Observer," City Editor of "The Raleigh Times," manager of a radio station at Roanoke Rapids, and News and Program Director of WRAL Radio in Raleigh before becoming administrative assistant to the late Senator Willis Smith in late 1951.

Mrs. Helms is the former Dorothy Coble of Raleigh. Their children are Jane (Mrs. Charles Knox), Nancy (Mrs. John Swart), and Charles, a student at Western Carolina University.

INTERVIEW

North Carolina: What was the background of your decision to run for the Senate?

Helms: Over the years people have suggested now and then that I run for statewide office, but I never took the suggestions seriously. I had been elected to a couple of terms on the Raleigh City Council, but I just couldn't see myself as having any great personal appeal to the voters. Besides, I was perfectly happy with my job here (WRAL Television) and intended to spend the rest of my working life at it. But last fall (1971) I started getting more calls and visitors asking me to run for the Senate. I said then and several times thereafter that the idea was preposterous.

North Carolina: What happened to change your mind?

Helms: As you know, Tom Ellis (a Raleigh attorney and campaign manager) came to see me with some other folks early this year (1972) and asked my consent to let him circulate a letter to friends asking them to write and/or send seed money to persuade me that I would have a good nucleus of support. I finally agreed to that but I was still dubious that it would amount to anything. But three weeks later the mail had brought some 15,000 letters and about $20,000 in contributions which would be returned if I decided not to run.

North Carolina: Was that reaction what persuaded you?

Helms: To a great extent, yes. It wasn't just the volume of the response, it was the quality of some of it. There was one letter from an elderly lady in a nursing home. She sent one dollar, saying it was all she could spare, but she believed in me and hoped it would help. That really touched me deeply. But I was still reluctant.

North Carolina: Why?

Helms: For one thing, becoming a candidate meant I would have to go off the air and I felt I would be letting down the people here at the station who've been so good to me. For another, I still didn't think I had a chance of winning even the nomination, much less the election. Also, if I did become the Republican nominee it would mean—so I thought at the time—running against Senator Everett Jordan. And I certainly didn't relish that prospect.

North Carolina: You and Senator Jordan had been close friends for many years, I believe.

Helms: Yes, and we still are, even though I have disagreed with him editorially a number of times. Even before I made up my mind to run I wrote him a letter telling him of my continuing friendship and respect and assuring him that any differences I might have with him would never be personal ones. I told him that I would never speak disparagingly of him as a man, or refer to his age or any physical infirmity, or knowingly permit any of my supporters to do so.

North Carolina: Why didn't you believe you could win the Republican nomination?

Helms: The fact that I was a newcomer in the party and the fact that my major opponent, Jimmy Johnson, was such an attractive and articulate candidate. And outside the coverage area of the television station here I was not at all well known—in the Piedmont and West where most of the Republican strength is.

North Carolina: As it turned out, you won the nomination in a runaway. Did that increase your confidence?

Helms: Yes, but I knew the fight would still be uphill. I had not expected that Nick Galifianakis would defeat Senator Jordan, but I knew that Nick, as a Congressman, was still better known than I was. And being the Democratic nominee in a Democratic state gave him the obvious advantages.

North Carolina: The fact that you received nearly 800,000 votes shows your support came from all income levels. Do you think it also came from young people, who were supposed to be solidly against you?

Helms: I know it did. Everywhere I went during the campaign there were young people—including young men with long hair and beards—who told me they were for me. I'll tell you, that really changed my opinion about long hair and whiskers. Frankly, except on some of the larger college campuses, I think I got a substantial majority of the youth vote. You know, the average age of my own campaign staff was only 22. Harold Hering, who will be my administrative assistant, is only 24.

North Carolina: Certainly you had a great deal of support in the business community. How about that big bloc of voters often referred to as the "little people"?

Helms: They are the ones who put me in the Senate. They may be called little people, but they're not little at all. They are the people who struggle to pay their taxes and raise their children, who never took a dime of welfare money, and who ask nothing of the government except to be left alone. I know you've heard that from me a lot of times, but it's true. And if I owe my election to any one group, it is to those so-called little people.

North Carolina: Having served as administrative assistant to two Senators and knowing something about how the Senate operates, do you feel that will be of some help in getting yourself established?

Helms: To some degree, but in the years since I left Washington the bureaucracy in the Senate has grown tenfold, just as it has in every other sector of government. A lot of change has come about since I was there before.

North Carolina: A lot of people are waiting to see what kind of Senator you are going to be. Can you give us any sort of preview?

Helms: Well, I'm not going to introduce bills to abolish Social Security or the REA, as it was intimated during the campaign that I might do if I got to Washington. I've never been against Social Security—just against the unsound actuarial way in which it is operated. I will continue to oppose forced busing for integration and I'll support any good legislation the President may offer to stop it. I may have a bill of my own on busing. As for tax reform legislation—well, I'll just have to wait and see what sort of tax reform they're talking about before I take any position.

North Carolina: One of your principal editorial themes over the years has been federal budgetary waste and extravagance. As a member of the Senate, will you make this a principal concern of yours?

Helms: You bet I will. When I worked for Senators Smith and Lennon there were a number of Senators who were willing to do their budget homework—that is, to sit down with those dreary mountains of line item figures and find out where the fat was. Well, they're just about all gone now. Our own Charlie Jonas was one of the last of those Congressmen who was willing to really bore in on the budget. I know he's saved the taxpayers billions of dollars. It's lonely, unglamorous work—this budget analyzing. But I'll be doing it—I'm going to be practicing what I preached all these years.

North Carolina: Do you intend to be an Ivory Tower sort of Senator, as many of them are?

Helms: I intend to be as accessible to all the people of North Carolina as humanly possible. I plan to be at home in North Carolina every weekend that Congressional business will permit. And I'm planning something new—what in effect will be 800 local offices across the state.

North Carolina: How will that work?

Helms: With the cooperation of the North Carolina Bankers Association and the North Carolina Savings and Loan Association, we've worked out a system where citizens can take their requests and complaints and problems to the teller windows of the member institutions of those associations and they will be forwarded to us. You know, these institutions now perform a similar sort of service for their customers in payment of bills for utilities and so forth. I got the idea while standing in line at a teller's window recently. And the banks and savings and loan associations have graciously agreed to go along with the idea. The service will be available to all members of the state's congressional delegation.

North Carolina: There has been speculation that once you are in the Senate you will modify some of your more conservative positions and move toward the center of the political spectrum. Will this occur?

Helms: If the people doing that speculating mean that I will abandon the principles I've always stood for, the answer is, absolutely not. Just how far right of center I am I've never tried to analyze. But I did not, as some implied, move closer to the center during the campaign and I'm not going to in Washington. I'll continue to look at things as I always have and judge them according to my own criteria. And frankly I couldn't care less what distance from the center that puts me.

North Carolina: You have been a strong critic of both the national press and of the major daily press in North Carolina. How do you think the press treated you during the campaign?

Helms: Well, the editorial writers of the big dailies were pretty solidly against me, of course, and I didn't get a thing from them. But as for the working press—the men and women out covering the campaign for their papers and stations—I thought that on the whole they were quite fair and comprehensive in their coverage of me. At least one reporter told me that a story he wrote about me which was distorted and untruthful was altered by the editors from what he originally put down on paper. When I was in the Secretary of the Senate's office in Washington recently a TV network news reporter asked me if it was true that I am a wild-eyed extremist. I asked him how he defined a wild-eyed extremist, and where he got the information that I was one. This business

of labeling is like beauty—it's in the eye of the beholder. It seems that when some members of the press don't like your views, then you are, ispso facto, a wild-eyed extremist.

North Carolina: As a first-time political campaigner, how did you regard the experience?

Helms: It had many rewards, of course, as every candidate learns. You can never fully thank all of the people who worked so hard for you. But it is also a totally exhausting experience—physically and mentally. Political campaigns today are too long and too expensive, and somehow we've just got to make them more reasonable in terms of time and cost. I'll frankly admit that there were times during the campaign when I was so dog-tired that I would appear at a place not fully knowing where I was or what I was supposed to do. And other candidates have told me the same thing. Seeking high public office today is a brutal and debilitating task.

North Carolina: Do you have any trepidations about becoming a member of the Senate?

Helms: I regard the job of being a Senator as an awesome task, and I approach it with awe. All I can really promise is that I will work hard for the things I believe in, and against those which I don't believe in. I can't save the world, and I say in all honesty that I think there are many people in North Carolina more qualified than I for this job. But I do promise to do everything in my power to justify the confidence the voters placed in me.

GOVERNMENT ACTIONS JEOPARDIZE A FREE PRESS

Mr. SYMINGTON. Mr. President, few constitutional safeguards have proved more vital to the health of the Republic than the first amendment guarantees of freedom of speech and freedom of the press.

Each of us in public office would readily concede that while the aggressive pursuit of news by members of the press has at times produced occasional error or misinterpretation, the public interest nevertheless has been well served through the greater exposure that has been given Government activities.

There are few Members of the Congress or any other branch of Government who would make any other choice than that proffered by Thomas Jefferson when he said:

If it were left to me to decide whether we would have the government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.

In a statement before the Northwest Missouri Press Association January 20 in St. Joseph, Mo., my colleague from Missouri, Senator THOMAS F. EAGLETON, discussed the most recent encroachments on the freedom of our press. In that statement he said:

It is clear that while the vitriolic verbal attacks of 1969 and 1970 have subsided, their legacy lives on in a more subtle and dangerous form. I do not believe that these incursions are necessarily conscious, malicious efforts to destroy the free press. But I do believe they will represent an officially sanctioned loss of reverence and respect for the very concept of a free press.

In a democracy the press acts as a balance against unlimited government, an independent audit on power. As Justice Sutherland once wrote, it serves "as one of the greatest interpreters between men and government and the people." Its function is to hold up government policies for both examination and discussion.

I ask unanimous consent to have printed in the RECORD the outstanding address by Senator EAGLETON.

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

SPEECH BY SENATOR THOMAS F. EAGLETON

It is a sad commentary on our times that headlines like "Further Restrictions on the Press Likely" and "Another Newsman Jailed" have become commonplace. We don't like to see them, we are concerned about them, but we are no longer surprised by them. Incursions on the First Amendment have become an unfortunate way of life.

Over the past year or two the people have witnessed—and you have experienced—a series of assaults on the press. These attacks have not been as blatant as the Agnew barrage launched early in the Nixon era, but I know that you are all painfully familiar with the events I am referring to:

The government's attempt to repress publication of the Pentagon Papers;

The Congressional investigation of the TV program "The Selling of the Pentagon";

The FBI investigation of newsman Daniel Schorr for a yet-to-be-disclosed government job;

The jailing of Peter Bridge, William Farr, and other journalists for refusing to divulge their news sources and other information to arms of the government;

The recent Whitehead speech foretelling possible restrictions on network news broadcasting.

It is clear that while the vitriolic verbal attacks of 1969 and 1970 have subsided, their legacy lives on in a more subtle and more dangerous form. I do not believe that these incursions are necessarily conscious, malicious efforts to destroy the free press. But I do believe they represent an officially sanctioned loss of reverence and respect for the very concept of a free press.

I want to concentrate my remarks today on the critical importance of protecting investigative reporting from government intrusion because that is the area where Congress is most likely to take action in the coming months. I am aware, however, that the newsman's privilege is but one aspect of the broader issue of whether we will have a free press in this country—a Constitutionally guaranteed right to which I am unalterably committed.

We would all agree. I think, that in the best of all worlds the Supreme Court would have chosen to state explicitly that the First Amendment guarantee of a free press necessarily includes protection of news sources and related information. But, faced with the Caldwell and Branzburg cases, the Court chose not to do so.

Thus, responsibility for insuring that news gathering is protected falls to Congress and the state legislatures. Justice White wrote in the *Branzburg* case:

"Congress has freedom to determine whether a statutory newsman's privilege is necessary and desirable and to fashion standards and rules as narrow or broad as deemed necessary to address the evil discerned, and equally important, to refashion these rules as experience from time to time may dictate."

Congress can and should rise to that challenge from the bench. Although the 93rd Congress is only days old, four privilege bills have already been introduced in the Senate and hearings are scheduled for late February in the Constitutional Rights Subcommittee chaired by Senator Ervin.

These hearings will explore whether there should be such a newsman's privilege and how far it should extend. I am working to develop a bill to provide a privilege in federal jurisdictions. The bill would also detail procedures for requiring newsmen to testify under any circumstances to safeguard against abuses.

Some may view legislation to shield newsmen from disclosing information to the government as "special interest" legislation—a bonus to the men and women of the press corps upon whom we as public officials depend for exposure in our home states. In my view, the newsman's privilege is not a favor for the press corps but rather a privilege to be exercised *by* the press *for* the people.

Of course shield legislation would make life easier for journalists. It would eliminate the possibility of having to choose between breaching confidences or going to jail. And it would make it easier to get the information that "scoops" are made of. But these are incidental effects of the privilege. Its primary purpose, and the reason that I support it, is to insure that the public receives as free and as steady a flow of information and ideas as possible.

It is a fact of life that some information and some ideas will be available to the people only from sources who want to remain anonymous. Why? Perhaps they fear losing their jobs, or perhaps they fear physical harm at the hands of those whose activities are being exposed. Whatever the reason, these people will speak openly and honestly to reporters only if they can be honestly assured that their identities will be protected while their information is being disseminated to the public.

As it becomes apparent that journalists can no longer make promises of confidentiality, these sources will dry up. And precisely the kind of story that the public should know—stories about corruption in government, policies of extremist groups, how major decisions are made by the government—will no longer be available to them.

An effective privilege must extend not only to the sources of investigative reports but to the fruits of the investigation as well. That is the lesson we learned from the Bridge case, where a county grand jury sought information which did not appear in print but which Mr. Bridge *may* have known by virtue of his investigation of corruption in government.

The central question here is whether or not we will allow the press to become an investigative arm of the government. Will we permit the government to treat the records and files of investigative reporters as their own resource material? The answer to that question appears in the Bill of Rights. Under our Constitution, we do not even have that as an option. Ours *must* be a *free* press—and that means a press free of government control and interference.

If the Constitution prohibits Congress from making any "law . . . abridging the freedom . . . of the press . . ." then I submit that it is also our duty to prohibit any other institution from violating that same freedom. Freedom of the press can no longer be assumed. We must now work actively to preserve it.

RESPONSIBILITY FOR GENOCIDE

Mr. PROXMIRE. Mr. President, the most important aspect of article IV of the Genocide Convention is that it extends the responsibility for genocidal acts beyond the traditional scope of responsibility.

Before World War II only nations had been widely judged to be subject to the pains and penalties of international law. Indeed, this line of defense was taken by

the men who stood trial at Nuremberg and Tokyo. The defendants maintained that they could not be blamed or punished for their evil acts against humanity because they were "just carrying out the orders of their government."

The international war crimes trials refused to accept this specious argument and ruled against the defendants. The position of the courts was that these men had committed war crimes and did bear some responsibility for ordering and participating in reprehensible acts against humanity. Thus, these trials set a precedent that high government officials could be held accountable to the international community for their actions.

It was in this spirit that article IV of the convention was written. This article states:

> Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

The most important historical change the convention makes is that responsibility for genocide is extended to include private individuals. At the same time those who accept the Genocide Convention also reject the so-called public officials' "Nuremberg defense" of denying responsibility for their actions.

Article IV thus declares to all chief executives, Cabinet members, legislators, armed forces commanders and soldiers that if they commit or support any genocidal acts they bear personal responsibility for their actions. The article is cast in the form of a warning and is expected to serve as a deterrent to the reprehensible crime of genocide.

The most important drawback to article IV, in the eyes of convention critics, is that the convention makes no provision for punishing governments which commit genocide. Their fear is that genocide is likely to occur with either the implicit or explicit support of a government. While this might be considered a drawback to the convention, the Senate Foreign Relations Committee pointed out during the last Congress that the international community has no way to effectively punish government-instigated genocide. This is true because there is no international law which covers genocide by governments.

However, it should be noted that charges against governments could be brought before the International Court of Justice in the Hague or before the United Nations. While these organizations have no power to punish offenders, they would be able to bring moral pressures and public opinion to bear. Under the convention, of course, any future government would be responsible for charging officials of the previous government with genocide.

Article IV represents a landmark because it would punish private citizens, not just government officials, for the reprehensible crime of genocide. Let me assure convention critics that American citizens do not have to fear being pulled from the streets of foreign cities and charged and tried for genocide. The convention is very specific about what actions constitute genocide. For example, lynching, school busing, the dispensing of birth control pills and police actions against militant groups would not constitute genocide unless it could be proven that there was the intent to destroy the entire group. At the present time any American citizen visiting a foreign country can be charged and tried for any criminal offense, including murder. The only change that acceptance of the convention would make is that genocide would be added to the list of criminal offenses Americans overseas could be charged with. It would in no way modify or extend the jurisdiction of foreign courts over American citizens.

The intent of the convention is to make it possible for those persons involved in committing genocide, and only those persons, to be rightly charged with the crime of genocide. Those nations which ratify the convention thus declare to the international community that individuals must be held accountable for their actions. I ask the Senate for swift approval of this important international agreement.

ADDRESS BY ADDISON H. REESE, CHAIRMAN, NORTH CAROLINA NATIONAL BANK

Mr. HELMS. Mr. President, Mr. Addison H. Reese, chairman of the board of the North Carolina National Bank, is one of North Carolina's most prominent business leaders and one of my most valued constituents.

Mr. Reese is also a very perceptive analyst of the national economy. On January 16 he delivered an address to the Charlotte, N.C., Chamber of Commerce, which is a reasoned analysis of what we may expect in the economy during the next several years.

I commend this address to all Senators, and to all students of the economy, and I ask unanimous consent that it be printed in the RECORD.

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

THE ECONOMY: MORE PROBLEMS, MORE PROMISES

(By Mr. Addison H. Reese)

Four years ago, I gave a talk before this group entitled "The Economy: Problems and promises." In preparing my remarks today, I reviewed that talk in which I mentioned several problems facing the economy at that time, gave a forecast for business in 1969 and mentioned the bright outlook for the early part of the 1970s.

Before we discuss the present prospects for business, I thought that it might be of interest to review our forecast for 1969 and to identify what we saw as the major problem areas at that time.

Actually, 1968 and 1973 seem to have a lot in common. 1968 showed considerable economic strength and 1973 gives promise of the same. The problems that beset our economy in 1968 and early 1969 are with us today. Only the severity has lessened. But there is a good lesson to be learned from the fierce inflationary expectations of the late 1960s. And if we do not learn from history, we may well find ourselves repeating it.

To start with, our forecast for 1969 included the expectation of moderate growth in the early part of the year. We expected the federal reserve to resist the strong inflationary forces which were with us then. We expected a slowdown to materialize at mid-year. We recognized the possibility that the slowdown might be severe and longer lasting than most forecasters were expecting at that time. We expressed the hope that the economy would "slow to a normal growth rate . . . and . . . avoid the recession." We went on to say "if economic activity continues to grow at its presently unsustainable rate, an increasingly stringent monetary policy seems inevitable."

Those of us who worked closely with financial institutions in 1969 and 1970 soon came to know just what increasingly stringent monetary policy meant in real terms. Money was just not available in late 1969 and early 1970. And interest rates climbed to record highs.

Unfortunately, we were not able to avoid a recession and the cause was stringent monetary policy. Credit dried up in 1969 and 1970. The impact of tight money was late in arriving, but it did slow the economy. And the Penn Central failure dispelled whatever doubts might have lingered regarding the determination of monetary authorities to slow inflation. The slowdown lasted longer than most forecasters were then expecting. In fact, the rebound from the recession did not become pronounced until 1972. Only now are the great majority of businessmen convinced that prosperity has arrived once again.

Four years ago we identified inflation as the most pressing economic problem. It still is. By way of illustration, we traced the unhappy example of a widow who received an annual income of $10,000 in 1958. By January of 1969 the purchasing power of that income had shunk to $8,100. This poor lady has lost consistently since then, and the $10,000 income in 1958 is now worth only $6,800.

Although inflation has slowed recently, we can see more inflationary problems waiting just around the corner in 1973.

An inflationary fiscal policy was another problem that we recognized in 1969. The rapid upward thrust of Government spending remains a major problem today.

While we applaud the efforts of the Nixon administration to bring Government spending under control, we will applaud much louder when it becomes evident that this spending is, in fact, under control. We will not have price stability until we have a responsible fiscal policy. This is still a primary need of this Nation's economy.

Finally, we were quite worried about inflationary *psychology* in 1969. While this has subsided somewhat, it is still with us. The major economic problem for 1973 remains the need to curb inflation and inflationary psychology.

So much for the problems of 1969. Now let's take a look at the problems and promises of 1973.

I am going to depart somewhat from the usual format of these talks. Instead of leading up to our forecast, let me start by first summarizing the outlook as we see it for this year. We can then work our way through the reasoning underlying our view of the business picture.

First, the economy is very strong. We are entering the boom stage in the business cycle. Rapid economic growth is in store for the Nation and North Carolina in 1973. A very strong business picture is assured for the first three quarters of this year and probably for the fourth quarter.

Second, the major economic problem will be inflation, which will accelerate as the year progresses The question now is whether this acceleration will be moderate or whether inflation will again get out of hand.

Third, we are likely to retain some vestige of wage-price controls throughout 1973. The economic environment that we foresee is one in which strict wage-price controls would have become difficult if not impossible to

administer. Given this environment, the administration displayed a good sense of timing in modifying the controls process. The mandatory aspects of controls have not been completely abandoned. The administration still has the enabling legislation and, I suspect, the willingness to use mandatory controls in areas where the rise of prices and wages substantially exceeds the guidelines. Some call it the stick in the closet.

Fourth, substantial growth of the economy will force interest rates higher as the year progresses. We do not expect extremely tight conditions. We do not expect a credit crunch. But we must recognize the possibility of tight credit markets developing later this year.

Now let me summarize the reasoning behind these forecasts.

A bullish forecast for business in 1973 is hardly unique. This has become a consensus forecast and many corporations have based their production and spending plans upon the expectation of a strong economy. I would note, however, that our forecast for 1973 is among the more optimistic that I have seen.

The driving force behind a rising economy is two years of strongly expansive monetary and fiscal policies. Monetary authorities have been pumping credit into the economy at extremely rapid rates. The Federal budget has been in deficit for two successive years, and the size of these deficits will total nearly $50 billion.

Loans at all types of financial institutions have been rising as strongly as any comparable period since World War II.

It is not surprising that the effect of these stimulative measures is now being felt.

The composition of the economic upturn is beginning to change. Initially, consumer spending and residential construction were the two areas that led the economy. Housing starts rose to an all-time record last year and judging from automobile sales, which might top 11 million this year, we are in the midst of a consumer spending boom.

Other consumer durable goods such as household furnishings have also been strong. The furniture industry in North Carolina is a good example of this trend. Furniture manufacturers have been hard put to fill orders and skilled workers in this industry are extremely scarce.

But it is inventory rebuilding and capital spending that will provide the major economic strength in 1973. Many manufacturers were late in recognizing the rapid rise in consumer spending. As a result, inventories were depleted. Now, inventories in relation to sales are at the lowest levels since 1965.

Production has risen rapidly in response to rising sales, employment has strengthened and the average work week has lengthened accordingly. Rates of capacity utilization have risen. And judging from industrial capital appropriations, 1973 is likely to produce a near boom in capital spending.

We have so many areas demonstrating such decided strength that the consenus forecast probably understates the strength that we will see this year. 1973 is likely to be a record year in many industries. In short, we are on the verge of a developing boom.

The critical point for the economy in 1973 is going to be the outlook for wages. The rate of unemployment remains relatively high, but there are indications that skilled labor, available to be put on production lines, is very scarce.

This is especially true if you look at North Carolina. Many industries here are running into labor shortages. As the economy continues to rise, the shortage of skilled labor is likely to be reflected in continuing upward pressure on wage rates. The history of wage-price controls in other countries indicates that this is precisely the point where controls deteriorate.

Phase III of the controls process was formulated with this in mind. Strict controls would have become less effective and increasingly more difficult to administer with each passing month in 1973.

The voluntary aspect of Phase III controls should not be over-emphasized. The same guidelines that were in effect prior to the shift from mandatory to voluntary controls are still in effect. We would not be surprised to see a great deal of arm-twisting in specific industries. If arm-twisting does not work, we may actually see a few companies told to roll back their prices.

This type of strategy would have a dual benefit. Inflationary psychology would be dampened. And more to the point, companies engaged in wage negotiations would be served notice that they should bargain hard to hold the line. While we expect some wage-price controls to be in existence at the end of the year, we interpret the move to Phase III as a gradual dismantling of the entire controls process.

As we move into 1973, however, we are shifting from one phase of the business cycle to another.

The emerging strength in inventory rebuilding and capital spending means that the demand for credit will accelerate. We have found that many of our business loans now are used to finance inventories and to provide the initial funds for the expansion of productive facilities.

So we are entering the stage of the business cycle where credit demands becomes larger. On the other side of the ledger, the supply of credit in the economy is controlled by the Federal reserve. While it is always difficult (if not dangerous) to forecast precisely what the Federal reserve might do, two important indicators are useful in judging the course of monetary policy. The chairman of the board of governors of the Federal reserve, Dr. Arthur Burns, recently indicated that he expected inflation to accelerate somewhat in 1973. We would expect the Federal reserve to resist this accelerating inflation by tightening monetary policy.

The second indicator is the rate at which money outstanding rises in the economy. This has recently become quite important because the Federal reserve has shifted from trying to control interest rate levels, toward attempting to control the rate of growth of money outstanding.

We have recently witnessed an extremely rapid acceleration of monetary growth and, as the economy strengthens in 1973, monetary growth will tend to accelerate further. The Federal Reserve then will face an environment which is decidedly inflationary and in which the rise of the money supply is higher than would be consistent with maintaining any reasonable price stability.

We expect these factors to result in a progressively tighter monetary policy in 1973.

The real question at this point is how much higher interest rates might move and whether there will be a credit crunch. While we do not now expect that 1973 will produce a credit crunch, I will hedge this statement by adding that if we do see the resumption of a rapid upward climb in wages, and if inflation accelerates, the threat of a credit crunch will be very real.

Let me close with a summary of the main points of what I have said today.

The economic outlook is exceptionally good for 1973. The economy is entering a boom. It is our hope that the *rate* of economic growth will taper off as the year progresses, and we will not see severe demand-pull pressures emerging.

As the economy reaches full employment there will be upward pressure on wages, but we do not expect these to be severe.

On the monetary side, the rising economy will generate stronger demands for credit. When you put this together with our expectation of a continuing tightening of monetary policy, you arrive at a forecast of progressively higher interest rates in 1973—perhaps a full 1 percent above those prevailing now.

We are at the point where we retain some possibility of entering a sustained period of noninflationary economic growth. If the economy rises too quickly in 1973, and generates substantial demand-pull pressures, we will have forfeited this opportunity. In my talk 4 years ago I ended by stating that "if all this comes about, we will have succeeded in laying a solid base for greater social and economic progress in the 1970's than this country has ever known before. Being an optimist, I think we will do it."

I am still an optimist, but I confess to some doubts and some concern. Not about 1973, which will be a boom year, but about the years beyond. With controlled inflation we can have solid social and economic progress. Out of control inflation means nothing but trouble—social, economic, and political. Which will it be? Well, here I offer no firm prediction—only hope, based on faith in the basic commonsense of the American people.

PRIORITIES IN THE BUDGET

Mr. MOSS. Mr. President, on several occasions in the past week I have used this forum to express my dismay and outrage over some of the specific cutbacks in the budget that President Nixon has submitted to Congress. It has now become apparent that there are many others in Congress who share my strong feelings about this budget. It is a budget that would discontinue or severely curtail a large number of useful and vital Federal programs. It is a budget that is heartless and discriminatory, that favors the rich over the poor. It would attempt to repeal much of the hard-won social progress of the past decade in this country, and would enthrone the concept of "benign neglect" as the country's ruling social policy.

In this past week, one thing has become perfectly clear—Mr. Nixon has submitted a budget that most Members of Congress find quite unacceptable. Already the news media are trumpeting the great "battle of the budget," and there can be no question that a conflict is in store. But before we become lost in the dust and din of battle, I believe we should look briefly to see just where the lines have been drawn.

There are some who have portrayed the conflict over the budget as one between the "budget-cutters" in the executive branch and "free spenders" in Congress. Such a portrayal grossly misrepresents the current disagreement. For, since the Republicans took office in 1969, the Democratic-controlled Congress has consistently appropriated less, not more, than President Nixon has requested. According to the estimates of Senator MANSFIELD, Congress has been able to save $22.2 billion in the past 4 years by cutting the budgets submitted by the administration.

If the President truly wishes to place limits on Federal spending, he will find little disagreement from this Congress. I only hope that his stated concern over the dangers of inflation is a genuine one, and that it will be reflected in other areas of the administration's economic policy. The results of Nixon's game plan for controlling inflation over the past 4

years, however, cannot be said to inspire a great deal of confidence.

The place where the President will find disagreement from this Congress is in the matter of budget priorities. It is commendable that the administration has looked for places in the budget to make cuts. But it has been unconscionable for them to look entirely to the domestic side in wielding their budget axes, and to scarcely touch the enormous outlays going into defense.

The task before Congress, then, is not simply to restore some of the important domestic programs that the Nixon administration would curtail. Congress must also bring the defense budget under the most searching examination, and restore balance to the budget as a whole.

Congress must also look for savings by means of tax reform. In its search for economies the administration has deliberately overlooked the vast network of loopholes in our tax structure. The closing of many of these loopholes presents an opportunity to increase revenues to balance President Nixon's deficit spending request.

The control of Federal deficits, by trimming selectively various spending programs and by providing new sources of revenue through tax reform, represent the true lines along which Congress will be rallying its forces in the forthcoming battle. But I believe that this has been largely ignored by the media. One exception, however, is a perceptive article by Clayton Fritchey that appeared in this morning's Washington Post. Because it so accurately depicts the current conflict over the budget, 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:

THE BUDGET: A QUESTION OF PRIORITIES

(By Clayton Fritchey)

What is left out of federal budgets is often as significant as what is put in, and the Nixon budget for fiscal 1974 is no exception.

On Oct. 7 last year, just a few weeks before the presidential election, Mr. Nixon called the high property taxes paid by elderly retired Americans a "national disgrace." He pledged that "relief for these Americans is going to be a first order of business in our next federal budget." Nevertheless, there isn't a whisper of this promise in the new budget. On the contrary, the administration intends to make the elderly pay an extra $1 billion a year for Medicare benefits they are now getting free. Fortunately for the aged, this has to have the approval of Congress.

