Mr. LUJAN, Mr. MCCORMACK, and Mr. MCFALL):

H. Con. Res. 190. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself and Mr. MADDEN, Mr. MANN, Mr. MATHIS of Georgia, Mr. MAZZOLI, Mr. MELCHER, Mr. MEZVINSKY, Mr. MILFORD, Mr. MILLS of Arkansas, Mrs. MINK, Mr. MITCHELL of Maryland, Mr. MIZELL, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MONTGOMERY, Mr. MORGAN, Mr. MURPHY of Illinois, Mr. MURPHY of New York, Mr. MYERS, Mr. NEDZI, Mr. NICHOLS, Mr. NIX, Mr. O'NEILL, Mr. OWENS, and Mr. PATTEN):

H. Con. Res. 191. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself and Mr. PETTIS, Mr. PEYSER, Mr. PICKLE, Mr. POAGE, Mr. PODELL, Mr. PRICE of Illinois, Mr. PRICE of Texas, Mr. RANDALL, Mr. RANGEL, Mr. RARICK, Mr. REID, Mr. RIEGLE, Mr. RHODES, Mr. ROBERTS, Mr. ROBISON of New York, Mr. RODINO, Mr. ROE, Mr. RONCALIO of Wyoming, Mr. RONCALLO of New York, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. ROUSH, Mr. ROUSSELOT, and Mr. ROY):

H. Con. Res. 192. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself Mr. RUNNELS, Mr. RYAN, Mr. SARBANES, Mr. SATTERFIELD, Mr. SAYLOR, Mr. SCHERLE, Mrs. SCHROEDER, Mr. SEBELIUS, Mr. SHOUP, Mr. SIKES, Mr. SISK, Mr. SLACK, Mr. SMITH of Iowa, Mr. SNYDER, Mr. SPENCE, Mr. JAMES V. STANTON, Mr. STARK, Mr. STEED, Mr. STEELMAN, Mr. STEIGER of Arizona, Mr. ST GERMAIN, Mr. STOKES, Mr. STUCKEY, and Mr. STUDDS):

H. Con. Res. 193. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mrs. SULLIVAN, Mr. SYMINGTON, Mr. SYMMS, Mr. TAYLOR of North Carolina, Mr. THOMSON of Wisconsin, Mr. THONE, Mr. TIERNAN, Mr. UDALL, Mr. VANDER JAGT, Mr. VEYSEY, Mr. WAGGONNER, Mr. WALSH, Mr. WAMPLER, Mr. WARE, Mr. WHITE, Mr. WHITEHURST, Mr. WIDNALL, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WON PAT, Mr. WYLIE, Mr. WYMAN, and Mr. YATES):

H. Con. Res. 194. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. YATRON, Mr. YOUNG of Georgia, Mr. YOUNG of Florida, Mr. YOUNG of South Carolina, Mr. YOUNG of Illinois, Mr. ZABLOCKI, and Mr. ZWACH):

H. Con. Res. 195. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. HAYS:

H. Res. 353. Resolution providing funds for the expenses of the Committe on House Administration to provide for maintenance and improvement of ongoing computer services for the House of Representatives and for the investigation of additional computer services for the House of Representatives; to the Committee on House Administration.

By Mr. LEHMAN:

H. Res. 354. Resolution to establish a congressional internship program for secondary school teachers of government or social studies in honor of President Lyndon Baines Johnson; to the Committee on House Administration.

By Mr. RANDALL (for himself and Mr. HEINZ):

H. Res. 355. Resolution to create a select committee on aging; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

140. By the SPEAKER: A memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the meat boycott; to the Committee on Agriculture.

141. Also, memorial of the Legislature of the Commonwealth of Massachusetts, requesting Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States relating to the use of public funds for secular education; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDABBO:

H.R. 6876. A bill for the relief of Generosa Fusco; to the Committee on the Judiciary.

By Mr. FORSYTHE:

H.R. 6877. A bill for the relief of Viola Burroughs; to the Committee on Interior and Insular Affairs.

By Mr. HEINZ:

H.R. 6878. A bill for the relief of Jean W. Davis; to the Committee on the Judiciary.

PETITIONS, ETC.

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

157. By the SPEAKER: Petition of Norman J. Raasch, Huntsburg, Ohio, and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

158. Also, petition of Kent E. Braun, Catasauqua, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

159. Also, petition of Frank E. Beza, Quakertown, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

160. Also, petition of Robert A. Burns, Quakertown, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

161. Also, petition of Richard L. Gardner, Quakertown, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

162. Also, petition of Dennis P. Molnar, Richlandtown, Pa., relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

163. Also, petition of Franz Jerger, Milwaukee, Wis., relative to redress of grievances; to the Committee on the Judiciary.

SENATE—*Wednesday, April 11, 1973*

The Senate met at 12 o'clock meridian and was called to order by Hon. SAM NUNN, a Senator from the State of Georgia.

PRAYER

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

O Thou Creator Spirit, in this reverent noonday moment we pray for hearts wide open to the joy and beauty of this universe that Thou hast given us for our home. We thank Thee for the symphony of springtime—for the arching sky and turbulent winds, for driving clouds and constellations of the night, for buds and blossoms, for flowers and fields, for the salted sea and cascading streams, for the music of nature, and for the variety of people created in Thy image for a worldwide community.

We thank Thee, O Lord, for the senses of seeing and hearing by which Thy gifts are known to us. Awaken the Nation to a new springtime of spiritual life and power which shall set us on our way to the fulfillment of Thy promised kingdom on earth.

We pray in Thy holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 11, 1973.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE NATIONAL CREDIT UNION ADMINISTRATION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. NUNN) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

To the Congress of the United States:

Pursuant to the provisions of title I, section 3, of the Federal Credit Union Act (12 U.S.C. 1752), I hereby transmit the annual report of the National Credit Union Administration for the calendar year 1972.

RICHARD NIXON.

THE WHITE HOUSE, *April 11, 1973.*

RETIREMENT SAVINGS—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. NUNN) laid before the Senate a message from the President of the United States, which was referred to the Committee on Finance. The message is as follows:

To the Congress of the United States:

A dynamic economic system in a democracy must not only provide plentiful jobs, good working conditions, and a decent living wage for the people it employs; it should also help working men and women to set aside enough of the earnings of their most productive years to assure them of a secure and comfortable income in their retirement years.

This fundamental concept of prudent savings for retirement came under direct public sponsorship in the United States more than a generation ago, with the establishment of the Social Security System. Today, Social Security is the largest system of its kind in the world, and one of the most effective and progressive. Numerous significant improvements have been made in it during the past four years by this Administration in cooperation with the Congress.

In addition, public policy has long given active encouragement to the growth of a second form of retirement income: private pensions which are tailored to the needs of particular groups of workers and help to supplement the Social Security floor. Private pension plans now cover over 30 million workers and pay benefits to another 6 million retired persons.

But there is still room for substantial improvement in Federal laws dealing with private retirement savings. Those workers who are covered by pension plans—about half the total private work force—presently lack certain important types of Government protection and support. The other half of the labor force, those who are not participants in private plans, are not receiving sufficient encouragement from the Government to save for retirement themselves. Self-reliance, prudence, and independence—basic strengths of our system which are reinforced by private retirement savings and which government should seek to foster—are in too many cases not supported, and sometimes actually discouraged, by present practices and regulations.

Sixteen months ago I asked the Congress to enact pension reform legislation to remedy these deficiencies. Since then committees of both the House and the Senate have held useful hearings on reform, and the issue has received wide public discussion. The Administration has also completed studies on some additional facets of the pension question, and we have refined our proposals.

I believe that the time is now ripe for action on those proposals. They will be resubmitted within several days, in the form of two bills, the Retirement Benefits Tax Act and the Employee Benefits Protection Act. This message outlines the specific reforms contained in the legislation.

THE RETIREMENT BENEFITS TAX ACT

If working men and women are to have a genuine incentive to set aside some of their earnings today for a more secure retirement tomorrow, they need solid assurances that such savings will not be erased late in their career by the loss of a job, wiped out by insufficient financing of promised benefits, nor penalized by the tax laws. To this end, the Retirement Benefits Tax Act would embody the following five major principles:

1. *A minimum standard should be established in law for preserving the retirement rights of employees who leave their jobs before retirement.*

Protection of retirement rights, which is essential to a growing and healthy pension system, is ordinarily defined in terms of "vesting." A pension vests when an employee becomes legally entitled upon retirement to the benefits he has earned up to a certain date, regardless of whether he leaves or loses his job before retirement.

Despite some recent movement toward earlier vesting, many private plans still carry overly restrictive requirements for age or length of service or participation before vesting occurs. Thus, the pensions of more than two-thirds of all full-time workers participating in private pension plans are not now vested. All too frequently, the worker who resigns or is discharged late in his career finds that the retirement income on which he has been counting heavily has not vested and hence is not due him.

The legislation this Administration is proposing would meet this problem by requiring that pensions become vested at an appropriate specified point in a worker's career. That point should not be set too early: if a great many younger, short-term workers acquired vested rights, pension plans would be burdened with considerable extra costs and the level of benefits for retiring workers could be reduced. But neither should too long a wait be required before vesting begins, since many older workers would then receive little if any assistance. To strike the right balance, I urge the Congress to adopt a "Rule of 50" vesting formula, which is moderate in cost and works well to protect older workers.

Under this standard, all pension benefits which have been earned would be considered half vested when an employee's age plus the number of years he has participated in the pension plan equals 50. From this half-vested starting point, an additional ten percent of all of the benefits earned would be vested each year, so that the pension would be fully vested five years later.

For example, someone joining a plan at age 30 would find that his pension would become 50 percent vested at age 40—when his years of participation (10) plus his age (40) would equal 50. Similarly, the pension of an employee joining a plan at age 40 would become 50 percent vested at age 45, and that of an employee joining a plan at age 50 would begin to vest immediately. And in each case, the degree of vesting would increase from 50 percent to 100 percent over the subsequent five-year period of the worker's continued employment.

So that this formula would not discourage employers from hiring older workers, who would have an advantage of more rapid vesting, the legislation would permit a waiting period of up to three years before a new employee must be allowed to join a pension plan, and it would also permit employees hired within five years of normal retirement age to be excluded from participation in a plan.

Under the "Rule of 50," the proportion of full-time workers in private retirement plans with vested pension benefits would increase from 32 percent to 61 percent. Among participants age 40 and older the percentage with vested pension benefits would rise from 40 percent to about 90 percent.

To avoid excessive pension cost increases which might lead to reduction of benefits, this new law would apply only to benefits earned after the bill becomes effective, although the number of years a worker participated in a pension plan prior to enactment would count toward meeting the vesting standard. The average cost increase for plans which now have no vesting provision would be about 1.9 cents per hour for each covered employee; for plans that now provide some vesting it would be even less.

2. *Employees expecting retirement benefits under employer-financed defined-benefit pension plans should have the security of knowing that their vested benefits are being adequately funded.*

Perhaps the most fundamental aspect of any pension plan is the assurance that when retirement age arrives, pension benefits will be paid out according to the terms of the plan. To give this assurance, it is essential that when an employer makes pension promises he begin putting away the money that will eventually be needed to keep them. Yet federal regulations at present are lenient on this point, requiring that only a small portion of pension liabilities be put aside or "funded" each year.

My retirement savings proposal would augment this minimal protection with an additional requirement calling for at least 5 percent of the unfunded, vested liabilities in a pension plan to be funded annually. Over time, this rate of funding would build up substantial assets for the payment of pension benefits. It would make the average employee or retiree less dependent for his pension upon the survival of a former employer's business.

By requiring employers to be more forehanded and systematic in preparing to meet their pension obligations, this reform should help to reduce the frequency and magnitude of benefit losses when pension plans terminate. Even now the termination problem is not a major one: a study conducted at my direction last year by the Departments of Labor and the Treasury found that about 3100 retired, retirement-eligible, and vested workers lost pension benefits through terminations in the first 7 months of 1972, with losses totaling some $10 million. To put them in perspective, these losses should be compared with the more than $10 billion in benefits paid annually.

I also recognize, however, that these pension termination losses did work very real injustices and hardships on the individual workers affected, and on their families. Though the stricter funding requirements we are proposing will help to minimize these benefit losses, it has also been suggested that a Government-

sponsored termination insurance program should be established to see that no workers or retirees whatever suffer termination losses.

After giving this idea thorough consideration, I am not recommending it at this time. No insurance plan has yet been devised which is neither on the one hand so permissive as to make the Government liable for any agreement reached between employees and employers, nor on the other hand so intrusive as to entail Government regulation of business practices and collective bargaining on a scale out of keeping with our free enterprise system. With new support from the funding standard I am requesting, the private sector will be in a better position than the Federal Government to devise protection against the small remaining termination loss problem, and I encourage employers, unions, and private insurance companies to take up this challenge.

3. *Employees who wish to save independently for their retirement or to supplement employer-financed pensions should be allowed to deduct on their income tax returns amounts set aside for these purposes.*

Under present law, neither an employer's contribution to a qualified private retirement plan on behalf of his employees, nor the investment earnings on those contributions, are generally subject to taxes until benefits are paid to the retired worker or his family. When an employee contributes to a group plan, the tax liability on investment earnings is similarly deferred—though in this case the contribution itself is taxable when initially received as salary. By contrast, a worker investing in a retirement savings program of his own is actually subject year by year to a double tax blow. He is taxed both on the savings contributions themselves as part of his pay and on the investment income his savings earn.

Employees who want to establish their own retirement plan or to augment an employer-financed plan should be offered a tax incentive comparable to that now given those in group plans. Accordingly, I am proposing that an individual's contributions to a retirement savings program be made tax-deductible up to the level of $1,500 per year or 20 percent of earned income, whichever is less, and that the earnings from investments up to this limit also be tax-exempt until received as retirement income. Individuals could retain the power to control the investment of these funds, channeling them into qualified bank accounts, mutual funds, annuity or insurance programs, government bonds, or other investments as they desire.

The maximum deduction of $1,500 would direct benefits primarily to employees with low and moderate incomes, while preserving an incentive to establish employer-financed plans. The limit is nevertheless sufficiently high to permit older employees to finance a substantial retirement income—a consideration which is of special importance to the 9 million full-time workers in this country who are between 40 and 60 years old and are not participating in private pension plans.

The $1,500 ceiling should be more than adequate for most workers. Supposing for example that a worker in that situation was to start an independent plan at age 40, tax-free contributions of $1,500 a year from then on would be sufficient to provide him an annual pension of $7,500, over and above his basic Social Security benefits, beginning at age 65.

The tax deduction I am proposing would also be available to those already covered by employer-financed plans, but in this case the $1,500 maximum would be reduced to reflect pension plan contributions made by the employer.

4. *Self-employed persons who invest in pension plans for themselves and their employees should be given a more generous tax deduction than they now receive.*

At present, self-employed people who establish pension plans for themselves and their employees are subjected to certain tax limitations which are not imposed on corporations. Pension contributions by the self-employed are tax-deductible only up to the lesser of $2,500 or 10 percent of earned income. There are no such limits to contributions made by corporations on behalf of their employees.

This distinction in treatment is not based on any difference in reality, since unincorporated entities and corporations often engage in substantially the same economic activities. Its chief practical effect has been to deny to the employees of self-employed persons who do not wish to incorporate benefits which are comparable to those of corporate employees. It has also led to otherwise unnecessary incorporation by persons solely for the purpose of obtaining tax benefits.

To achieve greater equity, I propose that the annual limit for deductible contributions by the self-employed be raised to $7,500 or 15 percent of earned income, whichever is less. This provision would enable the self-employed to provide more adequate benefits for themselves and for their workers, without causing excessive revenue losses.

5. *Workers who receive lump-sum payments from pension plans when they leave a job before retirement should be able to defer taxes on those payments until retirement.*

In order to avoid the problems of administering funds for the benefit of a former employee, an employer will sometimes give a departing employee a lump-sum payment representing all his retirement benefits. Present law requires that the employee pay income tax on that payment even if he intends to put it aside for his retirement. A worker who remains with one employer pays no such tax. This discrimination should be corrected.

The legislation we are proposing would amend the tax law to permit the worker who receives a lump-sum payment of retirement benefits before he retires to put the money into another qualified retirement savings program—either his own or an employer-sponsored plan—without having to pay a tax on it, or on the interest it earns, until he draws benefits upon retirement.

THE EMPLOYEE BENEFITS PROTECTION ACT

An important companion to the five-point reform contained in the Retirement Benefits Tax Act is our proposed legislation to make the Federal Government a tougher watchdog over the administration of the more than $160 billion in private pension and welfare funds benefiting American workers.

Submitted by this Administration more than 3 years ago, this needed reform languished in both the 91st and 92nd Congresses. Each month that it has sat unenacted, the small minority of employee benefit fund officials who are careless or unscrupulous have been permitted to deny hard-working men and women part of their benefits. That is why we are today proposing to the 93rd Congress a Benefits Protection Act, with an urgent strengthened and improved Employee request for prompt action.

Control of pension and welfare funds is shared by employers, unions, banks, insurance companies, and many others. Most pension plans are carefully managed by responsible people, but too many workers have too much at stake for the Government simply to assume that all fund management will automatically meet a high fiduciary standard.

Accordingly, the bill we are proposing would establish for the first time an explicit Federal requirement that persons who control employee benefit funds must deal with those funds exclusively in the interest of the employee participants and their beneficiaries. Certain corrupt practices such as embezzlement and kickbacks in connection with welfare and pension funds are already Federal crimes, but many other types of activity which clearly breach principles of fiduciary conduct are overlooked by present statutes. My proposal would plug these holes in the law to give workers a more solid defense against mishandling of funds.

Present reporting and disclosure requirements would also be broadened to require of benefit plan administrators a detailed accounting of their stewardship similar to that rendered by mutual funds, banks, and insurance companies.

To back up these changes the new law would give additional investigative and enforcement powers to the Secretary of Labor, and would permit pension fund participants and beneficiaries to seek remedies for breach of fiduciary duty through class action suits.

Finally, the Employee Benefits Protection Act would foster the development of uniform Federal laws in employee benefits protection, complementing but in no way interfering with State laws that regulate banking, insurance, and securities.

BRIGHTENING THE RETIREMENT PICTURE

By moving rapidly to enact the pension incentive and protection package I am recommending today, this Congress has the opportunity to make 1973 a year of historic progress in brightening the retirement picture for America's working men and women.

Under the reforms we seek, every participant in a private retirement savings plan could have a better opportunity to earn a pension and greater confidence in actually receiving that pension upon re-

tirement. Those who are not members of an employer pension plan or who have only limited benefits in such a plan would be encouraged to obtain individual coverage on their own. The self-employed would have an incentive to arrange more adequate coverage for themselves and their employees. And all participants could have well-deserved peace of mind in the knowledge that their welfare and pension funds were being administered under the strictest fiduciary standards.

The achievements of our private welfare and retirement plans have contributed much to the economic security of the Nation's workers. They are a tribute to the cooperation and creativity of American labor and management. We can be proud of the system that provides them—but we must also be alert to the Government's responsibility for fostering conditions which will permit that system's further development.

I urged at the outset of my second term that in shaping public policy we should "measure what we will do for others by what they will do for themselves." By this standard, few groups in this country are more deserving than the millions of working men and women who are prudently saving today so that they can be proudly self-reliant tomorrow. I urge the Congress to help these citizens help themselves by going forward with pension reform.

RICHARD NIXON.

THE WHITE HOUSE, *April 11, 1973.*

EXECUTIVE MESSAGES REFERRED

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

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, April 10, 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.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 103, 104, 105, 106, and 107.