In his budget message last year, the President said, "Welfare reform, with training and work incentives, with a new fairness toward the working poor and a minimum income for every dependent family, is a good idea whose time has come . . . It is ripe for action now." Further delay in enactment, he said, would be both "unwise" and "cruel." Yet, there is no mention of it in the new budget. Instead Mr. Nixon in a special broadcast preceding the formal presentation of the 1974 budget, favored the public with a sermon against government spending, no doubt hoping this would divert attention from the record-breaking expenditures he is planning for next year and the year after.

Despite Mr. Nixon's warning about the spending habits of Congress, it is the President—not Congress—who is now asking for a budget of $269 billion, or $23 billion more than he requested last year. That's a leap of almost 10 percent. In four years under Mr. Nixon, the budget has climbed from $195 billion to $269 billion—a record jump of $74 billion, or almost 40 per cent. And it might have been worse except for Congress. At the end of the 92d Congress last fall, Sen. Mike Mansfield, the majority leader, reported that Congress had cut Mr. Nixon's new-appropriation budgets by $22.2 billion.

Under Mr. Nixon's stupendous spending, the national debt has climbed to almost half-a-trillion dollars an increase of around $100 billion in four years. His deficits have exceeded anything in U.S. history except at the height of World War II. Yet in his radio broadcast on his latest budget the President said with a straight face, "It is time to get big government off your back, and out of your pocket."

Actually, there is little or no dsagreement between the President and Congress over the $269 billion total for the new budget. The conflict centers on priorities. Although the United States is now out of the Vietnamese war, Mr. Nixon still wants to spend more on defense, while cutting or eliminating domestic programs for, among other things, health, education, poverty, pollution, day care and Medicare. Congress wants to do the reverse.

The President says his "search for waste" has led him "into every nook and cranny of the bureaucracy." But it hasn't led him to the Pentagon, where the documented waste runs into the billions.

The President warns Congress that if it gives social programs more than he has allowed it will have to take the responsibility for a tax increase. Not necessarily. Congress can offset these increases with military reductions. Also it can provide more revenue by eliminating tax loopholes for vested interests.

After being subjected to four Nixon budgets, Congress has become a little skeptical of the President's arithmetic. It still remembers his first budget message, in which he said, "I have pledged to the American people that I would submit a balanced budget. The budget I send to you today fulfills that pledge." Instead, it ended with a deficit of $23.4 billion, and that was just a start.

RULES OF SELECT COMMITTEE ON SMALL BUSINESS

Mr. BIBLE. Mr. President, pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Select Committee on Small Business, in its organizational meeting held Thursday, February 1, adopted rules governing the committee's procedures.

I ask unanimous consent that the text of the committee rules, as adopted, be printed in the RECORD, as required.

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

STANDING RULES OF THE SENATE SMALL BUSINESS COMMITTEE

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee and its Subcommittees. The Rules of the Committee shall be the Rules of any Subcommittee of the Committee.

2. MEETINGS AND QUORUMS

(a) The Committee will meet at the call of the Chairman. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within three calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within seven calendar days after the filing of such request, a majority of the Committee Members may file in the office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the ranking majority Member present shall preside.

(b) In executive sessions, a quorum for the transaction of business shall consist of a majority of the Members of the Committee.

(c) In hearings, whether in public or executive session, a quorum for the taking of testimony not under oath shall be one Member of the Committee. A quorum for the taking of sworn testimony shall be two Members of the Committee, unless the witness voluntarily waives this requirement.

(d) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

3. HEARINGS

(a) The Chairman of the Committee may initiate a hearing on his own authority or at the request of any Member of the Committee. Written notice of all hearings shall be given to respective Committee or Subcommittee Members. Notice shall be given as far in advance as practicable. No hearings of the Committee shall be scheduled outside of the District of Columbia except by a majority vote of the Committee.

(b) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact, if a quorum be present as specified in Rule 2(c).

(c) Subpoenas shall be issued only when authorized by a majority vote of the Committee. When so authorized, subpoenas may be issued by the Chairman or by any other Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of documents, memoranda, records, etc. shall state briefly the purpose of the hearing and shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or executive hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing of the Committee or any report of the proceedings of such an executive hearing shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

POSTARREST DRUG TRAFFICKING

Mr. DOMINICK. Mr. President, the Bureau of Narcotics and Dangerous Drugs recently released an interesting report on postarrest drug trafficking, which I believe merits our attention. I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The Bureau has had considerable success in reducing illegal narcotics traffic, as evidenced by the current shortage of heroin in the United States. Much of this success is attributable to the arrest and conviction of key members of heroin trafficking organizations. Due to the necessity for reliable contacts to carry out complex heroin "connections," the removal of such keymen can effectively disrupt a heroin trafficking organization. These contacts are difficult to replace. The problem is that the arrest of a heroin trafficker frequently does not accomplish the desired result; he may be free on bail for months pending trial, during which time he may continue to engage in heroin traffic. Law enforcement officials feel this problem has hindered their efforts to break up heroin organizations.

Although the Bureau of Narcotics and Dangerous Drugs "Report on Post-Arrest Drug Trafficking" does not reveal what percentage of those arrested for drug trafficking continue to engage in such activity while free on bail, it does develop statistics indicating this may be a substantial problem. The report is based on a sample of 422 narcotics traffickers—primarily heroin—released on bail during 1970. About 71 percent of these were free longer than 3 months pending disposition of their cases; 37 percent were free 6 months or longer. Many were out on bail longer than a year. Of these 422, 77 percent were released on less than $10,000 bail; 19 percent were released on personal recognizance.

Considering the tremendous importance of maintaining our law enforcement momentum against narcotics trafficking, we definitely need to find a solution to the postarrest trafficking problem. But I think any proposed solution must recognize that the presumption of innocence remains the cornerstone of our criminal justice system. Any encroachments on this presumption must be carefully justified, and must be limited to very narrowly defined circumstances. Assuming pretrial detention can be justified with respect to certain classes of drug traffickers, it is essential that such measures be coupled with measures to reduce the often considerable delay between arrest and trial.

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

REPORT ON POSTARREST DRUG TRAFFICKING

[Charts not printed in RECORD.]

On October 15, 1972, President Nixon addressed the nation in a radio broadcast in which he summarized both the progress and problems in the Government's effort to combat the illicit drug traffic. He stated his intention to ask the next Congress to enact mandatory sentences for heroin traffickers and to amend Federal law "so as to keep these peddlers of death off our streets after their arrest."

This is a preliminary report designed to illustrate one facet of the problem to which the President referred—that of the continuing illicit trafficking activity of violators who have been released on bail. We believe this preliminary data supports the need for pretrial detention measures which will be proposed by the Department of Justice.

JOHN E. INGERSOLL,
Director.

Prepared by: The Office of the Special Assistant to the Director.

INTRODUCTION

Professional drug enforcement officers have become increasingly concerned with a problem which may be referred to as "post-arrest drug trafficking". This involves a multiplicity of situations in which persons apprehended for trafficking in narcotics and dangerous drugs have obtained release pending trial and continue to engage in illicit trafficking activities. Although existence of the problem has been suspected for some years, it has become of more crucial interest because of the current drug crisis and the shifts in Federal drug enforcement strategies which have recently occurred.

Shortly after its creation in 1968, the Bureau of Narcotics and Dangerous Drugs launched a new strategic enforcement concept which sought to identify "drug trafficking organizations" and immobilize them through systematic investigation. Notable successes have been achieved; however, it was soon learned that the almost immediate release of the arrested individuals on bond made possible the organization's continued functioning. Moreover, since such investigations involve great expenditure of agent manpower and resources, it is extremely difficult to again arrest the individuals; and they are, therefore, able to resume their illicit operation. Even though they are subsequently convicted, the organization may not be disrupted since the time of their departure for prison will vary and ample opportunity will exist to incorporate new criminal associates in their place. Finally, it was suspected that a substantial number of major violators often sought to prolong the period between arrest and conviction through legal delays or by fleeing the jurisdiction to continue their activity.

In July of 1972, the Director of the Bureau of Narcotics and Dangerous Drugs appointed a committee of combined legal and enforcement officers to review the alleged problems in detail and to recommend concrete measures for combatting them. In late August the committee concluded that a problem of serious dimensions did appear to exist and that current bail release procedures were sharply hindering the Government's effort to reduce illicit sources of narcotic drugs. It was recommended that a series of phased research efforts be designed and implemented for the purpose of bringing the problem into sharper focus. This plan was approved, and the data contained herein reflect the findings of the initial phase of inquiry.

The statistics represented in the accompanying charts have been abstracted from a review of cases of 422 individuals released on bail during Calendar Year 1970. All of these individuals were charged with offenses of trafficking in narcotic drugs. In the vast majority of cases, this meant heroin specifically, but some cocaine transactions are also included. The individuals were otherwise selected at random with the exception that cases were excluded from consideration where data was incomplete.

STATURE OF VIOLATORS

23% dealing in over 10,000 d.u. (kilo dealers).

65% dealing in over 1000 d.u. (multi-oz. to ¼ kilo dealers).

This chart provides a quick description of the stature of the traffickers represented in the sample. 65% of the total were dealing in multiple ounce quantities or above and 23% of the total were classified as kilogram dealers. The 23% is included as a part of the larger figure in which they were also counted.

ESTABLISHED CRIMINALITY

64% have prior felony arrests.
40% have prior drug arrests.
20% have prior drug conviction.

This chart illustrates the previously established criminality of the violators in this sample. 64% have previous felony arrests; 40% have previous drug arrests; and one-fifth have prior drug convictions. This evidence tends to suggest that their arrest for narcotics trafficking is more often than not merely a further episode in a continuing criminal career.

This chart illustrates the relatively low amount of bail set in most of the cases in this sample. 77% were set at less than $10,000 and in one-fifth of the total cases it cost the defendants nothing to obtain their release. Normally, a defendant must otherwise raise approximately 10% of the total bail amount to post bond. A narcotics trafficker can, therefore, return to his chosen profession with relatively little financial cost. The remaining 23% represents that portion in which bail was set at $10,000 or more.

COST OF FREEDOM

19% Free on personal recognizance.
77% Free less than $10,000 bail.

This chart illustrates the amount of time for which the violators in this study remained free to engage in post-arrest trafficking activity prior to actual incarceration. 71% of the total were at large for more than three months, and 37% were free from six months to over a year. Many of the examples of post-arrest trafficking activity show subsequent violations which occurred only days and sometimes hours after release.

FREE TIME

37% Free from 6 months to 1 year or more.
71% Free from 3 months to 1 year or more.

This chart illustrates the amount of time available to kilogram level dealers following their arrest and prior to their final incarceration. 66% were free for more than three months; one-fourth of the total number were free from three months to one-half year; one-fourth of the total were free from one-half year to one year; and 16% were free for more than one year.

FREE TIME KILOGRAM DEALERS

66% over 3 months.
25%, 3 months to ½ year.
25%, 6 months to 1 year.
16%, over 1 year.

The final chart in this series illustrates data from separate studies indicating the excessive frequency with which aliens become fugitives, presumably because of their lack of cultural ties to the United States. Although aliens represent but 2% of the national population, they represent 10% of the narcotics traffickers in the sample of 422 cases. They further represent 22% of a sample of 100 Bureau fugitives and 27% of recent fugitives in cases involving a bail of $10,000 or more. Thus, although aliens represent one-tenth of the narcotics traffickers studied, they constitute approximately one-fourth of the Bureau fugitives indicating a category of exceptional risk.

FREQUENCY OF ALIEN FUGITIVES

10% of sample BNDD traffickers (422) were aliens.
22% of sample BNDD fugitives were aliens.
27% of sample involving $10,000 or more bond were aliens.

SAMPLE CASES

In addition to the foregoing data, the Bureau of Narcotics and Dangerous Drugs' Regional Offices were requested to supply brief examples illustrating the nature of field intelligence concerning post-arrest drug trafficking activities so that the value of this source might be assessed for inclusion in a broader research effort. These intelligence summaries further tend to confirm the existing view of the magnitude of the problem. They provide concrete examples of cases in which important violators may be arrested two or three times and repeatedly released on low bail before being brought to trial on the original charge. Moreover, it appears that violators often resume their illicit activity within a matter of hours or days after their release.

The following case summaries have been selected for inclusion in this report to provide a sample of the kind of information which was obtained from the Bureau's field offices. Most of the examples submitted in connection with the committee's original request have been excluded because of their sheer bulk or, in some cases, because investigations were still pending.

Boston

On February 10, 1971, Maurice Gregory was arrested in Boston after investigation which established him as the head of a group of 36 defendants who had been supplying 150 bundles of heroin at a cost of $100 per bundle every week for a preceding two-year period. Six days later, this defendant was freed on $5,000 bond. At that time he moved to the New York area where he continued to supply an associate in Boston with 100 bundles of heroin weekly until November 13, 1971, when he was apprehended as a fugitive as he attempted to deliver a shipment of 75 bundles to a drug courier in New Jersey.

Philadelphia

On March 11, 1972, William Jacobs was arrested in Pittsburgh, Pennsylvania, in connection with the sale of heroin to BNDD undercover agents. The same day he was released on a $5,000 bond and on April 21, slightly over a month later, Jacobs was again arrested by BNDD undercover agents for illegal possession of heroin. Again, on the same day Jacob's obtained release on a $5,000 bond, and subsequently on August 14, he was arrested by agents of the Federal Bureau of Investigation in a hotel room in New Jersey where he was negotiating for the purchase of narcotics to be delivered to Pittsburgh. He was also charged with interstate transportation of stolen property.

New York

On May 16, 1972, Enrique Barrera was arrested in New York City when he and four other violators attempted to receive shipment of 100 kilograms of heroin in a footlocker which had been brought into the country from Belgium. The following day he was released on $200,000 bond. Four months later several South American female couriers were intercepted by U.S. Customs agents in Miami as they attempted to smuggle 16.5 pounds of cocaine into the United States. Subsequently, one of these defendants identified Barrera as the recipient of this shipment as well as other shipments that preceded it in the past. On September 12, 1972, Barrera was again arrested in connection with this case and is currently in custody charged with conspiracy.

Chicago

On June 28, 1971, Albert Bennett was arrested in Gary, Indiana, after the execution of a search warrant resulted in the seizure of several ounces of 100% pure heroin, $15,000 in cash, and several weapons. The search warrant was obtained as a result of previous undercover purchases from members of Bennett's gang. Bond was originally set at $100,000, but was subsequently reduced to $25,000 which was posted several days later, BNDD continued to receive information that Bennett was selling multi-ounce quantities of heroin in the Gary area. On August 15, 1971, Bennett was arrested by U.S. Marshals in New York City while attempting to board a plane for Chicago in possession of approximately one pound of heroin. Bennett and a companion subdued the Marshal, took his service revolver and threatened his life. The subjects fled with the heroin but were apprehended a short time later. He was then charged with assault on a Federal Officer, but on August 19, posted bond of $10,000 and continued to engage in the heroin traffic, until his conviction, a Federal search warrant was executed at his residence and 178 grams of heroin, 8 loaded weapons and $11,000 in cash were seized.

Miami

On January 22, 1972, Ernest "Pop" Nelson was arrested in Miami after execution of a Federal search warrant disclosed 6 grams of cocaine, $14,000 in cash, and a revolver. Nelson was well-known in the Miami office as a major drug trafficker. He was released 2 days later under a $20,000 bond, and on that very evening sold 3 ounces of heroin to a BNDD undercover agent. Four days later Nelson sold an additional ⅛ kilogram of heroin to an undercover agent. On March 11, 1972, Nelson was again arrested in Miami by BNDD agents and was released on a $75,000 bond. He was sentenced to terms of 7 and 10 years in connection with these offenses, but was released on a $75,000 appeal bond. On August 14, 1972, Nelson was again arrested when a search of his residence disclosed 150 tin foil packets of heroin, and he is currently incarcerated without bond.

Baltimore

On March 20, 1972, a violator was arrested in Oxon Hill, Maryland. According to Grand Jury testimony this defendant was the source of supply for another violator who sold ⅛ of a kilogram of heroin to undercover agents. He was released on June 2, after posting a $25,000 bond. Arrest of another Washington, D.C. trafficker in late June revealed that he had also recently supplied this defendant with a ¼ kilogram of heroin for sale.

Detroit

On December 8, 1970, Alan Murray Morris was arrested in Detroit, Michigan, shortly after his arrival from New York in possession of 18.4 grams of heroin. The next day he was released on a $1,000 bond. On October 31, 1971, ten months later he was again arrested in Toledo in possession of 5½ kilograms of heroin and one kilogram of cocaine. Again obtaining his freedom, Morris had to be arrested for a third time on June 14, 1972, almost another year later. He was in possession of a pound of heroin, a stick of dynamite and several guns. Two days later Morris was again free on $5,000 bond.

Kansas City

On July 7, 1972, a violator was arrested in Kansas City, Missouri, for illegal possession of heroin. He was released the same day on a $7,500 bond, and before a month was out, had again twice sold heroin to an undercover agent. He was rearrested on August 10, again released on bond and arrested the third time on August 21 for illegal possession of heroin. This defendant has again been released on bond and according to intelligence received by BNDD officers, continues to traffic in drugs.

Texas

On January 30, 1972, Jose Garcia Leyva was arrested in San Antonio, Texas, after having sold heroin to a BNDD undercover agent. At the time of arrest he was in possession of approximately 2 pounds of cocaine. He pleaded guilty on February 1, but was freed prior to sentencing seven days later on a $20,000 bond. He failed to appear for sentencing and was declared a fugitive on March 24. On September 19, 1972, he was again arrested by Mexican officers for separate narcotic law violations involving a quantity of European heroin.

Denver

On December 1, 1970, defendants Blanca A. Uriarte De Lopez, Ismael Jaquez-Diaz, Marciano Barraza-Sanchez and others were arrested after delivery of 784 grams of heroin to a BNDD undercover agent. Bonds were set at $2,500 with one exception in which the bond was set at $8,000. All defendants posted bond and fled into Mexico where they continue to be fugitives, and according to intelligence received, are still engaged in the illicit narcotic traffic.

Seattle

On January 18, 1972, Charles Steven Baken was arrested in Seattle following undercover purchases of first heroin and then cocaine from one of his dealers. He was released on a $2,500 bond the same day. Thereafter, late in March another undercover purchase of heroin was made from one of Baken's men and a second purchase of heroin was made from Baken himself. He was arrested for these on April 4, and obtained release on a $10,000 bond. On June 9, 1972, for the third time in less than six months Baken was arrested by BNDD agents after successful negotiations for yet another purchase of heroin.

Los Angeles

On May 9, 1972, Robert A. Murry was arrested at Los Angeles International Airport in possession of 30,000 tablets of amphetamine and 1,300 secobarbital capsules. Thereafter, he obtained release on a $2,500 bond. On May 22, 1972, on the other side of the country in Jacksonville, Florida, he was rearrested as he delivered 450,000 amphetamine tablets to a BNDD undercover agent.

New Orleans

On April 21 1971. Curry Williams was arrested in New Orleans following the sale of 18 grams of heroin to a BNDD undercover agent. He was freed the same day on a $7,500 bond. During the months of August and October, he made additional sales of heroin which resulted in his rearrest on December 9.

RESOLUTION BY AMERICAN LIBRARY ASSOCIATION

Mr. McGEE. Mr. President, last week I met with Wyoming representatives to the American Library Association's midwinter meeting held in Washington, D.C.

Bill Williams, Wyoming State librarian, expressed the association's concern as to how the President's fiscal 1974 budget will affect the ability of libraries to provide adequate services at the local level across the Nation. I share this concern and would like to take this opportunity to place in the RECORD a resolution passed by the American Library Association outlining the impact of the President's budget policies on our libraries all across the United States.

I ask unanimous consent that the American Library Association's resolution be printed in the RECORD.

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

RESOLUTION

The American Library Association's Council unanimously passed a resolution protesting President Nixon's new federal budget and urged Congress to pass a budget that "meets the needs of all the people whose access to information is the key to effective participation in society and often the key to survival itself."

The resolution was passed today (January 30) at the annual Midwinter Meeting of the American Library Association in Washington.

The resolution reads as follows:

Whereas President Nixon proposes to end major grants-in-aid to libraries in FY 1974; and

Whereas this annihilation of needed and effective programs would result in devastating reduction or elimination of services to millions of library users; and

Whereas public libraries in every state, public and private school libraries in every congressional district, and the nation's college, university, and academic research libraries would suffer loss of urgently needed funds at a time when most libraries are already experiencing financial difficulty; and

Whereas the President twice vetoed the appropriations for the Departments of Labor, and Health, Education, and Welfare in FY 1973, and as a result federally supported library programs are now entering the 8th month of the fiscal year with great uncertainty and, in some cases, at near crisis level of reduced funds; and

Whereas the President now proposes to impound or rescind almost $3 million of FY 1973 funds for college library resources, fellowships and other support for library education, research, and demonstration authorized under Title II of the Higher Education Act, despite the fact that on October 31 he signed this appropriation into law; and

Whereas by all these actions, the President has shown that he claims the right to dictate educational priorities for the nation, contrary to the mandate of Congress; Now Therefore be it

Resolved, That the American Library Association expresses its grave concern over these erosions of the constitutional powers of Congress in the determination of national priorities, and urges the Congress (1) to move quickly to enact a third Labor–HEW appropriations bill for FY 1973 and override another veto should that occur; and (2) to enact a FY 1974 appropriation for libraries adequate to meet the needs of all the people whose access to information is the key to effective participation in society and often the key to survival itself.

THE EMERGENCY COMMUTER RELIEF ACT

Mr. CRANSTON. Mr. President, on Tuesday, January 16, 1973, I joined with the distinguished Senator from New Jersey (Mr. WILLIAMS) in sponsoring the Emergency Commuter Relief Act (S. 386), a bill designed to aid our States and municipalities so that more and more mass transit systems will not be forced to raise fares, curtail services, and eventually grind to a halt. In doing so, the bill recognizes that mass transportation is the lifeblood of our urbanized society and that the capital assistance program created by the Urban Mass Transportation Assistance Act of 1970—Public Law 91–453—must be complemented with a new program of operating assistance if we are truly to alleviate the plight of the Nation's transit industry.

The timeliness of this proposal was forcefully brought to our attention with the dramatic announcement by the Environmental Protection Agency on Monday, January 15, that the South Coast Air Basin in southern California—the Los Angeles metropolitan area—must, in EPA's opinion, consider implementing a system of gasoline rationing if 1977 air quality standards established by the Clean Air Act of 1970 are to be met. Gasoline rationing, one of several proposals put forward last Monday by the EPA, is advocated by EPA as necessary to reduce the amount of photochemical oxidents in the air. Photochemical oxidents result from hydrocarbon emissions that mix in the air with nitrogen oxides and then react with sunlight to become the primary ingredient of Los Angeles smog. EPA estimates that, without the imposition of such controls, by 1977, 691 tons of hydrocarbons will be dumped into the Los Angeles atmosphere every day, and that this must be reduced to 161 tons per day in order to meet air quality standards in 1977. To accomplish this reduction, Los Angeles residents must reduce their vehicle miles by more than 80 percent. The EPA argues that more than half of this reduction could be accomplished with gasoline rationing.

Mr. President, it is hardly necessary for me to point out the severity of such a proposal. Gasoline rationing could very well bring the city of Los Angeles to a dead halt. The economic and social fabric of the area would be severely disrupted, jobs would be lost, and whole industries would have to cut back their operations.

The question that we must be asking ourselves today is how did the air of the Los Angeles area become so polluted that gasoline rationing would be seriously proposed? The answer is that although Los Angeles is a unique geographic area which has ample sunlight to react with hydrocarbons and which is ringed by mountains and oceans in such a manner that pollution cannot escape or dissipate into the atmosphere, the fact remains that Los Angeles is, more than any other large American city dependent upon the automobile. Existing public transportation is woefully inadequate despite the best efforts of the public transportation authority. Poor land-use planning has developed an urban sprawl of tremendous proportions. Freeways and highways criss-cross the entire area, cutting communities into crazy-quilt patterns and making it possible for commuters to move farther and farther away from their place of work. Recent studies have found that only 8 percent of the people in the Los Angeles metropolitan area use public transportation as compared with 45 percent in New York, and 31 percent in Chicago and Philadelphia.

Mr. President, it is clear that some means must be found to reduce significantly the automobile emissions dumped into the air of Los Angeles each day. Gasoline rationing is one means. Development of an engine control device that lowers pollution drastically is another far more acceptable means. Still another, also far more acceptable means would be the development of an efficient, comprehensive system of public transportation that would provide a viable alternative to the private automobile. Without generous Federal assistance, public mass transportation can never be a reality in Los Angeles.

The bill that I am sponsoring with Senator WILLIAMS will not provide all the assistance needed by an area like Los Angeles, but it will take a very important step in this direction. The Senate has on three occasions in the past approved nearly identical leigslation, only to see it die in the House. In the 91st Congress, the Senate approved a similar bill, but the House never took any action on the measure. During the 92d Congress, the Senate again responded to the need for Federal operating assistance and passed the Emergency Commuter Relief Act as part of S. 3248, the Housing and Urban Development Act of 1972. Last September, when it became apparent that the House would not have ample time to act on the measure, the Senate once again passed the Emergency Commuter Relief Act as an amendment to the Federal Aid Highway Act. This provision was then adopted by the House-Senate conference, but failed to become law when the House adjourned before approving the conference report on October 18 due to a lack of a quorum. This new bill, S. 386, offers yet another opportunity for the Congress to respond to the very urgent need for Federal operating assistance, an opportunity we simply cannot afford to bypass again. The Emergency Commuter Relief Act would help to alleviate the present transit crisis by:

Amending section 3 of the Urban Mass Transportation Act of 1964 to prevent reduction of essential transportation services by authorizing assistance to defray operating expenses;

Providing grants on a two-thirds Federal, one-third local matching basis, to States and local public bodies in order to assist any mass transportation system maintaining service in an urban area and to pay operating expenses incurred as a result of providing this service. These operating assistance provisions are geared to fulfilling three prime objectives: First, maintainence of service to the public; second, stimulation of further ridership especially during peak commuter hours; and third, assistance to communities in meeting their overall transportation development aims. $800 million would be made available over the next 2 fiscal years to fund this program.

In addition, the Emergency Commuter Relief Act would amend the Urban Mass Transportation Act of 1964 to provide that Federal grants under the capital assistance program shall be in an amount equal to 90 percent of the net project cost.

This provision is identical to the amendment I offered to Senator WILLIAMS' commuter relief bill during consideration by the Senate Banking, Housing and Urban Affairs Committee last year. I am delighted that Senator WILLIAMS has incorporated my amendment into his more comprehensive proposal, S. 386. By approving this provision for 90 percent Federal assistance, we will be putting Federal support for mass transit facilities and equipment at the same level as the interstate highway program, a parity which I see as absolutely essential if we are ever to make mass transit systems attractive alternatives to highway programs. The bill would provide an additional $3 billion in contract authority to sustain the capital grant program through 1977. This amount is in accordance with the administration's recommendations, received belatedly by the Congress last September 7, and should be adequate to assure the continuation of the program. The $3.8 billion authorized by the Emergency Commuter Relief Act assures the improvement and expansion of commuter service in our urban areas. Its enactment is essential to the well-being of our cities.

INTERNATIONAL TRANSFER OF CONVENTIONAL ARMS

Mr. ROTH. Mr. President, the Arms Control and Disarmament Agency has today delivered to the President of the Senate and the Speaker of the House of Representatives copies of the interim report on the international transfer of

conventional arms. This report is the result of an amendment which I sponsored last May to the Foreign Relations Authorization Act of 1972 (Public Law 92-352). The amendment required ACDA, with the assistance of other interested agencies and departments, to prepare a comprehensive report to the Congress which would analyze movements of conventional—that is, nonnuclear—weapons, examine the possibilities for international limitations on movements of such arms, and make recommendations for strengthening U.S. policies in this area.

The purpose of the interim report is to give Congress an opportunity to review ACDA's progress at the midway point and to make recommendations or comments that might be helpful in insuring that the full and insightful report is finally available in July. I will, therefore, be closely examining and evaluating this interim report and hope to have extensive comments on it in the near future. At my request, the Foreign Affairs Division of the Congressional Research Service is also conducting an evaluation. I hope that other Members of Congress, journalists, scholars, and interested members of the public would be able to find time to comment as well.

Let me add just a brief remark on why I think this report is worthy of our attention. We have seen considerable progress in controlling the emplacement and dissemination of nuclear weapons. In contrast, relatively little international attention has been given to the control of conventional weapons. While it is essential to continue to seek substantial progress in the area of nuclear arms control, it is also very important to intensify our efforts in the conventional arms field. Since the end of World War II, some 60 conflicts—including the Korean and Vietnam wars—have been fought in developing countries with conventional weapons. These conflicts have caused untold misery, yet the international machinery to prevent or ameliorate such conflicts is still very undeveloped. Hopefully, one way peace might be strengthened is through international agreements limiting the supplies of the instruments of war to the developing world. The possibilities should be brighter now that a cease-fire is in effect in Vietnam and the peace agreement regulates the inflow of weapons to the south on a replacement-only basis.

As one of the great powers, the United States has an important responsibility in preserving peace. I would hope that future U.S. efforts toward seeking international restraints on conventional arms flows would be one of the ways we could carry out this responsibility, and that this report will help clarify the possibilities that exist for policy initiatives on our part and stimulate other countries to examine their own policies in this area as well.

STATEMENT BY HON. MAYNARD LAYMAN ON TENNESSEE VALLEY AUTHORITY

Mr. ALLEN. Mr. President, I ask unanimous consent that a statement given today by Hon. Maynard Layman, of Decatur, Ala., before the Senate Committee on Agriculture and Forestry, be printed in the RECORD, because it speaks, with great eloquence, the sentiments of the people of the Tennessee Valley and of many citizens throughout Alabama.

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

TENNESSEE RIVER VALLEY ASSOCIATION STATEMENT BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY, FEBRUARY 6, 1973

Mr. Chairman and Gentlemen: I am Maynard Layman, farm editor of The Decatur (Alabama) Daily, and I am representing Mr. Barrett C. Shelton, publisher of The Decatur Daily and president of the Tennessee River Valley Association.

I have brought with me a number of brochures, some of which I would like entered in the record together with this statement with which I was associated with Mr. Shelton in developing and, with your indulgence, I will present on behalf of the Tennessee River Valley Association.

Please let me say at the outset that the objectives of this 260-member organization are the same objectives as those of the Senate Agriculture and Forestry Committee—the rebuilding of rural America.

I'd like to tell you about what government has done for my part of the country in the past and of the disturbing trends which I see occurring today.

When Dave Lilienthal came to Decatur in 1934 to tell us about the tools created by the Congress of the United States that is today the world respected Tennessee Valley Authority, we were hostile and broke. Malaria plagued the people of the Valley. Floods were a continual problem. And cotton was selling for five cents a pound.

Our love affair with TVA is now a long story, but it is a beautiful example of directed government activity to provide a hand to lift ourselves up, rather than a handout.

It taught our people how to build on our own resources for a diversified agriculture. It taught us the value of people from counties and states with mutual interests working for a common good. Today this notion is catching fire all over and people call it "regionalism."

We are very fortunate in the Tennessee Valley for all of the good things that have happened to us as a result of a working cooperation with our federal government.

I am pleased to see that many of the things we learned have been transferred to other parts of America for the benefit of other country people. I am pleased to see that many of the things we learned through some often brutal experiences have been translated into laws like the Rural Development Act of 1972.

We planned together with our government for our future, and then using our own labor we are building economic security.

And you know, that word planning is what I consider to be the key to the whole thing.

That's why it troubles me when I hear that the President wants to transfer blank checks to the states to do jobs that only the Federal government can do. It doesn't take a genius to understand that many states are simply not prepared to take over the reins.

It disturbs me when I see good programs like the Economic Development Administration go down the drain, along with the Title V Commissions. It disturbs me when there is no planning money for the rural development bill in the budget. It disturbs me when the 701 Planning Grant money goes directly to state governments.

It has taken us nearly fifty years to get it into our heads that communities prosper when the people plan together for the future, and now it looks to me like that's all being kissed off, in the name of so-called local control, or some such. It looks to me as if someone here in Washington would just rather not get involved.

We have, and will continue to have, local control over our destinies. That's the message that Dave Lilienthal brought to us so many years ago. And even if the Administration takes the planning authorizations out of the budget, we in the South will continue to operate in the new ways that have been so successful for us.

I believe that's because we in the South learned our lessons in the hardest ways. We were a little poorer than everybody else. But I strongly suspect that if we dump hopper cars of money at some statehouse doors, with few strings attached, the idea of regional planning will die in all but about seven states . . . the TVA area.

Where I come from, moving backward isn't what we call progress.

Now I know as well as anybody else that the government has to watch its spending. But it looks from where I sit, down there in Alabama, that the cuts that have been made hurt country people, old folks and generally what we used to call the little guy.

If you cut out housing subsidies, poor people aren't going to get houses. If you cut out water and sewer grants, the smallest towns aren't going to be able to survive. If you raise private Medicare payments by nearly a billion dollars, a lot of people living on Social Security are going to be up the creek, without a paddle.

Well anyway, I say put some money into the Rural Development Act. It makes jobs, and it makes country towns nice places to live.

I say restore the Title V Commissions and EDA, because they provide the same kind of help Dave Lilienthal gave us back in '34. Don't let President Nixon use the Rural Development Act as an excuse to cancel these good programs.

Give the REAs back their two per cent money when they need it. You and I both know, Mr. Chairman, that the two per cent money is essential to many rural areas and the mom and pop phone companies out in the country.

I've seen what the REAP program has done to improve the eroded hillsides of Northern Alabama. It's a good program, not pork barrel.

And we ask you to restore the Water Bank until such time as the Department of the Interior proves that it can do the job of providing for our migratory waterfowl.

We have always had a disaster loan program in this country, and now we don't. If we don't get one fast, our farmers are going to be in serious trouble.

President Nixon is holding back tens of millions of dollars for small watersheds, resource, conservation and development projects and for forestry. That's rural development money gentlemen, and I thought this country was committed to rural development as a priority, as of 1970.

Now as for farming, I could talk about the $100 million cut in the cotton program for this year, and a lot of other specifics. I'll just say this:

I like to hear Mr. Butz talking about exports. Exports mean money for my farmers, and that's rural development too. But when they start talking about taking away the farm programs because of all of those new markets that Mr. Butz is going to find for us overseas, that's short-sighted.

I've been hearing that free market agriculture baloney for years. I'm also old enough to have had a good dose of the Depression. I lived through enough free market agriculture to suit me for the rest of my life.

In all those years of watching farm marketing, I've learned that you don't toss all of your eggs into the loose-bottomed basket of promised export opportunities that may not

develop, and don't make long-term program plans based on short-term factors, like one good year of farm income.

Mr. Chairman, on behalf of some seven million people of the Tennessee Valley, I thank you for this privilege.

PROPOSED BUDGET CUTS IN FEDERAL HEALTH CARE PROGRAMS

Mr. TUNNEY. Mr. President, the President recently submitted to Congress his budget request for fiscal year 1974. A source of much alarm to myself and many other Members of Congress are the proposals for reduction in or total elimination of major Federal health programs.

The Hill-Burton program for construction of various health facilities is scheduled to be completely phased out. In the past 26 years, this program has provided funds to more than 3,800 communities for construction of 6,265 public and nonprofit facilities—particularly hospitals and nursing homes. Construction of health care facilities has long been recognized as an area where Federal financial assistance is imperative. The President's action completely ignores the need of a growing and mobile population.

The Community Mental Health Centers program also is threatened with loss of Federal support. This program, as enacted in 1963, provides grants for construction of centers which offer comprehensive mental health services. Since that time, amendments have authorized grants for initial staffing of centers and programs of construction and staffing grants for specialized services for alcoholics, drug addicts, and children. As of June 30, 1972, a total of 423 centers have been funded each of which served populations of between 75,000 and 200,000 persons. Although this is a program which has proven its merit, no funds have been requested for new construction or staffing grants. Federal funding accounts for only about 25 percent of the total source of funds for these centers. Yet, without this 25 percent, many of the centers, particularly those in areas of high poverty, will be forced to close due to lack of State and local resources.

Funding also has been cut off for the regional medical program. This program of grants and contracts was created by the Heart Disease, Cancer, and Stroke Amendments of 1965. It was designed to establish regional cooperative arrangements among medical schools, research institutes, and hospitals for research and training, medical data exchange, and demonstration of patient care in the fields of heart disease, cancer, stroke, and other related diseases. At the present time, there are 56 regional medical programs which cover the entire United States and its trust territories. California has the largest such program which serves a population of 20 million persons.

The fourth major Federal health program scheduled to be eliminated is the National Institutes of Health's program of research training grants and fellowships. This program has provided support for young scientists for two decades. Training grants include stipends awarded to students to support research training largely in the medical and biological sciences with some support in related fields such as psychology, social sciences, and engineering. Fellowships, although they go to an institution, are for support for specific individuals. In 1971, the NIH training grant and fellowship programs provided assistance for about 37.5 percent of all graduate students in basic medical sciences and 21 percent of those in all biosciences.

These programs are the ones which have been scheduled to be entirely eliminated. There are numerous other essential programs threatened with severe cuts in funds. One such program is health manpower training. No funds are requested for obligation in fiscal year 1974 for training in the allied health or public health fields. Grants for construction of facilities for education of health manpower and nurses have no requested funds. Requested obligations for fiscal year 1974 as a total for the entire program are cut by $346 million from the original fiscal year 1973 budget.

These budgetary amputations are arbitrary and undercut programs essential to the health of the American people. Congress must assert its constitutional power of the purse over national priorities. I believe we can have budgetary responsibility in the Senate and adequate health care, and intend to continue my efforts to achieve both.

DEATH OF DICK EVANS, EDITOR OF COMMERCE TODAY

Mr. BAKER. Mr. President, it was with a deep sense of shock and sadness that I learned today of the death of my close personal friend and fellow Tennessean, Dick Evans, editor of Commerce Today, the national publication of the Department of Commerce.

Dick Evans was a talented and effective journalist, and a warm and friendly man who won the respect and admiration of all who knew him. He was well known in the Washington area, as well as the Volunteer State, as Commerce Today editor, president of the Tennessee State Society of Washington, and a member of the National Press Club and the Centreville, Va., Episcopal Church.

His name was Clarence Richard Evans, but he preferred the easy informality of his nicknames. He was known simply as Dick to his many friends—and as "The Chief" to a generation of Tennessee newsmen he helped train while serving as a newspaper and wire service editor, and as an instructor at the University of Tennessee School of Journalism.

Dick Evans was born in Knoxville, Tenn., on February 14, 1920. He was educated in the Knoxville public schools and graduated from the University of Tennessee with a major in journalism and a minor in political science.

His introduction to journalism came as he worked as a copyboy at the Knoxville Journal from 1939 until he entered the Army in 1941. He served 50 months in the infantry during World War II, including 20 months in the Pacific and Japan.

When peace came, Dick returned to the Journal to begin his rise to the top of his chosen profession. He served as a reporter from 1945–48; worked as assistant city editor from 1948–52, and served as night editor of the Knoxville Bureau of the Associated Press from 1952–53.

In 1953, Dick Evans became Nashville correspondent for the Journal, covering the Tennessee State Legislature until being called back to Knoxville that same year to serve as city editor. During the next 14 years he established an outstanding record as city editor of Knoxville's morning newspaper. He became managing editor of the Journal in 1970, serving until he came to Washington as editor of Commerce Today in 1970.

Dick Evans was especially interested in young people. He gave generously of his own time to help young journalists just getting started in the profession. During his busiest years as a news executive in Knoxville, he served on a part-time basis teaching journalism at the University of Tennessee.

Dick Evans' influence will live on in the writing of all those working newsmen who learned so much from him in the city room and the classroom. Memories of his smooth professionalism, his energetic leadership, and his warm friendship will be treasured by all who were privileged to know him. Mrs. Baker joins me in extending our sympathy to his wife Ruth and the Evans family.

EUGENE L. WYMAN

Mr. HARTKE. Mr. President, our country recently lost an outstanding citizen with the passing of Eugene Wyman at the early age of 47. Gene was a successful lawyer, a dedicated family man, a man who worked hard for the betterment of his community and his country. He took an active role in politics—he believed in working hard for the candidates and ideals he believed in. He would take on the tough jobs—mainly fundraising—without thought of reward or publicity—because he believed in our system of government and knew that democracy does not come free, but has to be earned and requires constant nourishment.

Gene gave freely of his time and talents to help the State of Israel and made friends for us through his law business in France and England. He earned respect and friendship for us that we as a nation are sometimes unable to do for ourselves.

For us who had the opportunity to know him, work with him, laugh with him, it is a great personal loss; for those who did not have that opportunity, the loss is also theirs.

Let us all work to carry on in the tradition of Gene Wyman.

NUCLEAR TEST BAN

Mr. KENNEDY. Mr. President, 10 years ago, we were enjoying a total moratorium on nuclear testing announced by President Kennedy to speed negotiations toward a test ban with the Soviet Union.

Unfortunately, because the final agreement barred only atmospheric testing, the nations of the world have not been spared a massive buildup in nuclear potential and power in the intervening years.

Now, however, it is time to reassess the events of the past decade, including the recent SALT I agreement and ask whether the time has not come for another effort at a comprehensive test ban treaty.

Last year, some 28 Senators joined in cosponsoring test ban resolutions which I and Senators HART and MATHIAS introduced. This year, we intend soon to reintroduce legislation along with Senators HUMPHREY, MUSKIE, and CASE, to achieve this purpose.

For we feel that the moment is opportune for an end to come to nuclear testing.

In a recent article, Herbert Scoville Jr., a former Assistant Director of the U.S. Arms Control and Disarmament Agency and Deputy Director of the Central Intelligence Agency, has spelled out concisely some of the reasons why the time is ripe for attempting a new initiative to achieve a comprehensive nuclear test ban treaty.

I ask unanimous consent that his article in the Washington Post of February 4, 1973, be printed in the RECORD.

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

AFTER SALT, A TOTAL TEST BAN?

(By Herbert Scoville, Jr.)

The accomplishments of SALT I have produced a totally new climate in which a comprehensive nuclear test ban—one covering underground as well as atmospheric explosions—becomes a negotiable arms control measure after nearly 10 years of drifting in the doldrums. Not since 1962, when Nikita Khrushchev made his offer of three on-site inspections to verify such a ban, have opportunities for agreement been so good.

This improved outlook, if we take advantage of it, is particularly timely since it comes just as steps are needed to prevent further spread of nuclear weapons to additional countries. That the patience of the non-nuclear-weapons countries is beginning to wear thin is shown by the overwhelming support, despite U.S. opposition, for a United Nations resolution in favor of a halt to all nuclear testing by August, 1973, the tenth anniversary of the limited test ban treaty. In addition, there is strong Senate support, led by Sens. Philip Hart, Edward Kennedy, Charles Mathias and Clifford Case, for a resolution urging the President to make a renewed effort to negotiate a comprehensive test ban and, in the interim, to suspend all testing immediately as long as the Russians reciprocate.

The limitations on strategic arms agreed to in Moscow, particularly the ABM treaty, have greatly reduced the desires for further nuclear weapons testing which have in the past been the major obstacle to a comprehensive test ban. With only 200 ABM interceptor missiles allowed each side, it is almost impossible to justify further improvements in the nuclear warheads for this purpose. The United States, and almost certainly the Russians as well, have nuclear weapons developed for such interceptors, and no improvements in warhead design can possibly overcome the complete ineffectiveness of the small ABM systems permitted by the treaty.

STRATEGIC WARHEADS

The effects of the ABM treaty also apply to the requirements for warheads for offensive weapons. Without any effective ABM to penetrate, the need for new warheads largely disappears. In addition, there is no further need for testing to develop special warheads to withstand high-altitude nuclear explosions, since the allowed ABMs can be overwhelmed by a small fraction of the existing strategic forces.

Only for a first-strike force able to destroy the enemy's missiles in their silos is there any need to design new offensive warheads. However, the stated U.S. policy has been to forego a "hard target" MIRV which might provoke Soviet concerns that we were seeking a first-strike capability, thus upsetting the present strategic balance. Even for such a MIRV, an improved warhead with five times the yield would be less important than potential improvements in accuracy.

Nor does the United States any longer need a "hard target" MIRV to provide the flexibility to attack key military targets instead of cities after a limited Soviet attack; this can now be achieved without further advances in weapon design since, as a result of the ABM treaty, the retaliatory attack no longer has to cope with large ABM defenses and can afford to direct several warheads at a single target.

A complete test ban would, on the other hand, increase U.S. confidence that the Soviet Union was not improving the yields and accuracy of its warheads in order to develop a first-strike MIRV system able to destroy a large fraction of our Minuteman force.

Another familiar justification for nuclear weapons testing has been the need to assure the continued reliability of already developed and stockpiled weapons. Although nuclear tests have never been carried out solely to check the proper functioning of a stockpiled weapon, it has been argued that the ability to test is necessary in case deterioration is found by other means and corrective action is required. This is not necessary, however, since it would always be possible to replace a warhead which had deteriorated with one of proven design. Furthermore, if mutual deterrence is the fundamental element in our strategic policy, as spelled out by the ABM treaty, then any unknown decrease in reliability on both sides can only improve deterrence. High reliability is only necessary for a nation contemplating a first strike. No aggressor could rely on the uncertain reliability of another nation's weapons as the means of surviving a retaliatory attack.

Thus, as a result of the Moscow agreements, a strong case can be made that no further nuclear testing of strategic weapons is required. Yet, during the past 10 years since the limited test ban treaty, more than two-thirds of the U.S. tests have been related to strategic weapons systems, and indeed the highest priority tests have fallen in this category. The Moscow agreements have thus undercut the major rationale for continued nuclear testing. Even before SALT I, Drs. Carl Walske and John Foster of the Defense Department testified that they favored a comprehensive test ban provided it could be adequately verified. This Pentagon position, which is the U.S. position at the Geneva disarmament talks, is even further reinforced by the Moscow agreements.

SIGNALS AND SATELLITES

The benefits of SALT I, however, are not limited to the weapons development part of the problem alone; the ABM treaty also creates a mechanism by which the verification difficulties, for years the ostensible stumbling block to a test ban, can also be solved.

Since 1963, the United States has insisted that on-site inspections were required for adequate policing against secret underground tests, while the Soviet Union has consistently claimed that these inspections were unnecessary. The verification provisions of the ABM treaty afford a means of bridging this gap. In this, and in the interim agreement on offensive weapons, both nations agree that national technical means of verification will be used; that neither nation will interfere with such means; and, finally, that neither will use deliberate concealment to impede verification. In addition, a standing consultative commission is set up to consider questions concerning compliance with the obligations of the agreement. Similar provisions, but multi-national in scope, attached to a comprehensive test ban treaty, might satisfactorily reconcile the U.S. and the Soviet points of view.

The primary problem in verifying a ban on underground tests has been the difficulty in telling apart the seismic signals from small earthquakes and explosions. Now, with greatly improved seismic methods and sophisticated computer processing, it is possible to classify almost any detectable seismic event as an earthquake or an explosion.

For those few small events which are detected seismically but not identified, the United States has in the past sought the reassurance of on-site inspections despite Pentagon testimony that the value of such on-site inspections is marginal at best. Today's U.S. verification techniques, however, are superior to our earlier capabilities, even combined with the on-site inspections we were seeking.

Observation satellites are one agreed method capable of providing increased assurance. A photographic satellite scanning an area in which an unidentified seismic event was detected could obtain information useful for evaluating whether the seismic signals originated from a secret nuclear test. Most of the natural earthquake areas within the Soviet Union are remote from human activity, so that a large fraction of these unidentified events could be clearly classified as natural in origin when evidence of man-made disturbances was absent. Whenever a satellite obtained evidence of mining or drilling operations in the area where the seismic signals originated, a satisfactory explanation could be demanded through an international commission on the SALT I model. If not satisfied, the United States could resume testing or take whatever other action it thought necessary.

EVASION TECHNIQUES

Some experts have worried that an underground test ban could be violated by use of sophisticated evasion techniques, such as a detonation in a large cavity. But theoretical studies show that a very large chamber, 300 feet in diameter and several thousand feet underground, would be required to muffle the seismic signal of a 5-to-10-kiloton explosion sufficiently to make it undetectable. The use of such concealment techniques for even so small a test would involve a mammoth construction operation which would be easily visible by observation satellites.

Other exotic evasion techniques have been proposed: a nuclear explosion could be conducted in the immediate aftermath of a large earthquake, or a series of nuclear explosions could be timed to give additive seismic signals that more nearly resemble an earthquake than an explosion. Both of these techniques are vulnerable to detection by sophisticated seismic measuring and data analysis systems. However, even if these techniques successfully hid the signals, there would be a considerable probability that the operations required to carry them out would be noticed by observation satellites and challenged through the mechanism of the consultative commission.

Finally, the use of nuclear explosives for peaceful purposes is now generally recognized, at least in this country, to have few economic advantages and many environmental and safety problems. This program, nicknamed Plowshare, has always been a roadblock to a ban on nuclear tests, since it could provide an ideal cover for disguised weapons testing. In fact, the greatest enthusiasts for Plowshare have been the most ardent nuclear weapons developers.

Now the proposed nuclear excavation of

the sea-level Panama Canal has been dropped, and the use of nuclear explosives for the release of natural gas is the only project being given serious study in the United States. Tests even for this purpose are in trouble with environmentalists and significant gas recovery would require thousands of nuclear explosions. The Atomic Energy Commission budget for Plowshare has just been cut almost in half and no tests are planned for the next fiscal year. Considerable interest in peaceful nuclear explosions has, unfortunately, been stimulated by U.S. propaganda in other countries, particularly Russia, India and Brazil, and could interfere with negotiations for a comprehensive test ban if they are unduly delayed.

The time has now come for the United States to take a new initiative in negotiating a comprehensive test ban treaty. It would be an important next step after the Moscow agreements to place some overall ceiling on qualitative improvements in strategic nuclear warheads.

THE 166TH ANNIVERSARY OF BIRTH OF GEN. ROBERT E. LEE

Mr. GRIFFIN. Mr. President, at the request of the distinguished Senator from Tennessee (Mr. BROCK), I ask unanimous consent to have printed in the RECORD a statement by him and an article relative to the 166th anniversary of the birth of Gen. Robert E. Lee.

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

STATEMENT BY SENATOR BROCK

Last January 19, in observance of the 166th anniversary of the birth of General Robert E. Lee, Norman Bradley, editor of the Chattanooga Times, reprinted a perceptive and thoughtful column for that newspaper.

Mr. Bradley's words speak not only of the greatness of Lee, now recognized throughout the Union, but also of the meaning of his life for us, in these times.

I believe that his message deserves wide currency, so I ask unanimous consent that it be printed in the Record.

LEE: A MAN TO EMULATE

(By Norman Bradley)

Attention always is on "new frontiers." But it never hurts to remember the mountain ranges behind us. This may be an era of changing tactics, but equally important are unchanging virtues. There is a need for new programs, but not without old, and tested principles.

Today the nation looks ahead, as it should, of course, and thoughts are attuned to the future and its demands. But on this particular day, we might think briefly of a man of a century past.

True, his form has been stilled for 102 years, but his shadow has lengthened to span the ages; true, his voice has been silenced all this time, but the words he spoke—better, the words he lived—still ring in the hearts and consciences of his countrymen.

Robert Edward Lee, born this day 166 years ago, died on an autumn morning in 1870. By present standards, he was not an old man, but at 63 his body had been subjected to the rigors of many campaigns, his heart to the agony of many losses.

He was the military genius of a war that ended in his surrender, the physical embodiment of a cause that was lost from its start, the advocate of unity in an age when the wounds of war still were raw and bleeding.

And yet whose name, among all those posted on the roll of heroes of that era, is more deeply revered, more widely honored by descendants of friend and foe alike?

Certainly not Ulysses S. Grant, a man of great military competence whose stature was diminished rather than heightened by his later years as President of the United States; not William Tecumseh Sherman with his concept of total war, or Phil Sheridan or George B. McClellan or any other blue-clad general.

And, I might add, not even Stonewall Jackson or Nathan Bedford Forrest, whose genius Lee recognized and depended on; not Jefferson Davis, the president of the Confederacy, or L. Q. C. Lamar, the brilliant Mississippian, an eloquent spokesman for the region from positions of high honor in post-war Washington.

Only the name of Abraham Lincoln ranks with that of Lee from that tragic period, and Lincoln's enduring fame rests upon the wisdom and the grace with which he wielded the power of the Union that claims our supreme allegiance today. Lincoln was the victor, not the vanquished; he lost any in those areas where he would have been magnanimous and others vindictive.

What is the basis for Lee's unchanging place in the regard of those who have come after him? Not his unqualified successes, certainly, for he rarely trod the high road to victory; his path was heavily shadowed by disappointments throughout his lifetime.

Instead, I think, we honor Robert E. Lee today for what he was as a human being rather than what he achieved, for how he lived rather than what he gained, for what he gave rather than what he accumulated. And these are the virtues which can be shared by any man, anywhere.

He was no lover of slavery, no advocate of the theory of seccession. Yet when war loomed, he followed the course his sense of duty dictated. His first obligation, he decided, was to the State of Virginia. When it left the Union, he resigned his commission in the U.S. Army with the assertion he would never again bear arms save in Virginia's defense.

Once having committed himself, he never looked back. He bore the responsibilities of the post he assumed as he had all those he had known before—with a singleminded devotion and an unwavering determination to excel.

He was keenly aware of the power that rested in his hands, yet was slow to exert it. He was devoid of fear for himself but hesitant to subject others to danger. He was considerate always of his men, not merely because they were soldiers of his command but because they were human beings with their own rights and dignity.

Deeply religious without giving way to religiosity, he prayed for victory but when God willed defeat, he was unquestioning. In the lean years after the war, he was a symbol of uncomplaining courage in the face of lasting discouragements and of unyielding determination to build a still better life from the wreckage of the old.

He was convinced it was his duty to promote peace and national unity. It was not easy but he persevered. He was calm when others gave way to frenzy or frustration; he was loving when they hated; he was silent when they spoke with rancor.

And within months of his death, he was able to say with deep sincerity, "I have never known one moment of bitterness or resentment."

His was a life with enduring principles—devotion to duty, recognition of rightful authority, humility in the use of power, the natural kindness that reveals a heart attuned to the needs of others.

It invites a people's emulation.

THE CALM IN SOUTH ASIA

Mr. KENNEDY. Mr. President, in recent months a calm has fallen over South Asia. After the human tragedy and civil war in Bangladesh in 1971, this calm is surely welcome. But to many Americans who have closely followed developments in South Asia, the calm seems deceptive—for it carries with it some of the same seeds of confrontation and conflict which have overtaken the people of the region repeatedly in recent years.

The birth of Bangladesh forever changed the map and relationships in South Asia. But some of the new problems raised by this change, and some of the difficult issues of previous years, continue—despite the helpful steps last year towards diplomatic accommodations and peaceful change.

I would like to outline just a couple of the immediate concerns, over South Asia, that I share with some of my colleagues and others.

First of all, Mr. President, let me comment on what some have called "the new forgotten people" of South Asia.

I refer to the plight of the prisoners of war, the interned civilians, and others caught in the crunch of deadlocked negotiations on ending the state of war and normalizing relations throughout the area. Some 76,000 Pakistani prisoners of war and some 16,000 civilian internees remain in India under the control of the joint India-Bangladesh military command. As many as 250,000 Bengalis are trapped in Pakistan, waiting for exit permits to go to Bangladesh. Most of them are without a means of livelihood, depending for their existence on the charity of others and the sale of their personal belongings. Their number includes some 28,000 Bengalis who previously served the Pakistan military and are now reportedly interned in prisoner-of-war conditions. And in Bangladesh some 500,000 Urdu-speaking Biharis continue precarious lives. Although their fate remains unsettled, they are receiving temporary assistance from international voluntary agencies and the Dacca government—but a good share of them are waiting the opportunity to leave Bangladesh for Pakistan.

Just a year ago, there was a great deal of hope on all sides that an orderly repatriation and exchange of prisoners and populations, under international auspices, would take place among India, Pakistan, and Bangladesh. I recall from conversations in Geneva—as well as in Dacca, during my visit to Bangladesh last February—that the United Nations, the International Committee of the Red Cross, the Intergovernmental Committee for European Migration, were all prepared with their good offices to facilitate the repatriation and exchange of populations, and some plans were being drawn up to accomplish this objective on an orderly basis.

But with the exception of a few scattered individuals and families who were bale to move, nothing much has happened. No meaningful progress has been made—despite the offers and good intentions on all sides, and the best efforts of the International Agencies to help. In fact, within a short time last year, the whole issue was caught in a diplomatic log-jam. And so, despite all the specific offers and good intentions—and all the

plans available for repatriating and exchanging the people trapped on all sides—the suffering of hundreds of thousands continues to this day.

Hopefully, this logjam will soon be broken.

Perhaps all governments concerned will finally recognize the new realities in South Asia—including the existence of Bangladesh. Perhaps one of these governments will take a unilateral initiative—some gesture of good will—to encourage progress on the Repatriation of Prisoners and the exchange of populations, and to foster normalization among the governments and peoples of the area.

An encouraging development in recent days—and one that deserves much support—is a communication from Prime Minister Indira Gandhi of India to President Zulfikar Ali Bhutto of Pakistan, concerning needed efforts to resolve differences and build better relations between the two countries. In the SIMLA agreement of July 3, 1972, the Indian Prime Minister and President Bhutto pledged themselves to the "establishment of a durable peace in the subcontinent," and instructed their representatives to pursue before the next summit meeting the outstanding problems the two countries, "including the questions of repatriation of prisoners of war and civilian internees."

Hopefully, the new initiatives in the subcontinent will bear fruit. Perhaps, also, the current visit of United Nations Secretary General Kurt Waldheim to South Asia will help to accomplish this end.

The Secretary General's mission deserves the active support of all governments, including our own—whose stated interest in the concerns and future of South Asia is hardly reflected in the absence of U.S. Ambassadors to Islamabad, Dacca, and Delhi over the past several months. For until some movement is made on the issue of prisoners of war, civilian internees, and minority populations, men and women and children will continue to suffer needlessly—their unsettled fate not tied to their well-being, but to the names of diplomacy over which they have so little control.

Mr. President, a second concern that I share with many Americans, is the continuing humanitarian crisis in Bangladesh. In the nearly 14-months since achieving their independence, the Government and people of Bangladesh have struggled courageously to maintain the hopes of their hard-won freedom and, with the help of the international community, to build a better life for all. As a result, some 10,000,000 refugees who fled to India, and millions more who were displaced within their homeland, have been resettled. A good measure of law and order has been maintained. Communications have been restored. A constitution has been established, with elections scheduled for March 7. And the people have been fed. But such remarkable accomplishments should not cloud the fact that a humanitarian crisis remains.

Just as the birth of Bangladesh was a testing for freedom and self-determination—the Bengali's continued struggle for survival is, in many respects, a testing of the world's willingness and ability to respond to a humanitarian emergency. And that testing goes on today, and will continue for some time.

A few weeks ago, Secretary General Waldheim reluctantly reported that, despite the successful efforts of the U.N. relief operation in Dacca—UNROD—to avert the heavy threat of famine last year, the food situation today is "more serious and more threatening" than it was in the immediate aftermath of civil war and independence. And he has appealed for international help and assistance to avert a famine again.

Always a food deficit area, Bangladesh has regularly experienced an annual short fall of at least a million tons in food grain. But a combination of heavy drought and an agricultural system still disrupted by a war, has created a "food gap" in 1973, which experts estimate will require a food import of as much as 2.5 to 3 million tons. This is a staggering blow to the hopes of Bangladesh and a clear signal, that the efforts of the Bengali people to help themselves, still need the support of our own Government and others.

Because of our country's vast food resources—and because we have traditionally filled most of the "food gap" in Bengal when it was still part of Pakistan—I feel we inevitably have a special role to play in responding to the current food needs of Bangladesh. This is especially true in light of the good relations we have established with Bangladesh, and the enlightened foreign assistance agreement we concluded with the government of Sheikh Mujibur Rahman last year.

To date, the United States has effectively participated in the rehabilitation and reconstruction effort in Bangladesh—both bilaterally and in giving our full support to UNROD's emergency program. Some $319 million in funds appropriated by the Congress were committed in 1972, including over 1 million tons of food grains valued at $136.9 million. The American contribution represents nearly one-third of the more than $1 billion committed by all countries. Again, I want to commend the Agency for International Development for its active concern for the Bengali people, and pay high tribute to those voluntary agencies which are playing such an important role in America's efforts.