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

NATIONAL HISTORIC PRESERVATION WEEK

The joint resolution (S.J. Res. 51) to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 51

Whereas the two hundredth anniversary of the founding of this Republic approaches; and

Whereas an indispensable element of the strength, the freedom, and the constructive world leadership of this Nation is the knowledge and appreciation of our origins and history, of who we are, where we are, and how we arrived there; and

Whereas the houses were we have lived, the buildings where we have worked, the streets we have walked for more than three hundred years are as much a part of our heritage as the wisdom of the Founding Fathers and the works of art which succeeding generations of Americans have bequeathed to us; and

Whereas these buildings and places, great and humble, not only are our roots, but are also sources of pride in our past achievements and enrich our lives today; and

Whereas historic preservation today involves much more than period rooms in house museums, but means, rather, that old homes, public buildings, hotels, taverns, theaters, industrial buildings, churches, and commercial structures can be saved and put to contemporary use as living history to be treated with respect and incorporated within or planning as our towns and cities grow to provide the citizens of this Nation with an environment of quality and enduring interest: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation—

(1) designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week"; and

(2) urging Federal, State, and local government agencies, as well as citizens and private organizations, especially the preservation organizations, historical societies, and related groups, to observe that week with educational efforts, ceremonies, and other appropriate activities which—

(a) are designed to call public attention to the urgent need to have our historic landmarks for the enjoyment and edification of the citizens of this Nation, present and future; and

(b) will demonstrate lasting respect for this unique heritage.

JIM THORPE DAY

The joint resolution (S.J. Res. 73) to authorize the President to proclaim April 16, 1973, as "Jim Thorpe Day" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S.J. RES. 73

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) in recognition of Jim Thorpe having been chosen the greatest athlete in the first half of the twentieth century by the Associated Press, (2) in appreciation for the standards of excellence set by Jim Thorpe which have taught all Americans to recognize the innate dignity of their fellow citizen, the American Indian, (3) in recognition of Jim Thorpe's example of overcoming social and economic barriers to achieve excellence, and blazing a trial for other talented minority Americans, and (4) in honor of the recognition Jim Thorpe brought to all Americans with his triumph at the 1912 Olympics, the President is authorized and requested to issue a proclamation designating April 16, 1973, as "Jim Thorpe Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. BARTLETT. Mr. President, the Senate today has passed Senate Resolution 73, a bill requesting the President to name April 16, 1973 as National Jim Thorpe Day.

The significance of the bill surpasses the naming of a date after this great American. The passage marks one more step in the restoration of the good name of Jim Thorpe.

Jim Thorpe overcame severe social and economic barriers to become the greatest athlete of our time. He was selected the greatest football player of the first half of the 20th century and the greatest male athlete. At the 1912 Olympics, he won both the pentathlon and the decathlon, a feat not accomplished before or since.

In 1913, Jim Thorpe's medals were taken away because in ignorance, he had participated in semipro baseball prior to the Olympics. Thereafter, the 2d and 3d place finishers behind Thorpe in the Olympics refused the gold medals saying they belonged to no one but Jim Thorpe. The medals have never been restored.

The Jim Thorpe Memorial has been established to carry on the name and achievements of Jim Thorpe and to foster the standards of execellence which he advanced.

On April 16, the Jim Thorpe Memorial Commission will held their annual banquet honoring Jim Thorpe and the outstanding high school athletes in Oklahome. All Americans should pause on that date in appreciation for the hope and inspiration that this Sax and Fox Pottawatomie Indian gave to all of us.

NATIONAL HUNTING AND FISHING DAY

The joint resolution (H.J. Res. 210) asking the President of the United States to declare the fourth Saturday of September 1973, "National Hunting and Fishing Day" was considered, ordered to a third reading, read the third time, and passed.

Mr. SCOTT of Pennsylvania. Mr. President, if the distinguished majority leader will yield briefly, I want to clarify that National Hunting and Fishing Day refers to the hunting of game and the fishing for fish rather than the kind of hunting and fishing which is otherwise indulged here in the district of confusion.

Mr. MANSFIELD. Well, Mr. President, the Senator is entitled to his views, but I do not get the point. Whatever it is, however, I will be glad to join him.

Mr. SCOTT of Pennsylvania. I am saving the point for later.

[Laughter.]

Mr. MANSFIELD. All right.

Mr. McINTYRE. Mr. President, I want to acknowledge the fine efforts of my colleagues on the Senate Judiciary Committee in moving Senate Joint Resolution 24, National Hunting and Fishing Day, to the Senate for action.

Senate Joint Resolution 24 is a joint resolution asking the President of the United States to declare the fourth Saturday of September "National Hunting and Fishing Day."

I need not remind my colleagues of the millions of Americans that enjoy wholesome outdoor sports. Each year more than 15 million hunting licenses and 24 million fishing licenses are purchased. And each year half a million more individuals join these ranks.

For the privilege of hunting and fishing the participants pay nearly $200 million each year for licenses, tags, permits, and stamps.

These activities protect wildlife threatened with extinction and to reestablish breeds that are losing their battle for survival. One prime example of such ecological survival was recently shown in the Everglades where responsible local hunters and fishermen are still fighting to stop the pollution which threatens this area.

Mr. President, my bill recognizes these efforts and countless unsung efforts by outdoor sportsmen all across America.

I would also like to mention the outstanding work done by the National Shooting Sports Foundation and its president, Mr. Warren Page. Under Mr. Page's able leadership the foundation spent hundreds of hours and literally thousands of dollars in assuring the success of Hunting and Fishing Day.

Last year more than 400 publications joined in the promotion of National Hunting and Fishing Day.

Over 2,500 organizations sponsored "open houses" on September 23 and the programs were widely diverse presentations which included not only the usual sporting events, but programs of firearm safety and education as well.

The governors of all the 50 States endorsed the day and had celebrations in their own States.

Over 400 mayors proclaimed National Hunting and Fishing Days in their cities.

At least 4,000,000 Americans participated in various Hunting and Fishing Day activities last September.

Last year the Senate voted unanimously to celebrate National Hunting and Fishing Day. The bill then went to the House where it again passed unanimously. This year the bill has once again passed the House unanimously.

The success of the resolution in the House can largely be traced to the efforts of the bill's principal sponsor in the House, Congressman BOB SIKES. For the past 2 years Congressman SIKES has been the prime mover in the House and this year his bill was joined by 61 other Congressmen.

I am pleased to report that my colleagues here in the Senate have again this year responded to my bill to celebrate National Hunting and Fishing Day. The bill presently has the bipartisan support of 36 Senators.

Mr. President, at this point I read the names of the cosponsors of Senate Joint Resolution 24.

The Senator from Rhode Island (Mr. PASTORE), the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mr. BENTSEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Colorado (Mr. DOMINICK), the Senator from North Dakota (Mr. YOUNG), the Senator from Nevada (Mr. BIBLE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Maine (Mr. HATHAWAY), the Senator from Illinois (Mr. STEVENSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Arizona (Mr. FANNIN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Arizona (Mr. GOLDWATER), the Senator from Alaska (Mr. GRAVEL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Rhode Island (Mr. PELL), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. MOSS), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Mexico (Mr. DOMENICI), the Senator from Maine (Mr. MUSKIE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Wyoming (Mr. HANSEN), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Minnesota (Mr. MONDALE), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. BUCKLEY), the Senator from North Carolina (Mr. ERVIN).

I would like to add a word about the diversity of sponsors of National Hunting and Fishing Day. This year, as last year, the supporters cover a wide range of organizations interested in outdoor activities.

For example, the steering committee for National Hunting and Fishing Day is cochaired by Mr. Ray Hubley, Jr., executive director of the Izaak Walton League of America and Mr. Thomas L. Kemball, executive vice President of the National Wildlife Federation.

Other members of the steering committee represent the National Recreation and Park Association, the International Association of Game, Fish and Conservation Commissioners, the Wildlife Society, the National Future Farmers of America, the Outdoor Writers of America, the Boy Scouts of America, the National Rifle Association, the American Forestry Association, the Association for Health, Physical Education and Recreation, and the National Association of Conservation Districts.

I am confident that National Hunting and Fishing Day this year will be celebrated with an even greater spirit than the one that made it so successful last year.

I am pleased that the Senate has acted.

NATIONAL ARTHRITIS MONTH

The Senate proceeded to consider the joint resolution (H.J. Res. 275) to authorize the President to issue a proclamation designing the month of May 1973, as "National Arthritis Month."

Mr. ROTH. Mr. President, I would like to urge other Senators to join me today in support of House Joint Resolution 275, designating the month of May as "National Arthritis Month." This is the House version, introduced by Representative HOWARD of New Jersey, of my Senate Joint Resolution 80. Senate Joint Resolution 80 enjoyed the cosponsorship of 49 of my colleagues, whose names it is my pleasure to list at the conclusion of these remarks. I would like to make special note, however, of the cooperation of two distinguished members of the Judiciary Committee, Senators HRUSKA and MCCLELLAN, in moving this proposal to the floor.

A similar resolution creating May as "National Arthritis Month" was passed by the Congress and signed by the President in 1972. It is, however, especially important that national concern be focused on this serious chronic disease this year since 1973 marks the 25th anniversary of the Arthritis Foundation. This organization is the primary private source of research and training funds in the effort to alleviate the human and economic losses inflicted by America's second most common chronic illness.

Mr. President, there is no question that the Congress must make a hardheaded review of the great number of Federal health programs created over the years. In attempting to strengthen our effort to improve the health of all Americans, we need to make sure that we direct our energies and resources against the illnesses which cause the greatest human and economic damage to our people. Arthritis and rheumatic diseases affect the lives of at least 20 million Americans. It brings physical and mental suffering to more Americans than any other disease except heart disease.

While the most common form of arthritis is associated with growing older, various forms of arthritic and rheumatic conditions are experienced by people of all ages, including children. The costs to our society in economic terms of these diseases is staggering. Lost wages, medical costs, tax losses to governments, payments by the Veterans' Administration, and expenditures on "quack" remedies are all parts of this economic toll. The relatively great amounts of limitation of activity, bed disability, and hospitalization associated with arthritis and rheumatism go a long way in explaining its economic costs.

If our Nation is to better benefit from the physical and mental contributions of the victims of arthritis and rheumatism, our battle against these curses must be more effective. It is a truism that the growth of a nation's wealth and well-being depends significantly on the maximizing of its human resources.

A recent survey conducted by the Arthritis Foundation makes clear the inadequacy of facilities and personnel to

treat the numerous Americans unfortunate enough to suffer from arthritis. Given the very real costs of this disease, expenditures on improvements in the treatment available can be readily justified in human and economic terms.

In conclusion, Mr. President, I urge the adoption of House Joint Resolution 275.

Mr. President, I ask unanimous consent that the list of cosponsors of my companion Senate Joint Resolution 80 be printed in the RECORD at this point.

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

COSPONSORS OF SENATE JOINT RESOLUTION 80

Mr. Allen	Mr. Humphrey
Mr. Baker	Mr. Hollings
Mr. Bartlett	Mr. Javits
Mr. Bayh	Mr. McGee
Mr. Beall	Mr. McGovern
Mr. Bennett	Mr. McIntyre
Mr. Bible	Mr. Muskie
Mr. Biden	Mr. Pastore
Mr. Brock	Mr. Pell
Mr. Buckley	Mr. Percy
Mr. Burdick	Mr. Ribicoff
Mr. Cannon	Mr. Scott (Pennsylvania)
Mr. Cranston	Mr. Sparkman
Mr. Dole	Mr. Taft
Mr. Domenici	Mr. Talmadge
Mr. Dominick	Mr. Thurmond
Mr. Ervin	Mr. Tunney
Mr. Fannin	Mr. Williams
Mr. Fong	Mr. Young
Mr. Gurney	
Mr. Hartke	

The bill was ordered to a third reading, read the third time, and passed.

NATIONAL CLEAN WATER WEEK

The joint resolution (H.J. Res. 437) to authorize the President to designate the period beginning April 15, 1973, as "National Clean Water Week" was considered, ordered to a third reading, read the third time, and passed.

Mr. SCOTT of Pennsylvania. Mr. President, I understand that this particular bill is applicable only to water and does not generally refer to numerous requests now current in Washington to "come clean" generally.

Mr. MANSFIELD. Amen.

GI'S IN GERMANY

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD three articles on the subject "GI's in Germany," written by Mr. Gene Oishi, a reporter who formerly covered the Senate, and published in the Baltimore Sun on April 8, 9, and 10, 1973.

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

NOISY U.S. HELICOPTERS PROMPTING INVITATION FOR YANKEES TO GO HOME

(By Gene Oishi)

ERLENSE, WEST GERMANY.—"The anti-American mood is palpable and more and more so every day. The helicopter noise forces doctors to interrupt examinations and to prescribe sedatives for adults and children alike. Helicopters flying over the area in formation often make verbal communication impossible and give the impression that this city is being attacked by air fighters."

So wrote Mayor Erich Woerner earlier this year to Georg Leber, the West German defense minister. The helicopters he referred to belong to a United States Army aviation battalion stationed at the nearby Langendiebach airfield, Langendiebach.

Last fall, a company of Cobra helicopter gunships—the type used in Vietnam—was transferred there as well, adding to the air activity over this growing surburban community.

This controversy over the "noise pollution" created by U.S. forces can and has been characterized as tempest in a teapot. But it is one of the several examples of how sociological, economic and political developments in West Germany are combining to make continued U.S. military presence in Europe difficult.

When U.S. forces took over the Langendiebach airfield in 1945, Erlensee was a sleepy, rural community of less than 2,000 inhabitants. The airfield itself was isolated and the aircraft operating from it provided villagers with an element of diversion in an otherwise hundrum existence.

Since then Erlensee, as well as Bruchkoebel, a village on the opposite side of the airfield, have grown into suburban communities of more than 10,000 persons each. They are part of the fast-growing metropolitan area encompassing Hanau and Frankfurt.

Not only are the residential communities beginning to press against the airfield but so too is Hanau's industrial development, which will create in turn even more demand for residential housing in the area.

If the Langendiebach airfield were simply a landing and takeoff point, the annoyance it causes the surrounding communities would not be nearly so great. But it is also an exercise and training area for more than 100 U.S. helicopters now stationed there.

"They are engaging in training exercises right over our heads," complained Martin Woythal, the administrator of the Hanau district—roughly equivalent to a county—in which the Langendiebach airfield is located. "I understand that the Americans are here to fulfill their NATO commitment, but what good is defense if it is making the defended people sick?"

Mr. Woythal said he has been trying for five years to get the Americans to take measures to reduce the noise levels from their helicopters. Instead, even more helicopters were brought in.

When he discovered earlier this year that the U.S. Army had plans to extend the runway at the airfield, the district administrator called a press conference to denounce the move and boycotted the German-American Friendship Week activities.

When the federal defense minister, Mr. Leber, publicly apologized to the Americans for Mr. Woythal's behavior, he touched off still another flap. In some quarters, Mr. Leber's apology was taken as improper federal interference in local affairs, kowtowing to the Americans and "a stab in the back" of the district administrator.

The U.S. Army, meanwhile, tried to explain that the 1,000-foot extension of the runway would not require an enlargement of the airfield, but had to acknowledge that it would require some topping of trees in the adjacent woods.

The Army said that the extension was needed to provide an additional safety margin for the few fixed-wing aircraft operating from the airfield.

It also tried to scotch rumors that there were plans for bringing in jet aircraft, but met with only limited success.

Friday, the Army announced that it had abandoned plans to lengthen the runway. Lt. Col. Donald R. Bausler, the commander of the aviation battalion stationed at the field, said he considered the protests against noise "a valid complaint."

Military authorities said some planes would be moved from the airfield and the restationing of other planes and units would be studied. Restrictions were placed on night and weekend flights.

Still another measure, requiring all helicopters to remain at least 1,500 feet above Erlensee when making landing approaches, is causing discontent among the pilots.

To keep within the new regulation, say the pilots, they must bring their helicopters almost to the edge of the field at an altitude of 1,500 feet, then go into a sharp 600-foot drop before entering a normal glide pattern.

The 5th Corps headquarters in Frankfurt maintains that the new landing procedure is safe and that it has been approved by the European Command Safety and Standardization Board. But the pilots sharply disagree.

Should there be an engine failure during this 600-foot drop, they say, the helicopter is almost certain to crash or, to put it in a helicopter-pilot jargon, the aircraft is momentarily in a "deadman's curve," with not enough forward motion to make it glide.

"Somebody's going to have to get killed before there's a change," said one pilot.

Others say bitterly that the Germans do not seem to mind helicopter noise—when the aircraft provide local residents with emergency air-ambulance service or when they ferry GI's to the wine country across the Rhine to help with the grape harvest.

Germans, on the other hand, insist that there is no anti-Americanism involved in the protests. They said they would be protesting just as much if it were the West Germany Army flying the helicopters.

At a protest rally at the airfield last month, some demonstrators carried signs in English reading: "Protest Against Noise, Not Against Soldiers."

But there are other factors involved besides noise. One element is a feeling—encouraged by some of the more leftist elements in the area—that what appears to be an enlargement of U.S. forces is inconsistent with the general atmosphere or detente in Europe.

Another is that because of the growing Germany prosperity, U.S. military presence is diminishing as a factor in the local economy.

As one area commander put it, after the war most German communities welcomed the well-heeled GI who had dollars to spend in the local shops and taverns.

"Nowadays," he said, "everybody agrees that American soldiers are needed in Germany, 'but not in our town.'"

Mayor Woerner of Erlensee, for example, has suggested that the helicopters be moved to Giebelstadt, in the neighboring state of Bavaria, but the proposal has fallen on deaf ears.

Another incipient point of controversy in the Hanau area is the 285-acre U.S. Army training area right in the middle of the burgeoning suburban community of Grossauheim.

The U.S. Army is sitting on some prime real estate, which developers would like to get their hands on. But a proposal to provide the Army with a substitute area further north was met with such howls of protest from the community neighboring the proposed new training area that the idea had to be dropped.

As the *Frankfurter Allgemeine*, a major German daily, noted recently, municipal politicians at one time vied with other communities to get the military installations they now have, "but the situation has now changed. Where there formerly was competition for the military, people now want to get rid of it."

ARMY FINDS SPACE IS A PROBLEM

(By Gene Oishi)

NUREMBERG, WEST GERMANY.—"An army needs room to swing its arms," said the training officer at Merrell Barracks but a drive around this United States Army installation made it clear that there was barely room to wiggle a finger.

Merrell Barracks itself has long been surrounded by German housing developments, but now the urban growth is fast encroaching on the adjacent Maerzfeld area the training ground for Merrell Barracks.

Grundig, the German electronics firm, has constructed a plant there which is still expanding. Numerous high-rise apartments have sprung up and the entire area is characterized by civilian construction activity of all sorts.

TRAINING IMPAIRED

Merrell Barracks, in short, appears to be another prime example of how German prosperity and urban development are hemming in the Americans to the point where their ability to train and retain combat readiness is being impaired.

The effect on the German populace is that the U.S. Army installation is becoming more and more an irritant, an eyesore in the middle of a fast-developing residential-industrial complex on the southern outskirts of this booming city of a half-million inhabitants.

An added annoyance is that property values in the area are rising fast and the U.S. Army is taking up land worth an estimated $10.5 million, depriving the local government of a rich source of tax revenue.

The Nuremberg city government has long been urging that the U.S. Army vacate Merrell Barracks and relocate elsewhere. The Army has replied that it would have no objections to getting out of Merrell Barracks, if the West German government provides it with a suitable substitute in accordance with the German-American status-of-forces agreement.

Bonn, so far, has taken no position on the matter in view of the enormous cost of relocating the 1,700 American troops at Merrell.

An alternative facility would require not only living quarters for the troops, but ammunition dumps, fuel storage facilities, officers and enlisted men's clubs, a post exchange, commissary, a service club, bowling alley and a post movie theater, to mention only some of the U.S. Army requirements.

It is also possible that living quarters for married men and their dependents would have to be found or built if the new installation is too far from existing ones.

Cost, however, is only one of the problems. Most cities would like to get rid of the Army installations they already have and would protest getting any more. Putting them out in the "boondocks." Army sources point out, would create morale problems for the troops.

And besides, there are few boondocks left in West Germany.

West Germany, it is noted, is approximately the size of Oregon. Whereas Oregon has a population of 2 million, West Germany's is 60 million. U.S. forces, moreover, are located only in the southern half of West Germany—in the American Zone—and it is no easy task to find training areas for the estimated 180,000 U.S. Army troops.

RESIDENTS PROTESTED

How difficult the problem can be also was demonstrated here in Nuremberg.

As pressure for housing and commercial development grew around Merrell Barracks, the U.S. Army agreed to abandon its use of the adjacent Maerzfeld area as a training and exercise ground for its artillery units.

The replacement was supposed to be a 175-acre parcel of woods about 10 miles from Merrell Barracks, near the small community of Feucht. But the residents of Feucht, as well as Nuremberg itself, raised such a storm of protest that the West German Defense Ministry announced earlier this month that the project has been abandoned.

It was the Feucht controversy that was featured in a Columbia Broadcasting System television special on the growing anti-Americanism in West Germany.

PROTECT RECREATION AREA

Leaders of the protest movement insisted that there was nothing anti-American in their action. It was merely a matter of keeping their woods untrammeled by Army tanks and retaining them as a recreational area for city dwellers, they said.

The Army tried to assure the local residents that no tanks would go into the area, but had to acknowledge that about 48 tracked vehicles, including 12 self-propelled howitzers, would be involved. Some thinning of trees also would have been required.

The Army had promised to use the training area no more than 150 days a year and never on weekends or German holidays There would be no firing of live or blank ammunition, and the area would be open to the public whenever it was not being used by the Army.

MARCH ON EMBASSY

The citizenry, however, would not be appeased. Before the U.S. Army backed down altogether, the streets of Feucht were lined with posters reading: "Tanks, Not Before Our Doors."

At the height of the controversy 13 busloads of Feucht residents went to Bonn to demonstrate before the West German Defense Ministry and the American Embassy. One of the leaders of the group, Ewald Schusser, an insurance salesman, was anxious to show that there was no anti-American feelings involved.

"At the American Embassy we were allowed on the lawn to carry out our demonstration and present our petition," he said. "At the German Defense Ministry we were met by barred gates. That's the difference between American and German democracy."

PROBLEM UNSOLVED

In any case the protest was eventually successful in keeping the Americans out of Feucht, but the problem of finding another training area remains unsolved.

Maj. Gen. Adrian St. John, commander of the 1st Armored Division in charge of the area, noted that heavy training can and is carried out at Grafenwoehr, one of the major troop-training areas in West Germany, about 65 miles northeast of Nuremberg.

But to maintain combat readiness and to meet U.S. Army and NATO standards, he said, the troops must engage in regular drills with their artillery pieces, though it is not necessary actually to fire them.

For such regular practice, a nearby site, preferably within 12 to 13 miles of the base, was required, the general said, adding that a nearby training area, familiar to the troops, also was needed as a dispersal area in the event of an actual attack.

NOT ISOLATED EXPERIENCE

If the Feucht experience were an isolated one, it would be only of passing interest. But it is one that is being repeated, to a greater or lesser degree, in virtually every area where American troops are stationed in West Germany.

In the Ansbach area, where the 1st Armored Division headquarters are located, for example, there is strong local pressure to relocate an American training ground. General St. John has told the Germans he would be glad to accommodate them, but the problem remains the same—to find a substitute area.

In the neighboring state of Hesse, the Hanau area has an almost identical problem of an American training place hemmed in by housing developments. Similar problems have cropped up in the state of Baden-Wuerttemberg around the metropolitan area of Stuttgart.

COMPLICATING PRESSURES

So prevalent are current problems, and so predictable are future ones, that the U.S. headquarters in Heidelberg and the West German Defense Ministry plan a joint committee to study the long-range implications of a continued American presence in West Germany.

This study will be complicated by the pressures within the United States for reducing U.S. forces in Europe, as well as by the uncertainties of the prospective East-West negotiations for mutual force reductions in Central Europe.

Another, more subtle, complication is the psychological change in U.S.-German relations. Those who protest the "noise pollution" and the "ecological" damage caused by American forces insist that there is nothing anti-American in their action.

LESS TOLERANT NOW

While the assertions are no doubt sincere, it seems clear that the level of tolerance for the annoyances caused by U.S. forces has dropped significantly.

While many Germans will say they merely are being more openly critical of their American partners, the criticism is manifesting itself in organized opposition and demonstrations against specific U.S. Army operations, causing cancellation of some, and major changes in others.

U.S. forces controlling large parcels of valuable real estate in the middle of urban developments constitute another sore point. The situation has prompted some state governments to levy taxes on American installations that have no clear-cut military functions, such as post exchanges, commissaries and recreation facilities.

The bill would amount to about $1 million a year, with $10 million in back taxes. So far Washintgon has refused to pay, but the matter remains simmering as another potential area of controversy.

AS THE DOLLAR ERODES, U.S. TROOPS BECOME PAUPERS IN A STRANGE LAND

(By Gene Oishi)

Bonn Bureau of The Sun

BONN.—The day of the almighty dollar is over and few regret the passing more than the American GI's stationed here in West Germany, the "economic wonderland."

The decline in spending power among GI's and the corresponding rise in the West German standard of living has had a real as well as a psychological effect on the Americans and their West German hosts.

The American soldier, with dollars in his pocket, was at one time not an insignificant element in the economies of garrison cities, towns and villages.

But in prosperous West Germany, the economic attractiveness of the GI's appears to have diminished to the vanishing point, a development that has added to the impression of West Germany.

Seen from the point of view of the GI's, service in West Germany has become less attractive, both socially and financially.

Conversations with American soldiers at several Army installations in West Germany did not indicate any increase in anti-American feelings.

Some soldiers said they got hostile stares and gestures, and one GI said he was once spit at, but they were quick to add that such incidents were rare.

The consensus appeared to be that GI's were neither especially liked nor disliked and there was little change in the West German attitude. But these observations were made by soldiers who have been in West Germany from six months to two years.

Old-timers who served there in earlier times saw bigger changes. They said, for example, that the GI is no longer the affluent individual sought after by local merchants, restaurants, taverns and girls.

Younger soldiers, who have no knowledge

of what GI life was like in West Germany 20 years ago, looked befuddled when they were asked whether they ever dated West German girls. Many never even considered the possibility.

A more obvious change even to the young soldier are the effects of devaluation.

Not only does he get fewer deutsche marks for his dollars, but prices at Army facilities, such as the commissary, the post exchange the barber shop, the snack bar, enlisted men's and officers' clubs, have gone up from 10 per cent to 15 per cent during the last month.

All of these facilities have become more expensive to operate because most of their supplies are obtained within Europe and many of the employees are West German nationals who get paid in deutsche marks.

Hardest hit are low-ranking enlisted men who live "on the economy" with their families. The living standard of these GI's—there are about 36,000 of them in West Germany—was first hit hard by the December, 1971, devaluation.

INFLATION OVER 5 PERCENT

Since then, there has been another dollar devaluation, plus an upward revaluation of the deutschemark. Inflation in West Germany, moreover, has been running between 5 per cent and 6 per cent a year.

According to Army estimates, the cost of living for these non-command sponsored soldiers has gone up by 23.5 per cent in the last 18 months.

One soldier wrote to the *Stars and Stripes*, the armed forces newspaper:

"The rapidly declining dollar has caused the European tour to be a financial disaster for the individual serviceman. I urge all servicemen to correspond with their representatives and ask for their vigorous support of Senator Mike Mansfield's proposal to reduce European troop strength by 50 per cent through legislation."

Many young soldiers, moreover, are planning to send their wives back to the United States because they can no longer afford to live together during their overseas tour.

For noncommissioned officers, officers and single soldiers, the devaluation means cutting back on recreational spending.

A sergeant with 13 years' service, said, "I'll tell you exactly what devaluation has cost me—a trip to Spain."

A captain living in Heidelberg with his wife said he used to eat out at least once a week. Now, they go out only once a month.

Several West Germans commenting on the cool relations between their people and American soldiers blamed the Americans for sticking to their "ghettos" and not venturing out into the community.

The effect of the devaluation, however, is to draw the American servicemen tighter within their own posts and housing areas, their bowling alleys, their theaters and their enlisted men's and officers' clubs.

Even after the recent increases, the prices there remain substantially cheaper than those prevailing within the West German economy.

The effect on the West German public is a further change in the GI's image—from an affluent big spender to one whose status is comparable to a working-class individual.

Whereas at one time the West Germans were full of wonder for the massive American wealth that overflowed into West Germany, the series of so-called "dollar crises" have created an impression that the flow has been reversed.

"NOT VERY IMPRESSED"

In any case, as one American observed, "A German riding around in a spanking new Mercedes is not very impressed with the GI who drives a 10-year-old Volkswagen, if he has a car at all."

With much of the economic incentive for having American soldiers gone, many West Germans appear to be growing less tolerant of the "noise pollution" and "ecological" damage caused by U.S. forces.

While it appears to be true that only a small minority of leftists favor complete withdrawal of U.S. forces, the supposedly pro-American "silent majority" also is getting less silent about the need to relocate American installations and training areas away from their own communities, though not out of the country.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Mr. Edward Kenney, of the staff of the Committee on Armed Services, be allowed the privilege of the floor during a colloquy in the Senate this afternoon.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. Does the minority leader desire recognition?

Mr. SCOTT OF Pennsylvania. No; not until after the conclusion of the special orders.

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

Mr. THURMOND. Mr. President, the distinguished floor leader on this side of the aisle has another engagement. I will first yield to him.

Mr. SCOTT of Pennsylvania. Do I correctly understand that the Senator has a request to make, or has it already been made, regarding the presence on the floor of the Senate of an assistant?

Mr. THURMOND. I have already made the request.

Mr. SCOTT of Pennsylvania. I thank the distinguished Senator. My remarks will be in line with what the Senator intends to say and what is also planned to be said later by the assistant minority leader, the distinguished Senator from Michigan (Mr. GRIFFIN).

THE MAINTENANCE OF A STRONG DEFENSE

Mr. SCOTT of Pennsylvania. Mr. President, today, several of my colleagues will emphasize the need for this Nation to maintain a strong defense. I commend these Senators for articulating this position. I commend them for speaking out on a subject that too often is misunderstood by those who want to misunderstand it.

I join the Senators in urging that a balanced system for defense be maintained. At the same time, I ask those who wish to cut the defense budget drastically, and those who wish to increase it drastically, to proceed with caution in their respective deliberations.

It is well known that President Nixon has turned the tables on the division of the dollar for defense spending and human needs. His first year budget spent 44 cents of the dollar for defense and 34.4 cents for human needs. This represented substantially the percentage that existed in previous administrations. His budget request this year shows 30.2 cents of the dollar going for defense and nearly 47 cents for human needs. This is a dramatic shift of emphasis, and should be recognized.

The President's budget, in fact, makes defense spending the lowest percentage of the tax dollar in 22 years. Moreover, it gives a new, and much longed for, peacetime focus to defense spending, and one that is equitable to those serving in the military of this Nation.

First of all, the 1974 budget reduces by a third from 1968 levels, the number of military and civilian personnel under the Department of Defense. Second, the All-Volunteer Army is provided an adequate wage as an incentive to those serving their country. In the past, the young men in the military service of this Nation bore the cost of defending their Nation's interest in a time of war. The President's budget equitably raises military pay for the All-Volunteer Army as an incentive for joining.

Nearly all of the $4.7 billion increase in the Department of Defense budget is attributable to these pay increases and the rise in prices, nearly $3 billion for the All-Volunteer Army.

We have heard the charge of an increase in defense spending. As a matter of fact, the budget for defense over the last several years has remained quite stable and has represented actual reductions, in many cases, including a reduction in the cost of operations in Vietnam, from nearly $30 billion to a very low projected figure for the future, incident to the cost of terminating our military connection in Southeast Asia.

The increase in the budget this year is, therefore, occasioned almost entirely by the action of Congress itself, an action which I think all of us supported—namely, to increase the pay in the Armed Forces. For example, the pay in the lowest ranks, beginning with private, are much more generously increased than the pay in the higher ranks; and this, too, was felt to be entirely equitable. But in doing this, Congress, by its own act, increased the defense costs of the Nation; and the President can only administer this law, and does administer it, with the net effect that, for the first time in 4 years, there is a moderate increase in the defense budget.

In the coming budget, the President is asking for $11.7 billion more than in the present budget, the last one, and most of that $11.7 billion is for increase in domestic needs. The $20 billion or so increase which will be represented between the $250 billion budget and the second budget coming of $288 billion will again represent the recognition of the Government for the expanding needs and the expanding costs for these needs in the domestic areas.

It would be the most utter folly for us to divest ourselves of our defenses or to fail to be prepared, through the development of new weapons, for the expanding weapons technology and weapons accumulation of other nations. Our only hope of securing a reduction of offensive arms in SALT II, in the negotiations now going on, is for us to have something with which we can bargain. If we have an obsolete navy, an obsolete air force, and an obsolete army, those with whom we are bargaining are not going to be very

much impressed with our determination to preserve the security of the United States. Obviously, we should not contribute to an escalating, spiraling arms race beyond the reasonable requirements of national defense. But to fail to do anything other than to stand in place with present equipment is not to stay equal but to fall back, and to fall back so substantially as to lose our entire bargaining power in these essential negotiations.

We would be weakened with SALT II, we would be weakened with the European Community Conference, we would be weakened in NATO, and we would be weakened in the attitudes of other nations toward ourselves if we did what we so deplorably did prior to World War I, prior to World War II, and prior to the Korean war.

Therefore, I hope that, while we are very careful about the development of our national defense, we will not sacrifice the security of the country because of the pleas of some that we should take the money out of defense and that what we take out of defense can be used to finance what are then designated as social needs. We should finance these social needs and we should meet those problems, but we should not meet them at the expense of the defense budget.

The defense budget and the foreign assistance budget have no constituencies in this country. They become the scapegoats. That is the area in which someone wishing to justify an unconscionable increase of $1 billion or $2 billion in some other program uses the defense budget as a scapegoat, in order to pull the wool over the eyes of the American people and to make them think that vast increased expenditures are not costing this country anything. On the contrary, they are costing us in additional taxes, they are costing us in inflation, and they certainly are costing us in national security if we falter or fail or retreat from a wise national security stance, which we were advised to have by President George Washington and by every President thereafter.

It is clear we must stay within the income of the country to avoid a tax increase. The President has stressed this many times. I have brought this to the attention of my colleagues on numerous occasions, and they bring it to our attention as well. We can cut Federal spending in either the domestic area or the military. Those are the options. Whatever we do, we must do it cautiously. We must do it thoughtfully, and with a clear understanding of the facts.

I commend the distinguished Senator from South Carolina for having suggested the use of this time to bring to the attention of the Senate and the American people the essential—indeed, the fundamental—importance of the maintenance of a strong national defense; because, as a man keepeth his house, as the Bible says—I am paraphrasing, of course, and rather badly—so shall he be judged. That is not the exact wording, but it is the sense. If we do not keep our own house safe, no one else will regard us as a safe house. If we do not preserve our position in the world, other nations not only will not respect us but also will ultimately rise to a supremacy beyond the strength of the United States to cope with the future emergencies in the world.

Mr. GRIFFIN. Mr. President, will the distinguished minority leader yield to me?

The ACTING PRESIDENT pro tempore. The Senator from South Carolina has the floor.

Mr. SCOTT of Pennsylvania. I yield the remainder of my time to the Senator from South Carolina, and he can yield to the Senator from Michigan if he wishes.

Mr. THURMOND. Mr. President, I yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. I thank the distinguished Senator from South Carolina for providing the leadership for this series of speeches today. I join him and the distinguished minority leader in the points which have been made.

Mr. President, 15 minutes has been reserved in my name; but in order that some other Senators may speak, I ask unanimous consent that my time may be transferred to the control of the distinguished Senator from South Carolina.

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

Mr. THURMOND. Mr. President, I understand that the remainder of Senator SCOTT's time has been yielded to me and that the remainder of Senator GRIFFIN's time has been yielded to me—that is 45 minutes in all—and I now yield to the distinguished Senator from Arizona (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. President, I thank the distinguished Senator from South Carolina, whom I look upon as one of the experts in this field on the Committee on Armed Services and in the Senate.

At the outset of my few remarks, I should like to comment on the oftenmade charge that those of us on the Armed Services Committee seem bent on defending the military. I suggest that that should come naturally to any Member of this body and naturally to any American citizen. The mere fact that some of us—in fact, most of us—in this body have served in the armed services should not cause others to say that we are prejudiced in favor of the military in spite of anything they might do.

I think it is wise to have men on committees who have some expertise. As I look at the Judiciary Committee and realize the distinguished lawyers on that committee and as I look at the Agriculture Committee and realize the number of agricultural people on that committee, I am very grateful that we laymen, so to speak, have access to that knowledge.

I want to comment on the remarks of the distinguished Senator from Pennsylvania relative to the absolute necessity of keeping America strong. Being a conservative, I like to go back and look at history, and I can recall when the United States had the strength. We prevented trouble in Lebanon. We prevented trouble in the Formosa Straits. We prevented missiles from being erected on Cuban soil. When the current President of the United States finally used the full weight of our military might in North Vietnam, that war promptly came to an end.

In other words, Mr. President, history should have taught all of us, whether we like it or not, as distasteful as it is, that the only way in this tough world to preserve peace is by being ready to fight for it. I do not mean just being ready in the number of men, but ready from the standpoint of equipment, training, and technology.

I think it is long past the time when it should be understood that in this world the struggle is between those who would have slavery and those who would have freedom. To me there is no greater priority that we should have than freedom. What good does it do for us to have all the answers on health, education, and welfare, and urban renewal, streets, roads, and sewers, if we are not a free people? It does not mean a thing. I hear my colleagues talk about reshuffling the priorities. I would like to know where they place freedom. Is it behind all these other things or is it in the forefront?

We recognize from the leaders of movements around the world, and I use that phrase advisedly, that there is no monolithic structure of communism; we have as many types as there are leaders practicing it and people following it.

There are certain things we have to realize in this debate. This matter will be brought up time and again and I hope we can make our colleagues listen to these facts. We cannot bring out all the facts because of classification. But I am afraid we have a Navy that is no longer first in the world. We have a Navy where the average age of a ship is almost 24 years and the age of retirement of a ship is 25 years. We have not had a new battle tank since the Korean war. We have not added new fighter planes in the last 15 years, and we have not added any new bombers in the last 22 years. At the same time the one strong potential enemy we have, an enemy that I keep hoping we will find on our side some day, the Soviet Union, has built up its fleet to where they are superior to us, they have built up their air force to where they are superior in numbers. The only thing that causes me to say they are not superior in performance is that our pilots in the Navy, Army, Marines, and Air Force have had far more practice than the Soviets, so I would put them ahead, but not for long.

In technology the Soviets are not standing still, while our technology is beginning to decay because we have people in our country who insist that we not spend more money for research and development, and who see no military need beyond the rate at the present time. We are spending a smaller percentage of our gross national product on the defense of this country than at any other time in modern history. That would include the entire length of this century so far.

Mr. President, I am pleased to join the distinguished Senator from South Carolina whose long years of experience in the Army and in the reserves have given him the right and the knowledge to speak out on the subject he addresses himself to today. I repeat what I said

at the outset. Most Members of this body served in uniform. Some in this body think it is a disgrace to serve in uniform. Others think that we who serve on the Committee on Armed Services should commit ourselves to silence when the military is attacked. We do not buy that idea, and in the coming weeks and months when we are debating the appropriation bills I intend to speak out on it because I do not want to see my country unable to stand up to the promises we have made to our people, or the preamble of the Constitution which we are sworn to uphold, or Declaration of Independence.

Mr. President, I thank the distinguished Senator from South Carolina for yielding.

Mr. THURMOND. Mr. President, I wish to thank the distinguished Senator from Arizona for those excellent comments. The Senator from Arizona is a military expert. He served for many years in the Air Force, he is a hard-working member of the Committee on Armed Services, and he has made a very fine contribution to our country and to our national defense.

I also wish to express appreciation to our able and distinguished minority leader for his remarks this morning. Few Members in the Senate have traveled over the world and understand the situation as does the distinguished Senator from Pennsylvania (Mr. SCOTT). When he speaks, it is with authority. We are grateful for his very fine remarks.

Mr. President, I yield to the Senator from North Carolina (Mr. HELMS).

Mr. HELMS. Mr. President, I thank my able colleague from South Carolina.

Mr. President, I wish to join my distinguished colleagues in emphasizing the imperative nature of a strong defense posture for our Nation. This is the only hope for liberty in the world. I commend my colleagues for their forthright and eloquent expressions which set the record straight concerning defense spending as related to total Federal spending.

This needs to be done constantly, not just today, but every day. Mr. President, I am a strong supporter of an adequate national defense. I am proud that the vast majority of the people of my State recognize that national defense is the first constitutional obligation of our Government. The citizens of my State are prudent people, and they of course properly want a dollar's worth of defense for every tax dollar spent for defense. But they want freedom to continue in this world, and they recognize that America is the last, best hope for the survival of freedom for mankind.