But let us not rest on the records of last year; for the food crisis of Bangladesh continues. And I share the distress of many Americans that, despite the threatening conditions in Bangladesh, the administration is dragging its feet in responding to the urgent appeals for help from Secretary General Waldheim. So far, the public record indicates that we have committed only 200,000 tons of food grains out of an estimated need of at least 2.5 million tons. No one will suggest that we make up the complete food deficit in Bangladesh—but, given our traditional input into the area, why should an independent Bangladesh, undergoing an emergency food crisis, receive less food assistance than we normally gave Pakistan? And why should we risk jeopardizing the good relations and effective assistance we have built with Bangladesh over the past year?

Our Government's official attitude toward food needs in Bangladesh and elsewhere, raises troubling questions about the administration's use of our food surplus. Are we now more interested in selling our surplus grains, than in fulfilling the high purposes of the food for peace program? Are we now to understand that this program is more important as a bargaining chip in international diplomacy, than as a humanitarian effort to help feed a hungry world?

Mr. President, if the international relief effort in Bangladesh is to succeed this coming year, our Government must help with more food. The record should be clear that we are willing to do so—with commitments far greater than the 200,000 tons already announced. To do less, would be to mar a fine record of accomplishment in providing essential humanitarian assistance to Bangladesh during the first year of need—and would also abandon a major intent of America's food for peace program.

Mr. President, little more than a year ago, the entire world was grateful for the end to a tragic conflict which tore at the people and nations of South Asia. The international community joined in an effort to help the people of the region survive one of the most massive human tragedies of this century, and to assist them in building a new basis for lasting peace. But the hopeful beginnings to accomplish these ends are unfulfilled, as humanitarian problems and political tensions continue to fester.

The basic responsibility for a bright and peaceful future in South Asia rests, of course, on the courage and goodwill of the leaders and people of India, Pakistan, and Bangladesh—and the other countries in the immediate area. And I am fully confident that they see, and will act upon, the opportunities at hand. But we must understand the strains that face these countries, and we must be ready to help and support these countries help themselves.

Mr. President, I ask unanimous consent to have printed in the RECORD some recent press articles concerning the current problems in South Asia, an excerpt from a January report by Secretary General Waldheim, and a U.N. summary of international aid to Bangladesh.

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

[From the Washington Post, Feb. 2, 1973]

THE PAKISTANI POW'S

Pakistan, understandably using the leverage of the weak, is appealing for the international community's support in securing the return of the 90,000-odd Pakistani prisoners which India and Bangladesh still jointly hold more than a year after the Asian subcontinent's 1971 war. Its case is strong: India has not honored its Geneva Convention obligation to return prisoners upon "cessation of active hostilities" and, according to the impartial International Red Cross, some prisoners have been mistreated, even tortured and killed. There can be no dispute that, on these grounds, India is in severe default. As well,

its policy towards the prisoners has failed to furnish the example of generosity to the vanquished which India as the victor should properly be expected to set.

The hitch is, of course, that the prisoners are only one part of a much larger package. The Red Cross has a duty to speak out for the POWs but no duty or license to address the larger political requirements of the subcontinent. The reason India is holding the prisoners is chiefly to serve its client, the fledgling wobbly state of Bangladesh. Bangladesh, which suffered untold atrocities from the Pakistani army before winning statehood, cannot easily let go of the remnants of the force that previously tormented and oppressed it. Moreover, with the prisoners, Bangladesh hopes to buy not only formal Pakistani recognition but perhaps also Pakistani assumption of certain earlier debts. The fact is, Delhi's first priority is to bolster Bangladesh; its second priority is to accommodate Pakistan. This is not to say the Indian attitude is untouched by vindictiveness and by a hoked-up fear of Pakistani revenge-seeking, but its prime purpose in holding the prisoners is to nurse along Bangladesh and it is willing to suffer a measure of international censure for so doing.

Addressing this subject on this page recently, Mr. Tad Szulc suggested that detention of the POWs posed an issue of international morality. It also poses an issue of regional politics. For Americans, the post-Vietnam outlook on the world necessarily includes a willingness to subdue pronouncements on situations which the United States is not directly a party to. The test which foreigners might best apply to the subcontinent is not whether each country there has satisfied the claims of international morality; by that standard, Pakistan would have to account for still detaining some 400,000 war-stranded Bengalis. The test is whether the countries of the region have accepted the burden of moving, by their own political engines and their own political road maps, towards a common destination of conciliation. Disturbed as we are by their lapses and shortfalls since the December 1971 war, we are more impressed by the steps the countries have already taken, and by the opportunities for reconciliation lying still within their grasp.

[From the Washington Post, Jan. 18, 1972]

PAKISTANI POWS: "THE NEW FORGOTTEN PEOPLE"

(By Tad Szulc)

North Vietnam's determination to hold American prisoners of war, now close to 600, as hostages against a truce or peace settlement has all along been a grim but accepted reality of the Vietnamese conflict and the parallel Paris negotiations. Yet, the assumption always was that these Americans would be released the moment the hostilities involving United States forces in Vietnam have ceased.

Elsewhere in Asia, however, the precept of international law that prisoners must be freed with the cessation of hostilities does not seem to apply: Pakistani military and civilian personnel are still interned by India in POW camps. They remain there today although the latest subcontinent war ended in mid-December 1971, more than 13 months ago.

For all practical purposes, the estimated 92,000 Pakistanis, including approximately 16,000 civilians, captured in the fighting over the emergence of the new state of Bangladesh (formerly East Pakistan), are hostages to the complex and angry politics of the subcontinent and the ever-deep distrust between India and Pakistan.

This indefinite condition of hostage for the largest number of people in foreign captivity since World War II is tacitly recognized by Indian officials for reasons they privately admit to be overwhelmingly political. Pakistan, of course, has repeatedly charged that its defeated soldiers are India's hostages. But, incredibly, only the International Committee of the Red Cross, which periodically inspects the 53 POW camps under the provisions of the two Geneva Conventions on war prisoners, has openly and insistently demanded the release of the Pakistanis.

Most of the world appears to be conveniently looking the other way, including the United States which, to say the least, was supportive of Pakistan in the 1971 war. The 92,000 Pakistanis are, then, Asia's new forgotten people: the officers and soldiers, the civilian officials and professionals, the women, the children and the babies born in the camps. This general indifference is, presumably, a reflection of the underlying political stalemate in the subcontinent engaging India and Pakistan on one level and the related interests of each of the superpowers on the other.

At this stage, when New Delhi and Washington actively seek to improve their frayed relations and the Nixon administration hopes to expand the detente with Moscow, nobody in this town is prepared to rock the precarious status quo in South Asia by raising the fate of the Pakistani POWs as a major international issue.

In fact, the United States nowadays seems to feel cooler toward Pakistan as it edges toward better ties with India. Pakistani President Zulfikar Ali Bhutto, for one thing, has publicly condemned the United States Christmas bombings in North Vietnam while India kept mum. Even China, an ally of Pakistan, is singularly quiet on the subject of the POWs. Moscow is India's treaty partner and, therefore, uncritical of her. Only Romania, the Communist maverick, has expressed support for Pakistan over the prisoners.

But beyond all these power considerations there remains an array of moral, legal and political questions concerning the 92,000 captive Pakistanis.

The moral question has two aspects. One is the matter of mass atrocities committed by the West Pakistani forces in Bangladesh before and during the independence war. This is perhaps what the outside world remembers the best: The atrocities set off a wave of indignation here and elsewhere. Thus it may be understandable that Bangladesh wishes to punish through trials those responsible for the murders. But it has indicated that at most 1,500 of the Pakistanis now held in India, less than two per cent of the total, may be wanted for such trials.

This raises the obverse moral question: Is it justifiable to hold 92,000 persons indefinitely in prisoner camps (quite aside from the current controversy between India and the Red Cross over proper treatment of the prisoners, the shooting of escapees, the overcrowding of camps and so on) because a tiny minority may be guilty of war crimes? One wonders—at least for the sake of consistency—about the absence of major international outrage concerning the 92,000 captives.

The legal situation seems to be crystal clear, but this is no solace to the POWs. Article 118 of the 1949 Geneva Convention, to which both India and Pakistan are signatories (Bangladesh acceded to it last August), provides that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities." When the Pakistani forces capitulated on Dec. 15, 1971, the Indian Chief of Staff, Lt. Gen. Jagjit Singh Aurora, formally assured the Pakistani commander that "I shall abide by the provisions of the Geneva Conventions."

On Dec. 21, the United Nations Security Council noted that "a cessation of hostilities prevails." In the Simla Agreement, signed on July 3, 1972, India's Prime Minister, Mrs. Indira Gandhi, and President Bhutto pledged themselves to the "establishment of durable peace in the subcontinent" and instructed their representatives to discuss outstanding problems, "including the questions of repatriation of prisoners of war and civilian internees," before the next summit meeting.

All of the requirements for the release were thus met, but India (which 20 years ago handled the repatriation of the Korean War POWs) now invokes a host of political and security reasons for refusing to free the Pakistanis.

The first reason cited by India is that she cannot release the prisoners without consent of Bangladesh on whose territory most of them surrendered to the joint Indian-Bangladesh command. But the catch in the intricate subcontinental political game is that the Bangladesh Prime Minister, Sheikh Mujibur Rahman, refuses his consent until Pakistan recognizes his new state and until he has made up his mind about the war trials.

The vicious circle in which the POWs are caught extends to Islamabad where Bhutto, fighting hard to convince his rightwing opposition that ultimately Bangladesh must be recognized, insists for his own political reasons that this must be preceded by a personal meeting between him and Mujibur. Bhutto, who released Mujibur from prison late in 1971 and probably saved his life, argues that such problems as Pakistan's responsibility for prewar external debts for projects in Bangladesh should be settled prior to recognition. But Mujibur refuses to meet Bhutto before recognition.

Late last year, Pakistani diplomats at the United Nations privately asked the Indians whether New Delhi would guarantee in writing that the Bangladesh recognition would bring the POWs' release. Diplomatic reports say that the Indian reply was at best noncommittal, Bhutto's letter to Mrs. Gandhi last Dec. 21, proposing a new summit, has not yet been answered and Indian diplomats here are vague as to when such a meeting might be possible.

Finally, Indian officials have begun talking about Pakistan allegedly preparing a "new round" and rearming with "massive" weapons shipments from China. Significantly, they now speak of the POWs in terms of "four-and-a-half divisions of trained troops." A senior Indian official remarked recently: "How can we let such an army go free when Pakistan is again preparing for war?"

Thirteen months after the cessation of active hostilities, the Geneva Conventions and all the precedents notwithstanding, the deadlock seems unbreakable and the 92,000 Pakistani prisoners may be fated to remain India's hostages for an unpredictable period of time. International morality, it would appear, has seen better days.

[From the Far Eastern Economic Review, Nov. 18, 1972]

THE DISPOSSESSED

(By Werner Adam)

NEW DELHI.—Bengalis in Pakistan, POWs in India and Biharis in Bangladesh are the remaining and almost forgotten sufferers of a war that ended nearly a year ago. I recently visited many of them: Bengalis in Islamabad and Karachi as well as Biharis in Dacca and Chittagong, though not Pakistani soldiers and civilians held by India, who are inaccessible.

The stories they have to tell, the difficulties they have to face, are rather divergent and hardly reducible to a common denominator. Their fate, however, only too

clearly proves that the subcontinental neighbours have still a long way to go to reach a lasting settlement of their manifold problems.

There are more than 200,000 Bengalis in Pakistan desperately waiting to return to their homeland, which they have not yet seen as an independent state. They have a rough idea of the difficulties confronting the fledgling Bangladesh. They know it might at the best be an uncertain future that the People's Republic will have to offer. But the future lies only there and no longer in Islamabad, Karachi or Lahore.

Their plight is a tragic paradox: while not wanted any more in Pakistan and laid off from all duties these people, particularly the civil servants among them, would be a great help in making the Administration more efficient. Similarly, the 26,000 Bengali officers and soldiers crowded together in Pakistani camps are badly needed by Bangladesh's Prime Minister, Sheikh Mujibur Rahman, who has not even enough police to guarantee law and order in his new country.

The hopes of the stranded Bengalis for repatriation are, however, unlikely to be fulfilled unless Mujib gives his approval for repatriating the POWs from India, Pakistan's President, Zulfikar Ali Bhutto, at any rate, has made no secret of his intention to use "his" Bengalis not only to get the POW's back but to counter the Sheikh's attempt to put a few hundred of them behind bars.

Understandably, Bengalis in Pakistan who recently set up a Central Bengali Welfare and Repatriation Committee by no means agree with Bhutto's policy of equating them with the POWs. The Bengalis' fate, they say, could at best be compared with that of "innocent Pakistanis now stranded in Bangladesh." Regarded as neither Pakistani citizens any longer nor as aliens they feel their situation to be even worse since POWs are at least entitled to certain privileges under the Geneva Convention.

The committee has meanwhile done a first comprehensive survey on the living conditions of Bengalis in Pakistan, who are said to number not 500,000 as earlier believed, but just over 200,000. According to these estimates the Bengali minority—including family members—consists of 16,000 government, 39,000 defence services and 150,000 private sector employees. Those who had been working for the Pakistan Government until their services were terminated in July this year complain they were treated "rather shabbily without much regard to human considerations and legal aspects of the problem."

When asked whether they would like to serve in "East or West Pakistan," almost 99% of the Bengali officials opted for "East Pakistan." A few days later they were told that since they had chosen "Bangladesh," their retirement had become a must.

Although promised a subsistence allowance amounting to 50% of their basic pay for a head of a family and 33% for a single official—with a minimum of Rs 100 (US$9.09) and a maximum of Rs 1,000 ($90.91) per month—this payment was immediately made subject to deductions on account of previous advance and loans. The result: most of them are now living on the sale of personal belongings and savings. But at least they are allowed to stay in their government houses and quarters.

This is not so of the military personnel who were ordered off duty and disarmed as early as February; they now huddle in a number of camps in Baluchistan and the Northwest Frontier Province. They were put on monthly subsistence allowances ranging from Rs 40 for sepoys to Rs 1,000 for generals. Says the survey: "Reports from these camps give harrowing accounts of harsh treatment, lack of privacy and unhygienic conditions." And it further claims that many officers have been tried "on flimsy grounds" and sentenced to rigorous prison terms ranging from six months to fourteen years.

Still worse appear the conditions of Bengalis laid off in the private sector, who have not received any further payment at all. The committee has so far distributed some Rs 25,000 to the most needy Bengalis. It has also approached the International Committee of the Red Cross (ICRC) and the United Nations International Children's Emergency Fund (UNICEF) for assistance. But as the Pakistan Government apparently did not give the necessary clearance both organisations expressed their inability to help the stranded community.

Except for a few incidents, these Bengalis have not yet faced real physical threat. But their most uncertain, sometimes deplorable conditions combined with the overwhelming desire to return to Bangladesh, have caused many to attempt escape via Afghanistan and India.

At least some 2,000 are reported to have reached their destination, while an estimated 1,000 were apprehended and, under the Defense of Pakistan Rule, put in jail. Concludes the survey: "The UN, its Commission for Refugees and the ICRC should take up the matter urgently with the Government of Pakistan, and also see that the repatriation of the stranded Bengalis starts as soon as possible."

In Bangladesh, approximately the same number of non-Bengalis want to settle in Pakistan. One of their spokesmen in the Dacca suburb of Mirpur implored me: "Please do not call us Biharis; we are Pakistanis. East Pakistan has become Bangladesh, but our thinking, our feeling, remains and will remain that of a Pakistani." The argument that Bhutto has not intended a place for them in his "new Pakistan" obviously doesn't count much. "Bhutto simply has to take us," stressed the Bihari spokesman. "After all, only recently we have once again opted for Pakistan."

This is true of about 95% of some 250,000 Biharis in Mirpus and Mohammedpur, another suburb of Dacca. In a "survey of Urdu-speaking non-locals" recently undertaken by the Bangladesh authorities, they declared themselves in writing for what has been left of the Islamic Republic of Pakistan. At Saidpur in northern Bangladesh where some 150,000 non-Bengalis constitute the majority of the town's population, only 20% decided for Pakistan, while about 60,000 Biharis at Chittagong simply refused to publicly choose.

The survey, therefore, did not produce a clear picture. However, after having gone to many of these places and spoken to Biharis I have the impression that their elite—teachers, lawyers, doctors and former civil servants—is still very much Pakistan-orientated. Those concentrated in a comfortable number seem rather confident about their chances of survival in Bangladesh; and the Biharis confronted with an overwhelming Bengali majority have not yet the courage to express their real feelings.

Thanks to the UN Relief Operation, Dacca, and the ICRC, the living conditions of non-Bengalis at Mohammedpur and Mirpur have undoubtedly improved during the past few months. At Mohammedpur, where the people were crowded in concentration camps until June this year, a new colony has been set up providing them with better facilities. Most of the Biharis are without jobs and any means of income, and confronted with a hostile environment.

But as far as unemployment is concerned, millions of Bengalis have to share this fate with them. In the railway workshops of Saidpur I even saw both ethnic groups working hand in hand: 1,200 Biharis and 1,600 Bengalis. At Mirpur, however, the Biharis are more than reluctant to accept Saidpur as an example of a gradual improvement. They argue that to reconstruct the railway system, the Bangladesh Government simply had been compelled to take the non-Bengalis back to their jobs.

Law Minister Kamal Hossain makes no bones about his government's wish to get rid of those who opted for Pakistan; they are somewhat regarded as a "fifth column." Some 200,000 of them are said to have already managed to get out—to Burma, Nepal and India and, to a lesser extent, via these countries to Pakistan. The rest of those still calling themselves Pakistanis want to follow them; they urge the foreign visitor "to carry this message to President Bhutto." He might indeed find it more and more difficult to simply ignore the demands of these "patriots."

A lasting solution will probably only be found by following Mujib's earlier proposal to exchange all "Islamabad Bengalis" for those "Dacca Biharis" who wish to settle in Pakistan. After all, the subcontinent has not only experienced another partition but has already witnessed a bigger migration than what the "non-locals" in Bangladesh and Pakistan would amount to.

[From the Washington Post, Sept. 14, 1972]

BENGALIS KEPT FROM RETURNING

(By Arnold Zeitlin)

RAWALPINDI.—A former ambassador in the Pakistan foreign service stepped briskly along an Islamabad street, twirling his walking stick.

"I feel like a retired gentleman," he said. He was a Bengali from what is now Bangladesh. That day he had received notice from the government of Pakistan that he had been fired because he had opted for service in Bangladesh—whenever Pakistan will permit him to leave.

Not all the Bengalis once in government service in the bureaucracy or the military have reacted as breezily in their nine months as virtual hostages.

According to officials of the International Committee of the Red Cross, deep mental depression has gripped many Bengali military officers and men isolated in about a dozen camps and abandoned cantonments in the border provinces of Baluchistan and Northwest Frontier.

The Red Cross reports the estimated 25,000 men detained in the camps are well treated physically.

"They are not getting much mail from Bangladesh," said a Red Cross inspector. "Some officers who used to have their own houses and servants are living three to a room. They are depressed because they now have to go to the toilet under the eyes of guards carrying bayonets."

DRY MORE PRESTIGIOUS

In one camp, Bengalis were arguing furiously over who was to be the "wet sweeper" or the "dry sweeper" in helping keep living quarters clean. In the caste system which has grown up, dry is more prestigious than wet.

The Pakistan government has refused to permit any Bengalis to leave for home since East Pakistan became Bangladesh last December. According to a census by Bengali community leaders, about 200,000 persons, living principally in Islamabad and in Karachi, are stranded.

Pakistan officials have indicated the Bengalis won't be permitted to leave pending a general settlement under which 91,000 Pakistani civilians and military held in India as war prisoners are repatriated.

In June, government employees who are Bengalis were given the option to serve "East or West Pakistan." Most selected East Pakistan and were removed from their jobs. The government announced allowances to its former employees amounting to half salary for married men and one third to single men.

FIRM POLICY

The government has been firm in its policy of refusing exit. President Zulfiqar Ali Bhutto even turned down the application of the son of one of his best friends.

According to members of the Bengali community, government workers are not as bad off as private Bengalis. About 150,000 live in Pakistan's largest city, Karachi.

Many who have lost jobs in the economic depression since the breakup of the country have little hope of getting new work. Few employers will risk hiring a Bengali who might leave as soon as he gets permission to go to Bangladesh.

The Red Cross has inspected one area, Musa Colony, where an estimated 25,000 Bengalis live jammed together. Officially, the International Red Cross has not interfered in what is considered a domestic problem.

Bengalis in Karachi have tried to help themselves by pooling money and passing it to the needy. One Bengali bank official who every month distributed 5,000 rupees, about $450, reported this month he could collect only 500 rupees.

"People are afraid to give their money," he said. "They don't know how long it will have to last them."

SOME EXIT ILLEGALLY

Some Bengalis are getting out illegally, using forged papers or buying their way out with bribes.

The son of K.K. Panni, the Bangladesh ambassador to Indonesia, waited six weeks in Afghanistan until his wife and family were spirited to him across the Northwest Frontier border.

Operators run boats which will carry Bengalis to India from the beaches near Karachi.

According to a leader of the Karachi-Bengali community, some boat operators have callously landed their passengers on beaches within Pakistan territory.

"These poor people have wandered until they come to a village," he said, "and thinking they are in India, joyously run to it yelling 'Joi Bangla'."

If they are lucky, he said, they meet kindly villagers who in some cases have given them bus fare back to Karachi.

[From the Nation, Jan. 22, 1973]

AID TO BANGLADESH: AMERICA DOES SOMETHING RIGHT

(By David A. Weisbrod)

No one knows exactly why, but Bangladesh, the world's youngest and eighth most populous nation, is now a leading recipient of American grant assistance. Some $320 million worth of commodities, technical assistance and just plain cash are being given in an unusually open-handed style by a skeleton American aid team, with no repayment or interest requirements.

The effect on U.S.-Bengali relations has been remarkable. In little more than a year, the official Bengali attitude toward the United States has moved from a preindependence ban on contact with our government representative, to a post-independence series of angry, hostile statements, to the present support of close and fruitful working relations. Although "America Go Home" posters are still plastered outside USIS walls in Dacca and shrill stories "exposing" CIA activities occasionally appear in the press, the frequency of these attacks has diminished. On the positive side, favorable coverage is now being given to U.S. assistance projects.

The Prime Minister, Sheikh Mujibur Rahman, who was ready to throw the entire U.S. mission out of the country last March because of Washington's delay in extending diplomatic recognition, is now careful not to hurt American sensitivities. One feels that even the student opposition, which contains the most vocal anti-American elements, issues its condemnations less out of belief in their truth than from emotional compulsion to blame *someone* for Bangladesh's continuing problems. "It should have been very difficult for the United States to have any dialogue with Bangladesh," a high-level Bangladesh Government official commented, "but more than dialogue, we now have cozy relations."

And for good reason. American assistance to Bangladesh is being given through a relaxed, innovative approach, and no *quid pro quo* is demanded. The heart of the agreement is a direct grant of $115 million to purchase cotton, pesticides, fertilizer and tallow, and to pay for urgent public works projects ranging from the repair of roads and bridges to the construction of coastal embankments.

Approximately 1 million tons of wheat and rice grain valued at $140 million are being sent under the Food for Peace program (PL 480). This grain, along with that provided by India and other countries, is now being more widely distributed and is heading off serious famine. In addition, a grant of $35 million was made last March to the United Nations relief operation to help meet the cost of transporting foodstuffs, and contributions totaling $20 million have been made so far to ten American relief agencies for housing, health and education projects.

Although larger loan programs exist, few American assistance schemes for peaceful purposes have been extended on the same scale since the days of the Marshall Plan. Theories abound. Some say the Nixon Administration is acting from a sense of guilt after months of resisting the Bengalis' drive for independence. Others insist that the large input represents the best impulses of American charity; a simple humanitarian response to an urgent crisis, a provision of emergency assistance to help head off mass starvation. Those with a geopolitical frame of mind point not only to Russia's designs on the subcontinent but a supported U.S. suspicion of India's growing hegemony in the region and a fear that, without help, Bangladesh would soon become a nightmarish cauldron of strife and instability which could bubble over into other parts of Asia where American interests are more important.

Aside from the magnitude of American aid, the terms allow the Bengalis an unusual degree of freedom to decide for themselves just how they want to go about making the purchases and initiating the prospects. In Bangladesh, AID for the first time is permitting the recipient country administrative control over the use of grant funds. Within reasonable limits, the Bengalis will be able to direct the purchase of supplies from American companies and will decide which contractors to hire and on what terms.

"In India there was tremendous abuse because of the size of our mission," said an AID official with experience in both India and Bangladesh. "We were contracting, bringing in advisers and experts practically once a month and touting them over to the ministries. In Bangladesh we're doing the exact opposite. We are starting from the premise that we don't have all the answers. We're not going to do the kinds of things the Bengalis should be trying to do for themselves."

Currently, despite the amount of money at stake, AID has only fourteen direct-hire officials, plus fifteen to twenty private contractors in the field, in comparison to the 300 or so Americans who were working on AID projects in pre-independence East Pakistan. Both the Russian and Indian aid missions are larger than the American, even though the United States is providing more assistance than those two countries combined.

AID hopes that a "noninterventionist" low profile will eliminate the kind of advising, suggesting and prodding that created friction in many previous aid programs and helped make bilateral aid a controversial topic in the recipient countries. The exceptionally young AID team in Dacca (the average age is 32) is relatively free of the "arrogance of power" so pervasive among foreign affairs officials in Washington, and is responsive to the Bengalis' suffering.

"The good thing about the aid is the volume and the grant terms," a senior Bengali official commented, "but even better are the procedures. For the first time in my experience an AID operation has been made smooth. You've simplified it, removed the bottlenecks. Normally we'd have to go through complex channels to alter even minor parts of an agreement; now we just ring up on the telephone and they say O.K."

The Bengalis too have yielded on small points such as permitting fertilizer to be shipped in polypropylene as well as jute bags (jute is Bangladesh's chief export). With both sides displaying so much good will, time-consuming liaison between Washington and Dacca has been minimized.

Still, there is reluctance on the part of the Bengalis to be outwardly too friendly. When Sheikh Mujib delivered a speech on December 16, commemorating the first anniversary of Bangali liberation, he thanked India and the Soviet Union for their help during the nine-month struggle for independence, but did not refer to America's assistance in helping the country get back on its feet. The Sheikh evidently feels that, in the hearts of many of his countrymen, last year's bitterness has not faded altogether, and that a demonstration of cordiality toward the United States would almost certainly be used against his party (the Awami League) in the general elections scheduled for March 7.

Political analysts predict sporadic outbursts of anti-Americanism for the weeks before that election, but dismiss their significance as reflex by-products of a heated election mood. Tajuddin Ahmed, Minister of Finance and Planning, and the most outspoken leftist in the cabinet, has resumed attacks after several months of silence. In a recent newspaper interview, he accused the United States of "working to use Blangladesh as a pawn of its world politics," and warned that as the United States pulled out of Vietnam, "it would try to expand its claws into Bangladesh."

Whether these remarks are part of an overall Awami League campaign strategy, or merely an example of lack of party discipline, few see a day soon when relations between a country as poor as Bangladesh and one as rich as the United States will assume genuinely deep and warm proportions. "The relationship is almost back to its usually unsatisfactory level," and an American official with years of experience in Dacca, who added that an inevitable decline will take place as the magnitude of U.S. assistance drops.

Bengalis, too, seem to realize that the generous AID package is a one-shot affair intended only to meet the emergency conditions caused by the war. As soon as last year's request for an additional $100 million is channeled through Congress, the extraordinary grant arrangement will end. There are no plans in the next fiscal year for a special appropriation for Bangladesh and future terms will harden into smaller and more traditional loan programs.

Much of the new flexibility, moreover, will be evidenced more in theory than in practice. Although Bangladesh is permitted to procure items in most less-developed countries of the so-called "free world," purchases are still prohibited from Communist countries, Western Europe and Japan. Almost all of the cotton, tallow, pesticide and fertilizer will be obtained in the United States because these commodities are unavailable or more expensive on Third World markets. A good proportion of the project money (for road repairs, coastal embankments, etc.) also will be used to purchase

U.S. equipment and supplies and to pay salaries of American contractors. (About $30 million of it will be converted into Bangladesh *takas* to meet local construction costs, with the important stipulation that the Bangladesh Government spend an equivalent amount of dollars on purchases within the United States.) In the end, all except a tiny fraction of the total aid package will eventually find its way back to the United States.

In addition to the expiration of grant terms, another potential source of friction between the United States and Bangladesh is likely to be a reduction in Food for Peace (PL 480) assistance. Bangladesh, a victim of the bad weather that prevailed throughout Asia last year, will probably need to import as much or more grain this year as it did in 1972. Although the food shortfall for 1973 will be in the neighborhood of 2.5 million tons, according to a report by Dennis Chandler, a former director of the International Rice Research Institute, the United States has so far promised only 200,000 tons of wheat, to be shipped between now and the end of June.

Because of the sudden drop in grain reserves and the rapid rise of world demand, the future of the PL 480 program is hanging in the air, and with it the likelihood that Bangladesh will receive sufficient assistance from that source to meet its needs. Since India, which donated 500,000 tons of grain to Bangladesh last year, now faces a major food shortage of its own, Bangladesh will have no alternative but to use a substantial percentage of its foreign currency reserve to make competitive purchases on the world market. Bengali negotiators are currently arranging to buy 400,000 tons of grain (valued at $42 million) from Continental Grain Corporation, the same American supplier that handled the huge Russian purchase. (The Bengali purchase, by the way, is at a higher price than the Russian one and includes 100,000 tons of Pakistani rice, an indication of just how desperate conditions are expected to be.)

At this point, Bangladesh is planning to meet half the 1973 deficit with private purchases and the other half with PL 480 assistance. This would call for a PL 480 input beyond that of last year; there is considerable doubt, however, that so large a quantity will again be available.

"Beyond a point you have to say 'hope for the best,'" a State Department official said. "The U.S. may find itself in a position of not being able to feed all the hungry in the world; it won't even be a matter of public policy decision—there just won't be the food to send."

While others insist America will not let Bangladesh "go down the drain," it is generally acknowledged the new country will soon have to compete like any other for its share of the aid pie. As public attention to the Bangladesh disaster fades, so will the quantity of American assistance. Furthermore, AID's new low profile, combined with the Congressional restriction limiting U.S. contributions to Bangladesh reconstruction to 40 per cent of total worldwide contributions, almost guarantees a modest U.S. presence.

Nevertheless, the accomplishments so far have been noteworthy. Thanks in good part to American aid: mass famine has at least temporarily been avoided, a stable, democratically inclined regime has successfully taken roots, and an improvement of relations between the people and governments of the United States and Bangladesh has been engendered. Much has been done that Americans should feel proud of.