I have at hand, Mr. President, some statistical information on the relative cost of national defense. Let us look at the fiscal year 1974 defense program. Defense spending of $79 billion in fiscal year 1974 includes:

For pay costs—$44 billion.

For purchases of goods and services from industry—$35 billion.

Every bit of Defense spending goes to one of these two places: pay or purchases. There is nothing else.

Pay costs cover the pay and allowances of military personnel—active, reserve, and retired—and civil service salaries. The rates paid are covered by law. The 1974 budget provides for 2,233,000 active-duty military personnel at June 30, 1974 and 1,013,000 civil service personnel—a total of 3,246,000 personnel. That is the lowest number of personnel since 1950. The 1974 manpower level is 1.6 million—one-third—below the 1968 wartime peak, and 474,000 below the 1964 prewar level.

We begin with the fact, then, that manpower costs account for over half of the 1974 Defense budget, and that manpower levels are at a 24-year low.

That leaves purchases of goods and services from industry—everything from missiles and aircraft to scotch tape and telephone bills—a total of $35 billion in fiscal year 1974. These purchases were $45 billion in fiscal year 1968, at the war peak, and $29 billion in prewar fiscal year 1964. If we adjust these figures from inflation—39 percent from fiscal year 1964 to 1974—we can express the figures in terms of real buying power. In terms of constant—fiscal year 1974—buying power, these purchases amounted to $40 billion in fiscal year 1964. The fiscal year 1974 budget provides $35 billion, a cut of $5 billion or 13 percent from prewar 1964. And fiscal year 1964 purchases were worth $57 billion at fiscal year 1974 prices; the fiscal year 1974 program—$35 billion—is thus 39 percent below the wartime peak in real terms.

Because so much attention is paid to the investment area of the defense budget—procurement, R.D.T. & E., and construction—I should note that the $35 billion in fiscal year 1974 purchases includes $23.6 billion for investment and $11.4 billion for operating costs—$23.6 billion, then, for investment. In dollars of constant buying power, we spent $42 billion at the war peak in fiscal year 1968—we are 44 percent below that level. Prewar, in fiscal year 1964, we spent $31.7 billion—we are down 26 percent from that level. And in fiscal year 1954, to go back 20 years, we spent $36.9 billion in constant prices—we are 36 percent below that level, in real terms.

In short, if one considers the two major parts of the defense budget in terms of what they will actually buy—in terms of manpower and purchasing power—he finds that we are in each case at the lowest levels for many years. In fact, in dollars of constant buying power, the fiscal year 1974 budget represents the lowest defense program since fiscal year 1951, before the Korea buildup took hold.

Let us consider forces for a moment. We had 18 Army divisions in the 1950's; 16⅓ in 1964; and 18 in 1968. In fiscal year 1974 there will be 13, the lowest since 1950.

So with aircraft carriers—24 in the 1950's and 1960's, 16 in 1973; and 15 in 1974—the same as 1950.

Commissioned ships in the fleet—973 in 1956; 917 in 1964; 976 in 1968; 586 now; and 523 in 1974—lower than 1950.

Fixed-wing aircraft—22,818 in 1950; 40,054 in 1956; 22,635 in 1964; and 14,134 in 1974.

Strategic forces are of course up from the 1950's but down, in quantitative terms, from the 1960's. Bear in mind also that in the late 1950's and early 1960's we invested an average of $13 billion per year in strategic forces, in constant prices. This fell to $7.4 billion in 1964, $6.1 billion in 1968, $5 billion in 1971, $4.5 billion in 1972, $4 billion in 1973, and $3.9 billion in 1974—70 percent below the level of the 1957–62 period. Consider this sharp and steady downward trend in the context of the fact that we force a much greater threat today. And please remember it the next time you hear the charge that we are pouring more money into strategic forces in spite of the arms limitation agreements.

I have mentioned several times that our manpower, and purchasing power, and our forces are at the lowest point since about 1950—before the Korea buildup.

It is necessary to recall for a moment the national security situation of that period. These were the Louis Johnson years. This was before the Communist attack in Korea; before we learned—in August 1949 or fiscal year 1950—that the Soviets possessed a nuclear weapon; and before we returned troops to the continent of Europe under the North Atlantic Treaty. It was in this frame of reference that the 1950 and 1951 national security programs were developed. And the fiscal year 1974 defense budget we are now considering is the lowest, in real terms, since that point in our history.

Mr. THURMOND. I wish to thank the distinguished Senator from North Carolina for his excellent statement. He is a very able Senator and he has a most promising future in the Senate.

Mr. President, I now yield to the distinguished Senator from New Mexico (Mr. DOMENICI).

Mr. DOMENICI. I thank the Senator very much.

Mr. President, it is a pleasure to join with my distinguished colleagues to talk a bit about the defense budget of the Nation.

Let me say at the outset that I represent a State that has a large and important scientific community that devotes a great deal of its energies to research and development. The State of New Mexico, for a small State in population, has a great reservoir of scientific research and development talent, and those in my State who are involved in this field have been in frequent contact with me regarding the present and future status of scientific research and development in this country.

I might say at the outset that when we look at America versus the world, it is very easy for us to conclude that what has made this country great in reference to other countries is basically its scientific research and development and through technological implementation of that research and development to keep this country ever providing new and better ways to do things for man.

I say that because whereas in the relationship of country to country and of man to man, of material wealth and production, we are quick to recognize what that research and development mean to this country, I hope we do not forget for one moment that the same

applies to the military strength of this country, because if we get behind or lag in research and development, the same thing will happen to our military posture as is happening to us now as countries begin to develop their research and development and apply technology in the nonmilitary field, when they begin to outproduce us, and we look at our basic research and development and technological skills in an effort to compete.

I say this because, when it comes to military strength, we may not have an opportunity to look and see, because so long as we are envied because of our great material wealth and capacity, so long as that capacity exists, we must remain strong militarily.

So, with that in mind and the fact that research and development is frequently a forgotten aspect, let me consider some of the research and development parts of the proposed budgets for 3 years.

The ACTING PRESIDENT pro tempore. The Senator's 3 minutes have expired.

Mr. DOMENICI. Mr. President, will the Senator yield me 1 more minute?

Mr. THURMOND. I yield 1 more minute to the Senator.

Mr. DOMENICI. I believe it is important to review the 1974 defense budget by looking not only at our needs in the coming fiscal year, but also at the future defense posture of this country for the next several decades.

I believe money appropriated for research and development is an investment in the future. The military strength we enjoy today is the product of research conducted as long as two decades ago. And our current R and D efforts will determine the character and quality of our military forces in the 1980's and, in some case, into the next century.

If we are to maintain our strong defense posture, we must recognize and support the on-going efforts to continually furthering our technological advances.

I am convinced that the current requests for R and D funding are not inflationary or excessive. In fact, the $8.6 billion that is requested is an increase of just $.6 billion over the amount appropriated by Congress in fiscal year 1973. Of this increase, more than half will go to meet the costs of higher prices and increased wages.

Of the five mission areas listed in the budget, there will actually be budgetary increases in only two—strategic systems and defense-wide systems. The other areas—tactical warfare, technology base, and management support and test ranges—will either remain the same, after being adjusted to inflation, or will be reduced.

Mr. President, a great deal of headway has been made in achieving peace in our world. And that has been made because we are a militarily strong nation.

The success in the SALT agreement depended not so much on our bargaining skill at the talks as it did upon our nuclear strength. And I believe the advances that our President has made in dealing with Russia and China have also been based upon those countries' knowledge that America has strong defenses.

I believe if we are to maintain this posture in decades to come, we must contribute to an on-going effort for research and development. A reduction in appropriations in this important area today will undoubtedly affect the posture of peace in the next decade and perhaps in the next century.

We are making great progress; we must continue by funding research at needed levels. Our national security and world peace for generations to come depend upon it.

We cannot look today and expect research and development to show up today, because much of our armament and our innovative procedures is the result of 20 years of research and development. So this is one that is easy to overlook, and it is difficult to measure. I hope we all agree that this meager increase in research and development is needed for America's long-range defense posture.

I thank the Senator from South Carolina for permitting me to join his colleagues in this discussion today.

Mr. THURMOND. I wish to thank the distinguished Senator from New Mexico for his able remarks and the fine contribution he has made to this discussion.

I now yield to the distinguished Senator from Wyoming 5 minutes.

Mr. HANSEN. Mr. President, I join my colleagues in this effort to set the record straight, and to comment on what most Americans already know to be the facts.

Few people that I know fail to realize that without the ability to defend them, we lose our cherished freedoms, we lose our free enterprise system that gives us the highest standard of living in the world, and we lose the great ability this Nation has to take care of its own and to relieve human misery wherever it is found.

Yet, some choose to distort the facts and figures when they look at the Federal budget that has been proposed by the Nixon administration.

Let us look at some figures.

Defense spending constitutes less than one-third of the fiscal 1974 budget. Four years ago, it consumed almost half the budget.

Spending for human resources, on the other hand, has more than doubled since 1968, increasing from $72.8 billion to $153.4 billion and changing places with defense as the budget's major component.

Assistance for the poor has increased 66 percent in 4 years; for the sick, 67 percent; for the elderly, 71 percent; and for the hungry and malnourished, an enormous 156 percent.

These figures, Mr. President, reflect a real concern for human need, and a willingness to take action.

Another difference between fiscal 1968 and fiscal 1974 is that each of these increased human resource dollars is being made to count for a good deal more. By reform and remodeling, President Nixon is seeing to it not only that the disadvantaged get more quantity of assistance, but also that they get more quality. If that were computed, the increases would be even greater.

The removal of middlemen and professional poverty brokers from the flow of assistance to the underprivileged is in itself an automatic increase in the volume of that flow.

An added bonus is the administration's plan to restore control and decisionmaking authority over the use of this assistance to the people in the streets and the countryside. Their fate will no longer be in the hands of social engineers in Washington whose principal concern is their own perpetuity.

All of which trebles and quadruples the ultimate effectiveness of the Federal effort to help the less fortunate of this Nation. And it does not penalize the taxpayer who has to pay for it. It seeks to eliminate wasting his money on overhead or raising his prices and his taxes to pay for well-meaning ineffectiveness.

At the same time, current defense spending is realistic. It is barely adequate to the enormous task still facing this Nation in making and keeping the peace. Without a strong United States, there can be no peace in the world. Any attempt to stunt our military strength threatens world peace and wipes out the substantial progress that has been made toward it in the past year.

The vocational rehabilitation bill veto debate last week was a very good case in point of what I am talking about.

A vote to uphold the President's veto was painted as callous and unconcerned about the handicapped of this Nation, as was the veto itself.

I submit the only unconcern displayed was for the facts of the matter. The President did not veto vocational rehabilitation nor did any of us vote against vocational rehabilitation. What was vetoed and voted against was one particular bill that plunged into the issue, substituting excess for effectiveness. A number of us support a different vocational rehabilitation bill—one we believe can provide orderly increases that will not fire the inflation that is as painful for the handicapped as for any Americans.

I thank my colleague.

Mr. THURMOND. Mr. President, I wish to express appreciation to the able and distinguished Senator from Wyoming for his fine contribution. Although he is not a member of the Armed Services Committee, he is well informed on military matters and he has the vision to see the importance of maintaining a strong national defense.

I now yield 5 minutes to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. HARRY F. BYRD, JR. Mr. President, the able senior Senator from South Carolina is rendering a very important service today in leading this discussion in regard to the need for a strong national defense.

Mr. President, in a very eloquent and able presentation a little while ago, the Senator from Arizona (Mr. GOLDWATER) documented the lack of modernization in many of our defense programs. I think it is just so vitally important that in this uncertain age, in this nuclear age, the

United States be in a position of strength, that it be in a position to safeguard our own freedoms, and that it be in a position, if it should become necessary, of helping other nations.

When we talk about national defense, we are talking about the security of the United States and we are talking about the security of the American people. And I submit that is something we cannot take chances with. We cannot cut the muscle of our defense. We can cut the fat, and we must cut the fat in the defense budget wherever it is. However, we cannot cut the muscle.

Unless this country maintains a strong defense, I submit that a great temptation will be made available to potential aggressors, and the United States and the people of our Nation will be put in jeopardy.

I think one of the greatest contributions that could be made to world peace is for the United States to maintain a strong defense, and I say it should be a defense second to none.

I am glad to join with my colleagues and with the distinguished senior Senator from South Carolina in commenting today on the need to guarantee the security of the American people.

Mr. THURMOND. Mr. President, the distinguished Senator from Virginia is one of the ablest members of the Senate Armed Services Committee. He has rendered very valuable service today and I express my appreciation for his fine contribution on this subject.

Mr. President, I now yield 2 minutes to the distinguished junior Senator from New York.

Mr. BUCKLEY. Mr. President, I thank the Senator from South Carolina for yielding me this time.

Mr. President, one of the most difficult tasks the Congress now faces is that of maintaining an adequate defense posture in an age where the rhetoric of détente dominates the public discussion of international affairs. This rhetoric encourages a feeling of security that is unjustified by the facts. The apparent paradox of attempting to maintain a policy of negotiation with our potential adversaries at the same time that the realities of international politics and diplomacy demand a strong defense posture is one which must be resolved. There is no surer way for a policy of negotiation to fail than for one of the parties to allow its military forces to deteriorate to the point where they have lost their credibility as instruments of national policy in the event the negotiations should fail.

Under the circumstances when we are simultaneously involved in three major defense-related conferences including the second phase of the Strategic Arms Limitation Talks in Geneva, the Conference on Security and Cooperation in Europe in Helsinki, and the Conference on Mutual and Balanced Force Reductions it is, in my view, unthinkable that some are proposing that we can now let down our guard. There are simply no historical precedents where a weak nation or a nation without the resolve to remain strong has emerged from critical negotiations with its objectives realized. Indeed, the sum of our experience indicates otherwise. The manifest weakness of the Western powers in the 1930's against the diplomatic assaults of the Hitler regime in Germany should be an object lesson in the incalculable costs of weakness in negotiation.

Moreover, we cannot afford to overlook the objective characteristics of the military threat posed by our potential adversaries. The recent testimony of Admiral Moorer before the Senate Appropriations Committee has been a useful reminder. Despite the fact that the conclusion of the SALT accords should have discouraged the Soviets from expanding their arsenal of strategic nuclear weapons, they are developing no less than three new ICBM's, one with an onboard computer for a multiple warhead MIRV-type reentry vehicle. In addition, the Soviets are deploying the 4,000-mile range SS–N–8 missile which is equipped with Stellar-Inertial guidance, a type which could give its submarine-launched ballistic missiles an ability to destroy our land-based Minuteman ICBM's. In addition, the Soviets are modernizing their bomber force, their antiaircraft interceptors, and their attack-submarine fleet. All of these developments are of sufficient importance in themselves to warrant a major U.S. investment in more modern defenses. It is in fact imperative, in a period of negotiation with a power that is improving its military potential, that we maintain a very high level of military preparedness.

Because of increases in personnel costs due to the establishment of an all-volunteer Armed Force, the needed funds for research, development, and procurement of more modern weapons have been held to a level which is only barely adequate to the Nation's needs. The proposed defense budget is 28.4 percent of the Federal budget, the lowest level since the 1949–50 fiscal year, and in terms of constant dollars is one-third lower than our defense budget at the peak of the Vietnam war.

In the long run, the most expensive defense budget is the one which leaves us inadequately prepared for future crises. I do not believe the Congress or the American people are willing to take the risk of being inadequately prepared by avoiding the burdens imposed by the needs of our national defense.

Mr. President, I ask unanimous consent to have printed in the RECORD a report on recent developments in Soviet weapons reported in Aviation Week and Space Technology magazine.

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

SOVIETS DEVELOPING NEW ICBM'S: THREE NEW MISSILES WOULD REPLACE OLDER MODELS NOW DEPLOYED; AT LEAST ONE EXPECTED TO INCORPORATE MIRV WARHEAD CAPABILITY

(By Cecil Brownlow)

WASHINGTON.—Soviet Union is developing a family of three new intercontinental ballistic missiles, at least one apparently designed to carry a multiple independently-targetable re-entry vehicle (MIRV) warhead, to replace older models already deployed. They are:

SS–17, with an improved guidance system, is a follow-on to the one-megaton-warhead solid-propellant SS–11 Savage and is designed to provide a first-strike capability against USAF/Boeing Minuteman 3 ICBM silos (AW&ST Mar. 26, p. 11).

SS–16 is a planned replacement for the solid-propellant SS–13, regarded in the U.S. as a backup system to the SS–11.

SS–18 is designed to replace the liquid-fueled SS–9 Scarp, which carries a 20-megaton warhead.

Details of the three were provided last week by Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, in his third annual military posture statement before the Senate Appropriations defense subcommittee. Adm. Moorer said the Soviets are "actively testing" all three new ICBMs, adding that their apparent goals include the desire for better pre-launch survivability, accuracy, and re-entry systems.

He told the subcommittee the U.S. has no "conclusive evidence" that the Russians have an operational MIRV warhead but "we continue to believe that such payloads will be developed and deployed." Other Defense Dept. officials estimate the Soviet Union will have an operational MIRV capability by 1975.

"The Soviet Union undoubtedly regards the achievement of a MIRV capability as an important political, as well as a military, goal," Adm. Moorer said. "The deployment of some 300 'heavy' MIRVed 'SS–9 follow-on' ICBMs, which is permissible under the interim [strategic arms limitation] agreement [with the U.S.], would greatly enhance the Soviet Union's hard-target capabilities, particularly if the new missile turned out to be significantly more accurate than the SS–9."

He said tests of the SS–17 were conducted "on a very active basis" during 1972, including two flights into the Pacific in November, and "we estimate that the new version of the SS–11 is now ready for deployment." At present, it carries a multiple re-entry vehicle (MRV) package with three warheads. It is significantly more accurate than the SS–11 but, without a MIRV capability, lacks the accuracy to strike hard targets such as Minuteman silos effectively.

Tests of the SS–18, which also carries three warheads, were resumed in January and were the first since November, 1970. Adm. Moorer told the subcommittee it is "still too early to assess the significance of that test."

The SS–16 tests were conducted in 1972 "on a very modest scale," Adm. Moorer said. He added that the Defense Dept. estimates the missile will be "somewhat more accurate" than the SS–13 "but, with its relatively small warhead, it is still strictly a soft-target weapon. We believe that this missile may also be ready for deployment."

The U.S. has no new ICBM systems under serious development, although research and development funds are continuing on a modest basis to support studies on a possible mobile land-based missile in this category.

Pentagon estimates show the Soviet had a total of 1,527 operational ICBM launchers by the middle of 1972. Another 60 relatively small silos are under construction and could be completed by the middle of this year, raising the total to 1,590, near the ceiling established for the Soviet Union in the first round of the strategic arms limitation (SAL) agreement. Top limit for Russia was established at 1,618 ICBMs as compared with the already-existing 1,054 ICBMs for the U.S.

Maximum ceiling established for submarine-launched ballistic missiles in the SAL pact is 710 for the U.S. and 950 for the Russians. Expected complement is 656 for the U.S. and 740 for the Soviet Union.

Defense Dept. intelligence estimates in mid-1972 at the time of the SAL agreements credited Russia with 29 Yankee-class submarines, each with 16 SS–N–6 fleet ballistic missile (FBM) launchers, plus a modified Yankee-class known as the Delta carrying 12 later-model SS–N–8 launchers.

Another 12 Yankee and Delta-class vessels were being built at the time, giving the

Soviets a total of 42 fleet ballistic missile submarines operational or under construction. The USSR maintained, however, that major subassembled sections then in hand raised its total to 48, and the U.S. accepted this figure for purposes of negotiation. In addition, the Soviets have nine older nuclear-powered submarines carrying a total of 30 FBM launchers.

The SS–N–8 carried by the Delta-class submarines has a range of approximately 4,000 naut. mi., considerably better than that of the SS–N–6, and has been extensively tested during the past year, including three launches into the Pacific. Neither of the FBMs has a hard-target capability, although newer models are believed to be under development, possibly designed to carry MIRVs.

Adm. Moorer estimated in his posture statement that by mid-1973 the Soviets will have approximately 560 operational FBM launchers, excluding 60 early-model SS-N-4 and SS-N-5 launchers on diesel-powered submarines.