But in the end the aid question, though important, is marginal. Bangladesh's needs are enormous and will remain so indefinitely into the future. The country is burdened by 80 per cent illiteracy, has a per capita income of less than $80 and is one of the most densely populated nations in the world—without the industrial base required to support itself. By the year 2000 the present population of 80 million is expected to double. To imagine 160 million poverty-ridden people living in an area the size of Wisconsin is to confront a challenge to human survival of unprecedented dimensions.

Tomorrow's difficulties are perceived with such a shudder that differences between optimists and pessimists are barely distinguishable. The pessimists, it is said, describe Bangladesh's future as, "irretrievably bleak"; the optimists are said to describe it as "retrievably bleak." Whatever the outcome, American policy will encounter some challenges in the years ahead. To extend the present generous aid program, while at the same time keeping it simple, direct and flexible, would seem the most hopeful role the United States can play.

III. THE FOOD SITUATION AND PROSPECTS FOR 1973

ASSESSMENT OF THE AMAN HARVEST, AND ESTIMATED NEEDS OF FOOD GRAINS IN 1973

76. As indicated earlier in this report, it was always accepted that the Aman harvest would be the decisive element influencing the food situation in 1973. Recognizing this fact, and assuming also that it would be essential in any case to import a certain amount of food grains in the coming year, the Secretary-General felt that it would be advantageous to all concerned if mutually acceptable estimates could be made both of local production and of the imports likely to be needed in 1973. As early as August 1972, he therefore proposed, in co-operation with the Director-General of FAO, the establishment of a mission under the leadership of a recognized international authority, and composed of experts drawn from the Government of Bangladesh and the appropriate international organizations, in order to make these estimates. The Government agreed with this proposal, and Professor Robert Chandler, of the Rockefeller Foundation, agreed to lead the Mission. For this purpose he visited Bangladesh in October and again in November 1972.

THE PRIME MINISTER'S REQUEST

77. By early October, it had already become apparent that the Aman harvest was threatened, not only because of an unavoidable lack of fertilizer, but also by unfavourable weather conditions. The Prime Minister therefore wrote to the Secretary-General on 14 October 1972, drawing his attention to the serious difficulties which would almost certainly arise in 1973, and requesting continued relief assistance from the United Nations, essentially in the fields of food and transportation, for another year. The Secretary-General immediately initiated informal discussions with Governments interested in assisting Bangladesh, and informed the Prime Minister of the outcome of these preliminary exchanges.

78. In summary, while many Governments were sympathetic to the problems still confronting Bangladesh, they asked the Secretary-General to ascertain the degree to which Bangladesh might be expected to help itself still further in 1973, while simultaneously taking into account the conclusions of the Chandler Food Mission.

THE SECRETARY-GENERAL'S PRELIMINARY APPEAL OF NOVEMBER 9, 1972

79. While the Secretary-General was taking action (late October) to respond to these wishes expressed by Governments, it became apparent, a few days later, that the monsoon rains had failed. The Weather Bureau reported that the October rainfall on a country-wide basis was 61 per cent below normal, and that the cumulative rainfall total for the months of June, July, August, September and October was 40 per cent below normal. Such a deficiency, compounded by the insufficient supply of fertilizer at the crucial time of transplanting, and still further aggravated by above-average attacks by pests, made it inevitable that the Aman harvest would be seriously below normal.

80. As soon as this basic condition became apparent [and also taking into account the fact that, in response to the Secretary-General's appeal of 31 May for 1 million tons of food grains (A/8662/Add.2–A/10539/Add.2), Governments had been able to provide only about 900,000 tons], the Secretary-General, in co-operation with the Government of Bangladesh, immediately arranged—while waiting for the Chandler Food Mission to make its report—for a short-term forecast to be made of the food situation likely to arise in the first quarter of 1973. In asking for this forecast to be made, the Secretary-General was very sensitive to the rapidly changing world situation as regards the availability both of food grains and of shipping. In order to ensure that the essential ration was provided until 31 March 1973, and to create a reasonable working reserve by that date, the Secretary-General concluded that he should appeal immediately for 700,000 tons of food grains to be delivered to Bangladesh during the first quarter of 1973. (This figure assumed that the Government would do its best to purchase the maximum amount from the Aman harvest—a complicated and delicate operation.) The Secretary-General made it clear that Governments or other institutions willing to help Bangladesh could respond to this appeal either in kind or by making funds available for the purchase of food grains, and that the necessary arrangements could be made either bilaterally or through UNROD.

81. To date, the United States Government has indicated that it is providing 200,000 tons of the wheat immediately, and the Government of Canada has stated that a total of 100,000 tons of wheat will be loaded in the months of February and March. The Netherlands Government has reported that over 3,000 tons of wheat flour will be provided as soon as a delivery date is indicated by the Government of Bangladesh.

82. Welcome as these contributions are, they will not, of course, meet the essential requirements of the country during the first quarter of 1973. The Government of Bangladesh itself has therefore made certain purchases of food grains on world markets from its own reserves of foreign currency (see para. 85 below), but a point will soon be reached where this process will become self-defeating in that foreign currency needed for supplies and equipment to develop the agricultural sector (particularly irrigation) in the coming years will have been spent on current purchases of food grains.

CONCLUSIONS OF THE CHANDLER FOOD MISSION

83. On 1 December 1972, Professor Chandler and his Mission reported that they estimated that the Aman harvest would yield just over 5,500,000 metric tons, compared to the 1969/1970 crop of 6,950,000 metric tons.

84. After assessing the prospects for the local production of food grains as a whole in 1973, the Mission concluded that it would be necessary to import an additional 2,500,000 tons of wheat and rice in order to provide a per capita ration of 15 ounces for a population of 75 million people (this is considered to be the most realistic population estimate available at present).

ACTION ON THE PART OF THE GOVERNMENT OF BANGLADESH

85. Fully recognizing both the gravity and the urgency of the situation, particularly when related to world conditions, the Government of Bangladesh, having accepted the main conclusions of the Chandler Mission, informed the Secretary-General that, as a further demonstration of its firm determination to help itself to the utmost, it intended:

First, to commit approximately one third of its reserves of foreign currency—this is

regarded as the maximum which could be spent with prudence on current needs; any expenditure greater than this could easily lead to inadequate investment in the vital agricultural sector in the coming year—in order to purchase approximately one third of the food grains required (i.e. about 800,000 tons) and in order either to charter or purchase vessels required for water transport after UNROD's direct operational responsibilities are reduced after 31 March 1973;

Second, to do its best to make purchases from the local harvests;

Third, to ensure that the ration should not exceed 15 ounces per diem, and indeed to reduce it if either the necessary supplies of food grains or the shipping necessary to import food grains could not be foreseen;

Fourth, to meet the cost of all local expenditure related to relief;

Fifth, to take over progressively many of the relief functions now being performed by the United Nations relief operation in Dacca.

ACTION BY THE SECRETARY-GENERAL

86. On 1 December 1972, an informal meeting was held at United Nations Headquarters with representatives of Governments interested in assisting Bangladesh. The governmental representatives were informed both of the conclusions of the Chandler Mission, and of the further measures that the Government of Bangladesh intends to take in order to meet the relief needs of its people in 1973.

87. As a result of that meeting, the Secretary-General informed the Prime Minister, in response to his letter of 14 October 1972, that, having noted the additional measures being taken by the Government of Bangladesh, he, for his part, would be ready to concentrate his main effort on mobilizing world support in order to provide the balance of 1,700,000 tons of food grains that would need to be imported in order to supplement the 800,000 tons purchased by the Government, thus meeting the total deficit of 2,500,000 tons estimated by the Chandler Food Mission. (It will be noted that the Secretary-General has already appealed for 700,000 tons of this balance—see paragraph 80.)

88. In addition, the Secretary-General informed the Prime Minister that he would maintain a reduced United Nations Office in Dacca to assist in dealing with the problems of relief that might arise next year. The main functions of that office would be:

To participate in the continuous surveillance of the food situation;

To co-ordinate action with the Government in making arrangements for supplies of food grains from overseas;

To assist, when requested by the Government, in the stimulation of whatever action may be necessary in order to obtain supplies of food essential to preserve life;

To provide assistance, when requested by the Government, in the operational management of the infrastructure.

89. The Secretary-General considers that the first three of these functions should end by 31 December 1973, and that the fourth function should be phased out by 30 September 1973.

CONCLUDING OBSERVATIONS OF THE SECRETARY-GENERAL

90. The Secretary-General feels that it is essential for all Member States interested in assisting Bangladesh to recognize the following vital considerations:

(1) Taking into account likely conditions in 1973, both in relation to Bangladesh itself and also to the world food grains and shipping situation, the relief problem in Bangladesh may well be even more difficult next year than this.

(2) World availability of shipping in 1973 may present an even greater problem than world availability of food grains.

(3) The physical and managerial problems associated with the efficient performance of the port and internal transport system in Bangladesh are such that it will be imperative for all concerned in helping Bangladesh in 1973 to work out a carefully co-ordinated plan of deliveries of food grains, and to adhere to that plan.

(4) The uncertainties in forecasting the nature and extent of the essential relief needs in Bangladesh in 1973 are so great that the Secretary-General may find it necessary to modify the composition and scale of the United Nations office in Dacca.

(5) The Secretary-General wishes to make it clear to all concerned that:

(a) while he personally wishes to do everything within his power to help ensure that the lives of the people of Bangladesh are preserved in 1973, the fundamental responsibility for achieving this result must rest with the Government of Bangladesh (which fully accepts such a responsibility), and

(b) only Member States interested in the lives of the people of Bangladesh can provide the supplies and funds essential to deal with the situation.

(6) The Secretary-General wishes to emphasize the necessity of a generous response to his appeals. At present, it is possible to forecast how essential needs of food grains will be met during the first quarter of 1973, but in order to distribute essential food grains throughout the country for the remaining three quarters of the year, it would be essential for Governments to make the necessary pledges either in kind or in cash before 1 March 1973, so that the co-ordinated plan of delivery referred to in the third point of this paragraph can be worked out and executed.

ACKNOWLEDGMENTS

91. On several occasions the Prime Minister of Bangladesh has conveyed to the Secretary-General the deep appreciation of his Government and of the people of Bangladesh for the work carried out by UNROD. The Secretary-General has greatly appreciated these messages and, in turn, wishes to express his own gratitude to the many States Members, international institutions, voluntary organizations and individuals from all over the world who have responded so generously to his appeals for the resources which have enabled UNROD so far to discharge successfully the great responsibilities entrusted to it.

[From the New York Times, Jan., 2, 1973]

WALDHEIM REPORTS BANGLADESH FACES THREAT OF FAMINE AGAIN

(By Robert Alden)

UNITED NATIONS, N.Y., January 1.—Secretary General Waldheim reported today that despite an enormous and successful effort to to avert a famine in Bangladesh in 1972, the prospect of one was now "more serious and more threatening" than it was at the beginning of last year.

Mr. Waldheim's report attributed the bleak outlook to the poor December grain harvest, which was regarded as crucial in filling the food needs of Bangladesh.

The harvest was small because the monsoon rains were 40 per cent below normal during the critical growing months.

In addition, attacks by pests were greater than usual and supplies of fertilizer were insufficient at the time of transplanting.

AN APPEAL TO WORLD

Because of the poor harvest, Mr. Waldheim said, he wanted to make it clear that "only members states interested in the lives of the people of Bangladesh can provide the supplies and funds essential to deal with the situation."

In his report to the Security Council and the General Assembly, Mr. Waldheim noted that last year's effort to save the people of a single country by the international community had been on a scale never matched before.

During the year, just over a billion dollars in aid was contributed and as a result, Mr. Waldheim said, the lives of 75 million people were sustained and no deaths attributable to famine were reported.

This was accomplished despite the virtual destruction of the country's transportation system by war and by storm. Bangladesh, the former eastern wing of Pakistan, became independent a year ago after a brief war in which the Pakistanis were defeated by Indian and local forces.

"No summary," the Secretary General said, "can give an adequate picture of the appalling conditions which confronted the new Government of Bangladesh on the assumption of authority."

THE OBSTACLES LISTED

"The destruction of major bridges, the blocking of ports by mines and sunken vessels, the wholesale destruction of villages and all their facilities throughout the countryside, particularly the damage to agricultural systems, grain storage, water supply and use, draft animals, servicing and repair facilities for tractors, pumps and the like and the breakdown of the basic services of health, education and welfare all combined to make a catalogue of interdependent and interlocking obstacles to any early return to normal life."

Besides the special body that was set up, the United Nations Relief Operation in Dacca, virtually every United Nations agency was involved in the relief effort, including the United Nations Children's Fund, the World Health Organization, the Food and Agriculture Organization and the World Bank.

But critical to the prospects for 1973—and this was recognized from the start—was the December harvest. A team of experts was sent to Bangladesh to determine as early as possible what it would be.

By early October it was apparent that the harvest was threatened "not only because of an unavoidable lack of fertilizer, but also by unfavorable weather. Mr. Waldheim, immediately began informal discussions with governments interested in assisting Bangladesh, informing them that needs would continue into 1973.

ADDITIONAL 2.5 MILLION TONS NEEDED

At the beginning of December the team of experts projected a harvest of 5,500,000 tons, compared with 6,950,000 tons a year earlier. The team concluded that 2.5 million additional tons of wheat and rice would have to be imported into Bangladesh.

The Bangladesh Government informed Mr. Waldheim that it was buying 800,000 tons on the world market with its own money. The Secretary General said he would concentrate his main effort in mobilizing world support to provide the balance of 1.7 million tons.

He said that it was essential for governments to make their pledges by March 1 so that a coordinated plan of delivery could be worked out. The United States has already said that it will provide 200,000 tons of wheat immediately and Canada will send 100,000 tons in February and March.

[From the London Financial Times, Dec. 14, 1972]

BANGLADESH—BATTLE TO HOLD OFF FAMINE

In spite of scares, Banglagdesh has survived this year without any chronic food shortage; but, ironically, the conditions which helped in avoiding famine in 1972 have piled up yet more problems for 1973. Next year the foodgrain shortage is expected to be slightly worse than this year's. Next year the rest of the world may not prove so willing to lend its assistance. And every year in which money is spent merely on plugging the gaps and tiding Bangladesh over, there is so much less left for development aid.

Next year's foodgrain shortage in Bangladesh could read 3m. tons, according to Government experts in Dacca. A special study

for the UN by Dr. Robert Chandler claimed on December 1 that the shortfall would be 2.5m. The difference, according to Dacca officials is because the main *aman* crop now being harvested could be up to 0.5m. tons short. This year it was predicted at 2.7m. tons, but the country has managed with 2.4m. tons of imports. Two factors contributed to the distribution of supplies. The first was assistance from India, which rushed huge amounts of foodgrains in at the most critical times, supplying 930,000 tons in spite of its own difficulties, then allowed the use of Indian railways to get the food through to the vulnerable north-west area, cut off from the rest of the country by the swollen Ganga and Brahmaputra rivers. The second factor was the light monsoon which meant that the roads and countryside did not become as flooded as normal, and advanced the main *aman* rice crop harvest by a few weeks. But the monsoon has left behind a problem for 1973: the light rainfall meant that the *aman* crop is well below what was hoped for, (Dacca experts put it at a 2.5m. shortfall, while the UN prediction is 2m.)

The output predicted by the UN from the crops providing food for next year is 5.57m. tons from the main *aman* crop now being harvested (as little as 5m. tons according to Bangladesh experts), about 2.1m. tons from the *boro* or spring crop, and 2.5m. tons from the *aus;* in addition there will be about 0.1m. tons of wheat. Even these forecasts may not be fulfilled. The *boro* crop in particular needs plenty of water and fertilizer, and there are doubts whether irrigation will be available, or whether sufficient low-lift pumps will be working to enable the 2.1m. figure to be reached. Similar problems affect the likely *aus* output.

There is great disappointment in the country, particularly as new varieties of seed, mainly IRRI 8, 5 and 20, had been sown over more than 2m. of the 14.5m. acres in July and a crop of 7.6m. tons had been planned for. By August hopes had faded to 6.8m. tons, which was below the 6.95m. tons output for 1969–70. But as the months went on, the monsoon continued to fall below normal. In June it was 20 per cent below normal, in July 30 per cent, in August 20 per cent, in September 40 per cent, and in October 60 per cent. Overall, the rainfall was about 50 per cent below normal, an even worse performance than the bad years of 1966–67.

LOWEST LEVEL

Even if all the crops turn out as predicted, the total supplies will be 10.27m. tons which, allowing for wastage of 10 per cent, will provide 9.24m. tons, fewer than were available in the disturbed year of 1971 when there were several million people absent in India. The *aman* crop is at its lowest level for at least the last 13 years, and the foodgrain gap will be the highest ever. Even in 1966–67 5.92m. tons were produced from *aman*, even in 1971–72 when only 13m. acres were planted, 5.69m. tons were produced. In recent years the crop had yielded about 6.9m. tons, and in good years up to 7.3m. Prior to last year, the overall foodgrain deficit had been between 1.2m. and 1.7m. tons.

The deficit is calculated by allowing just under 1 lb of grain a day for each person. This may not seem much but nutrition experts have calculated that 14 oz. of cereal produces 1,400 calories, which, together with non-cereals in the Bengali diet, would bring the calorific intake to about 1,680 calories. Western men on diets are frequently told to cut down to about 1,300–1,400 calories a day. The average intake over the past 12 years, insofar as an average means anything, has been 15.4 oz. daily, and only 14 oz. in the late fifties. For many of the poorer people, of course, the so-called "average" diet is unknown.

The fact that the monsoon failed over all South and Southeast Asia makes the problem even harder to face. Virtually no country in the area has a foodgrain surplus, except Thailand and Pakistan. The Philippines has to seek the import of about 700,000 tons; Indonesia 600,000 the Burmese harvest has not been good; Thailand's surplus is about 1m. tons instead of 15m.; some experts predict that India, Bangladesh's main benefactor, may have to import anything between three and 8m. tons of foodgrains; even Australia has not got a surplus.

CHINESE PURCHASE

Many of whatever other grains were spare have been bought up in major deals involving the great powers, the Soviet Union with the U.S. and China with Canada. China has been so short that it has even bought 400,000 tons of wheat from Argentina a country with which it has no relations.

All this has pushed up the prices of food grains. Rice has gone up from $85 a ton to $140 f.o.b. Wheat has risen from $65 to $70 to about $90 f.o.b. or $105 c.i.f. The hope for Bangladesh and for other nations of the monsoon area must be that world planting of winter wheat will be high in response to the world food shortage, which might do something to retrieve the bad situation. World wheat stocks are down to their lowest level for about 20 years. This is not the only complication. Even if the food can be found and bought, it has to be shipped in, and world pressure on shipping is intense, and will be particularly so while so many countries are on the market.

But even if there were readily available supplies of food. Bangladesh would almost certainly have to use up some of its own foreign exchange reserves next year to pay for them. Sheikh Mujibur Rahman has asked the UN Secretary-General Dr. Waldheim, that the UN Relief Operation, Dacca (UNROD) should continue to the end of 1973, instead of finishing at the end of March. More than $1,000m. has gone into the operation, about a third of it in supplying food. Sir Robert Jackson, UN Under-Secretary and in charge of UNROD, compared it with injecting a patient with a massive dose to try to get him on walking sticks by 1973.

In the relief operation, the Manhattan, a vessel capable of carrying 110,000 tons, was anchored off Chittogong as a floating silo. It was supplying a fleet of 25 mini-bulkers which carried the grain in loads of about 15,000 tons up to major riverheads, where it was transferred into smaller vessels or into trains and trucks. At critical times some supplies were air-lifted in.

The Bangladesh Government has been responsible for internal distribution of the food, allowing both free and subsidized rationing systems, although the free rations have now been discontinued. Though everyone at the UN mission quickly rejected the idea that the Dacca administration had done anything but the soundest job, the level of private syphoning off of public supplies has been alarming and UNROD chief in Dacca, Dr. Victor Umbricht, has on several occasions exchanged harsh words with the Government. There is evidence that hoarding and speculation have been far more widespread than can be dismissed by the phrase "one is as natural as sex, the other as old as sin," as a senior diplomat said.

Rice has risen to prices which are higher than ever, to more than takas 80 per maund in Dacca and more than takas 100 elsewhere. Even during the 1942–43 famine when millions died, prices never rose to more than Rs.60. This is somewhat surprising if supply lines have been maintained as well as boasted and boosted with free rations and grains at reduced prices.

AID SUPPLIES

Whether UNROD will continue depends on if Dr. Waldheim can prod the great powers into promising to maintain their aid supplies. Bangladesh's ability to buy some supplies on the international market—but not enough to make donors think it can support the whole operation—would obviously help. But the signs are that the year of Bangladesh is already over. The Secretary-General's latest appeal for 700,000 tons of food-grains to boost the stocks has not yet been a great success, with only 20,000 tons being promised by the United States. If there is a settlement in Vietnam, Bangladesh's chances will probably be killed since both Vietnams can be reckoned to be deficit areas and the UN relief and rehabilitation teams would have time and money and energy well occupied there. In any case, some experts argue that there is no need for the UN to continue, except perhaps to serve as a reminder to the Bengalis that the rest of the world is watching how those in power distribute the food. They say that it is better for Bangladesh to have to walk on its own crutches than to hold out continually the "baksheesh" begging bowl.

Where the UNROD operation has been a great success is in bringing together the three heads of aid, multi-lateral aid, bi-lateral aid and aid from the voluntary agencies, under one umbrella, so that a proper coordinated plan could be made without duplications. The combined effort by the voluntary agencies has been most impressive. They have managed to avoid a repeat of the cyclone situation when, according to one observer, "they were running around in all directions like chickens with their heads cut off."

The best overall comment on the success of the 1972 stopgap operation comes from a survey on nutrition recently conducted by Dr. Sam Street for the UN. By October, only 8.4 per cent of the population was moderately to severely malnourished, compared with 13.6 per cent in May; the mortality rate from May to October was in the same range as that from 1968–69. Even so, he comments, nutrition standards of Bengalis are nowhere near the standards of those in developed countries, 45 per cent of Bengali children are still thinner than 98 per cent of children in the West. He concludes: "the improvement means a return to the state of 'normal' chronic malnutrition."

EXCERPT FROM A REPORT OF THE UNITED NATIONS SECRETARY GENERAL ON CONDITIONS IN BANGLADESH, JANUARY 1, 1973

III. THE FOOD SITUATION AND PROSPECTS FOR 1973

Assessment of the Aman harvest, and estimated needs of food grains in 1973

76. As indicated earlier in this report, it was always accepted that the Aman harvest would be the decisive element influencing the food situation in 1973. Recognizing this fact, and assuming also that it would be essential in any case to import a certain amount of food grains in the coming year, the Secretary-General felt that it would be advantageous to all concerned if mutually acceptable estimates could be made both of local production and of the imports likely to be needed in 1973. As early as August 1972, he therefore proposed, in co-operation with the Director-General of FAO, the establishment of a mission under the leadership of a recognized international authority, and composed of experts drawn from the Government of Bangladesh and the appropriate international organizations, in order to make these estimates. The Government agreed with this proposal, and Professor Robert Chandler, of the Rockefeller Foundation, agreed to lead the Mission. For this purpose he visited Bangladesh in October and again in November 1972.

The Prime Minister's request

77. By early October, it had already become apparent that the Aman harvest was threatened, not only because of an unavoidable lack of fertilizer, but also by unfavourable weather conditions. The Prime Minister

therefore wrote to the Secretary-General on 14 October 1972, drawing his attention to the serious difficulties which would almost certainly arise in 1973, and requesting continued relief assistance from the United Nations, essentially in the fields of food and transportation, for another year. The Secretary-General immediately initiated informal discussions with Governments interested in assisting Bangladesh, and informed the Prime Minister of the outcome of these preliminary exchanges.

78. In summary, while many Governments were sympathetic to the problems still confronting Bangladesh, they asked the Secretary-General to ascertain the degree to which Bangladesh might be expected to help itself still further in 1973, while simultaneously taking into account the conclusions of the Chandler Food Mission.

The Secretary-General's preliminary appeal of 9 November 1972

79. While the Secretary-General was taking action (late October) to respond to these wishes expressed by Governments, it became apparent, a few days later, that the monsoon rains had failed. The Weather Bureau reported that the October rainfall on a country-wide basis was 61 percent below normal, and that the cumulative rainfall total for the months of June, July, August, September and October was 40 per cent below normal. Such a deficiency, compounded by the insufficient supply of fertilizer at the crucial time of transplanting, and still further aggravated by above-average attacks by pests, made it inevitable that the Aman harvest would be seriously below normal.

80. As soon as this basic condition became apparent [and also taking into account the fact that, in response to the Secretary-General's appeal of 31 May for 1 million tons of food grains (A/8662/Add.2–A/10539/Add.2), Governments had been able to provide only about 900,000 tons], the Secretary-General, in co-operation with the Government of Bangladesh, immediately arranged—while waiting for the Chandler Food Mission to make its report—for a short-term forecast to be made of the food situation likely to arise in the first quarter of 1973. In asking for this forecast to be made, the Secretary-General was very sensitive to the rapidly changing world situation as regards the availability both of food grains and of shipping. In order to ensure that the essential ration was provided until 31 March 1973, and to create a reasonable working reserve by that date, the Secretary-General concluded that he should appeal immediately for 700,000 tons of food grains to be delivered to Bangladesh during the first quarter of 1973. (This figure assumed that the Government would do its best to purchase the maximum amount from the Aman harvest—a complicated and delicate operation.) The Secretary-General made it clear that Governments or other institutions willing to help Bangladesh could respond to this appeal either in kind or by making funds available for the purchase of food grains, and that the necessary arrangements could be made either bilaterally or through UNROD.

81. To date, the United States Government has indicated that it is providing 200,000 tons of the wheat immediately, and the Government of Canada has stated that a total of 100,000 tons of wheat will be loaded in the months of February and March. The Netherlands Government has reported that over 3,000 tons of wheat flour will be provided as soon as a delivery date is indicated by the Government of Bangladesh.

82. Welcome as these contributions are, they will not, of course, meet the essential requirements of the country during the first quarter of 1973. The Government of Bangladesh itself has therefore made certain purchases of food grains on world markets from its own reserves of foreign currency (see para. 85 below), but a point will soon be reached where this process will become self-defeating in that foreign currency needed for supplies and equipment to develop the agricultural sector (particularly irrigation) in the coming years will have been spent on current purchases of food grains.

Conclusions of the Chandler Food Mission

83. On 1 December 1972, Professor Chandler and his Mission reported that they estimated that the Aman harvest would yield just over 5,500,000 metric tons, compared to the 1969/1970 crop of 6,950,000 metric tons.

84. After assessing the prospects for the local production of food grains as a whole in 1973, the Mission concluded that it would be necessary to import an additional 2,500,000 tons of wheat and rice in order to provide a per capita ration of 15 ounces for a population of 75 million people (this is considered to be the most realistic population estimate available at present).

Action on the part of the Government of Bangladesh

85. Fully recognizing both the gravity and the urgency of the situation, particularly when related to world conditions, the Government of Bangladesh, having accepted the main conclusions of the Chandler Mission, informed the Secretary-General that, as a further demonstration of its firm determination to help itself to the utmost, it intended:

First, to commit approximately one third of its reserves of foreign currency [1] in order to purchase approximately one third of the food grains required (i.e. about 800,000 tons) and in order either to charter or purchase vessels required for water transport after UNROD's direct operational responsibilities are reduced after 31 March 1973;

Second, to do its best to make purchases from the local harvests;

Third, to ensure that the ration should not exceed 15 ounces per diem, and indeed to reduce it if either the necessary supplies of food grains or the shipping necessary to import food grains could not be foreseen;

Fourth, to meet the cost of all local expenditure related to relief;

Fifth, to take over progressively many of the relief functions now being performed by the United Nations relief operation in Dacca.

Action by the Secretary-General

86. On 1 December 1972, an informal meeting was held at United Nations Headquarters with representatives of Governments interested in assisting Bangladesh. The governmental representatives were informed both of the conclusions of the Chandler Mission, and of the further measures that the Government of Bangladesh intends to take in order to meet the relief needs of its people in 1973.

87. As a result of that meeting, the Secretary-General informed the Prime Minister, in response to his letter of 14 October 1972, that, having noted the additional measures being taken by the Government of Bangladesh, he, for his part, would be ready to concentrate his main effort on mobilizing world support in order to provide the balance of 1,700,000 tons of food grains that would need to be imported in order to supplement the 800,000 tons purchased by the Government, thus meeting the total deficit of 2,500,000 tons estimated by the Chandler Food Mission. (It will be noted that the Secretary-General has already appealed for 700,000 tons of this balance—see paragraph 80.)

88. In addition, the Secretary-General informed the Prime Minister that he would maintain a reduced United Nations Office in Dacca to assist in dealing with the problems of relief that might arise next year. The main functions of that office would be:

To participate in the continuous surveillance of the food situation;

To coordinate action with the Government in making arrangements for supplies of food grains from overseas;

To assist, when requested by the Government, in the stimulation of whatever action may be necessary in order to obtain supplies of food essential to preserve life;

To provide assistance, when requested by the Government, in the operational management of the infrastructure.

89. The Secretary-General considers that the first three of these functions should end by 31 December 1973, and that the fourth function should be phased out by 30 September 1973.

Concluding observations of the Secretary-General

90. The Secretary-General feels that it is essential for all Member States interested in assisting Bangladesh to recognize the following vital considerations:

(1) Taking into account likely conditions in 1973, both in relation to Bangladesh itself and also to the world food grains and shipping situation, the relief problem in Bangladesh may well be even more difficult next year than this.

(2) World availability of shipping in 1973 may present an even greater problem than world availability of food grains.

(3) The physical and managerial problems associated with the efficient performance of the port and internal transport system in Bangladesh are such that it will be imperative for all concerned in helping Bangladesh in 1973 to work out a carefully coordinated plan of deliveries of food grains, and to adhere to that plan.

(4) The uncertainties in forecasting the nature and extent of the essential relief needs in Bangladesh in 1973 are so great that the Secretary-General may find it necessary to modify the composition and scale of the United Nations office in Dacca.

(5) The Secretary-General wishes to make it clear to all concerned that:

(a) while he personally wishes to do everything within his power to help ensure that the lives of the people of Bangladesh are preserved in 1973, the fundamental responsibility for achieving this result must rest with the Government of Bangladesh (which fully accepts such a responsibility), and

(b) only Member States interested in the lives of the people of Bangladesh can provide the supplies and funds essential to deal with the situation.

(6) The Secretary-General wishes to emphasize the necessity of a generous response to his appeals. At present, it is possible to forecast how essential needs of food grains will be met during the first quarter of 1973, but in order to distribute essential food grains throughout the country for the remaining three quarters of the year, it would be essential for Governments to make the necessary pledges either in kind or in cash before 1 March 1973, so that the co-ordinated plan of delivery referred to in the third point of this paragraph can be worked out and executed.

Acknowledgments

91. On several occasions the Prime Minister of Bangladesh has conveyed to the Secretary-General the deep appreciation of his Government and of the people of Bangladesh for the work carried out by UNROD. The Secretary-General has greatly appreciated these messages and, in turn, wishes to express his own gratitude to the many States Members, international institutions, voluntary organizations and individuals from all over the world who have responded so generously to his appeals for the resources which have enabled UNROD so far to discharge successfully the great responsibilities entrusted to it.

[1] This is regarded as the maximum which could be spent with prudence on current needs; any expenditure greater than this could easily lead to inadequate investment in the vital agricultural sector in the coming year.

UNITED NATIONS REPORT OF THE SECRETARY-GENERAL CONCERNING THE IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 2790 (XXVI) AND SECURITY COUNCIL RESOLUTION 307 (1971)

ADDENDUM

1. The report of the Secretary-General of 1 January 1973 contained preliminary estimates of aid from external sources mobilized for the relief of the people of Bangladesh (A/8996 and Corr. 1–S/10853 and Corr. 1, paras. 22, 38, and annexes I, II and III). On the basis of additional information received by the Secretary-General, the estimate of total aid to Bangladesh from all external sources as of 31 October 1972 should be revised to $US 1,021.29 million. The table of commitments (*ibid.*, para. 22) should be revised as follows:

TABLE 1 (REVISED).—BILATERAL AND MULTILATERAL AID TO BANGLADESH ESTIMATES OF COMMITMENTS AS OF OCT. 31, 1972

[Cumulative totals since Dec. 16, 1971]

	Value (million U.S. dollars)	As a percentage of total
Bilateral (country to country)	665.35	65.15
Multilateral (United Nations system)	265.36	25.98
Voluntary agencies (people to people)	90.58	8.87
Total	1,021.29	100.00

The above figures do not substantially affect the division between food and non-food aid (approximately 32 and 68 per cent) as given in the report of 1 January.

2. In table 2 of the report of 1 January (para. 38), the figure for the item "Miscellaneous" has been revised to read $15.61 million, and that for the cumulative total of voluntary agency contributions to relief operations in Bangladesh will therefore read $90.58 million.

3. Revisions of the tables in annexes I, II and III of the report of 1 January 1973, giving the details of bilateral aid, multilateral aid, and people-to-people aid, are appended to the present report.

ANNEX I.—BILATERAL AID TO BANGLADESH, REVISED ESTIMATES OF COMMITMENTS AS OF OCT. 31, 1972 (CUMULATIVE TOTALS SINCE DEC. 16, 1971)

[In millions U.S. dollars]

Donor	Cash	Food	Non-food	Total	As a percentage of total
Argentina					
Australia		0.23	2.32	2.55	0.38
Austria	0.06		.06	.009	
Belgium			1.00	1.00	.15
Bulgaria			.21	.21	.03
Canada		24.50	27.00	51.50	7.74
Czechoslavakia				[1]	
Denmark			7.72	7.72	1.16
European Economic Community		7.92		7.92	1.19
France			3.99	3.99	.60
German Democratic Republic			1.28	1.28	.19
Germany, Federal Republic of		3.42	3.85	7.27	1.09
Hungary		.02		.02	.003
India	43.57	118.36	95.79	257.72	38.73
Ireland					
Italy	.10			.10	.02
Japan		7.40		7.40	1.11
Nepal	0.01			0.01	0.002
Netherlands	7.08		5.63	12.71	1.91
New Zealand			.61	.61	.09
Norway					
Poland				[1]	
Romania			9.60	9.60	1.44
Sweden	11.00		9.96	20.96	3.15
Switzerland					
United Kingdom			13.54	13.54	2.04
United States of America		34.80	123.38	158.18	23.77
U.S.S.R		8.73	42.27	51.00	7.67
Yugoslavia			50.00	50.00	7.52
Total	61.82	205.38	398.15	665.35	100.00
Percentages	9.29	30.87	59.84	100.00	

[1] Data not available.

Note: The above figures are based on the latest information available in Dacca and New yorK.

ANNEX II.—MULTILATERAL AID TO BANGLADESH

REVISED ESTIMATES OF COMMITMENTS AS OF OCT. 31, 1972 (CUMULATIVE TOTALS SINCE DEC. 16, 1971)

[In million U.S. dollars]

Donor	UNROD	UNICEF [1]	World Bank (IDA)	WFP	Total	As a percentage of total
Argentina	0.24				0.24	0.09
Australia	4.80	0.17			4.97	1.87
Austria	.04				.04	.02
Belgium	.86	.01			.87	.33
Bulgaria						
Canada	6.25	2.12			8.37	3.15
Czechoslovakia						
Denmark	1.71	1.00			2.71	1.02
European Economic Community						
France	.45	.06			.51	.19
German Democratic Republic						
Germany, Federal Republic of	3.75	3.38			7.13	2.69
Hungary						
India						
Ireland	.09	.09			.18	.07
Italy		.01			.01	.004
Japan	10.60				10.60	3.99
Netherlands	5.56	1.56			7.12	2.68
New Zealand	.52	.03			.55	.21
Norway	2.52	.50			3.02	1.14
Poland						
Romania						
Sweden	4.72	.31			5.03	1.90
Switzerland	1.22	.33			1.55	.58
United Kindom	29.45	.43			29.88	11.26
United States of America	107.90	26.87			134.77	50.79
Union of Soviet Socialist Republics						
Yugoslavia						
Others [2]	.29	.03			.32	.12
World Bank (IDA)			38.00		38.00	14.32
WFP	1.80			0.06	1.86	.70
UNICEF [3]		7.63			7.63	2.88
Total	182.77	44.53	38.00	.06	265.36	100.00
Percentages	68.88	16.78	14.32	.02	100.00	

[1] Foreign exchange component of UNICEF programs only.

[2] Includes Chile, Fiji, Finland, Holy See, Lebanon, Liechtenstein, Luxembourg, Nepal, Philippines, Spain, Thailand, as well as Israel Philharmonic Orchestra, United Nations Secretariat and private contributors.

[3] UNICEF out of its own resources. In addition $4,580,000 internal transfer of UNROD funds to UNICEF is not reflected in these figures.

ANNEX III.—PEOPLE-TO-PEOPLE AID TO BANGLADESH

REVISED ESTIMATE OF COMMITMENTS AS OF OCT. 31, 1972 (CUMULATIVE TOTALS SINCE DEC. 16, 1971)

CONTRIBUTIONS THROUGH VOLUNTARY AGENCIES

[In million U.S. dollars]

Donor	Government sources	Private sources	Total	As a percentage of total
Argentina				
Australia		4.31	4.31	4.76
Austria				
Belgium	0.23		.23	.25
Bulgaria				
Canada	2.68	1.92	4.60	5.08
Czechoslovakia				
Denmark		.61	.61	.67
European Economic Community				
France		.51	.51	.56

Donor	Government sources	Private sources	Total	As a percentage of total
German Democratic Republic				
Germany, Federal Republic of	8.73	12.19	20.92	23.10
Hungary				
India			(1)	(1)
Ireland	.04		.04	.04
Italy				
Japan		0.93	0.93	01.03
Netherlands	0.93	4.63	5.56	6.14
New Zealand	.12	1.04	1.16	1.28
Norway	.78	3.65	4.43	4.89
Poland				
Romania				
Sweden	3.02	.02	3.04	3.36
Switzerland	5.98	.56	6.54	7.22
United Kingdom	.50	2.38	2.88	3.18
United States of America	20.33	14.49	34.82	38.44
Union of Soviet Socialist Republics				
Yugoslavia				
Total	43.34	47.24	90.58	100.00
Percentages	47.85	52.15	100.00	

[1] Data not available.

THE FUTURE OF FEDERAL GOVERNMENT ANTIPOVERTY PROGRAMS

Mr. JAVITS. Mr. President, as the ranking minority member of the Senate Labor and Public Welfare Committee and a member of the Subcommittee on Employment, Manpower and Poverty, and a supporter of the antipoverty program, I wish to indicate my general position with respect to the administration's plans for the program as disclosed in the fiscal 1974 budget submission and related announcements.

The administration's plans consist of four basic elements:

First, the administration proposes completely to eliminate the Office of Economic Opportunity, beginning July 1, 1973, by not requesting any funding for fiscal 1974.

Mr. President, this is notwithstanding that the Economic Opportunity Amendments of 1972, which the President signed on September 19, 1972, provide for a continuation of OEO through fiscal 1974—June 30, 1974.

It is extremely important that the poor—who number 24 million, or over one-twelfth of our population—continue to have an advocacy agency within the Federal "establishment" which may serve their needs.

As President Nixon himself said on February 19, 1969, in a message to the Congress concerning the antipoverty program:

> From the experience of OEO we have learned the value of having in the Federal Government an agency whose special concern is the poor.

Second, the administration proposes the cut-off of Federal funding for community action operations and activities—so-called "local initiative"—as of July 1, 1973; in that regard, the fiscal 1974 budget submission states—at page 122:

> After more than seven years of existence, Community Action has had an adequate opportunity to demonstrate its value. In addition to private funds, State and local governments, may, of course, use general and special revenue sharing funds for these purposes.

The 1972 amendments signed by the President reserved $328.9 million for these activities out of $870 million authorized for programs administered by the Office of Economic Opportunity during fiscal 1974.

It is expected that the administration will take the position that since they are not requesting funds for OEO, the reservation is inapplicable.

The elimination of Federal funding for community action agencies—which aggregate 1,000—may well sound a "death knell" for them in many areas; although it is true that in a number of cases they may be successful in obtaining funds from and establishing new relationships with the departments and agencies of the Federal Government and with State and local government—and should begin now to do so—I am concerned that in a substantial number of instances they will not be extended the benefit of general revenue sharing funds, and they will go out of business. Too many community action agencies have had to "take on" State and local government in order to carry out their chartered role as "advocate for the poor" and it is not reasonable to expect that States and cities will come running to the assistance of their former antagonists if the Federal lifeline is cut.

The administration's proposal to eliminate Federal funding for CAA's overlooks the administration's own strategy with respect to the role of the community action agencies in the community.

Since 1970, the administration has been developing community action agencies as catalysts, rather than protagonists, on the local level, and those efforts have borne fruit.

A report entitled "Utilization Test Survey Data for 591 CAA's" dated January 1973 by the Office of Operations of the Office of Economic Opportunity concludes—on the basis of an extensive survey of approximately 60 percent of the 1,000 community action agencies:

> CAA's are rapidly becoming very positive forces in their communities, that can play significant roles in helping communities rise to the challenges of revenue sharing and other forms of government decentralization.

The report documents the fact that between 1965 and 1972, with an aggregate Federal expenditure of approximately $1.1 billion in local initiative funds, 591 community action agencies have mobilized $1.3 billion in resources from State and local governments, the private sector and other Federal sources—thus more than doubling the Federal investment.

Accordingly, sound Federal policy dictates that we continue Federal funding for community action agencies in order to make general and special revenue sharing work for the poor.

The concept which underlies revenue sharing—that those on the local level can best determine their future—applies to the poor on the local level, as well.

Thus, I consider it essential that Federal funding for community action agencies continue beyond July 1, 1973, so that they can find a meaningful and secure place in the local fabric emerging under decentralization, and so that we will not precipitously bankrupt those very agencies which may well provide the means of making decentralization work effectively for the poor.

Third, the administration's fiscal 1974 budget provides $71.5 million for legal services, assuming enactment of legislation for a legal services corporation which the administration intends to submit. No funds are included in the budget for the current legal services program under administration by the Office of Economic Opportunity.

In contrast, the Economic Opportunity Amendments of 1972 expressly provide for a reservation of $71.5 million for legal services program for fiscal 1974.

I believe in the concept of a national legal services corporation and considered most unfortunate the decision made last year to drop the legal services title from the Economic Opportunity Amendments of 1972.

At my request the conference committee included the following language as a part of the joint explanatory statement of the committee on the conference of September 5, 1972: (Report No. 92–1086, at page 26).

> The Conferees regret that it was necessary to delete title IX, which would have established a National Legal Services Corporation as a result of the failure to reach agreement with respect to the composition of the Board of Directors and certain other elements of the Corporation.
>
> The Conferees continue to strongly support the existing legal services program and the concept of a legal services corporation and intend to continue to seek appropriate means of expanding the program and insuring its independents, to provide the poor greater access to our system of justice under law.

To implement this commitment, I intend to sponsor, or cosponsor new legislation for the establishment of a legal services corporation. I believe deeply in the current legal services program which defends the legal rights of the poor and contributes so much to the sense of dignity of the poor—and in the desirability of giving the legal services program a new home where its independence, professionalism, and adequate funding may be more readily secured. I will make every effort toward fulfillment of that objective early in this Congress both in my own efforts and in respect to any proposal that is forthcoming from

the administration; their commitment to pursue the concept of the corporation is most welcome. However, if we fail to enact a specific legal services measure before the beginning of fiscal 1974, the current program should continue and I shall take whatever steps are necessary to see that the program receives the appropriations to which it is entitled.

Fourth, the administration plans to delegate or transfer a number of programs to other agencies or have them assumed by such agencies. As indicated at page 122 of the administration's budget request:

> In 1974 responsibility for certain programs now funded through the Office of Economic Opportunity will be assumed by other agencies, as follows: the migrant program will be delegated to the Department of Labor; Indian programs will be assumed by HEW; Community Economic Development program grantees will be funded by the Office of Minority Business Enterprise at Commerce; health projects will be transferred to HEW; research and development functions will be transferred to the agencies which have statutory responsibility in the fields of current OEO activity.

The administration has not revealed at this time details of its plans for implementation of these actions in terms of the legal basis upon which they intend to proceed and the effect on existing programs in terms of funding and mode of operation, but again I shall try to hold substantively to the specified programs.

Mr. President, in closing, the administration's proposals are very serious and I am concerned that they be not received by the poor as depressant to their own efforts.

In his second inaugural address, President Nixon said:

> The shift from old policies to new will not be a retreat from our responsibilities, but a better way to progress.

Mr. President, I will be openminded to any changes that may be made, we must seek better ways to progress and needs to phase in the new while we do not retreat from the responsibilities assumed by the Congress and the Executive 4½ months ago in enacting the 2-year extension, and what the poor themselves have given life under the Economic Opportunity Act of 1964 and the recent amendments.

The administration's proposal at this point is only that—a proposal; it is not enacted into law and is subject to action by the Congress.

It is my fervent hope—and one to which I shall give all my efforts as ranking minority member of the committee—that we will in time avoid a confrontation on this issue.

This is no time for further divisions at home between the community of the poor exemplified in the community action movement and the community at large; now that peace in Southeast Asia is being secured, it is time for reconciliation.

We have a great opportunity here. The American public wants progress for the poor: a Harris poll conducted in December of last year documented that 62 percent of Americans supported increased spending for the poor.

We must work together to secure that progress mindful not only of the dictates of the "new federalism" and the economy, but of the benefits and toil of the past and the necessity of maintaining the momentum of the national commitment contained in the Economic Opportunity Act and which OEO, community action agencies and the poor have sought to translate into programs to arrest the syndrome of poverty.

As the President said in his message of February 19, 1969, to which I referred earlier:

> How the work begun by OEO can best be carried forward is a subject on which many views deserve to be heard—both from within Congress, and among those many others who are interested or affected, including especially the poor themselves.

I want very much that we work together in that spirit.

ROBERT M. BALL: A DEDICATED SOCIAL SECURITY ADMINISTRATION COMMISSIONER

Mr. KENNEDY. Mr. President, only a few weeks have passed since it was announced that President Nixon would accept Robert Ball's resignation as Commissioner of the Social Security Administration.

Mr. Ball has been one of the most competent, respected, and honest public servants in the history of our Federal Government. As the New York Times said when his resignation was accepted, he "has demonstrated both administrative competence and social imagination of a high order."

The career of Bob Ball and the life of the social security system coincide almost perfectly. He started with the agency in 1939, shortly after it came into being and he helped direct its growth and development in the years since.

Under both Republican and Democratic administrations, Bob Ball has served the Nation and its people well, protecting the system from political influence and preserving its integrity.

Serving as Commissioner since 1962, he was at the helm of the Social Security Administration during the years that the most far-reaching change in the system was ordered, the enactment of medicare.

Now, at a time when the Social Security Administration is preparing to take on additional programs and a fundamentally new and broader social insurance coverage for the elderly, disabled, and survivors, it is unfortunate that this administration was willing to see Mr. Ball step down.

Mr. President, I submit for the RECORD the exchange of letters between the President and Mr. Ball. I am sure that he could have been persuaded to stay if he had been asked. For he already had expressed a desire to meet the administrative challenges presented by the new programs.

Mr. President, I ask unanimous consent to submit for the RECORD articles from the Washington Star of January 30 concerning Mr. Ball's departure and the social security system.

Finally, it is clear that Mr. Ball and his predecessors at the Social Security Administration have set high standards.

If the President wishes the public and Congress to retain confidence in the social security system, he must offer in nomination only an equally qualified and credible person, one who, as Mr. Ball himself recommended, "has experience in running a large Federal agency" and one who is "nonpolitical and a humanitarian."

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

THE WHITE HOUSE,
Washington, D.C., January 5, 1973.

Hon. ROBERT BALL,
Commissioner, Social Security Administration, Washington, D.C.

DEAR BOB: It is with a full measure of appreciation for your contributions to our nation that I accept your resignation as Commissioner of Social Security, as you have requested, effective upon the appointment and qualification of your successor.

Few agencies in government have as direct and profound impact on the lives of our fellow citizens as does the Social Security Administration. And perhaps more than any other government program, the administration of social security reflects upon the efficiency and responsiveness of government. It is to your great credit that the Social Security Administration has, indeed, become a model for other government agencies in discharging its responsibilities to the American public.

During your service as Commissioner, the scope of social security has been enlarged and enhanced many times. Legislative additions and amendments to the law have demanded the finest in administrative implementation, and this you have given superbly. You have every reason to be proud of such distinguished efforts.

As you prepare to return to private life, you have my special thanks for your service to our country and my very best wishes for success and happiness in the years ahead.

Sincerely,

RICHARD NIXON.

THE COMMISSIONER OF
SOCIAL SECURITY,
Baltimore, Md., January 3, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you have known for some time, my personal preference, after nearly eleven years as Commissioner of Social Security, has been to ask you to accept my resignation, effective at the beginning of the new term. I have refrained from doing so only because of my concern for the program and the social security organization during the coming period of great challenge and difficulty arising from the need to implement the major new legislation contained in H.R. 1.

It is my understanding that you now believe that a successor can and will be found shortly and that you wish to accept my resignation at this time with the understanding that I will stay on until he is confirmed and with the understanding that I will be available for whatever help I can give during the period of transition.

I believe, Mr. President, that the social security program and the organization that administers it are in excellent shape. It has been a great privilege to have contributed to this development.

Please be assured that I will continue to be available for whatever help I can give in promoting the sound development and sound administration of this important program.

Respectfully yours,

ROBERT M. BALL.

[From the Washington Star-News, Jan. 30, 1973]

SOCIAL SECURITY HEAD DISPUTES BENEFITS CUTS

(By Philip Shandler)

President Nixon's claims that increased payments by Medicare recipients of their hospitalization costs would shorten hospital stays have been disputed by the outgoing Social Security administrator.

Robert M. Ball, whose resignation from the post he has held the last 11 years has been accepted by Nixon, said he cannot support several aspects of the proposed budget for health care for the elderly.

In his budget message yesterday Nixon called for legislation to raise the annual deductible—the patient's initial out-of-pocket cost—on doctors' bills from $60 to $85, and to boost the patient's share of subsequent expenses from 20 percent to 25 percent.

More basically, he recommended revising the payment formula for the hospital insurance portion of Medicare available to anyone over 65 without an enrollment fee.

Currently each patient entering a hospital pays $72 for room and board the first day, a national average, but nothing more until the 61st day of hospitalization. Then he pays $13-a-day for the next 30 days and $26-a-day a maximum of another 60 days when the benefits run out.

The administration would have the patient pay the actual cost of his first day in the hospital, and 10 percent of all services thereafter.

Administration officials said their aim is confronting both patients and doctors with "the real costs" of hospitalization to discourage long stays.

But, Ball said, if patient costs were "a major thing" in hospital-bed utilization, how come hospitalization is lower for subscribers to the so-called Kaiser plan, a health-maintenance organization, than for the public generally?

Subscribers in health-maintenance organizations are entitled to virtually free medical and hospital care on payment of an annual fee. The administration has been citing reduced hospital usage by these persons in advocating funding for the creation of more HMOs.

Ball's remarks were the first clear indication of a policy split with the Nixon administration.

The President announced three weeks ago that he had accepted Ball's resignation. Ball said he was happy to go, though willing to serve on.

But friends said he would have preferred to remain, and key congressmen said they were distressed that he would be leaving as the government is moving into several new programs, including federalization of current state welfare assistance for adults.

[From the Washington Post, Jan. 14, 1973]

ROWLAND EVANS AND ROBERT NOVAK

The sacking of highly respected-civil servant Robert Ball as social security administrator fits neatly into President Nixon's overall program of attaining iron control over the federal government, but it came four years later than Mr. Nixon originally planned.

In 1969, White House aides, noting that the non-partisan Ball had first been named administrator by President John F. Kennedy, wanted him replaced by a Nixon stalwart. But Mr. Nixon's newly designated officials at Health, Education and Welfare (HEW)—Secretary Robert Finch and Under Secretary John G. Veneman—protested they badly needed Ball's expertise. Moreover, Rep. Wilbur D. Mills, chairman of the House Ways and Means Committee, informed the White House he would be most unhappy if Ball were fired.

This time, Mr. Nixon experienced little difficulty. Elliot Richardson, outgoing secretary at HEW, told the White House Ball ought to be kept to administer changes in law, but did not press the point. His successor, Caspar Weinberger, made no protest. Mills was not consulted (though he is not happy about Ball's ouster).

A footnote: The Ball incident confirms the general expectation that Weinberger, highly competent administrator though he is, will be considerably more subservient to the White House than either Finch or Richardson.

NIXON MISTAKEN IN FIRING BALL

(By Bruce Biossat)

WASHINGTON.—President Nixon's dismissal of Robert M. Ball as commissioner of Social Security raises some serious questions about how to achieve and maintain skillful management in the government bureaucracy.

Since the agency has always been deemed to be off-limits politically, it would be a bad slip if the President were to name a successor whose experience suggested he was less a qualified social insurance expert and more an out-and-out political appointee.

But, actually, that is the shallow, obvious aspect of the matter, easy to judge. There is a deeper issue.

Ball has headed the Social Security Administration for nearly 11 years, and for roughly an equal time before that he was deputy commissioner of SSA's predecessor agency. His entire working career falls within the social insurance realm.

Does this kind of service make a man go stale and leave him empty of new ideas?

There is a school of thought that would say yes, automatically. The proponents of this view contend that turnover at the top level should occur fairly frequently. The argument can be guessed. Change assures regular infusion of fresh ideas, new energies, flexibility. Men of long tenure, it is suggested, cannot fill this need.

The argument has undeniable plausibility. The woods are full of executives and administrators whose energies flag and whose imagination runs thin. Rigidity and complacency often set in all too quickly. Against this very real prospect, change—even systematic change—looks like a sound rule.

Yet there is a strong counter-argument put forth steadily in the field of public affairs. Its core is that there are always men with a great capacity for self-renewal, continuing growth, and adaptability to altered circumstances and problems. Such men not only can meet new challenges, but have a way of searching them out.

Here again, the contention has undoubted force. The corporate and government landscape is well dotted with figures whose long service in top posts is a consequence not of power but of demonstrated abilities maintained through markedly changing times.

Proponents of this point argue, incontestably, that to dispense with or shift such leadership from its proved realm is to waste human resource, to deprive a society of commanding individuals who serve its institutions as a keystone holds an arch together.

Does Robert Ball deserve such an accolade as this? There are a good many men in the the U.S. Congress and many practiced observers of public service performance who believe he does.

He has presided over Social Security during its transformation from an agency of modest scale to one of enormous size and increasing complexity, and seen it hailed as the best of bureaucracy. In 1965, he laid over it the huge framework of the Medicare program, a task reasonably pictured as one of the greatest peacetime administrative assignments in history. He is a tireless innovator who knows his field as he knows the lines in his hands.

In 1972, Congress handed SSA new challenges for 1973 and 1974. Everything in the record suggests Ball was the man above all to meet them. His expertise is unmatched, and at 58 his powers and talents seem undimmed. He is a public servant of genuine distinction. In casting him out, President Nixon has made a gross error in judgment.

[From the Federal Times, Jan. 24, 1973]

ROBERT BALL LEAVING SOCIAL SECURITY POST

WASHINGTON.—The White House has accepted the resignation of Robert M. Ball, commissioner of Social Security.

Ball, who presided for more than a decade over the ever expanding activities of SSA, wished to stay on. But his pro forma resignation, submitted to President Nixon along with those of all other political appointees, was accepted.

In a letter to SSA employes Ball said that though he personally longed to be freed from the "pressures of a highly demanding administrative job . . . I would have felt obligated to stay on to help implement the important new legislation contained in H.R. 1 had the President felt that it was of crucial importance that I do so."

Ball revealed to SSA employes that despite the administration's drive to reduce federal employment, "we have approval for the increased staffing necessary to put the new legislation into effect so that your efforts can move forward at full speed."

He noted that it was "particularly difficult" for him to leave at this time "and not be part of these efforts."

His letter to Nixon contained a similar observation. Saying that even though his personal preference was to leave SSA, "I have refrained from doing so only because of my concern for the program and the social security organization during the coming period of great challenge and difficulty arising from the need to implement the major new legislation contained in H.R. 1."

The recently enacted welfare reform amendments will federalize certain state welfare programs, change eligibility standards, and draw thousands of additional employes into SSA, mostly at the district and field levels.

Numerous SSA employes have expressed displeasure at Nixon's action because they regarded 58-year-old Ball as an able and just administrator.

Many congressmen, including Rep. Daniel J. Flood, D-Pa., are reportedly unhappy at Ball's ouster. Flood is chairman of HEW's appropriations committee.

A Capitol Hill source said: "It was unlikely that the Nixon administration would retain Ball. You've got to remember that Ball was an old-line, independent-minded administrator, not the type that could be a yes-man to anyone, or be controlled by the White House. The Nixon game plan is to appoint bureau heads who can be directly controlled by the White House."

Ball also was highly regarded by senior citizen organizations across the nation. A spokesman for the National Council for Senior Citizens said it was "unfortunate" Ball was leaving. The spokesman said Ball "administered a complicated program with great devotion and was one of our most outstanding public servants."

An SSA spokesman said Ball plans to work privately on development of long-range policy in health insurance, welfare, social security, and the organization of government for dealing with social programs.

A federal career employe, Ball started in the ranks as a field assistant in a social security district office in New Jersey in 1939 at a salary of $1,620 a year. He devoted his entire career to social insurance.

Before President Kennedy appointed him SSA commissioner, 11 years ago, Ball served as deputy director of the former Bureau of Old Age Insurance.

He is a recipient of the Rockefeller Public Service Award "for distinguished service in the field of administration," and the National Civil Service League Award citing him as a top authority on social security and also for "his notable ability to lead and inspire those who work with him."

During 1947 and 1948, Ball was staff director of the Advisory Council on Social Security to the U.S. Senate Committee on Finance. In 1952, under the sponsorship of the National Planning Association, he wrote the study, "Pensions in the United States," which was published by the Joint Committee on the Economic Report of the Congress in 1953.

Born in 1914, Ball received his M.A. in economics in 1936 from Wesleyan University.

[From the Baltimore News American, Jan. 8, 1973]

CHANGE AT WOODLAWN

The resignation of Robert M. Ball as commissioner of the Social Security Administration is regrettable.

Mr. Ball was planning to retire, but it was his hope that he could stay through the crucial period over the next few years when far-reaching provisions of House Resolution 1 are being implemented.

President Nixon, bent on replacing top federal administrators with men of his own choice, decided otherwise. The job is a presidential appointment.

Mr. Ball was supported by powerful congressmen, and a fight could have been made over his ouster, but he chose to avoid one on the sensible grounds that no one wins or loses in such circumstances.

Baltimore, the national headquarters of Social Security, has a keen interest in the person picked to run the agency. Whoever is selected will have a difficult task filling Mr. Ball's shoes. Not only was Robert M. Ball a career agency employe, he also was intimately acquainted with the changes made in H.R. 1.

This measure, enacted by the 92nd Congress, contained provisions so broad in scope that the Woodlawn headquarters will be working overtime in the months ahead to implement them. Social Security, for example, will be assuming the states' responsibility for old-age assistance, aid to the disabled and aid to the needy blind in 1974. Its reponsibilities in the administration of Medicare have grown. The agency, in short, has been handed a gigantic task by Congress, and the post of commissioner is no place for a novice.

Mr. Ball's consolation is the knowledge that he presided over Social Security during a time of great change, including the creation of Medicare, and successfully led the agency through the period with a minimum of turmoil. It is unfortunate that he will be unable to remain through the final days of change.

ANNOUNCEMENT OF POSITIONS ON VOTES

Mr. STEVENSON. Mr. President, I was necessarily absent when the Senate voted to confirm the nomination of Mr. Schlesinger as Director of Central Intelligence, and Mr. Clements as Deputy Secretary of Defense. If I had been present and voting, I would have voted "yea" on the Schlesinger nomination and "nay" on the Clements nomination.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. MANSFIELD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and at 2:28 p.m. the Senate took a recess subject to the call of the Chair.

At 2:33 p.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. MANSFIELD).

LYNDON B. JOHNSON SPACE CENTER

Mr. MOSS. Mr. President, I ask unanimous consent that Calendar No. 23, Senate Joint Resolution 37, be laid before the Senate for immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read the joint resolution (S.J. Res. 37) as follows:

A joint resolution to designate the Manned Spacecraft Center in Houston, Texas, as the "Lyndon B. Johnson Space Center", in honor of the late President.

The PRESIDING OFFICER (Mr. HELMS). Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Aeronautical and Space Sciences with an amendment to strike out all after the resolving clause and insert:

That the Manned Spacecraft Center, located in Houston, Texas, is hereby designated as the "Lyndon B. Johnson Space Center", and any reference to such center in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such center as the "Lyndon B. Johnson Space Center".