He estimated the Soviet Mach 2 variable-geometry Backfire strategic bomber AW&ST Sept. 13, 1971, p. 16; Oct. 4, 1971, p. 12) "will probably enter the [operational] forces this year or next" and that it will "be an important element of Soviet long-range aviation." He also said:

"The major uncertainty regarding the USSR bomber force is still the primary mission of the new Backfire. . . . Without an appropriate tanker fleet for air-to-air refueling, a Backfire force would be considered best suited for peripheral attack. The Backfire, however, probably has an air-to-air refueling capability and, in addition to the limited number of Bison tankers, there are at least two new jet transport aircraft, which could be adapted to the tanker role.

"Furthermore, it is generally agreed that the Backfire has a good growth potential and that later versions could have an improved intercontinental attack capability."

The two transports are the Ilyushin Il-76 and the Il-62. Both are in Aeroflot service, but neither has been modified to a tanker configuration thus far.

The admiral also confirmed that the Soviets' first aircraft carrier has now been launched. He said the ship, designed to carry V/STOL aircraft, is almost 900 ft. in length and displaces approximately 40,000 tons. It has a flight deck of about 600 ft. covering the aft section of the ship and extending over the port side.

He told the subcommittee that by the middle of this year the late-model MiG-25 Foxbat, Yak-28P Firebar, Tupolev Tu-28P Fiddler and the Su-11 Flagon A aircraft will account for 40% of the Russian defense interceptor force. The Sukhoi Su-9 Fishpot will account for another 25% and the older-model MiG-17, MiG-19 and Yak-25 Flashlight will compose the remaining 35%. Modernization of the force of about 3,000 aircraft is continuing.

He added:

"Our intelligence organizations still believe that by the late 1970s the USSR may provide its advanced interceptors with a look-down/shoot-down radar/missile system and may deploy a new AWACs [airborne warning and control system] with a look-down capability over land as well as water. Such an interceptor/AWACS force could pose a formidable threat to our bombers."

He said that, of the approximately 160 Soviet divisions and 4,500 tactical aircraft, about one-quarter are oriented toward Communist China and more than one-half toward Western Europe, while the remainder are held in strategic reserve.

Regarding China, Adm. Moorer said the country now has deployed both a medium-range and an intermediate-range ballistic missile (IRBM) and that a longer-range multi-stage IRBM is nearing the operational stage.

Adm. Moorer's statements officially confirmed a Feb. 12 article in Aviation Week & Space Technology (p. 11) that a newly-developed Chinese ICBM was poised on a launch pad at the Lop Nor test center being readied for its initial launch and that new hardened silos for IRBMs are being constructed to house a new missile with a range of 2,500 mi. capable of reaching Kiev and Moscow.

The multi-stage IRBM, Moore said, "might more properly be termed a limited-range ICBM: it could reach deep into the Soviet Union, but it could not reach the continental U.S. (except for the western part of Alaska)."

"The PRC [Peoples Republic of China], however, is also developing a full-range ICBM, and this program is moving forward at a slow but steady pace.

"We are still estimating that this missile could reach an IOC [initial operational capability] as early as 1975, but more likely a year later. Its range, carrying a three-megaton warhead, could be about 6,000 naut. mi., sufficient to reach virtually all major targets in the continental U.S."

Defense Secretary Elliot L. Richardson told the subcommittee earlier that "China's nuclear reach will soon extend to all of the Soviet Union, and by the end of the decade it may well extend to the continental U.S. as well."

Adm. Moorer said that in addition to the present generation of liquid-fueled ballistic missiles the Chinese are believed to be working on solid-propellant systems, possibly including one that could be submarine-launched.

Mr. THURMOND. Mr. President, the distinguished junior Senator from New York is fast becoming a leader in this body. I want to compliment him for his splendid contributions this morning and commend him for the outstanding work he is doing along the lines of national defense which is so important to our Nation.

Mr. President, in closing this discussion this morning, I wish to say that it is time to run the storm flags up the Capitol flagpole.

The action of the Senate last week in establishing a ceiling on Federal spending and in sustaining President Nixon's veto of the first overblown money bill has lulled many of those concerned with fiscal integrity into a false sense of security.

My own uneasy feeling is that this initial burst of statesmanship may turn out to have been a false idyll, an illusory excursion into deceptively placid waters.

The basis of my concern is the defense budget for fiscal year 1974. It is my fear that so vital a thing as national security may become the victim of this process now taking form in the Senate.

This apprehension stems from the likelihood that having first paid obeisance to fiscal responsibility, the Senate is going to move from appropriation to appropriation henceforth, finding justification in each case for exceeding the budget.

This kind of procedure actually ignores the self-imposed ceiling on the grounds that so long as the limit is not breached by the ultimate total, there is no problem.

It appears to me, Mr. President, that there is going to be a very real problem. Because traditionally the defense appropriation bill is the last or next to last money bill the Congress considers every session.

Therefore, it is easy to visualize arriving at a point in early or late fall when it is time to consider the Department of Defense appropriation and discovering with mock alarm that we are very close to the ceiling.

The cry will then come that it is a time for fiscal statesmanship and in order to avoid piercing the ceiling, the Pentagon must be shorn of some weight. There will be arguments that we cannot take from the poor and the old and the hungry to feed the generals and admirals. There will be calls for reductions and cutbacks and withdrawals from Europe, Korea, and Indochina.

With the confidence of unassailability, the proponents of butter will claim that it is time to rebalance the scales after three decades of guns.

To me, Mr. President, that will be not only a serious error but also an exercise in hypocrisy. It will tell us finally that the ceiling was a gimmick all the time and the real target was national security. It will also tell us that there will still be those who equate peacemaking with weakness and withdrawal with retreat.

Therefore, I think this is the time to sound the warning. This is the time to acknowledge the fact that the interests of world peace dictate that this country remain strong, strong enough to keep the peace.

Any lack of American strength and resolve would have doomed us in the past year to humiliation and appeasement instead of the steady procession of international triumphs in Peking, in Moscow, and in Paris. The chances are we would have been further imbedded in either war or retreat rather than standing on the threshold of a new era of peace.

It is going to be the same this year and next year and the years thereafter, Mr. President. The first sign of American impotence will sweep the world back to the precipice. We simply cannot afford to lower our guard.

This 1970 defense budget is reasonable and minimal by every measurement. It constitutes less than one-third of our total spending. Throughout the other two-thirds of the budget, human resource programs have been increased in almost every instance.

Mr. President, there is too much at stake for us to approach this whole business of increasing various appropriations with tongue in cheek and fingers crossed.

One of the major obstacles facing the administration today is communicating the true picture of defense spending to the Congress and the public. Some believe that defense spending has been the primary cause of inflation, dominates public spending, and is an unnecessary and exorbitant drain on our Nation's resources.

My colleague, Senator McCLELLAN of Arkansas, made some pertinent comments recently when he opened his subcommittee hearings on the proposed fiscal year 1974 defense budget. He pointed out that—

Twenty years ago defense spending was nearly double that of all other Federal agencies and departments combined. Today, other Federal agencies spend a total of more than twice as much as defense.

Twenty years ago, defense spending was nearly double that of all State and local governments combined. Today, State and local governments spending is more than double that of defense. Twenty years ago, total defense manpower was nearly equal to all other public employment, Federal, State, and local combined. Today, such public employment exceeds defense 4 to 1. Twenty years ago, about 49 cents out of every tax dollar—Federal, State and local—went for defense. Today, this figure comes to around 20 cents—a reduction of 60 percent.

By these statistics, Mr. President, the distinguished Senator from Arkansas has clearly demonstrated there has already been a reversal in national priorities from defense to nondefense.

Still, many seem to feel this country is buying more weapons than we need. While we all support better pay for our uniformed personnel, it is shocking when we stop to realize that over 90 percent of the defense budget increases since 1954 have gone to pay and operating costs, not to weapons research and procurement.

Mr. President, this is an important point. Let me state this differently. In fiscal year 1954 the defense outlays budget was $43.6 billion and in fiscal year 1974 it will be $79 billion—an increase of $35.4 billion in 20 years. Of this $35.4 billion increase, $32.9 billion or 93 percent went for pay and operating costs and only $2.5 billion or 7 percent of the increase went for the combined total of procurement, research and development, and military construction. Thus, it is clear that the preponderant rise in the defense budget for the last 20 years has been the significant increase in manpower costs, and not in weapons systems, as is commonly thought.

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

Mr. EAGLETON. Mr. President, how much additional time does the Senator need?

Mr. THURMOND. About 5 minutes, if it is available. If not, as much as can be spared.

Mr. EAGLETON. I yield to the distinguished Senator from South Carolina 5 minutes of my time.

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

Mr. President, the first priority of any society must be to provide for its own survival. But today the defense dollar is coveted by the social scientists who do not understand these priorities. The adequacy or inadequacy of a nation's defense is directly related to the power relationship in which it must operate. Defense must come first.

The size and strength of our Military Establishment are driven by forces mostly outside of our control. The Soviet buildup demands that this Nation upgrade or increase its own strategic weapons.

As these serious power shifts are taking place, we find support for a strong military establishment ensnarled in the bitterness resulting from the Vietnam war. Isolationism is prevalent in the country. Disquieting signs point to the mood among our people. Over one-half the high schools in our Nation will not allow military recruiters to come on their campuses. A recent Army survey to determine how many youth would volunteer for the Guard or Reserve in a no-draft environment turned up a figure of only 3 percent.

These are indisputable facts about which the public must be told. Each of us in a position to know, must join together to alert the average citizens about these dangers.

These facts offered by Senator McCLELLAN and myself are seldom publicized or cited by critics. These facts refute some erroneous impressions about the defense budget—such as that it continues to grow, which it has not in terms of real or constant dollars; that it dominates public spending, which it does not; and that it is the root of all our economic ills and is an unnecessary and exorbitant drain on our Nation's resources, which it is not.

Mr. President, it is vital that we who do know the true story of our defense program get this message to the public. There is no way to gain public support for the military—to gain an atmosphere of pride of military service—unless the public sees the true picture in proper perspective.

In closing, let me state that the tendency to cut defense and the budget ceiling set by the Senate could collide to the disadvantage of our Nation. I favor the budget ceiling, but to maintain it we should reduce all areas of spending, not just defense.

Mr. President, this is the issue we will face in the remaining months of this session. I urge my colleagues to consider the facts I have offered.

Mr. President, I now yield the remainder of the 5 minutes the distinguished Senator from Missouri yielded to me to the able and distinguished Senator from Arizona (Mr. FANNIN).

Mr. FANNIN. I thank the distinguished Senator from South Carolina and the distinguished Senator from Missouri for yielding me time.

Mr. President, I concur with the comments of my knowledgeable colleague from South Carolina, and commend him for his activity in this field of endeavor. He certainly has done a commendable service to the country.

One point I would like to reemphasize is that it would be a terrible mistake to think that we can strip our national defense and use these funds for other purposes.

The Soviet Union is continuing to build up its military power at a great pace. Red China likewise is racing to become a nuclear power. President Nixon has accomplished much in bringing about a lessening of tensions between the United States and Red China, and between the Soviet Union and the United States.

But there has been no slackening of the Communist arms buildup.

We could at any time have a change of leadership in the Soviet Union, or in Red China, or in both nations. These new leaders could be very aggressive toward America. Or it could be that the Soviet Union and Red China would settle their differences, then turn the weapons they now have directed toward each other around in our direction.

Before we relax our defenses in the least, I believe we need some guarantee from the Soviet Union that it will do likewise. That is precisely what President Nixon is trying to negotiate, both through the SALT talks and through negotiations on mutual force reductions in Europe. If we cut back our defenses, if we reduce our commitments in Europe, then we will have unilaterally given up all our bargaining power. Our negotiators abroad might as well pack up and come home to cut down on the dollar drain involved in supporting them at the conference table.

The ACTING PRESIDENT pro tempore. The time yielded by the Senator from Missouri has expired. The Senator from Missouri has 10 minutes remaining.

Mr. EAGLETON. Mr. President, I yield 2 additional minutes to the Senator from Arizona.

Mr. FANNIN. I thank the Senator.

Certainly we want to cut defense spending, but it would be foolish for us to create another situation comparable to the 1930's when we as a nation practically invited war by leaving our Nation so unprepared. In the 1970's, you do not get the second chance that we got in the 1940's. All-out war today would be a matter of not years, but hours. Such conflict will not come as long as we remain capable of delivering severe retaliation, but if we should fall behind then we could be in extreme danger of nuclear blackmail, of not of annihilation.

Mr. President, the Nixon administration has proposed a sound and sensible budget which provides for both our social and our military needs.

At the present time we are attempting to come up with a rational budgeting system for Congress—a system which will bring spending under control and provide for careful expenditure of our precious tax dollars. Until we have completed this task, I do not believe that Congress is in any position to add exotic new social programs helter skelter or to hack away at our defense budget. My prayer is that we soon will put our own House in order as far as budgeting is concerned.

Mr. President, I thank the distinguished Senator from Missouri for yielding me time.

Mr. BEALL. Mr. President, I would like to join with my distinguished colleague, the senior Senator from South Carolina, in discussing some of the pertinent aspects of the defense budget for fiscal year 1974. In forming our Constitution our forefathers recognized the need for military preparedness when they directed the Federal Government to "provide for the common defense." To achieve this objective, the Congress was granted the power "to declare war," "to raise and support armies," "to provide and maintain a Navy," "to make rules for the Government and regulation of the land of naval forces," "to provide for calling for the militia to execute the laws of the union, suppress insurrections and repel invasions," "to provide for organizing, arming, and disciplining the militia," and so forth. The Constitution further designates that "the President shall be

Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States." Thus, Mr. President, I believe that the founders of our Constitution clearly recognized the indispensable role the Federal Government must play in providing for our national security. They further recognized, and I believe most Americans still subscribe to the belief, that a strong defense is essential if we are "to form a more perfect union, establish justice, insure domestic tranquility—promote the general welfare, and secure the blessings of liberty to ourselves and posterity."

In any examination of the merits and objectives of the pending defense budget, there are a number of salient points we must keep in mind:

In recent years, we have spent approximately the same amount of money each year to maintain our military posture, while dramatically increasing allocations for domestic programs. In fiscal year 1974, the defense budget will consume 29.2 percent of the total unified Federal budget as compared to 43.95 percent in fiscal year 1968.

During the last 5 years, inflation has reduced the buying power of our defense budget by almost $25 billion.

The proposed fiscal year 1974 defense budget constitutes 6.2 percent of our gross national product, the lowest amount since the period prior to the outbreak of the Korean war.

I believe that all of us would agree that President Nixon has made great strides in his efforts to lessen world tensions and bring about an era of better relations with the Soviet Union and the Peoples Republic of China. I firmly believe that these accomplishments would not have been possible without a strong national defense to back up our position as the President negotiated with the leaders of our main adversaries.

The SALT talks, the European Security Conference, and the mutual balanced force reduction negotiations will, if successfully completed, contribute to the establishment of an era of peace. But these talks will only be successful if we can negotiate mutual reductions in force levels and weapon systems. Unilateral reductions, by the United States, will serve to create an imbalance of power, instability, and a period of increased tensions. If this situation were to develop, the United States would find itself being constantly tested and probed for signs of weakness by those nations that choose to be our adversaries.

As a supporter of the concept of a volunteer army, I am most pleased with the progress we have made in the last 4 years to achieve this objective. It is important to note, however, that even though our military manpower has been reduced by one-third in recent years, the overall personnel costs have increased by over $11 billion. I believe that this price has been worth paying, but I would remind my colleagues that this money is no longer available for research and development, equipment procurement, and so forth. Over 50 percent of the Department of Defense budget is devoted to personnel expenses.

Mr. President, I believe that the President has presented the Congress with a budget that is designed to keep our Nation strong and healthy by giving us the security we need to continue to grow and prosper. By guaranteeing peace through strength, we can establish the type of environment that will allow us to meet our domestic needs—now and for future generations.

I would like to express again my appreciation to the Senator from South Carolina and ranking minority member of the Armed Services Committee, for the effort he has made on behalf of our national defense. I join with him in urging that the basic objectives contained in this budget be maintained. Our ability to improve the quality of life for all Americans is directly dependent on our success in maintaining world peace—and peace results when others respect our strength rather than take advantage of our weaknesses.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Missouri has 8 minutes remaining.

(The remarks Senator EAGLETON made at this point on the introduction of S. 1531, to amend the Tea Importation Act, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

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

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair. I will not utilize my time. If any Senator wishes me to yield time to him, I will be glad to do so.

Mr. President, I ask unanimous consent to vacate the order.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. 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.

TESTIMONY OF SENATOR ROBERT C. BYRD TODAY IN SUPPORT OF S. 343, TO MOVE THE ELECTION FOR FEDERAL OFFICES AHEAD BY 1 MONTH

Mr. ROBERT C. BYRD. Mr. President, earlier today, I testified at a hearing by the Subcommittee on Privileges and Elections of the Committee on Rules and Administration, in support of my bill, S. 343, to move the election for Federal offices ahead by 1 month.

I ask unanimous consent to have printed in the RECORD the statement I made at that hearing.

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

STATEMENT BY SENATOR ROBERT C. BYRD

First, Mr. Chairman, let me expess my appreciation to you and the other members of the Subcommittee for inviting me to testify today in support of S. 343, which I introduced on January 12, 1973. The effect of S. 343 would be to move the elections for Federal offices ahead by one month, from the first Tuesday after the first Monday in November to the first Tuesday after the first Monday in October.

There are no restrictions in the Constitution on the date which Congress may establish for voting in Federal elections. Clause 1, Section 4, Article I; and Clause 4, Section 1, Article II of the United States Constitution clearly provide Congress with the discretion to prescribe the date for holding elections for President, Vice President, U.S. Senator, and U.S. Representatives. Pursuant to this authority, Congress has enacted statutes which prescribe the first Tuesday after the first Monday in November as the day for elections for Federal offices.

In 1792, Congress enacted legislation that provided for elections of Presidential and Vice Presidential electors to occur within thirty-four days prior to the first Wednesday in December (1 Stat. 239). Prior to 1845, there was no national election day, and each state fixed its own date for appointment of Presidential electors "within thity-four days" of the meeting of the electors. This was required by the Act of March 1, 1792, which provided that "electors shall be appointed in each state for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December. . . . " Thus, all the States had to choose their electors in November, but the dates varied.

During the discussion on the 1845 law, there was debate on the Floor of the House on whether the uniform date should not be in October rather than in November. This proposal was objected to because it would have necessitated an amendment to the existing law, just cited above, which required that the electors be appointed within thirty-four days preceding the first Wednesday in December.

The old law is no longer on the books, and the law now governing—the Act of June 25, 1948, 3 U.S.C. § 7—now requires the electors to meet on the first Monday after the second Wednesday in December.

Hardly a more obvious observation could be made than that our society has undergone dramatic changes since 1845. The historical considerations in the 1845 debates on choosing a certain day within the month of November, perhaps valid in that era, have now been pre-empted by the emergency of pressing new priorities and realities.

For example, with the advent of the electronic age of television and other instant mass media communications, the lengthy campaign period of the horse and buggy age is no longer a necessity to insure a candidate sufficient time to bring his message to the voter. In fact, the American voter, during today's extended campaigns, is inundated by such a constant barrage of pre-recorded messages that a serious strain is placed on his interest and attention, and by the time the November elections arrive, he may have already had his fill of politics. I believe that this was a major factor in the poor voter turnout of the last November election, when less than 55 percent of the eligible voters cast their ballots in that election. This represented the smallest turnout since the election of 1948, when the era of television was being ushered in.

The length of the campaign, naturally, is not the only factor which contributes to the

discouraging statistics of voter turnouts. The severe winter weather of November, normally experienced by many of our states, further contributes to keeping voters at home. On the other hand, in addition to the more temperate weather of October, the length of daylight that October offers may encourage still more voters to go to the polls.

Moreover, the shortening of the campaign by one month would aid in cutting back the sky-rocketing costs of Presidential elections. It has been estimated that as much as 400 million dollars was spent on the November 1972 elections, and authorities claim that it now takes 40 million dollars to elect a President, more than $200,000 to elect a U.S. Senator, and about $100,000 to elect a U.S. Representative. There can be little doubt that the longer the campaign, the more money is needed to finance it. The concern over the exorbitant cost of financing a political campaign, and the serious threat which that may pose on our democratic system of government, was recognized by the 92nd Congress when it passed the Federal Election Campaign Act of 1971. Moving Federal elections up one month would further help, therefore, to stem this tide of rising campaign costs.