Mr. MOSS. The amendment was agreed to in committee and there is no divergence of opinion on that matter.

This joint resolution was introduced by the Senator from Texas (Mr. BENTSEN) and concurred in unanimously by the members of the Aeronautical and Space Sciences Committee of the Senate. For that reason, we would like to move forward now. I have cleared this matter with the minority side, and there is no objection to its present consideration.

I am happy at this time to yield to the Senator from Texas, who has some remarks to make.

Mr. BENTSEN. Mr. President, the legislation we are considering today would rename the Manned Spacecraft Center in Houston to honor Lyndon B. Johnson and his efforts in behalf of the American space effort. What could be more fitting than this? Who could deny that it was Lyndon Johnson who created and organized the American space program and saw it through to its fruition?

I believe that President Johnson's experience with the space effort can be separated into three major phases which cover most of his career in public office.

The first phase of his involvement with America's position on space exploration came when he was a Senator in the late fifties. Using his position as Senate majority leader and chairman of the Senate Armed Services Preparedness Subcommittee he molded the direction of American space efforts. When America needed to formulate a response to the Russian sputnik it was Lyndon Johnson who was able to bring order out of the confusion and create consensus. Serving as chairman of the Senate Special Committee on Space and Astronautics, Johnson conducted hearings which led to the establishment of the permanent Senate Committee on Aeronautical and Space Sciences. The committee was the first real organization of the space program and again Lyndon Johnson led the way as the committee's first chairman until January 1961 when he left to become Vice President.

The Vice-Presidency marks the second phase of Lyndon Johnson's support of space exploration. President John Kennedy recognizing the Vice President's long association with the space program, appointed him Chairman of the National Aeronautics and Space Council which was responsible for coordinating all of the aeronautical and space activities of our executive agencies.

President Kennedy also asked the Vice President to lead a panel to determine what could be done to close the "missile gap," one of the major issues of the campaign of 1960 for the Presidency.

It was largely his handling of this issue which led Johnson to recommend that the United States attempt to go to the moon. And, of course, this recommendation was responsible for the creation of the Apollo program which led in turn to the establishment of the Manned Spacecraft Center in Houston, the object of the present resolution.

The period of his Presidency was Lyndon Johnson's third major phase of interest in the American space effort and like the others it was marked by great American achievements in which he was vitally interested. The entire Gemini series was flown during the Johnson years, as was the Apollo program, through Apollo 8.

Mr. President, Lyndon Johnson embodied many of those qualities which are so often associated with the American character. He was deeply concerned about his fellow man and he had a driving, determined spirit which enabled him to start and accomplish his dream of the American effort in space.

I believe that it can be said that Lyndon Johnson was relatively unconcerned with superficial glory or the mere fact of the American accomplishment in space. He did not put his dynamic strength behind the space program in order merely that America could be first but rather that America could lead the way toward improving man's lot here on earth by applying that knowledge gained in space.

Lyndon Johnson deserves this honor more than any other individual in America. Just as the Houston facility is a physical center of the space program, Lyndon Johnson was, perhaps, the spiritual center of the American space program. What better way to honor him, and reflect the spirit of the space effort than to rename the Manned Spacecraft Center in Houston to the Lyndon B. Johnson Space Center.

Mr. President, I ask unanimous consent to include the name of the senior Senator from Montana (Mr. MANSFIELD) as a cosponsor of the joint resolution.

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

Mr. MOSS. Mr. President, I ask unanimous consent that I, too, may be shown as a cosponsor of the joint resolution.

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

Mr. MOSS. This matter was presented before the Senate Aeronautical and Space Sciences Committee. I recently have assumed the chairmanship of that committee, and I am well aware of the tremendous efforts made by Lyndon B. Johnson in the Senate, as Vice President, and as President of the United States, in the space program. Indeed, he was really the father of the legislative side of the space program, and no man is more deserving of the honor that this action would convey to him than Lyndon Johnson. I, therefore, support the joint resolution fully and ask that it be adopted at this time.

Mr. TOWER. Mr. President, it is an honor for me to be a cosponsor of Senate Joint Resolution 37, to redesignate the Manned Spacecraft Center in Houston as the Lyndon Baines Johnson Space Center.

As the 36th President of the United States, Lyndon Johnson had the vision to see the need for a viable space program in this country and his tenure saw great strides made in this field. Such space firsts as manned orbital maneuvers, manned space rendezvous, and manned docking of two crafts were made during his tenure—as were manned lunar orbit, the first closeup lunar and Mars pictures, and a controlled soft landing on the moon.

He fully supported our country's space efforts and the work done during his time in office made possible the first step on the moon. He was indeed a man of vision, able to see what the exploration and peaceful use of space could do for this country, and for mankind.

It is indeed fitting that the Houston Manned Spacecraft Center, located in Lyndon Johnson's home State, be redesignated the Lyndon Baines Johnson Space Center—in honor of a great Texan and a man of vision.

Mr. HUMPHREY. Mr. President, I ask the distinguished Senator from Texas if he would permit me to ask unanimous consent to join as a cosponsor. I served as a member of the Space Council under President Johnson and feel a very close relationship to the splendid leadership he gave to us in this area.

Mr. BENTSEN. Mr. President, I know how much the late President would have appreciated the sponsorship of the joint resolution by his very great and dear friend, the Senator from Minnesota.

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

The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble as amended was agreed to as follows:

At the beginning of the sixth line of the preamble, on page 1, strike out "Science" and insert "Space."

The joint resolution with its preamble, reads as follows:

Whereas President Lyndon B. Johnson was one of the first of our national leaders to recognize the long-range benefits of an intensive space exploration effort; and

Whereas President Johnson, as Senate majority leader, established and served as chairman of the Special Committee on Space and Astronautics which gave the initial direction to the United States space effort; and

Whereas President Johnson, as Vice President of the United States, served as Chairman of the National Aeronautics and Space Council which recommended the goals for the manned space program; and

Whereas President Johnson for five years, as President of the United States, bore ultimate responsibility for the development of the Gemini and Apollo programs which resulted in man's first landing on the moon: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Manned Spacecraft Center, located in Houston, Texas, is hereby designated as the "Lyndon B. Johnson Space Center", and any reference to such center in any law, regulation, document, record, map, or other paper of the United States shall be deemed a reference to such center as the "Lyndon B. Johnson Space Center".

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that, pursuant to the provisions of Public Law 92–342, the Legislative Branch Appropriation Act, 1973, the Speaker had appointed Mr. O'NEILL, Mr. GERALD R. FORD, Mr. MAHON, and Mr. CEDERBERG to serve with the Speaker and with the members of the Commission on Art and Antiquities of the U.S. Senate in supervising the restoration of the Old Senate and Supreme Court Chambers in the Capitol.

The message also informed the Senate that, pursuant to the provisions of section 2(a) Public Law 92–489, the Speaker had appointed Mr. BROOKS, Mr. HUNGATE, Mr. HUTCHINSON, and Mr. WIGGINS as members of the Commission on Revision of the Federal Court Appellate System, on the part of the House.

The message further informed the Senate that, pursuant to the provsions of section 4(a), Public Law 92–484, the Speaker had appointed Mr. DAVIS of Georgia, Mr. TEAGUE of Texas, Mr. UDALL, Mr. MOSHER, Mr. GUBSER, and Mr. HARVEY as members of the Technology Assessment Board, on the part of the House.

The message also informed the Senate that, pursuant to the provisions of 10 United States Code 4355(a), the Speaker had appointed Mr. MURPHY of New York, Mr. LONG of Maryland, Mr. MINSHALL of Ohio, and Mr. GILMAN as members of the Board of Visitors to the U.S. Military Academy, on the part of the House.

The message further informed the Senate that, pursuant to the provisions of section 712(a)(2) the Defense Production Act of 1950 (title 50, Appendix, United States Code, section 2162(a)(2)), the following members of the Committee on Banking and Currency are appointed as members of the Joint Committee on Defense Production on the part of the House: Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. WIDNALL, and Mr. BROWN of Michigan.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair, with the understanding that the recess not extend beyond 3:50 p.m. today.

The motion was agreed to; and at 2:59 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 3:50 pm., when called to order by the Presiding Officer (Mr. HELMS).

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

The PRESIDING OFFICER (Mr. HELMS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE AND STUDY CERTAIN ACTIVITIES IN THE PRESIDENTIAL ELECTION OF 1972

The PRESIDING OFFICER. The hour of 4 p.m. having arrived, under the previous unanimous-consent agreement, the Chair lays before the Senate Senate Resolution 60, which the clerk will state by title.

The assistant legislative clerk read as follows:

S. Res. 60, to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvass, or other activity related to it.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

CALL OF THE ROLL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk

called the roll, and the following Senators answered to their names:

[No. 11 Leg.]

Abourezk	Domenici	McIntyre
Allen	Dominick	Metcalf
Baker	Fulbright	Muskie
Bartlett	Griffin	Pastore
Bennett	Gurney	Proxmire
Bible	Haskell	Roth
Buckley	Hathaway	Schweiker
Burdick	Helms	Scott, Va.
Byrd, Harry F., Jr.	Hruska	Sparkman
Byrd, Robert C.	Huddleston	Symington
Cannon	Hughes	Talmadge
Clark	Inouye	Tower
Cook	Kennedy	Tunney
Cranston	McGee	Weicker
	McGovern	Young

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

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:

Aiken	Hansen	Nelson
Beall	Hart	Nunn
Bentsen	Hartke	Packwood
Biden	Hatfield	Pearson
Brock	Hollings	Pell
Case	Humphrey	Percy
Chiles	Jackson	Randolph
Cotton	Javits	Scott, Pa.
Curtis	Long	Stevens
Dole	Mansfield	Stevenson
Eagleton	McClellan	Taft
Ervin	McClure	Williams
Fannin	Montoya	
Gravel	Moss	

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Washington (Mr. MAGNUSON), the Senator from Minnesota (Mr. MONDALE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. JOHNSTON) is absent on official business.

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

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS), the Senator from Ohio (Mr. SAXBE) and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The PRESIDING OFFICER. A quorum is present.

PRIVILEGE OF THE FLOOR

Mr. ERVIN. Mr. President, I ask unanimous consent that Robert Bland Smith of the staff of the Committee on Government Operations and Bill Pursley of the staff of the Subcommittee on Revision and Codification of Laws of the Committee on the Judiciary be permitted to be present on the floor of the Senate to assist me during the consideration of this resolution.

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

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

Mr. ERVIN. I yield.

Mr. KENNEDY. I ask unanimous consent that Jim Flug of the staff of the Committee on the Judiciary be permitted the privilege of the floor during the consideration of this measure.

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

Mr. ROBERT C. BYRD. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that I do not lose the floor by reason of the quorum call.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ERVIN. Mr. President, since drafting and introducing the resolution, Senate Resolution 60, I have decided that certain modifications in the resolution should be made.

The first one of the modifications would strike out following subsection (8), the words:

(8) to procure the services of any consultants or organizations it deems necessary or appropriate to aid it in the investigation and study it is authorized and directed by this resolution to make; (9) to use on a reimbursable basis with the prior consent of any department or agency of the executive or legislative branch of the United States Government the facilities or services of personnel of such department of agency;

I am constrained to make this modification at the suggestion of the Finance Office in order to make this resolution conform to precedents in this field and to the Reorganization Act. I ask unanimous consent that that modification——

Mr. BAKER. Mr. President, reserving the right to object, I wonder whether, just now receiving a copy from another desk of the resolution, as I was not able to follow the proposed changes that were suggested, whether the distinguished Senator from North Carolina will repeat them for me.

Mr. ERVIN. Yes, I shall be glad to do so.

On page 11, strike out everything from and including "(8)" through the word "agency" on line 8, and substitute the following in lieu thereof:

(8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(1) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency;

I am constrained to make that modification at the instance of the finance advisers of the Senate in order to make the resolution conform fully to the Reorganization Act of 1946, and also to make it conform to prior precedents in this field.

Mr. BAKER. Mr. President, reserving the right to object, and I have no intention to object at the moment, I wonder, however, if the Senator from North Carolina could proceed with whatever other changes he has before asking unanimous consent on the six sections. Also I wonder whether we could have a copy of the proposed changes so that I can confer with the leadership. I am not in charge of this proceeding. I am not the manager on our side of the bill. If a copy has already been supplied the leadership on our side, then, of course, that is not necessary.

Mr. ERVIN. Well, Mr. President, I should like to make a parliamentary inquiry at this point.

The PRESIDING OFFICER. The Senator from North Carolina will state it.

Mr. ERVIN. Do I not have the right to ask that this resolution be modified without asking unanimous consent?

The PRESIDING OFFICER. The Senator does have that right.

Mr. ERVIN. The other thing is on page 12, beginning with the figure 12 which is on line 4, strike out everything as follows:

(12) to procure either through assignment by the Rules Committee or by renting such offices and other space as may be necessary to enable it and its staff to make and conduct the investigation and study authorized and directed by this resolution;

This amendment is also on the advice of the Senate finance officer.

In the next modification, section 4, some Members of the Senate thought it was unwise to give the select committee only legislative power beyond that of recommending any new legislation for consideration by the Senate and legislative committees of the Senate. So, in order to comply with their views in respect to this matter, I wish to strike out in its entirety, the following section on page 13, lines 3, 4, 5, and 6, and insert the following in lieu thereof:

The select committee shall have authority to recommend the enactment of any new congressional legislation which its investigation convinces it is necessary or desirable to safeguard the electoral process by which the President of the United States is chosen.

The part stricken out would give the subcommittee the power to report legislative proposals in the form of bills and it strikes that authority out and merely provides that we can recommend new legislation.

Then to make the next section on the same page conform to my change, I wish to modify section 5 by striking out the following on line 10: "such legislative proposals as" and substitute in lieu

thereof the words, "its recommendations as to new congressional legislation."

As thus modified, section 5 would read as follows:

SEC. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

Then the last modification is that section 6, as stated on page 13 of the original resolution, be stricken and a new section 6 be inserted in lieu thereof, the new section 6 to read:

SEC. 6. The expenses of the Select Committee through February 28, 1974, under this resolution, shall not exceed $500,000, of which amount not to exceed $25,000 shall be available for procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

I propose to make this modification, also, on the recommendation of the financial advisers of the Senate, in order to make it conform to the Reorganization Act, which requires a designation of the amount of money that can be used for consultants.

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

Mr. ERVIN. I yield.

Mr. BAKER. I understand that the Senator from North Carolina is not now asking unanimous consent but, rather, is asking that his resolution be amended in these respects, which he clearly has the right to do.

Mr. ERVIN. I am exercising my right to modify the resolution.

Mr. BAKER. The amendments are fairly extensive, and at first hearing I think they are more or less housekeeping amendments; but I wonder whether we could have a quorum call at this point or move on to some other matter while the Senator from North Carolina might supply us with copies.

Mr. ERVIN. I do not have copies available at this time, but I do have the resolution as thus modified. I send it to the desk for the purpose of making the modifications, and I ask unanimous consent that the resolution as thus modified be printed in the RECORD at this point for the information of Senators.

Mr. BAKER. Will we have a star print of the resolution?

Mr. ERVIN. Yes.

The PRESIDING OFFICER. The resolution is modified in the manner proposed by the Senator from North Carolina.

Is there objection to the request that the resolution as modified be printed in the RECORD? The Chair hears none, and it is so ordered.

The resolution, as modified, reads as follows:

S. RES. 60

Resolution to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the presidential election of 1972, or any campaign, canvass, or other activity related to it

Resolved,

SECTION 1. (a) That there is hereby established a select committee of the Senate, which may be called, for convenience of expression, the Select Committee on Presidential Campaign Activities, to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen.

(b) The select committee created by this resolution shall consist of five Members of the Senate, three of whom shall be appointed by the President of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, and two of whom shall be appointed by the President of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(c) The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings of the select committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee, and shall be filled in the manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. That the select committee is authorized and directed to do everything necessary or appropriate to make the investigation and study specified in section 1(a). Without abridging or limiting in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any and all persons or groups of persons or organizations of any kind which have any tendency to reveal the full facts in respect to the following matters or questions:

(1) The breaking, entering, and bugging of the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(2) The monitoring by bugging, eavesdropping, wiretapping, or other surreptitious means of conversations or communications occurring in whole or in part in the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(3) Whether or not any printed or typed or written document or paper or other material was surreptitiously removed from the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia, and thereafter copied or reproduced by photography or any other means for the information of any person or political committee or organization;

(4) The preparing, transmitting, or receiving by any person for himself or any political committee or any organization of any report or information concerning the activities mentioned in subdivision (1), (2), or (3) of this section, and the information contained in any such report;

(5) Whether any persons, acting individually or in combination with others, planned the activities mentioned in subdivision (1), (2), (3), or (4) of this section, or employed any of the participants in such activities to participate in them, or made any payments or promises of payments of money or other things of value to the participants in such activities or their families for their activities, or for concealing the truth in respect to them or any of the persons having any connection with them or their activities, and, if so, the source of the moneys used in such payments, and the identities and motives of the persons planning such activities or employing the participants in them;

(6) Whether any persons participating in any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section have been induced by bribery, coercion, threats, or any other means whatsoever to plead guilty to the charges preferred against them in the District Court of the District of Columbia or to conceal or fail to reveal any knowledge of any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section, and, if so, the identities of the persons inducing them to do such things, and the identities of any other persons or any committees or organizations for whom they acted;

(7) Any efforts to disrupt, hinder, impede, or sabotage in any way any campaign, canvass, or activity conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in 1972 by infiltrating any political committee or organization or headquarters or offices or home or whereabouts of the person seeking such nomination or election or of any person aiding him in so doing, or by bugging or eavesdropping or wiretapping the conversations, communications, plans, headquarters, offices, home, or whereabouts of the person seeking such nomination or election or of any other persons assisting him in so doing, or by exercising surveillance over the person seeking such nomination or election or of any person assisting him in so doing, or by reporting to any other person or to any political committee or organization any information obtained by such infiltration, eavesdropping, bugging, wiretapping, or surveillance;

(8) Whether any person, acting individually or in combination with others, or political committee or organization induced any of the activities mentioned in subdivision (7) of this section or paid any of the participants in any such activities for their services, and, if so, the identities of such persons, or committee, or organization, and the source of the funds used by them to procure or finance such activities;

(9) Any fabrication, dissemination, or publication of any false charges or other false information having the purpose of discredit-

ing any person seeking nomination or election as the candidate of any political party to the office of President of the United States in 1972;

(10) The planning of any of the activities mentioned in subdivisions (7), (8), or (9) of this section, the employing of the participants in such activities, and the source of any moneys or things of value which may have been given or promised to the participants in such activities for their services, and the identities of any persons or committees or organizations which may have been involved in any way in the planning, procuring, and financing of such activities.

(11) Any transactions or circumstances relating to the source, the control, the transmission, the transfer, the deposit, the storage, the concealment, the expenditure, or use in the United States or in any other country, of any moneys or other things of value collected or received for actual or pretended use in the presidential election of 1972 or in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee, or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972;

(12) Compliance or noncompliance with any act of Congress requiring the reporting of the receipt or disbursement or use of any moneys or other things of value mentioned in subdivision (11) of this section;

(13) Whether any of the moneys or things of value mentioned in subdivision (11) of this section were placed in any secret fund or place of storage for use in financing any activity which was sought to be concealed from the public, and, if so, what disbursement or expenditure was made of such secret fund, and the identities of any person or group of persons or committee or organization having any control over such secret fund or the disbursement or expenditure of the same;

(14) Whether any books, checks, canceled checks, communications, correspondence, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions the select committee is authorized and directed to investigate and study have been concealed, suppressed, or destroyed by any persons acting individually or in combination with others, and, if so, the identities and motives of any such persons or groups of persons;

(15) Any other activities, circumstances, materials, or transactions having a tendency to prove or disprove that persons acting either individually or in combination with others, engaged in any illegal, improper, or unethical activities in connection with the presidential election of 1972 or any campaign canvass, or activity related to such election;

(16) Whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement to safeguard the integrity or purity of the process by which Presidents are chosen.

SEC. 3. (a) To enable the select committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, or any officer or former officer or employee of any political committee or organization to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country;

(8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other of the Senate committees or the chairman of any subcommittee of any committee of the Senate the facilities or services of any members of the staffs of such other Senate committees or any subcommittees of such other Senate committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have access through the agency of any members of the Select Committee or any of its investigatory or legal assistants designated by it or its chairman or the ranking minority members to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member there of, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18 of the United States Code or any other Act of Congress regulating the granting of immunity to witnesses.

SEC. 4. The select committee shall have authority to recommend the enactment of any new congressional legislation which its investigation considers it is necessary or desirable to safeguard the electoral process by which the President of the United States is chosen.

SEC. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the Senate such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

SEC. 6. The expenses of the select committee through February 28, 1974, under this resolution shall not exceed $500,000, of which amount not to exceed $25,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

Mr. ERVIN. Mr. President, I also ask unanimous consent that the resolution as modified be reprinted, so that Senators can have an opportunity to study copies of the modified resolution.

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

Mr. ERVIN. Most of the modifications are housekeeping amendments. It is done in order to bring the resolution in complete harmony with the precedents and the provisions of the Reorganization Act as amended. The only changes of substance were the changes which made it clear that the select committee, if the resolution is adopted, shall not be in any sense a legislative committee but shall confine its activities, in respect to legislation, to recommendations to the Senate of any new congressional legislation which the committee is convinced that its investigation and study show to be necessary or desirable to protect the process by which Presidents of the United States are elected.

This resolution has been very carefully drafted. I think it gives the select committee sufficient authority to investigate the presidential election of 1972 and any campaign or canvass or activity of any person seeking nomination or election as a candidate of any political party for the office of President of the United States during 1972, with a view to determining whether or not any persons acting individually or in combination

with others engaged in any illegal or improper or unethical conduct in connection with the election or in connection with any campaign or candidates or activity that is related to the election.

Some Members of the Senate thought there ought to be a complete investigation of all such matters in respect to all Federal elections in 1972. I disagree with those who entertain that view, because I think there has been no complaint and no charges have been made of any irregularities which are illegal or improper or unethical in connection with any other Federal elections.

It also has been suggested by others that the year "1972" be stricken out and that the Select Committee be authorized to conduct an inquiry into whether there have been any illegal or improper or unethical practices conducted in any other presidential election since George Washington was chosen for that office in 1789. I disagree with those who entertain this view, because I think the committee, if established by the Senate, will have a hard enough task to perform in connection with things that it is specifically authorized to do by the resolution.

I wish to say this: Many, many years ago, when I first began to practice law, I bought a copy of a book by a great Tennessee poet, Walter Malone, which contained a poem entitled "The Judge." This poem stated, in very beautiful language, the great path which is imposed by the law upon a judge who has to ascend the bench and judge his fellow travelers to the tomb. That convinced me of the great need of a judicial officer to be fair and just in judging his fellow travelers to the tomb.

After that, I had the privilege of spending approximately 15 years of my life on two different trial courts and the supreme court of my State in the capacity of a judge. I do not know any more serious responsibility which can devolve upon any human being than performing a judicial task.

If this resolution is adopted and I am a member of the select committee, I will approach the performance of the task imposed upon me and its members by the resolution in exactly the same fashion in which I attempted to discharge my duties as a member of the judiciary of my State. I shall not participate in any witch-hunts. I shall strive very diligently not to do any injury to any human being unjustly. At the same time, I will do everything in my power to see that the truth is discovered and disclosed in respect to the matters that the committee is authorized to investigate.

I have no prejudgments about any of the activities connected with the matter; and I am sure that, by reason of my judicial experience, anything I have read or heard in connection with these matters can be laid aside and that I can reach my conclusions solely upon the basis of what the evidence, in my judgment, discloses. I am sure that any other members of the select committee who may be chosen, in the event of adoption of this resolution, will attempt to do the same.

I think the American people expect that an investigation such as this will be so conducted, and that it will be conducted in such a way as to reflect credit on the Senate in general and on the members of the select committee in particular.

The duty is a very solemn one. The resolution would give the committee fairly wide powers in order that the committee might not be hampered by claims that it had no jurisdiction to do the things it finds necessary to accomplish the investigation and study.

The committee, of course, is created for a legislative purpose, not to establish the guilt or innocence of any party, except to the extent such establishment is necessary, to point out the need, if any such need there be, for new congressional legislation, to make it as certain as humanly possible that the process by which Presidents of the United States are chosen is safeguarded against improper or unethical acts, as well as acts which are now illegal.

As we all know, a criminal prosecution against five men who allegedly broke into and entered the National Democratic Headquarters in the Watergate building in Washington, and two others who allegedly had procured them to do so, was in progress in the District Court for the District of Columbia for some weeks. Five of the men pleaded guilty.

As a result of these pleas of guilty, much evidence which might have been produced if they had persisted in their pleas of not guilty was not revealed. The distinguished district judge who tried that case stated that all the matters connected with even a mere breaking into the Watergate headquarters of the National Democratic Committee were not brought to light in the trial.

I know as a lawyer and as a former judge that, when a judicial tribunal tries criminal charges, it does not have the same latitude in seeking to establish all related facts that allegedly the select committee would have. This is true simply because a judicial tribunal cannot investigate anything except to ascertain whether crimes have been committed. It is not authorized to investigate the question of whether improper activities have occurred which are not illegal or whether unethical activities have occurred which are not illegal.

Moreover, the judicial tribunal is restricted in receiving testimony to admit that which tends either to prove or disprove the allegation made in the bill of indictment. As a result of these two considerations, a judicial tribunal cannot investigate matters of the kind mentioned in the resolution as effectively as a congressional committee.

It seems to me the Senate should approve this resolution, that the select committee called for by the committee should be set up, and that the select committee should embark upon the very arduous task of preparing for the holding of public hearings and holding of such hearings when such preparations are completed, as soon as reasonably possible.

I do not believe it is necessary to make any argument as to the advisability of conducting an investigation of the character of that mentioned in the resolution. Ever since it was made known to the public on the morning of June 18, 1972, that five men had been caught in the headquarters of the National Democratic Committee in the Watergate building here in Washington, who had apparently made an illegal entry, there has been much discussion about the matters connected with the Watergate and about the various ramifications from the breaking and entering of the Watergate headquarters and other matters connected with the campaign.

I think the public, the Senate, and the House of Representatives are entitled to know what occurred in connection with the matters mentioned in the resolution so they may determine whether there is necessity for any new congressional legislation to safeguard the process by which the President of the United States is chosen, whether it is necessary to amend existing laws, and whether it is necessary or advisable to have new laws passed on this subject.

If I should be elected as a member of the select committee after the adoption of the resolution, if it is adopted by the Senate, I would solicit the assistance of the various departments, agencies, officers, and employees of the executive branch of the Government of the United States, and I would be glad to have men, who have been charged with any participation in any improper activities and who desire to clear their names of such charges, appear before the committee and assist in its investigation.

The resolution expressly provides that the select committee has authority to investigate and study all matters tending to prove or disprove that illegal or improper or unethical conduct was engaged in during the period in connection with the matters enumerated in the resolution.

I sincerely hope that the Senate will adopt this resolution and that the select committee will be able to conduct a full and fair investigation and study, and determine what the truth is with respect to all the matters stated in the resolution.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I want to express my admiration and gratitude to the Senator from North Carolina for the development of this resolution and for his willingness to assume a leadership role, if, as we hope, he is assigned to chair the select committee. The Senator from North Carolina has assumed some of the most important responsibilities of any Member of this body in the 93d Congress. He is in the forefront on the vital area of impoundment, on the issue of executive privilege, in his concerns about freedom of the press, as well as the Federal rules of evidence, clearly some of the key issues and questions which this Congress will have the opportunity to address.

I think we have seen this afternoon, with the introduction of this resolution, its thoughtfulness, and comprehensiveness, the genius of a very special talent. I think those of us who have listened to the Senator from North Carolina, in his fair and reasoned manner and explanation, realize we are getting a person who

not only has unique abilities, but an individual who is sensitive to the rights and liberties of all those who may be touched by such an investigation. We are strengthened by his determination to carry this task through and let the chips fall where they may, and conduct this investigation in a thoughtful and comprehensive way.

When this matter first presented itself, I was one of those members of the Judiciary Committee, who, with others, urged the Senator from North Carolina to assume leadership in this area. He, recognizing the other responsibilities he had, was thoughtful about this problem, and he wrote to me, as the chairman of the Administrative Practices Subcommittee, to urge that our committee begin a preliminary investigation, which we have done. The material we developed will, obviously, be made available to the select committee. Since the outline of our investigation was included in the Administrative Practices Subcommittee budget better, I ask unanimous consent that those portions which are relevant to this discussion be included at an appropriate place in the RECORD.

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

EXCERPT FROM LETTER OF JANUARY 23, 1973, FROM SENATOR EDWARD M. KENNEDY TO SENATOR JAMES O. EASTLAND REGARDING THE ACTIVITIES AND BUDGET OF THE SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE

14. The Use of Electronic Surveillance in, and Federal Investigative and Enforcement Procedures in Connection with, Alleged Political Espionage and Sabotage During the 1971–72 Campaigns.

Almost immediately after the Watergate arrests in June of 1972, there arose a great public and Congressional outcry for a complete legislative investigation of that incident and related allegations of political espionage and sabotage. The fact that bugging and wiretapping were involved placed the matter squarely within the Subcommittee's long-term and active interest in electronic surveillance. The public questioning of the integrity of a criminal investigation headed by a designated surrogate campaigner for President Nixon, and of an administrative inquiry conducted by the White House counsel, when the Nixon re-election committee was a principal subject of the investigation, raised issues falling directly in the Subcommittee's mandate to assess the investigative and enforcement procedures of the Executive Branch.

Thus, after determining that no other Senate Committee was proceeding on the matter, and having been urged to proceed by individual Senators, including some on or chairing other committees with potential jurisdiction, the Chairman recommended to the members of the Administrative Practice and Procedure Subcommittee that it proceed with a preliminary inquiry on the matter. The Chairman committed himself not to move to public proceedings without further consultation with the Subcommittee and indicated that all possible steps would be taken to avoid interfering with the pending criminal trial.

A majority of the Subcommittee indicated approval of the proposed preliminary inquiry, including the issuance of subpoenas. The Subcommittee staff thereupon proceeded to gather as much documentary evidence as possible, especially business records which might have been subject to routine destruction in the near future. Attempts were made to contact as many persons as possible with information bearing on particular allegations being studied. In keeping with the Chairman's commitment, and since much of the preliminary inquiry focussed principally on matters other than those covered by the indictments.

Subpoenas were utilized to obtain records of various types, and subpoenas were also served on individuals who declined to volunteer information to the Subcommittee's investigators. In some instances those served or about to be served cooperated without the necessity for a testimonial appearance. In others those served would not do so. Scheduling difficulties resulted in the postponement of sessions planned for the possible receipt of preliminary testimony of an investigatory nature, but the subpoenas remain outstanding subject to the Subcommittee's decision as to its course and schedule.

The information gathered thus far by the Subcommittee strongly indicates that a wide range of espionage and sabotage activities did occur during the recent Presidential campaign, and especially its primary phase, that these activities were planned and initiated no later than the middle of 1971, that one key participant was in repeated contact with the White House, the White House Convention Headquarters, and White House aides during relevant time periods, that at least part of the financing was arranged through a key Republican fund-raiser who is a close associate of President Nixon's, and that neither the federal criminal investigation nor the White House administrative inquiry included any substantial investigation of the alleged sabotage and espionage operations apart from those surrounding the Watergate episode itself.

It is clear from the preliminary inquiry that the scope of the investigation yet remaining is such that it could not be conducted on a comprehensive basis within the Subcommittee's present staff and budgetary limitations. It is also apparent that a comprehensive inquiry will require the calling of various Executive Branch and White House personnel with the attendant problems that course entails. Thus the Subcommittee Chairman has publicly welcomed the suggestion that a strong special resolution, and ample resources designated for this purpose, be provided to whatever committee or subcommittee is to complete the inquiry.

The Subcommittee expects that, whatever form the investigation takes henceforth, much additional effort will be required to complete the processing of the information already acquired, and it stands prepared to provide whatever staff assistance is necessary in the continuing inquiry, so that the full benefit of its preliminary work is realized by the Senate.

Mr. KENNEDY. Mr. President, I think all the American people have a right to know what kind of tampering with the electoral process went on before the election and, if there was a fix, the American people have the right to know who the fixers were and how and when it came about.

I think all Americans will thank the Senator from North Carolina (Mr. ERVIN) for assuming this responsibility, and we all look forward to working and cooperating with him. I cannot think of a person who could bring a better sense of fairness, judicial temperament, experience, and impartiality to this task than the distinguished Senator from North Carolina. I think all of us, Democrat and Republican alike, will be in his debt for the undertaking which he is about to begin.

I would like to ask the Senator from North Carolina, if I could, a couple of very brief questions as to the resolution to see if I understand the language the same as he understands it.

I would like to direct his attention to page 4, line 24. In speaking of those who "employed any of the participants" in the activities under study, does the Senator include those who may have ratified or endorsed that employment by acquiescing in it or receiving its benefits or failing to terminate it?

I can think of material that may have developed that may have been made available to individuals who may not have authorized or directed it, but which was made available to them. Would that also be included in the committee's investigation?

Mr. ERVIN. It was my intention, and I believe the resolution was so drafted, to provide that such information which was furnished to any person can be inquired into.

Mr. KENNEDY. Further, on page 6, line 1, the resolution mentions "1972." That is only to identify the year in which the relevant election took place, and not to limit the year of the activities or events in which we are interested. Is that correct?

Mr. ERVIN. I think the last part of subparagraph (11), which reads, "in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee, or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972." applies to any campaign or canvass or activity of any candidate seeking nomination to any political party, even though his campaign or his activity may have occurred before the year 1972.

Mr. KENNEDY. I thank the Senator.

Also, in the paragraph starting at the bottom of page 8, paragraph (15) and extending to the top of page 9, the general and itemized matters in the resolution, and also paragraphs (12) and (14) the intent is not only to get at the facts themselves, but also whether any act or omission of any Federal official or employee or other person contributed or led to any limitations on any criminal or administrative inquiry or any prosecution: is it not? In other words, the various Federal investigations of these matters are certainly "activities related to" the election of 1972, as set forth in paragraph (15) for example?

Mr. ERVIN. I do not believe the resolution is broad enough to cover the question whether investigations of any of these activities were properly conducted. However, I think it is broad enough for the committee to obtain any information from any of the agencies of Government which made these investigations concerning what they found, and also, I may add, what they did not find.

Mr. KENNEDY. If we could just talk

about this for a moment, does the Senator have any concerns about whether, as has been suggested, the investigations were as complete as necessary by various governmental agencies? Also, there have been newspaper reports that have speculated on the fairness of such investigations and whether there has been interference with the investigations. I am interested in how the Senator's resolution would concern itself with that question.

Mr. ERVIN. The resolution does not expressly authorize the select committee to determine whether any of the agencies of the Federal Government or any of the officers of the Federal Government who had the power to investigate or prosecute any matters that they discovered which are covered by the resolution did so, but it is broad enough to give the committee the right to access to anything they may have discovered, and, incidentally, to determine whether the laws are either adequate in their content or in the method of their enforcement to safeguard the electoral process through which Presidents are chosen. In other words, the resolution does not specifically authorize the committee to investigate the conduct of the agencies charged with the investigation of criminal activities or the prosecution of crimes. These agencies, as I understand it, have assured the majority leader by letter, and I refer to the Department of Justice and the Director of the FBI, that they will cooperate with the Senate in any endeavor to unearth everything about these matters.

Mr. KENNEDY. Does the letter also include the cooperation of the White House?

Mr. ERVIN. No, I do not know whether any letter was ever sent to the White House or whether any letter was ever received from it. The distinguished majority leader wrote the letters and he received what replies were received. But I do have a feeling that we have gotten assurance from the Director of the Federal Bureau of Investigation that they will cooperate with any committee the Senate may set up to investigate these matters.

I thought that the committee should confine itself to the investigation and study of the conduct of any individuals or group of individuals or committees or organizations that may have participated in any of the matters mentioned in the resolutions and not include in the investigation the action of investigatorial, prosecuting agencies.

Mr. KENNEDY. I was not asking so much that there be a value judgment on the investigation by the department, other than trying to ascertain whether there was either a failure or any kind of interference in the investigation procedures of any governmental agency. Would that not be a matter of interest to the committee, if the committee were created, that investigations were purposely sidetracked and there was some kind of interference in the investigation. Would that not be of concern to the committee?

Mr. ERVIN. I think the resolution is broad enough to go into the question of whether, for example, five of the defendants who were prosecuted in the trial before Judge Sirica were induced by anyone to plead guilty or whether they were bribed, coerced, or influenced by any means by any person to refuse or fail to divulge what they knew about what had happened.

Mr. KENNEDY. Mr. President, I thank the Senator.

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

Mr. ERVIN. I will yield in just one moment.

Mr. President, I modified the resolution a moment ago, and I failed to make a modification which I am sure some other Senators may make. That is on page 11, subsection (11). I would modify that to read as follows:

(11) to have access through the agency of any members of the select committee or any of its investigatory or legal assistance designated by it or its chairman or the ranking minority member to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the Select Committee to prepare for or conduct the investigation and study authorized and directed by this resolution;

Mr. President, I modify the resolution accordingly in this respect and ask that it be printed with that modification.

The PRESIDING OFFICER. The resolution is accordingly so modified.

The resolution as finally modified is as follows:

S. RES. 60

Resolution to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the presidential election of 1972, or any campaign, canvass, or other activity related to it

Resolved,

SECTION 1. (a) That there is hereby established a select committee of the Senate, which may be called, for convenience of expression, the Select Committee on Presidential Campaign Activities, to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen.

(b) The select committee created by this resolution shall consist of five Members of the Senate, three of whom shall be appointed by the President of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, and two of whom shall be appointed by the President of the Senate from the minority Members of the Senate upon the recommendation of the minority leader of the Senate. For the purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member, chairman, or vice chairman of the select committee shall not be taken into account.

(c) The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings of the select committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select committee, and shall be filled in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. That the select committee is authorized and directed to do everything necessary or appropriate to make the investigation and study specified in section 1(a). Without abridging or limiting in any way the authority conferred upon the select committee by the preceding sentence, the Senate further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any and all persons or groups of persons or organizations of any kind which have any tendency to reveal the full facts in respect to the following matters or questions:

(1) The breaking, entering, and bugging of the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(2) The monitoring by bugging, eavesdropping, wiretapping, or other surreptitious means of conversations or communications occurring in whole or in part in the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(3) Whether or not any printed or typed or written document or paper or other material was surreptitiously removed from the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia, and thereafter copied or reproduced by photography or any other means for the information of any person or political committee or organization;

(4) The preparing, transmitting, or receiving by any person for himself or any political committee or any organization of any report or information concerning the activities mentioned in subdivision (1), (2), or (3) of this section, and the information contained in any such report;

(5) Whether any persons, acting individually or in combination with others, planned the activities mentioned in subdivision (1), (2), (3), or (4) of this section, or employed any of the participants in such activities to participate in them, or made any payments or promises of payments of money or other things of value to the participants in such activities of their families for their activities, or for concealing the truth in respect to them or any of the persons having any connection with them or their activities, and, if so, the source of the moneys used in such payments, and the identities and motives of the persons planning such activities or employing the participants in them;

(6) Whether any persons participating in

any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section have been induced by bribery, coercion, threats, or any other means whatsoever to plead guilty to the charges preferred against them in the District Court of the District of Columbia or to conceal or fail to reveal any knowledge of any of the activities mentioned in subdivision (1), (2), (3), (4), or (5) of this section, and, if so, the identities of the persons inducing them to do such things, and the identities of any other persons or any committees or organizations for whom they acted;

(7) Any efforts to disrupt, hinder, impede, or sabotage in any way any campaign, canvass, or activity conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in 1972 by infiltrating any political committee or organization or headquarters or offices or home or whereabouts of the person seeking such nomination or election or of any person aiding him in so doing, or by bugging or eavesdropping or wiretapping the conversations, communications, plans, headquarters, offices, home, or whereabouts of the person seeking such nomination or election or of any other persons assisting him in so doing, or by exercising surveillance over the person seeking such nomination or election or of any person assisting him in so doing, or by reporting to any other person or to any political committee or organization any information obtained by such infiltration, eavesdropping, bugging, wiretapping, or surveillance;

(8) Whether any person, acting individually or in combination with others, or political committee or organization induced any of the activities mentioned in subdivision (7) of this section or paid any of the participants in any such activities for their services, and, if so, the identities of such persons, or committee, or organization, and the source of the funds used by them to procure or finance such activities;

(9) Any fabrication, dissemination, or publication of any false charges or other false information having the purpose of discrediting any person seeking nomination or election as the candidate of any political party to the office of President of the United States in 1972;

(10) The planning of any of the activities mentioned in subdivisions (7), (8), or (9) of this section, the employing of the participants in such activities, and the source of any moneys or things of value which may have been given or promised to the participants in such activities for their services, and the identities of any persons or committees or organizations which may have been involved in any way in he planning, procuring, and financing of such activities.

(11) Any transactions or circumstances relating to the source, the control, the transmission, the transfer, the deposit, the storage, the concealment, the expenditure, or use in the United States or in any other country, of any moneys or other things of value collected or received for actual or pretended use in the presidential election of 1972 or in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee, or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972;

(12) Compliance or noncompliance with any act of Congress requiring the reporting of the receipt or disbursement or use of any moneys or other things of value mentioned in subdivision (11) of this section;

(13) Whether any of the moneys or things of value mentioned in subdivision (11) of this section were placed in any secret fund or place of storage for use in financing any activity which was sought to be concealed from the public, and, if so, what disbursement or expenditure was made of such secret fund, and the identities of any person or group of persons or committee or organization having any control over such secret fund or the disbursement or expenditure of the same;

(14) Whether any books, checks, canceled checks, communications, correspondence, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions the select committee is authorized and directed to investigate and study have been concealed, suppressed, or destroyed by any persons acting individually or in combination with others, and, if so, the identities and motives of any such persons or groups of persons;

(15) Any other activities, circumstances, materials, or transactions having a tendency to prove or disprove that persons acting either individually or in combination with others, engaged in any illegal, improper, or unethical activities in connection with the presidential election of 1972 or any campaign, canvass, or activity related to such election;

(16) Whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement to safeguard the integrity or purity of the process by which Presidents are chosen.

SEC. 3. (a) To enable the select committee to make the investigation and study authorized and directed by this resolution, the Senate hereby empowers the select committee as an agency of the Senate (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems necessary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the Senate; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to require by subpena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, or any officer or former officer or employee of any political committee or organization to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the Senate any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial records, papers, physical evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 202(i) of the Legislative Reorganization Act of 1946; (9) to use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other of the Senate committees or the chairman of any subcommittee of any committee of the Senate the facilities or services of any members of the staffs of such other Senate committees or any subcommittees of such other Senate committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have access through the agency of any members of the select committee or any of its investigatory or legal assistants designated by it or its chairman or the ranking minority member to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department, agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; and (12) to expend to the extent it determines necessary or appropriate any moneys made available to it by the Senate to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the Senate by section 6002 of title 18 of the United States Code or any other Act of Congress regulating the granting of immunity to witnesses.

SEC. 4. The select committee shall have authority to recommend the enactment of any new Congressional legislation which its investigation considers it is necessary or desirable to safeguard the electoral process by which the President of the United States is chosen.

SEC. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its finding and its recommendation as to new Congessional legislation it deems necessary or desirable, to the Senate at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the Senate such interim reports as it

considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

SEC. 6. The expenses of the select committee through February 28, 1974, under this resolution shall not exceed $500,000, of which amount not to exceed $25,000 shall be available for the procurement of the services of individual consultants or organizations thereof. Such expenses shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

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

Mr. ERVIN. Mr. President, I had promised a moment ago that I would yield to the Senator from Tennessee. However, I will now yield to the Senator from Texas.

Mr. TOWER. Mr. President, I would like to assure the distinguished Senator from North Carolina and other Members of the Senate that there is no desire on the part of the minority Members to engage in any dilatory tactics that would prevent early consideration of this resolution.

As a matter of fact, there is a singular desire on the part of the Republican Members to see that we have a thorough and speedy and expeditious investigation into the matters surrounding electronic surveillance in this election.

I think there might be some significance or relevance in looking into some other elections that bear on the objective of the resolution, and that is to see if we should not prepare additional legislation bearing on electronic surveillance. However, in any case we would be cooperative.

Mr. President, this matter was discussed at length in our policy meeting today at noon. I think we are of like mind, that this investigation should proceed.

I should serve notice that we have amendments which we intend to offer. We have discussed some of these amendments with the Senator from North Carolina and with the majority leader and with the assistant majority leader. One amendment that was recommended as, for the most part, being acceptable to the Senator from North Carolina is the modification he just made. However, there are others as well that we feel we should offer. And these amendments are designed to make sure that the investigation proceeds in an impartial and objective way so that there can be no question about the honest intent of the Senate that all of the facts should be brought out, without regard to any partisan questions.

We believe these amendments will stand on their own merits. And we hope that they will be agreed to by the Senate with the attitude of mind that we do not want to make this investigation appear to be some sort of narrow partisan witchhunt.

I believe that the Senator from North Carolina has been very objective in private conversation and has said that he does not want to be a part of something that is partisan.

Mr. ERVIN. Mr. President, I certainly do not want to conduct an investigation for any partisan purpose. As far as I am concerned, if I am on the select committee, I will do all I can to investigate this thing in what Edmund Burke called a code of neutral and impartial justice.

I assure the Senator from Texas that I would certainly hope we would receive full cooperation from the minority party. And I am glad to have the assurance of the distinguished senior Senator from Texas. Any Member of the Senate, of course, not only has the right, but also has the duty to offer any amendment to the resolution that he thinks is justified.

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

Mr. ERVIN. Mr. President, I had promised to yield to the Senator from Tennessee. I will be happly to yield to the Senator from Florida after I have yielded to the Senator from Tennessee.

Mr. BAKER. Mr. President, I shall not be very long. I will conclude my inquiries of the Senator from North Carolina shortly, because I know that the hour is late.

I, too, join with the Senator from North Carolina, in offering this resolution and believe that with his reputation for absolute objectivity and fairness, he will objectively and fairly conduct this inquiry under the resolution or some variation thereof, if that is the case.

When I first came to the Senate in January of 1967, and even prior to that time, I knew of Senator Ervin's reputation as a great jurist. It was pointed out to me by some who are Members of the Senate at this time and by some others who are no longer Members of the Senate that Senator ERVIN is not only a great jurist, but also a constitutional authority. That is certainly the case.

I am pleased to hear that the description which the Senator from North Carolina has made of the mandate creating this resolution was a description in broad terms, to inquire into the general scope of the activity attendant to the election campaign of 1972. As I am sure the Senator from North Carolina will agree with me, unlike the judicial proceedings, especially the criminal proceedings, the legislative inquiry about which this resolution centers is not limited or burdened by the rules of evidence. We are not burdened with the presumptions that create at least some awkwardness in the trial of criminal cases from time to time, and we do have a mandate, as the Senate should, to inquire into the whole scope of activity related to the conduct of campaigns, and even of people not related to campaigns who may have had some effect on those campaigns.

I wonder if, in that vein, the Senator from North Carolina, might answer one question for me that gives me a problem. He indicated there had been some discussion about the extent and scope of this resolution beyond 1972. I can understand his concern in that respect. He wishes not to diffuse the focus of this inquiry. But I wonder if, in keeping with the spirit of a broad inquiry, the Senator would agree with me that any line of inquiry which leads us beyond 1972 into other activities would still be within the breadth of the mandate of this select committee.

Mr. ERVIN. Only to the extent that it involved the candidacy of some person for nomination who was seeking the nomination prior to 1972, to run as the candidate of any political party for President in the general election of 1972.

Unfortunately, during recent years—at least I think it is unfortunate—we have had people start campaigning a long time before the election year for the office of President. Anything of the nature described in the resolution as a proper field for the investigation and study of the select committee that related to the nomination or the seeking of the nomination to be the candidate of a political party for the office of President in 1972 would be subject to investigation and study, even though it may have happened prior to 1972.

Mr. BAKER. Once again, I am not attempting to limit the scope of the resolution. I think I am trying to broaden it, in my own mind, at least, to serve the same purpose as the Senator from North Carolina.

Let me broaden the scope of my questioning with this further inquiry. I am not suggesting it has any basis in fact; it is purely hypothetical. Assume for the moment activity by a person or group of persons was related instead to the candidacy of a party, without reference to the identification of a nominee; in other words, that it dealt with Republicans or Democrats, and it extended past the 1972 election. Would that be within the scope of the inquiry of this committee?

Mr. ERVIN. Only if it related to the election. For instance, if we have an investigation relating to the destruction of any records of a financial nature, that would be related to the investigation.

Mr. BAKER. But it need not deal with the candidacy of a person; it could involve the records of a party as such?

Mr. ERVIN. Yes, it could involve the investigation of the conduct of persons acting, or who professed to act, in behalf of a political party.

Mr. BAKER. Even if it was after the fact?

Mr. ERVIN. Well, it would have to have some relationship to the presidential election of 1972, or to such things as the destruction of records that was mentioned in the resolution.

Mr. BAKER. Once again, I am not trying to unduly refine this line of questioning, as I am fully convinced that the Senator from North Carolina admits the full scope and sweep of such inquiry as might be necessary to fully illuminate this situation, and I will stop on that basis.

I might say that in addition to the 1972 question, there was concern in my mind about the appearance of neutrality or impartiality in the ratio of 3 to 2 which the select committee has established. It would please the Senator from Tennessee more if the resolution provided, as we have provided in other instances—I am thinking particularly of recent inquiries involving the ethics of the Senate—for a three and three division. I confess I am less concerned about that if the Senator

from North Carolina finally assumes command as chairman of this committee.

Mr. ERVIN. I am grateful to the Senator from Tennessee for his compliment, and for the previous compliments he has paid me.

Mr. BAKER. I do assume that even if the committee remains at three and two instead of three and three, which would be exact equality, even if that is the case, there will be a free and easy relationship on the staff level between majority and minority, so that the minority is fully represented in staffing the operation.

Mr. ERVIN. Well, I have a little difficulty understanding why, in what is essentially a search for truth, we have to have necessarily an equal number of people of diverse political opinions to make the study. I have always felt, in respect to every subcommittee that I am chairman of, and in respect to every committee—and I am chairman of the Committee on Government Operations—that every member of the committee is entitled to equal representation to assist them in finding out what the staff is doing, and to assist the staff in its investigations, and to keep the minority members fully informed of what the committee is engaged in at every particular moment.

Mr. BAKER. I entirely agree with the observation of the Senator from North Carolina. I, too, do not sense the necessity for an adversary proceeding at the staff level. I really was not thinking of the mathematical allocation of majority and minority staff, although that may be necessary for self preservation by personnel. I hope rather, in this investigation, that the staff for the minority and for the majority would have free interchange of information, that one staff did not compete with the other staff to produce unnecessary or useless information.

Mr. ERVIN. I certainly would hope so, and I would say this, that the chief counsel of the committee would be the one chiefly responsible to the chairman of the committee. But I think the minority members of the committee should have sufficient staff to investigate what is going on, to receive and convey to the minority members the information that they know has been collected, and I think also that one of the valuable things that any member of a staff, whether he is appointed by the majority or the minority, could do in this thing is try to determine not only what evidence might be of value, but also anything that bears on the reliability or unreliability of that evidence. I think that a very valuable service could be performed by minority staff in those fields.

Mr. BAKER. Mr. President, I thank the Senator from North Carolina for these elaborations and other assurances. I stop with only this observation on my part: I think that a select committee is far and away the best way to handle this matter. I think the legislative inquiry, as distinguished from a judicial inquiry, is far and away the best way to illuminate the facts tendered under these circumstances.

I think clearly the intention of the senior Senator from North Carolina is to conduct an inquiry, if he is constituted chairman, and I hope he is, that will be truly objective and will have a free flowing exchange of information between members, regardless of their party.

I think that the only remaining thing for me to say is that I hope the inquiry gets under way quickly. I hope it is pursued vigorously. I hope it is done with the characteristic energy that the Senator from North Carolina brings to all of his endeavors; and I hope we produce all the facts in a legislative atmosphere that will be useful to the Congress of the United States.

I take exception to the statements of some who criticize a criminal proceeding for not having produced the broad sweep of information to which this resolution aspires. Had it done so, it would have jeopardized constitutional rights of the defendants. That is not the forum for developing the facts. This is the forum for it. Therefore, I commend the Senator from North Carolina and I think the country and the Senate will benefit from his stature as a great jurist.

Mr. ERVIN. I thank my friend from Tennessee. I would like to say this: I know that I enjoy the friendship of Senators on both sides of the aisle. They treat me so nicely and with respect. I wish to say that I will strive, if I happen to be a member of the Select Committee, especially if I happen to be its chairman, so to conduct myself that I will assist the committee in bringing out the truth in respect to the matters being investigated in a fair and just way, in a way not to forfeit the respect of any Member of the Senate on either side of the aisle.

Mr. President, I am now glad to yield to the distinguished Senator from Florida (Mr. GURNEY). I have just been struggling, trying to get minority representation on the Subcommittee on Constitutional Rights as to the clerical staff there, in order that the Senator from Florida and other Members of the minority may have adequate assistance.

Mr. GURNEY. Mr. President, I thank the Senator from North Carolina for yielding to me. I have a question I want to ask but before I ask it, I join my other colleagues who have commented on the timeliness of the resolution introduced by the distinguished Senator from North Carolina (Mr. ERVIN).

I have been asked on a number of occasions by newsmen in my State of Florida whether there would be a further investigation of the Watergate affair and I said, yes, that I thought there would be and that the Senator from North Carolina (Mr. ERVIN) was interested in it and I hoped that we would have an investigation because I think we should lay the thing finally to rest.

So I certainly commend the Senator from North Carolina for introducing the resolution and I hope that he chairs the committee, because if he does, it will be conducted with the objectivity and impartiality for which he is so well known.

As he knows, I work on two main committees with him and I have always found him to be fair and objective. I want to join in the remarks of the Senator from Tennessee. My experience with the Senator from North Carolina on the Government Operations Committee, of which he is chairman, and on one subcommittee on which I am the ranking member, of which is also the chairman, is that he certainly has been most cooperative in helping out on whatever matters we had before us.

Mr. ERVIN. I thank the Senator from Florida. I should like to take this occasion to testify that the Senator from Florida has been most diligent in discharging all the responsibilities undertaken by him on the subcommittee and the committee on which we jointly serve.

Mr. GURNEY. I thank the Senator.

I was interested in the interpretation on page 12, line 14, subdivision (b):

> Subpoenas may be issued by the Select Committee acting through the chairman or any other member designated by him.

As to the interpretation of that language by the author of the bill, does that mean that the committee as a whole would approve of who would be subpenaed and the chairman or whoever had been designated by him would issue the subpenas, or whether the chairman or that other member could issue subpenas in his own right?

Mr. ERVIN. I would say to the Senator from Florida that I wrote those words in for the purpose of expressing the concept that subpenas should be authorized by the majority of the committee, in order to have mechanism for issuing subpenas authorized by the committee, and that either the chairman or any person designated by him should actually sign the subpenas in the name of the committee.

I do not concede that those words confer on the chairman any authority just to determine for himself, without action of the members of the committee as to what subpenas should be issued.

Mr. GURNEY. I thank the Senator from North Carolina. I thought that the author of the bill meant to interpret it that way. I certainly think that is the way to do it. There have been some instances in the past where some committees have issued subpenas by chairmen without consultation with the members. I never thought that was the best way to go about it. So I am delighted that the Senator from North Carolina interprets it that way. I certainly think that is the fairer way and the better way to go about.

Mr. ERVIN. Let me say to the Senator from Florida, quote me correctly by way of a generality, that if this resolution is passed and I should become the chairman, I will do everything in my power to make the activities of the committee a cooperating enterprise on the part of all members of the committee.

Mr. GURNEY. I have no doubt and all sorts of belief in that, because that is the way the Senator from North Carolina has always operated.

That was the only specific question I had to ask. Any other observation certainly can wait until tomorrow.

I thank the Senator.

Mr. ERVIN. I thank the Senator.

ORDER FOR RECOGNITION OF SENATORS HATFIELD, GRIFFIN, ROBERT C. BYRD, AND COOK TOMORROW; AND ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following recognition of the two leaders or their designees, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated: Senators HATFIELD, GRIFFIN, ROBERT C. BYRD, and COOK; and that following recognition of the aforementioned Senators, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate the unfinished business.

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

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the order for recognition of the four Senators on tomorrow be revised as follows:

Senators HATFIELD, COOK, GRIFFIN, and ROBERT C. BYRD.

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

ORDER OF ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian tomorrow.

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 12 o'clock meridian.

After the two leaders have been recognized under the standing order, or their designees, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated:

Senators HATFIELD, COOK, GRIFFIN, and ROBERT C. BYRD.

After the aforementioned Senators have been recognized pursuant to other orders previously entered into, there will be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the unfinished business, Senate Resolution 60, to establish a Select Committee of the Senate to conduct an investigation, will be laid before the Senate, and the Senate will resume its consideration thereof. Amendments to that resolution are anticipated. Votes are also expected. Senators may plan their day accordingly.

ADJOURNMENT

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 12 o'clock meridian tomorrow.

The motion was agreed to; and at 6:09 p.m. the Senate adjourned until tomorrow, Wednesday, February 7, 1973, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES—*Tuesday, February 6, 1973*

The House met at 12 o'clock noon.

Msgr. Richard J. Burke, St. Thomas More Roman Catholic Church, Arlington, Va., offered the following prayer:

Be pleased Almighty God, Father, Son, and Holy Spirit to hear our prayer of praise, adoration, and petition.

We praise You for Your glorious creation, we adore You as our God and Redeemer, we petition You for Your blessings as we deliberate today. Grant us Your help to consider wisely what is according to Your law and what will serve the best interests of all the people. Give us prudence to choose the best means to accomplish peace through justice for all. May we have Your help to listen courageously to the truth, weigh it well and then make our decisions.

Having humbly, honestly, and courageously done our best for the glory of God and the welfare of all men of good will, we beg Your blessing in a particular way for our Senate colleague who is gravely ill. We ask this all in the name of Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 38. An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes.

S. 267. An act to abolish the Joint Committee on Navajo-Hopi Indian Administration; and

S. 518. An act to provide that appointments to the offices of Director and Deputy Director of the Office Management and Budget shall be subject to confirmation by the Senate.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON BANKING AND CURRENCY

The SPEAKER laid before the House the following communication from the chairman of the Committee on Banking and Currency:

COMMITTEE ON BANKING AND CURRENCY,
Washington, D.C., February 5, 1973.

Hon. CARL ALBERT,
The Speaker,
House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: As you know, pursuant to section 712(a)(2) of the Defense Production Act of 1950 (title 50, Appendix, United States Code, section 2162(a)(2)), it is the duty of the Chairman of the Committee on Banking and Currency to suggest five members of the Committee to be members of the Joint Committee on Defense Production.

The members selected to serve on this Committee for the 93d Congress in pursuance of this law are as follows: Wright Patman, William A. Barrett, Leonor K. Sullivan, William B. Widnall, and Garry Brown of Michigan.

With kindest regards and best wishes, I am

Sincerely yours,

WRIGHT PATMAN,
Chairman.

APPOINTMENT AS MEMBERS OF THE TECHNOLOGY ASSESSMENT BOARD

The SPEAKER. Pursuant to the provisions of section 4(a), Public Law 92–484, the Chair appoints as members of the Technology Assessment Board the following Members on the part of the House: Mr. DAVIS of Georgia; Mr. TEAGUE of Texas; Mr. UDALL, of Arizona; Mr. MOSHER, of Ohio; Mr. GUBSER, of California; and Mr. HARVEY, of Michigan.

APPOINTMENT OF MEMBERS TO SERVE WITH THE COMMISSION ON ART AND ANTIQUITIES OF THE U.S. SENATE

The SPEAKER. Pursuant to the provisions of Public Law 92–342, the Legislative Branch Appropriation Act, 1973, the Chair appoints the following Members to serve with the Speaker and with the members of the Commission on Art and Antiquities of the U.S. Senate in supervising the restoration of the Old Senate and Supreme Court Chambers in the Capitol: Mr. O'NEILL, of Massachusetts; Mr. GERALD R. FORD, of Michigan; Mr. MAHON, of Texas; and Mr. CEDERBERG, of Michigan.

APPOINTMENT AS MEMBERS OF THE COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 92–489, the Chair appoints as members of the Commission on Revision of the Federal Court Appellate System the following Members on the part of the House: Mr. BROOKS, of Texas; Mr. HUNGATE, of Missouri; Mr. HUTCHINSON, of Michigan; and Mr. WIGGINS, of California.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MILITARY ACADEMY

The SPEAKER. Pursuant to the provisions of 10 United States Code 4355(a),