Furthermore, an October election would provide the additional time which is now greatly needed for resolving election disputes, such as investigating corrupt practices claims and conducting recounts.

I am aware, Mr. Chairman, that many people feel that the general election day should be a national holiday, or that it should be held on a Saturday or on a Sunday. I feel that we would defeat our own objective of increasing the percentage of voters in elections by such action. The American people are week-end wanderers in our great mobile society, and, if Tuesday were made a holiday, many citizens would take the opportunity to take leave from work on Monday, and use the resulting four-day week end for traveling and family recreation and thus further decrease the percentage of voters on election day. I feel that a sound objection could also be made to holding the elections on Saturdays—which has the added disadvantage of being the Sabbath of the Jewish Orthodox faith and that of the Seventh Day Adventists—which, in my judgment, would inhibit the free exercise of such religions and would certainly lessen the political participation of members of those religions.

If the election day were changed to a Sunday, then Christian churchgoers might be displeased because Sunday is their Sabbath. Moreover, because state employees and voting machine technicians would have to work on the weekend to man the polls, the states themselves would likely be opposed because they could possibly be required to pay time-and-a-half, or double-time, to their employees for working on the weekend.

I feel, Mr. Chairman, that much would be gained in practical advantages with the National election date set as the Tuesday next, following the first Monday in October, rather than November, and that the practical considerations of law and lack of communications back in 1845 that caused the date to be set in November no longer apply to the United States as we know it in 1973.

QUORUM CALL

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

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

The legislative clerk proceeded to call the roll.

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

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may reserve some of the time that I previously yielded back—to wit, 10 minutes.

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

Mr. ROBERT C. BYRD. Mr. President, I yield as much time as he may require to the distinguished majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MANSFIELD. I thank the distinguished assistant majority leader.

REMOVAL OF INJUNCTION OF SECRECY FROM THE CONVENTION FOR THE PROTECTION OF PRODUCERS OF PHONOGRAMS

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms done at Geneva October 29, 1971—Executive G, 93d Congress, 1st session—transmitted to the Senate today by the President of the United States, and that the convention with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the President's message will be printed in the RECORD.

The message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms done at Geneva October 29, 1971. I transmit also, for the information of the Senate, the report from the Department of State with respect to the Convention.

The present Convention is designed to deal with the worldwide problem of unauthorized duplication of phonograms (i.e., records and tapes). The problem is urgent and growing. The value of pirated records and tapes in the United States alone has been estimated at one hundred million dollars. Protection against this illicit practice is needed to encourage the creative contributions of those who produce phonograms, the performing artists and the authors whose talents give phonograms their value.

I recommend that the Senate give early and favorable consideration to the Convention submitted herewith and give its advice and consent to its ratification.

RICHARD NIXON.

THE WHITE HOUSE, *April 11, 1973.*

BUDGETARY SHELL GAME

Mr. MANSFIELD. Mr. President, I ask unanimous consent, in view of the great interest in the budget this year, an interest in which the Senate has had a vital concern over the past 4 years and has done something about, that an article entitled "Budgetary Shell Game," published in the New Republic on March 31, 1973, be printed in the RECORD.

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

BUDGETARY SHELL GAME

The President has called the Congress irresponsible for voting funds for social projects without any consideration of the totality of the appropriation. This year he has impounded monies voted last year for pollution control, health care, education and poverty and threatened to veto or, if necessary, impound similar appropriations if the present Congress exceeds his proposed outlay ceiling of $269 billion in the budget for fiscal year 1974. At the recent governor's conference in Washington, Linwood Holton of Virginia, after a careful White House briefing, confronted Senator Muskie and demanded that Congress drop its spendthrift habits.

Now let's look at what the President asked for and what Congress appropriated. A report of the US General Accounting Office of February 7, 1973 tells us that in 1972, the executive branch sought a total of $185 billion; the Congress appropriated $179 billion, a net cut of more than $6 billion. The same report shows similar cutbacks in each of the past four years; in sum Congress appropriated nearly $21 billion less than the Nixon administration requested. No doubt the Congress has overspent on some pet and perhaps unnecessary projects, but it was Congress that resisted White House pressure to spend a billion dollars on the supersonic transport (SST), whose only benefit would have been to allow a few rich people to fly the Atlantic in three instead of six hours.

Each of the President's last three budgets has called for deficits greater than $10 billion. In 1973 the proposed deficit was $25 billion; for 1974, $12.7 billion. He has tried to camouflage these deficits by reference to a so-called "full employment" budget; one, that is, which assumes that the tax receipts *would* be those generated if the economy were continually operating at full employment (defined as unemployment equal to four percent of the civilian labor force). But during the past three years unemployment rates have hovered around five to six percent, more than 50 percent above the 1969 rate. The plain fact of the matter is that the executive branch has continuously sought to spend far more than the government was taking in, and to add to its culpability, the President insists there be no new taxes. Congress in its appropriations has gone along with this deficit spending, but at least it has had some restraining influence.

Where have all these dollars been going? Certinly not for day care centers or national health insurance. In his FY '74 budget Mr. Nixon has a table eight pages long on savings from program reductions and terminations from 1973 to 1975. In the current fiscal year they amount to $6.5 billion, and a saving of nearly $17 billion is projected for 1974. There is hardly a department or agency in the civil sector that escapes the scalpel or the ax.

But as Walter Pincus has noted in his itemized account of military spending for FY '74 ("What's Up?" *The New Republic*, March 24, 1973) not a single penny of these savings in the current year comes from the Department of Defense, which is given twice the money of any other department. The descriptions of proposed future military cuts, relatively small

by comparison to cuts in the civilian sector, have a tinny ring. For example the reduced procurement of the Safeguard ABM is listed as a saving. But the ABM treaty signed in Moscow last June limited the Safeguard ABM to a single site, now nearly completed in North Dakota, and a Washington, DC ABM, for which Congress has refused funds. Further deployment of Safeguard would have been illegal. A saving of $200 million is also projected "to limit growth in research, development, testing and evaluation programs" of the Defense Department, though a $500 million increase is requested! This is like a glutton boasting that he eats only five extra helpings instead of seven.

The outlays for national defense, up $4.7 billion in the coming year, are scheduled to rise on into 1975. Requests for budget authority (which permits spending beyond the current fiscal year) are even higher, $5.6 billion more in 1974 than in 1973.

Large defense budgets could perhaps have been justified when we were at the height of the Vietnam war, with its incremental cost of $21.5 billion a year. But why should expenditures continue to escalate more than two years after we pledged to militarily withdraw from Southeast Asia? The administration glosses over this conundrum by comparing the relative rise in national defense expenditures to expenditures for "human resources" within an expanding total national budget. The comparisons are misleading for within these totals are lumped what economists call "transfer payments," mainly social security. So although the national defense outlays *have* dropped from 42 percent of the total budget in 1970 to 30 percent in 1974, they will still comprise 41 percent of the total outlay of "federal" (government-owned) funds. You don't need a Harvard degree to see that a defense expenditure of $81 billion for 1974 is a large bite out of the $110 billion expected to be collected from all federal income taxes that year.

The appalling fact is that only $75 billion of the total $269 billion in expenditures in 1974 will be "relatively controllable"; that is, not preallocated for social security, trust funds, interest on the public debt and so forth. And out of this "controllable" fraction, $52.3 billion or 70 percent goes to national defense. In 1970 the figure was 72 percent. Furthermore if one excludes from the "human resources" programs income security that is financed through the social security mechanism, and veterans benefits which are really another form of military cost, the "human" expenditures drop from $125 billion to only $32 billion in 1974—slightly more than one-third that for national defense and 12 percent of the total budget.

The appetite of the military feeds on eating. What danger, for example, justifies increased funds for a variety of new strategic weapons in the immediate aftermath of the Moscow SALT agreements that do not allow the Soviets to build territorial ballistic missile defenses and that gives all our ballistic missile warheads a free ride to targets in the Soviet Union? On January 11, 1973 Mr. Nixon said in a letter to Ambassador Gerald Smith, retiring SALT negotiator, that these agreements "represent an unprecedented step toward bringing the strategic arms competition under control." Why isn't this reflected in our 1974 weapons program?

Why should we be spending nearly $2 billion more next year to build a Trident submarine, when we will shortly have more than 5000 warheads in the invulnerable Polaris-Poseidon fleet? The oldest Polaris submarines have been operational less than 13 years, the newest six. And they will not wear out for years to come. No one has been able even to describe the nature of an anti-submarine threat to our Polaris submarine force.

Why, out of a force of 2.3 million men, are we only reducing our military manpower in 1973 and 1974 by 95,000 (31,000 of these being replaced by civilians), when we are no longer fighting in Southeast Asia and when we have converted to the purportedly more efficient though much more costly all-volunteer force? Maintaining armed forces of more than two million men on a volunteer basis becomes astronomically expensive and is of questionable justification in peacetime. There may never be a more opportune time to cut down the intolerably high ratios of support to combat troops and of officers to enlisted men.

Why are we proposing next year to spend $667 million on still another new nuclear aircraft carrier (CVN–70) when Navy Captain J. D. Ward, commander of the aircraft carrier USS Constellation, admitted in a recent NBC–TV White Paper that if a carrier were hit by a conventional bomb when the deck was loaded with fueled and armed planes, it would be disastrous in terms of equipment, personnel and time needed to repair the vessel?

The President says that "the 1974 budget incorporates the results of an intensive effort to identify programs that could be reduced, terminated or reformed." The results are undetectable in our military programs. Until we have greater management responsibility in the national security sector, we will not have overall fiscal responsibility, nor the resources needed to "promote the general welfare."

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

S.J. Res. 18. Joint resolution to authorize and request the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising (Rept. No. 93–115); and

H.J. Res. 303. Joint resolution to authorize and request the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising (Rept. No. 93–116).

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. EAGLETON:

S. 1531. A bill to amend the Act entitled "An act to prevent the importation of impure and unwholesome tea", approved March 2, 1897, so as to require the imposition of a fee under such act sufficient to pay for the tea examination program carried out under such act. Referred to the Committee on Finance.

By Mr. COOK:

S. 1532. A bill to designate certain lands in the Daniel Boone National Forest, Ky., comprising the Pioneer Weapons Hunting Area, as wilderness. Referred to the Committee on Interior and Insular Affairs.

By Mr. COOK (for himself, Mr. HUDDLESTON, Mr. BAKER, and Mr. BROCK):

S. 1533. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938. Referred to the Committee on Agriculture and Forestry.

By Mr. BAKER (for himself, Mr. BROCK, and Mr. TOWER):

S. 1534. A bill for the relief of Dr. Lawrence Chin Bong Chan. Referred to the Committee on the Judiciary.

By Mr. BELLMON:

S. 1535. A bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees, as a part of court costs, in civil cases involving the internal revenue laws. Referred to the Committee on Finance.

By Mr. COOK:

S. 153. A bill for the relief of William H. T. Carney. Referred to the Committee on the Judiciary.

By Mr. BURDICK:

S. 1537. A bill to amend the Internal Revenue Code of 1954 to exempt certain farm vehicles from the highway use tax, and to require that evidence of payment of such tax be shown on highway motor vehicles subject to tax. Referred to the Committee on Finance.

By Mr. BURDICK (by request):

S. 1538. A bill for the relief of Rosa Pazmino. Referred to the Committee on the Judiciary.

By Mr. PELL:

S. 1539. A bill to amend and extend certain Acts relating to elementary and secondary education programs, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. McINTYRE (for himself and Mr. COTTON):

S. 1540. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein adjacent to the exterior boundaries of the White Mountain National Forest in the State of New Hampshire for addition to the National Forest System, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. ERVIN (for himself, Mr. METCALF, Mr. PERCY, Mr. NUNN, Mr. BROCK and Mr. CRANSTON):

S. 1541. A bill to provide for the reform of congresional procedures with respect to the enactment of fiscal measures; to provide ceilings on Federal expenditures and the national debt; to create a Budget Committee in each House; to create a Congressional Office of the Budget, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 1542. A bill to impose a 60-day freeze on prices and rents and direct the President to establish a long-run economic stabilization program. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE (for himself, Mr. PERCY, Mr. KENNEDY, Mr. BAYH, Mr. HART, Mr. HUMPHREY, Mr. JAVITS, Mr. MATHIAS, Mr. MOSS, Mr. PASTORE, Mr. PELL, and Mr. WILLIAMS):

S. 1543. A bill to amend the Social Security Act to provide for extension of authorization for special project grants under title V. Referred to the Committee on Finance.

By Mr. MONDALE (for himself, Mr. NELSON, Mr. HUMPHREY, Mr. PELL, Mr. CRANSTON, Mr. MOSS, Mr. HUGHES, Mr. TUNNEY, Mr. CLARK, Mr. ABOUREZK, and Mr. HATHAWAY):

S. 1544. A bill to prohibit the further expenditure of funds to finance the involvement of the armed forces of the United

States in armed hostilities in Cambodia. Referred to the Committee on Armed Services.

By Mr. TOWER:

S. 1545. A bill to amend title 37, United States Code, so as to extend from 1 to 3 years the period that a member of the uniformed services has following retirement to select his home for purposes of travel and transportation allowances under such title, and for other purposes. Referred to the Committee on Armed Services.

By Mr. McCLURE:

S. 1546. A bill for the relief of Devendraral Mehta. Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. 1547. A bill to establish a Joint Committee on National Security. Referred to the Committee on Armed Services.

By Mr. PELL (for himself, Mr. PASTORE, Mr. KENNEDY, and Mr. BROOKE):

S. 1548. A bill to establish a Commission to review the proposed closing of any military installation. Referred to the Committee on Armed Services.

By Mr. ROTH:

S.J. Res. 89. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public schools or other public buildings. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EAGLETON:

S. 1531. A bill to amend the act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, so as to require the imposition of a fee under such act sufficient to pay for the tea examination program carried out under such act. Referred to the Committee on Finance.

AMENDMENT OF TEA IMPORTATION ACT

Mr. EAGLETON. Mr. President, there is nothing more deplorable or more rankling to the American taxpayer than waste in Government. Yet, for all the speeches made on the subject, waste continues and grows.

As with so many other things in Washington, when all is said and done, more is said than done.

A good example of that is the great fuss made 3 years ago about the Board of Tea Tasters. The President of the United States went before the TV cameras to denounce this terrible waste of tax money, saying:

> At one time in the dim past, there may have been good reason for such special taste tests; but that reason no longer exists. Nevertheless, a separate Tea-tasting board has gone right along, at the taxpayer's expense, because nobody up to now took the trouble to take a hard look at why it was in existence.

That speech was made on February 26, 1970. Today, more than 3 years later, the Tea-Tasting Board still goes right along at the taxpayer's expense.

No action was taken or, so far as I can discover, even proposed by the administration to eliminate tea tasting as a tax-supported Government program. No legislation was ever sent to Congress to abolish the Board, nor was any attempt made to end its existence by Executive action. Every budget that has come to Congress since the President's speech has contained a request for funds to pay the salaries and expenses of the six official tea tasters comprising this Board.

Not only that, but funds are requested also for a United States Board of Tea Appeals. The President did not say anything about that in his speech, but it is a fact. If a tea importer does not like the verdict of the official tea taster, he can ask that a board of tea taster appeals be convened to try a second cup. And, that board, in turn, is authorized to call in independent consultants on the matter.

It might be argued by some that this Washington tea party is a small item and nothing to get excited about. It is no cause for stirring up a tempest in a teacup, so to speak.

I disagree. I think the President was reading the leaves correctly when he said in 1970:

> No program should be too small to escape scrutiny; a small item may be termed a 'drop in the bucket' of a $200.8 billion budget, but these drops have a way of adding up. Every dollar was sent to the Treasury by some taxpayer who has a right to demand that it be well spent.

These "drops in the teacup" also add up and constitute a pretty fair tax subsidy.

In fiscal year 1972, the total tea-tasting cost was $167,250. In fiscal 1973, the cost was $173,250. In this year's budget, a request is made for $178,250.

Partially offsetting this cost is a small fee of 3.5 cents per hundredweight charged to the importers. Those fees, however, cover only about a quarter of the cost, leaving a net bill for the taxpayer of $113,250 in fiscal year 1972; $117,250 in fiscal year 1973, and an estimated $122,250 next year.

These cost figures were provided by the Office of Financial Management of FDA in a memorandum dated April 3, 1973, to the General Accounting Office, which was responding to my inquiry.

The sad thing is that while the administration goes right on requesting funds for tea tasting within the Food and Drug Administration's budget, it asks that some $17 million already appropriated for drug inspections and consumer product safety be rescinded.

In his 1970 speech, the President congratulated his own administration for its "extraordinary efforts to hold down spending" and called on Congress to "approach the need for economies in the same spirit."

I think that Congress will deal with the problem, but I would hope in a more sincere spirit.

As a beginning, I send to the desk a bill to amend the Tea Importation Act to provide that the fees charged for any Federal tea-tasting program be set by the Secretary of the Department of Health, Education, and Welfare so that, in total, they will cover the full cost of this program.

Furthermore, as a member of the Appropriations Subcommittee with jurisdiction over the FDA budget, I will seek an amendment to provide that only that portion of tea-tasting funds covered by revenues from fees may actually be spent.

Mr. President, I do not want to leave the impression that tea-tasting is the only waste of tax money in government today. In his 1970 speech, the President cited 57 economies which together would save the taxpayer some $2.5 billion. Forty-three of those "savings actions" could be undertaken by Executive action, it was said.

Unfortunately, very few of those possible economies were identified in the President's speech, nor has Congress been given a report on what, if anything, was done to effect them.

We do know that nothing was done about the tea-tasters.

We know that the proposed sale of the federally owned Alaskan Railroad, which was on the list of 57, was not pursued with much vigor and has since been dropped.

We know that legislation was never sent up by the administration to carry out its proposed sale of the federally owned National and Dulles airports. As a matter of fact, after having proposed it, the administration testified against a bill which was introduced to accomplish the sale. In the meantime, the budget goes on carrying requests for millions of dollars for airport construction.

How many other of the proposed economies have not been followed up?

I think Congress and the taxpayer have a right to know. If waste exists in any Federal agency it should be identified and rooted out.

As a first step toward that goal, I have asked the General Accounting Office today to prepare a report identifying the 57 savings actions mentioned by the President and describing what actions, if any, were taken to carry them out.

With that information in hand, together with other economies that I know can be made, I will propose later in this session of Congress my own Federal Economy Act to do the job which was only talked about 3 years ago.

Congress and this administration owe that much to the American taxpayer.

Mr. President, I ask unanimous consent that the text of the bill and a copy of my letter to the Comptroller General be printed in the RECORD.

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

S. 1531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prevent the importation of impure and unwholesome tea", approved March 2, 1897 (29 Stat. 604; 21 U.S.C. 41 et seq.), is amended by adding at the end thereof a new section as follows:

"SEC. 14. On and after July 1, 1973, the Secretary of Health, Education, and Welfare shall impose and collect from the importers or consignees of all tea, or merchandise described as tea, imported into the United States and required to be examined under this Act, a fee sufficient in amount to reimburse the United States for all expenses incurred by it in carrying out the tea examination progarm provided for under this Act, including the expense of providing a United States Board of Tea Appeals under section 6 of this Act."

SEC. 2. Effective July 1, 1974, the fourth paragraph under the heading "Food and Drug Administration" contained in title II of the Act entitled "An Act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1942, and for other purposes", approved July 1, 1941 (54 Stat. 478; 21 U.S.C.

46a), is amended by striking out the proviso therein relating to the collection of a fee on tea imported into the United States.

APRIL 11, 1973.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: On February 26, 1970, President Nixon made a speech in which he proposed 57 "savings actions" which together would result in a reduction of $2.5 billion in Federal spending. Unfortunately, only a handful of those possible economies were identified in the speech and I have been unable to obtain a list of the proposed actions through routine channels.

I am calling on your office to obtain a complete list of the 57 savings actions, as well as a report on what, if anything, was done to effect them.

Your report should contain the following information for each item:

A. Description of proposed savings action.

B. Estimated dollar amount of proposed savings at time of President's speech.

C. Did action require legislation or could it have been accomplished by executive order?

D. What action was taken.

E. If no action was taken, what is the cost of the program today, and how much has been spent on it since the President's speech?

As a member of the Senate Appropriations Committee, I hope to make constructive use of this information in consideration of various agency budgets.

Therefore, I would appreciate your earliest possible response to this request.

If there are any questions about the request, you may have your staff contact Jack Lewis of my office at 225-8790.

Yours very truly,

THOMAS F. EAGLETON,
U.S. Senator.

By Mr. COOK:

S. 1532. A bill to designate certain lands in the Daniel Boone National Forest, Ky., comprising the Pioneer Weapons Hunting Area, as wilderness. Referred to the Committee on Interior and Insular Affairs.

Mr. COOK. Mr. President, I send to the desk, for appropriate referral, a bill to designate certain lands in the Daniel Boone National Forest, Ky., comprising the Pioneer Weapons Hunting Area, as wilderness.

In 1936 with congressional approval of the Flood Control Act, Cave Run Lake was authorized as a unit including in the system of reservoirs for reduction of Ohio River flooding below Pittsburgh. The Cave Run Lake project is expected to be completed in 1973 and will consist of the construction and operation of a dam, lake, and other facilities for recreation, flood control, water quality control, and fish and wildlife conservation.

Adjacent to the lake lies the Pioneer Weapons Hunting Area, a 7,300-acre tract located in Bath and Menifee Counties, Ky. The Pioneer Weapons Hunting Area was established in July, 1962, as a cooperative endeavor between the U.S. Forest Service and the Kentucky Department of Fish and Wildlife Resources to provide above average wildlife populations in order to furnish a rewarding hunt for the longbow, crossbow, and muzzle-loading firearms enthusiasts. Access to the area is permitted only by foot and no improvements other than a lookout tower and fire road to monitor fire control exist in the area at this time.

When Cave Run Lake is completed, Kentucky State Road 826 will be covered by water. Since it will become inaccessible, the Forest Service Road 918 is proposed to be relocated from Forest Service Road 129 to the Zilpo Recreation Area as the primary access route. This new road would be a two-lane, 30-mile-per-hour route that would bisect the Pioneer Weapons Hunting Area and provide access for the many visitors who will enjoy the camping and swimming facilities planned for the Zilpo area.

Mr. President, in the above background to this problem you will note that by the very fact that the Pioneer Weapons Hunting Area will be cut in two by the proposed road the normal grazing and nesting patterns of the various species of wild turkeys, white-tailed deer, red and gray foxes, ruffed grouse, dove and quail will be disrupted. And any such disturbances sends a chain reaction of ecological consequences throughout the local environment.

Last year, both my good friend GENE SNYDER, representing the Fourth Kentucky Congressional District, and I introduced amendments to the omnibus rivers and harbors bill providing that construction of any road to the Zilpo Recreation Area shall not be undertaken until there is a full opportunity for public review and comment on the environmental impact statement pertaining to the proposed road. This amendment was our attempt to preserve the area. Unfortunately, the bill was vetoed by President Nixon last October, necessitating passage earlier this year by the Senate of new rivers and harbors legislation. Although this bill calling for additional review of the proposed road has not yet been enacted into law, an impact statement is being prepared by the U.S. Army Corps of Engineers in Louisville. I am in receipt of a preliminary draft of this statement and am quite disturbed upon reviewing its contents to find that the corps plans to go ahead with their proposals to bisect the Pioneer Weapons Hunting Area with State Road 918.

The tragedy lies in the fact that a feasible alternative route is available that would generally skirt the Pioneer Weapons Hunting Area and would be substantially less offensive to all opponents of the road presently being planned. The alternative is a route recommended by the League of Kentucky Sportsmen extending northward from FDR No. 129 generally skirting the eastern boundary of the Pioneer Weapons Hunting Area and then joining the alinement of the proposed FDR No. 918. I believe the league's road proposal is much more realistic.

A comparison of this alternative plus two additional alternatives has been prepared by the corps for inclusion in their environmental impact statement. To facilitate comparison and for the convenience of reference by my colleagues, I ask unanimous consent that a copy of the comparison appear at this point in my remarks.

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

TABLE 1.—ZILPO RECREATION SITE ACCESS ROAD ALTERNATIVES

	Proposed road	Shoreline road	League of Kentucky Sportsmen Road	No road
Timber	Will provide best access for timber management activities.	Will provide limited access	Will provide limited access	Will restrict timber management activities.
Improvements	Will eliminate 5 miles of existing hiking trails and 1 wildlife waterhole.	No effect	No effect	No effect.
Recreation	Will provide access for better utilization of the Zilpo recreation area.	Will provide access, but will disrupt Caney recreation area.	Will provide access for better utilization of the Zilpo recreation area.	Will restrict the planned high level of development of the Zilpo site.
Special uses	Possible adverse impact from requests for access across rights-of-way into private tracts.	Possible adverse impact from requests for access.	Possible adverse impact from requests for access.	No effect.
Wildlife	Will provide an increase in the diversity of habitat conditions; will result in an increase in vehicular accidents with wildlife.	Will provide an increase in the diversity of habitat conditions: will result in an increase in vehicular accidents with wildlife.	Will provide an increase in the diversity of habitat conditions: will result in an increase in vehicular accidents with wildlife.	Will limit opportunities for wildlife habitat development.
Soil	Some soil displacement and erosion	Greatest soil displacement and erosion due to more unstable soils and greater cuts and fills.	Soil erosion and slide potential greater than proposed road but less than shoreline road.	No effect.
Water	Will adversely affect water quality during initial construction.	Will result in greater water quality deterioration for a longer period of time.	Will have greater impact than the proposed road, but less than the shoreline road.	Do.
Fire	Will increase fire risk, and will provide best access for fire control.	Will increase fire risk, and will provide poor access for fire control.	Will increase fire risk, and will provide poor access along much of the route.	Fire suppression would be most difficult without road.
Remoteness	Will bisect the pioneer weapons hunting area, adversely affecting its remote qualities.	Will provide access road to perimeter of the area, with less effect on remoteness.	Will provide access only to perimeter of the area, with less effect on remoteness.	Area would become more remote with impoundment of the lake.
Aesthetics	In some places the ridge-top landscape will be exposed.	Scenic benefits more than offset by scarred landscape caused by large cuts and fills required.	Scenic benefits diminished by scars from large cuts and fills.	Will limit opportunities for utilization of the area.
Road costs	$1,990,000	$1,835,000	$2,055,000	0.
Local economy	Will provide nearby recreation oriented enterprises with additional revenue.	Will have a greater influence on the economy due to heavier use and greater opportunity for development of private tracts.	Will provide nearby recreation-oriented enterprises with additional revenue.	No effect.

Mr. COOK. Mr. President, upon analysis of the alternative roads in this chart, it is readily evident that the comparison between the proposed road and the League of Kentucky Sportsmen's Road is essentially the same with only minor variances in several categories. It should be noted, however, that both proposals will provide access for better utilization of the Zilpo Recreation Area. This is, of course, the entire purpose of any road that is to be built.

At the same time, many people, myself included, believe that several of the so-called adverse effects of the League of Kentucky Sportsmen's Road can be sufficiently refuted to warrant its being built, particularly in the timber, special uses, soil, fire, and esthetics categories. Essentially what is present in the analysis is a matter of interpretation and the corps has chosen to interpret their own proposal in a superior vein. What is left to contend with, then, is the road cost category which states that the League of Kentucky Sportsmen's Road will cost $65,000 more than the proposed road.

Granting that this cost disparity may be true, although the corps road will be much longer distance-wise than the league's road, the benefit to maintaining the Pioneer Weapons Hunting Area in a natural state to preserve the remoteness and leave the wildlife habitat undisturbed clearly outweighs any rationalization for not spending $65,000. The Government is presented with many bills for services that reach figures many times beyond this $65,000 figure. These bills are promptly paid. Yet to say now that we cannot afford an investment of $65,000 in environmental preservation is a total sham.

Any businessman who makes a financial investment does so in the anticipation of a return on his dollar. By contributing the additional $65,000 necessary to build the league's road I believe we would be making an investment in our environment which would return dividends tenfold. To quote Rachel Carson:

> The "control of nature" is a phrase conceived in arrogance, born of the Neanderthal age of biology and philosophy, when it was supposed that nature exists for the convenience of man.

Because of the importance in preserving this area, the bill I introduce today will designate the some 7,300 acres of the Pioneer Weapons Hunting Area as the "Cave Run Wilderness." The area will be administered by the Department of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that act as wilderness areas. Additionally, nothing in this act or the Wilderness Act shall be construed as precluding the construction of the Zilpo Recreation Area or as affecting or modifying in any manner the 1962 cooperative management plan between the Department of Fish and Wildlife Resources of the State of Kentucky and the Department of Agriculture involving the designation of the Pioneer Weapons Hunting Area with the Daniel Boone National Forest.

I ask unanimous consent that this bill be printed in the RECORD and I sincerely hope my colleagues will see the equity of this legislation and give it their earliest favorable consideration.

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

S. 1532

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(b) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(b)), those lands in the Daniel Boone National Forest, Kentucky, comprising the Pioneer Weapons Hunting Area and consisting of approximately seven thousand three hundred acres, are hereby designated as wilderness.

SEC. 2. As soon as practicable after this Act takes effect a map of the wilderness area and a description of its boundaries shall be filed with the Interior and Insular Affairs Committee of the United States Senate and House of Representatives and such map and description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and may may be made. A copy of such map and description shall be on file and available for public inspection in the offices of the Chief, Forest Service, United States Department of Agriculture.

SEC. 3. The wilderness area designated by this Act shall be known as the "Cave Run Wilderness" and shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

SEC. 4. Nothing in this Act or the Wilderness Act shall be construed as precluding the construction of a Zilpo recreation site access road generally on a route extending northward from Forest Development Road #129 generally skirting the eastern boundary of the Pioneer Weapons Hunting Area, or as affecting or modifying in any manner the 1962 Cooperative Management Plan between the Department of Fish and Wildlife Resources of the State of Kentucky and the Department of Agriculture involving the designation of the Pioneer Weapons Hunting Area within the Daniel Boone National Forest.

By Mr. COOK (for himself, Mr. HUDDLESTON, Mr. BAKER, and Mr. BROCK):

S. 1533. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, Referred to the Committee on Agriculture and Forestry.

Mr. COOK. Mr. President, for many years the growth and sale of burley tobacco has been a vital force in the economy of the eight-State Burley Belt—Kentucky, Indiana, Missouri, North Carolina, Ohio, Tennessee, Virginia and West Virginia. The first settlers in the Commonwealth of Kentucky brought with them from Virginia and North Carolina, the desire and know-how for growing tobacco. At the first meeting of the Kentucky General Assembly in 1972, a bill was enacted to provide that all fees of public officials formerly paid in tobacco should in the future be collected in currency.

Although tobacco has long since ceased to be a medium of exchange, it continues to be a vital economic consideration for a great many of the small farmers in the United States. Last year alone in the Burley Belt, 621,583,920 pounds of burley tobacco were raised with a cash value of $492,543,098. The 137,000 burley tobacco farms in Kentucky produced some 434,210,506 pounds of burley tobacco valued at $344,490,247.

Mr. President, the tobacco growers in the Burley Belt have labored for years to arrive at a fair and equitable burley program which is beneficial to all concerned. For instance, for many years, the acreage allotment program was effective in maintaining burley tobacco supplies in line with demand, with favorable prices to growers and with minimum costs to the Government for price supports. In recent years, however, substantial increases in per acre yields created a surplus of burley tobacco which resulted in excessive amounts accumulating under Government loans. Then, reductions in acreage allotments again stimulated increases in per acre yields, which in turn necessitated further reductions in allotments. By 1970, 60 percent of all burley tobacco farm acreage allotments were one-half acre or less and could not be reduced under the acreage allotment program. At that point, it was obvious that further reductions in acreage allotments would only have resulted in greater inequities between holders of allotments being reduced and those which could not be reduced, and the program would become even less effective in bringing supply into balance with demand.

Thus, on May 4, 1971, the burley tobacco farmer in the Burley Belt, by referendum, overwhelmingly voted in favor of moving from the acreage allotment system of controls to a system of poundage controls. By using poundage rather than acreage as a criteria for establishing controls, the previous problem of overproduction is obviated. Under the poundage system, each tobacco farmer is able to aim for high-quality tobacco without losing his share of the market to other farmers who might strive for high yields per acre at the expense of quality.

Mr. President, I make reference to the history of production controls and the prosperity of the burley program as a result of these controls to indicate the years of painstaking effort and the years of cooperation between the burley grower, the Department of Agriculture, and Congress, that has been necessary for the development of a realistic and economically viable burley tobacco program. Once again, however, the burley program is being threatened. This time the problem is not one which relates to the growing of burley per se but, instead, the growing of a nonquota tobacco—specifically, Maryland tobacco—in burley areas.

Last year in the Burley Belt, over 800,000 pounds of Maryland tobacco were produced and, unless immediate action is taken, it appears that much more will be grown in the Burley Belt in the coming year. If the Maryland tobacco, grown in burley areas retained the basic characteristics of the traditional Maryland tobacco, as is grown and sold in the State of Maryland, the burley farmer would not feel threatened. The crux of the problem, however, is that Maryland tobacco grown in the limestone soil of the traditional burley States takes

on the characteristics of burley tobacco to the extent that the two tobaccos are almost impossible to distinguish.

This similarity lends itself to a situation where an unscrupulous grower could produce burley tobacco far and above his poundage quota and then sell the excess burley as Maryland tobacco, since there are no production controls on the latter. It is obvious that such marketing of excess burley classified as Maryland could destroy the entire burley production control and price support system which have been so meticulously worked out over the past 32 years.

Therefore, Mr. President, I am introducing today, with Senator HUDDLESTON, Senator BAKER, and Senator BROCK legislation which provides that any nonquota tobacco—Maryland tobacco in this instance—grown in an area where it has not been traditionally produced and where producers who are engaged in the production of a kind of tobacco traditionally produced in the area—burley tobacco in this instance—have approved marketing quotas, the nonquota tobacco shall be subject to the quota for the tobacco traditionally produced in that area. In short, the Maryland tobacco grown in a traditionally burley area will be considered burley for the purposes of the poundage quota.

In addition, the legislation which I am introducing provides that if marketing quotas are in effect for more than one kind of tobacco in an area, the production of any nonquota tobacco in that area would be subject to the quota of the kind of tobacco having the highest price support under the existing law.

It is my understanding that a number of buyers have contracted to purchase Maryland tobacco grown in the Burley Belt at prices considerably lower than the burley price support level and at a rate far below the average price paid for traditional Maryland tobacco. Thus, it appears that a much larger volume of Maryland-type tobacco will be produced in Kentucky, Tennessee, Virginia, and North Carolina during the 1973 crop year unless action is taken immediately. This accentuates the urgent need to enact legislation as expeditiously as possible to restrict the production of nonquota tobacco in the traditional areas producing tobacco under quotas. Such action is mandatory if the integrity of the burley production control program is to be retained.

Mr. President, I ask unanimous consent that the text of the proposed legislation 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. 1533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1938 is amended by inserting after section 319 the following new section:

"SEC. 320. Notwithstanding any other provision of law, any kind of tobacco for which marketing quotas are not in effect that is produced in an area where it has not been traditionally produced and where producers who are engaged in the production of a kind of tobacco traditionally produced in the area have approved marketing quotas under this Act shall be subject to the quota for the kind of tobacco traditionally produced in the area. If marketing quotas are in effect for more than one kind of tobacco in an area, any non-quota tobacco not traditionally produced in the area shall be subject to quotas for the kind of tobacco traditionally produced in the area having the highest price support under the Agricultural Act of 1949."

By Mr. BELLMON:

S. 1535. A bill to amend the Internal Revenue Code of 1954 to provide for the recovery of reasonable attorneys' fees, as a part of court costs, in civil cases involving the internal revenue laws. Referred to the Committee on Finance.

Mr. BELLMON. Mr. President, April 15 has come to be a dark day in America, for this is the day when our personal income taxes are due. Since April 15 falls on Sunday this year, taxpaying day is Monday. On Monday night, there will be a crush of taxpayers attempting to file their taxes in advance of the deadline. At various periods thereafter, many hard feelings will result as IRS agents screen taxpayers' records and sort out those cases where they feel the law has been violated.

In a sizable number of cases, during the coming months, irate taxpayers will become bitter toward our Government, because of what they consider to be unjust, heavy-handed, and arbitrary action on the part of the IRS.

Mr. President, I send to the desk legislation which will help correct this situation. It will permit the recovery of reasonable costs by the taxpayer who successfully challenges an adverse Internal Revenue Service ruling in court.

The need for such legislation is clear. As we are well aware, the complexities of the Internal Revenue Code and regulations governing its implementation are so great that they are rarely understood by the average citizen. As a direct result, expensive legal and accounting services are a necessity when differences arise between taxpayers and the Internal Revenue Service.

On many occasions taxpayers who are innocent of wrongdoing find it less expensive and more expedient to accede to the demands of the IRS and pay the alleged shortage than to contest the IRS in the appropriate court. An accused taxpayer faces a Hobson's choice. He can pay the IRS assessment or he can pay the heavy costs of his own defense. Even if he wins in court, he loses. Obviously, a system which promotes this result is in dire need of reform. Quite simply, the present system works an injustice on American taxpayers and additionally serves as a temptation for IRS officials to resort to tactics which can only border on extortion.

The present system creates feelings of both irritation and rebellion on the part of the average taxpayer. The IRS tells the taxpayer that he has improperly filed his return and that he owes the Government of the United States a certain sum of money. The taxpayer then has two alternatives. One, he can pay the alleged deficiency. Or, he can begin the long and quite often expensive struggle to prove that the amount claimed is not due, and ultimately may have to become involved in extended and expensive litigation. Even if the citizen prevails in his legal action, he is still burdened with the attorney's fees and other costs incident to the litigation. Quite often, the situation occurs where the expenses involved far exceed the actual amount claimed by the Internal Revenue Service. My proposal, which would rectify this situation, was introduced during the last session of Congress. It was also included as a part of the Senate version of the 1969 Tax Reform Act.

Mr. President, it is impossible to conceive the continuing operation of this Government without the income tax. Therefore, it is vital to our national well-being that the enforcement of our income tax law not only be effective and just but that it give the appearance to the taxpayer that it is being equitably administered. When and if the American taxpayer begins to revolt against the internal revenue system, the income tax is dead, and if the income tax goes, much of the work of this Government will simply be impossible to accomplish.

Therefore, any action which the Congress can take to convince citizens of this country that they are getting a fair shake in their dealings with the IRS is greatly in the national interest. This legislation, when passed, will correct one of the main complaints taxpayers have against the present administration of the income tax; namely, that the IRS can at its discretion, use the power of the Internal Revenue Service to oppress and harass taxpayers, and that the taxpayer is helpless to defend himself against such a procedure.

Fortunately, the IRS puts forth great effort to achieve and maintain a high degree of professionalism among its agents. However, in spite of its best efforts there are and always will be a segment, even though small, of individuals who abuse the powers of their position in order to take personal revenge against taxpayers they dislike. This bill will give the IRS a means of identifying and hopefully eliminating these oppressive individuals.

The way the bill would work is simple. If a taxpayer feels that an IRS ruling is unfair, the citizen may challenge the IRS in court with the full knowledge that if he prevails he may recover the costs of the litigation from the Government. This procedure will do two things:

First, it will strengthen the backbone of an innocent taxpayer and reassure him that he can defend his position without being penalized through the costs of this defense.

Also, it will discipline the IRS agents against issuing punitive rulings for personal reasons.

The mail received by my office has indicated overwhelming support for the enactment of this proposal from many States. In addition, the National Federation of Independent Business, with more than 300,000 members representing all 50 States, included a question on this proposal in a news survey of its members. The results were 86 percent for the bill, 10 percent against, and 4 percent with no opinion.

In evaluating the proposal which I have just introduced, the organization stated:

The present system works to the disadvantage of the taxpayer. This bill would correct a great inequity and make the IRS more cautious in its claims.

Tax reform will be a major topic of discussion during the 93d Congress, and I am convinced that there is no viable reason why this proposal should not become a part of my measure aimed at reforming our present tax structure.

Mr. President, I ask unanimous consent that the complete text of this bill be printed in full in the RECORD at the conclusion of my remarks.

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

S. 1535

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part II of subchapter C of chapter 76 of the Internal Revenue Code of 1954 (relating to Tax Court procedure) is amended by adding at the end thereof the following new section:

SEC. 7465. RECOVERY OF COSTS.

"(a) IN GENERAL.—In any proceeding before the Tax Court for the redetermination of a deficiency, the prevailing party may be awarded a judgment of costs to the same extent as is provided in section 2412 of title 28, United States Code, for civil actions brought against the United States.

"(b) JUDGMENT.—A judgment of costs entered by the Tax Court shall be treated, for purposes of this subtitle, in the same manner—

"(1) as an overpayment of tax, in the case of a judgment of costs in favor of the petitioner, and

"(2) as an underpayment of tax, in the case of a judgment of costs against the petitioner.

No interest or penalty shall be allowed or assessed with respect to any judgment of costs."

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for such part II is amended by adding at the end thereof the following new item:

"Sec. 7465. Recovery of costs.".

(2) Section 2412 of title 28, United States Code, is amended—

(A) by inserting "(a)" before "Except," and

(B) by adding at the end thereof the following new subsection:

"(b) In any civil action which is brought by or against the United States for the collection or recovery of any internal revenue tax, or of any penalty or other sum under the internal revenue laws, and in which the United States is not the prevailing party, a judgment for costs may include reasonable attorney's fees."

(c) EFFECTIVE DATE.—The amendments made by this Act shall apply only with respect to civil actions and proceedings for the redetermination of deficiencies commenced after the date of the enactment of this Act.

By Mr. PELL:

S. 1539. A bill to amend and extend certain acts relating to elementary and secondary education programs, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. PELL. Mr. President, I introduce for appropriate reference the "Elementary and Secondary Education Amendments of 1973." It is on the basis of this bill that I hope the Subcommittee on Education of the Committee on Labor and Public Welfare will begin to work on the legislative program for education for the 93d Congress. In general, this bill deals with the substantive question of whether existing education programs should be continued; it contains a revision of the organic laws for the Federal education agencies which is designed to improve the administration of education programs; and it proposes the establishment of a major school finance program.

As chairman of the Subcommittee on Education, it has been my custom to delay proceedings with the legislative program until the President's proposals have been laid before the Congress. I believe that this delay constitutes both the extension of a courtesy to the President, and gives his staff an opportunity to consult with the Congress before opinions have been formed and options closed.

When I first decided to defer to the President on this initiative, I had no idea the President would delay until the middle of March in order to submit a rehash of a proposal not adopted during the 92d Congress; nor did I realize that there would be little, if any, consultation with the Congress on this matter. I, as chairman of the subcommittee, was not consulted; nor was either I or my staff even given a courtesy briefing as one would expect. I understand that my colleagues on the minority side of the subcommittee were not consulted either. The President's bill seemingly just appeared with none of the amenities or fanfare one would normally expect to accompany a major legislative proposition of an administration's program.

The bill is now before us, and the reason there were no consultations is apparent; it is simply a less attractive version of the education revenue sharing bill we found so unattractive in the last Congress. The earlier version received no real support in the education community, in the Congress, or in the Nation as a whole. I understand there is less support for this bill than there was for the old revenue sharing bill. Even education organizations which gave qualified support for the concept of revenue sharing now oppose the President's bill.

One would expect that, if the administration wished the Congress to give serious consideration to its recommendations, those recommendations would be at least politically viable. Political viability is not possible in this case. There is hardly a State which would not suffer a degree of financial harm if the President's program were enacted. I have no doubt that, if a general survey of individuals and groups involved in education were taken, the preference for existing programs funded under the continuing resolution for fiscal 1973 would be almost unanimous.

If the President's bill were enacted, many school districts now heavily impacted by Federal activities would either have to raise local property taxes—both business and home property taxes—to replace lost Federal money or close their doors.

Schools funding special programs for educationally deprived children—at the level provided by the Congress over the President's objections—will have to curtail, and some cases, terminate, those programs.

School libraries, which have become the center of educational activities in our schools, will cease to be developed; and, in our less fortunate schools, they will deteriorate.

Handicapped children, who have been badly served by our educational systems for many years, and who only very recently have come to receive special educational services due to Federal stimulus under the Education of the Handicapped Act, its predecessor legislation, will be thrown back onto general education funds and be forced, with their greater needs for special attention, to compete for educational services.

After a 50-year Federal commitment to the improvement of vocational education, under the President's bill that commitment would be withdrawn. For more than half a century, the Federal Government has sought to assist our schools in responding effectively to the vocational needs of our young people. Federal policy in vocational education was substantially revised in 1963 and 1968 to meet more nearly those needs; and that policy was renewed in 1970 and 1972, in bills signed by the President. Now, this administration would have us give up this effort.

Most disturbing of all is that, with education revenue sharing, the President is suggesting that the efforts begun under President Wilson and continued until now through various Presidents of both parties—efforts which have committed the Federal Government to an active role in improving the quality of American education—should come to an end. Even though authority for appropriating funds for education would be on the statute books, there would be no Federal commitment, no Federal policy, to improve educational opportunities for American young people.

This is even more disturbing because the administration chooses to call this revenue-sharing bill the "Better Schools Act"—the implication being that better schools will result from a lack of Federal commitment and involvement. From this, one can only conclude that the administration believes that the better schools are those which do not need Federal assistance, or those which adequately serve only a few children, because the school is underfunded. The short title given to this bill can only be regarded as a cynical insult to those who have worked and given of themselves in order to place a fair share of the responsibility for education on the shoulders of the Federal Government. It is truly a J. Walter Thompson label, image not substance.

I cannot believe that this so-called Better Schools Act proposal is the product of a considered judgment, on education grounds, for the improvement of education. It looks as though somebody, a person or persons whom one of my colleagues has described as a faceless ghost in the White House, has developed a general philosophy of Government and, without thinking about the specific area of education, has applied

that philosophy to education; and, because, in that persons' opinion, the philosophy is good, it will result in better schools.

This is naive—naive beyond belief. The history of the Federal concern about education—a concern that has been sensitive, as no other government has been sensitive; a concern that has been helpful, if not generous; and a concern that has been farsighted if not always perfect in its discernments—is replete with stories of victories over ignorance and prejudice. The Federal effort has sensitized our school systems to the special educational needs of handicapped children, of educationally deprived children, and of children with limited English-speaking ability. It is because of Federal concern that the States and localities have begun their own programs to meet the needs of these children.

Literally thousands of elementary and secondary schools which had no libraries in 1965 now have libraries—libraries which are more than rooms full of books; they are indeed learning centers with modern instruction equipment, as well as books. This is the result of Federal concern and commitment.

Educational practices and methods have changed more rapidly in the last decade than during any previous 10-year period in the history of education. As a result, a greater proportion of our children are learning more and more quickly than ever before. The Federal stimulus has been, in part at least, responsible for these improvements.

State departments of education and State library administrative agencies have, because of Federal encouragement and assistance, been strengthened and improved in order that they may more adequately provide leadership in education.

I can make no claim of unqualified success in these areas. Nor would I say that Federal programs have achieved their purposes. I admit that there has been some wastage of funds. Few know better than I that there are fundamental weaknesses in the administrative competence of our educational agencies. These weaknesses are probably most obvious in the Education Division in the Department of Health, Education, and Welfare. These are not reasons for throwing up our hands and giving up our commitment. They are reasons for seeking improvements and correcting errors.

Needless to say, I am disappointed—deeply disappointed—in this administration's education policies. One would think that, after 4 years of experience, this administration would have learned enough about education to develop a viable, progressive education policy. It looks as though this proposal will join its predecessors from this administration in oblivion.

As I have promised, the administration's bill will receive a fair hearing, as have its predecessors, and then our subcommittee, taking the administration's views into account, will seek to develop a program which merits the Senate's consideration.

I am compelled to inform the Senate, as chairman of the Education Subcommittee, thereby having institutional responsibility to the Senate, it would appear that we must formulate the policies of the Federal Government respecting education without regard for the assistance we normally could expect from the executive branch. This means that we must set ourselves on a course of action which will result in well-considered decisions which, when implemented, will not be said to abdicate either to the executive branch or to the States our constitutional responsibilities. Along this course of action, we must discern weaknesses and strengthen resolve; we must discover error and make corrections; we must analyze problems with a view toward proposing solutions.

For this reason, I am introducing a bill which I regard as a study document. It is a bill designed to provoke an intelligent discussion and consideration of very real questions which now confront us.

I am not committed to the enactment of every provision in this bill; however, I am committed to an intelligent, well-reasoned consideration of each provision of it as well as other matters which will, hopefully, be brought before our committee during the hearing and study process.

The "Elementary and Secondary Education Amendments of 1973" contains three major features: First, the extension of authorizations for existing education programs; second, administrative provisions designed to improve Federal, State, and local administration of Federal education activities; and third, a major effort, on the part of the Federal Government, to assist the States and the localities in the financing of our schools.

During the course of the 93d Congress, it is my hope that the subcommittee on Education can build a record of evidence and considerations which can serve as the basis for congressional action in education during the remainder of this decade—much as the record built during the 88th and 89th Congresses served us until now.

I think our record during the decade of the 1960's has stood us well; it is one of which we can be proud. In the field of elementary and secondary education, we were able to discern those areas of special need for care—such as the needs of disadvantaged children, those of handicapped children, and the unique education problems of children of limited English-speaking ability—and focus attention on those needs, with the result that we made substantial progress in changing our educational systems with respect to the education of those children.

In the fields of higher and vocational education, we have been able to offer promises of equality of opportunity far beyond that which was believed possible just 10 years ago.

However, our record is not without its weaknesses. Federal promises in the form of authorizations have not been followed with commitments in the form of appropriations. Our assessment of the expenditure of public funds in achieving the ends for which those funds were authorized and appropriated has not been thorough enough. Federal administration of education programs has not been diligent.

In addition, ir looking to areas of special needs, we have not paid sufficient attention to the basic problem of financing our schools.

Financing our elementary and secondary schools has become the major issue to be faced by the Congress in the next few years. The deterioration of the property tax as a basis for financing public education at the local level has become apparent with the property tax revolt across the country. Bond issues have been turned down, and increased tax levies for education are being refused by the taxpayers.

The inadequacy of the property tax as a means of financing education is now being demonstrated in courts in almost every State. The Supreme Court has declined to decide the question of the inequities inherent in the property tax and the question of how far does the equal protection clause in the Constitution apply in the field of education, thereby leaving this thorny issue in the hands of the States and the Congress.

Even now the States are acting through their courts and their legislatures in order to alleviate inequities inherent in our system of financially public education, and, as they act, we will go through a decade, if not a longer time, of confusion, disorganization, and experimentation. This will be a time when leadership is needed—leadership which can only come from the Federal Government. Under present circumstances, this means that the Congress must assume that position.

During the 93d Congress, four basic questions regarding education will be asked of Congress:

First. Is equality of educational opportunity a right to which all Americans can aspire?

Second. Does the Federal Government have a responsibility for assisting the States and the localities in financing their school systems? If so, what is that responsibility?

Third. Should the Congress continue to ascertain specific weaknesses and educational needs in education and support programs specifically designed to strengthen areas of weakness and meet these needs?

Fourth. How should Federal policy be implemented?

The administration has, with its revenue sharing bill, suggested its answers to these questions in its budget recommendations and in its revenue sharing bill. The question of equality of education is answered with silence; the question of Federal responsibility is answered by a withdrawal of commitment; the Congress should discontinue strengthening weaknesss and meeting special needs; and, with respect to implementing policy, the Congress should abdicate its responsibility either to executive discretion or to the States.

The bill I am introducing suggests substantive responses to these issues.

The issues of equality of educational

opportunity and Federal responsibility for assisting school systems in financing themselves are fraught with difficulties. There are numerous issues to be resolved before we can come forward with solutions. As chairman of the Subcommittee on Education, I intend to pursue the study of school financing during the course of this Congress. We can no longer afford to delay.

There have been a number of bills introduced in both the House and the Senate which suggest various methods for school finance. There are other proposals which have come to the attention of the Subcommittee on Education. At present, I would be the first to say that there is no single solution to this multifaceted problem, but there are many ideas that I have included a provision for a major school finance program in the bill.

Under this provision, general assistance grants would be given to local schools. The assistance would amount to $100 for each child enrolled in school, plus $25 for each child in school whose family income is less than $4,000. All schools would receive some assistance, but a greater proportion of money would go to school districts with less ability to pay for operating their schools.

In addition, the bill provides for payments to the States to assist them in equalizing expenditures among school districts within the States. If the States adopt equalization plans designed to meet the objectives of the bill, the Federal Government would pay, on the average, 10 percent of the cost of their State aid for education programs.

Further, the bill provides for rebates to homeowners and renters of a portion of their local property taxes. During the first year of the program, if a State wishes to participate in the program and meets the requirements of the bill, each local property taxpayer, whether the individual pays the tax directly or indirectly through rent, would receive a rebate in the amount that the taxpayer's local property tax exceeds 5 percent of the individual's income. This would be a Federal payment.

During succeeding years, States participating in the Federal program would have to continue to give property tax rebates, and the Federal Government would assume one-third of the cost of the rebates.

I realize that this proposal has many flaws and that it must be revised in order to be effective. However, it will serve as the basis for hearings through which can be built a record.

In connection with my view that the Federal Government ought assume a greater share of the responsibility for financing education, I am on record in favor of a one-third Federal share of the cost of education and eventually it is my hope that we can achieve that goal. Under present conditions this appears to be impossible. In fact, the concern about Federal spending has led me to suggest that, in this bill, there should be a reassessment of authorizations of appropriations for the Office of Education.

I believe that, a reassessment will show that we can achieve our presently limited goals in education and even expand those goals within the confines of the present level of authorizations, and then achieve a few reductions.

It is for this reason that this bill suggests a reduction of authorizations in excess of $7 billion annually, thus making those authorizations more realistic in light of present circumstances.

The bill also includes a simple 4-year extension of existing categorical elementary and secondary education programs. I have no doubt that the Subcommittee on Education will suggest a substantial revision of these programs and simplification of their administration.

It could well be that the bill which emerges from my subcommittee would completely rewrite the entire statutory basis for existing programs. It is in this area that the subcommittee's oversight activities have been focused and that many of the findings of these activities will be reflected.

I am suggesting a simple extension at this time in order to avoid prejudicing the views of witnesses and others whose views we need for our evaluation. At the same time, all options are retained.

I will say that there will have to be some very convincing evidence placed before my subcommittee before I will give up the theory that categorical aid is a necessary component of the Federal education programs.

The third major area of the bill deals with the fundamental problem of how Federal policy established by law is to be implemented by the executive branch. For a number of years, we have been concerned and disappointed with distortions of the intentions of Congress with respect to the administration of education programs. I have long held to the view that Congress ought to legislate with a broad brush leaving details to trustworthy administrators who, hopefully, are experts and therefore are qualified to make specific judgments as to how legislated policy is to be implemented. Historically, in education legislation we have given latitude to the executive branch. When that latitude or discretion has been misused to distort legislative intent, we have, on occasion, had to intervene with legislation procedures and organizations.

In general, our policy has been to take corrective action by law only when suggestion and persuasion did not produce results. In recent years, problems with implementation have increased to the point that our subcommittee has been frustrated at almost every turn.

The statistical functions of the Office of Education—functions they are charged by law to carry out—have deteriorated to the point that little in the way of education statistics is available, and data which are available are not always reliable. During the last 4 years, the Education Subcommittee dealt with two massive education bills, entailing authorizations for billions of dollars and affecting the future of almost every person in school. In both instances, we were forced to rely on shaky statistics and, at times, we had to do our own estimates because information was not made available in time for the Office of Education.

It is for this reason that I am proposing the establishment of a National Center for Education Statistics outside the Office of Education. The national center would be under the governance of a bipartisan, but highly qualified board.

In another area, objective evaluations, required by law, have been almost nonexistent, and, when they do exist, appear to have almost no bearing on policy decisions recommended by the executive branch. Evaluation funds appear to have been used as slush funds treated as discretionary funds. It is for this reason that this bill proposes the establishment of a National Commission for Education Policy Planning and Evaluation to lend order and direction on the internal checks and balances of the Office of Education and the National Institute of Education.

I am fearful that our problems with implementing legislative intent will increase in the future. In fact, we have no assurance that the Office of Education will implement unlegislated congressional intent if it is contrary to administration policy.

The only counter to this situation is that, if we are to be certain that the will of Congress is to be implemented, much that should be stated in committee reports will have to be stated in the law.

Presently, the Department of Health, Education, and Welfare is undergoing a decentralization process, which, in the field of education, has proven to be a difficult problem. After several years of admonitions, all of which have been to no avail, I find that the subcommittee must consider this matter as a legislative concern.

Another area of concern is the continued increasing amounts the education agencies are using for salaries and expenses. The requests for these items have more than doubled since 1969, while, at the same time, there have been program cuts. As an oversight matter, this situation should be brought before the subcommittee, and I am doing so.

In general, the leadership role which we must assume entails an examination of the entire nature of policy implementation. This examination, hopefully, will result in strengthened leadership in our education agencies.

As a whole, this bill proposes that the Subcommittee on Education conduct a fundamental reassessment of where we are, what we have done, and what we ought to do.

When the recommendations of any subcommittee, as reviewed and modified by the Committee on Labor and Public Welfare, are ready for consideration by the Senate, I can assure you that they are the product of serious consideration of some very real problems; hopefully, that consideration will result in leadership that is sorely lacking in our Government at this time.

By Mr. McINTYRE (for himself and Mr. COTTON):

S. 1540. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein adjacent to the exterior boundaries of the White Mountain National Forest in the

State of New Hampshire for addition to the National Forest System, and for other purposes. Referred to the Committee on Agriculture and Forestry.

SANDWICH NOTCH BILL INTRODUCED

Mr. McINTYRE. Mr. President, on behalf of myself and my distinguished senior colleague from New Hampshire, Senator NORRIS COTTON, who again joins me this year, we are introducing a bill to preserve Sandwich Notch—the last major notch in New Hampshire without some form of public protection.

Sandwich Notch is one of the most unusual natural areas remaining in the United States. One of its unique features is that unlike most notches which were too inaccessible for human habitation, Sandwich Notch played an important role in the history of New Hampshire as a colonial community.

As early as 1795, after much deliberation, the town of Sandwich voted to lay out a road through the Notch which became a commercial byway of benefit to residents of Vermont and northwestern New Hampshire. The colonists were eager to use the road as a supply route to Portsmouth, N.H., and the ocean. The road has always been maintained and remains today as a dirt passageway through dense forest in the Notch.

Today, the Notch is remarkably untouched with its waterfall, numerous ponds, and forests that make it one of the finest examples of New Hampshire's scenery. The area abounds with game, including a dense population of moose, practically extinct elsewhere in New England.

The northern end of the Sandwich Notch road lies within the White Mountain National Forest. Our bill concerns 7,170 acres at the southern end of the Notch. As New Hampshire continues to enjoy a growing population, we must also plan for lands which have the scenic and recreational benefits this area has to offer. I believe that the loss of Sandwich Notch would be a profound setback to those of us who are concerned about the environment and who want to see certain areas preserved for their scenic, recreational, and wildlife features.

This bill reflexes the interests of countless citizens in New Hampshire who are engaged in an effort to preserve the Notch. Local residents, outdoor organizations, and fish and game clubs are all working to build public support for this effort.

Special credit should also go to the Society for the Protection of New Hampshire Forests and its executive director, Paul Bofinger, for the tremendous job the group has done in educating the citizens of New Hampshire to this need. Were it not for the society's constant educational and informative efforts to save New Hampshire's precious forest lands the effort to save Sandwich Notch might never have gotten this far. This same legislation has been introduced in the House of Representatives by both Members from New Hampshire, Mr. CLEVELAND and Mr. WYMAN.

It is with this in mind, Mr. President, that I introduce this bill to authorize and direct the Secretary of Agriculture to acquire these lands for addition to the National Forest System.

Mr. President, I ask that this bill be referred to the appropriate committee.

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

By Mr. ERVIN (for himself, Mr. METCALF, Mr. PERCY, Mr. NUNN, Mr. BROCK, and Mr. CRANSTON):

S. 1541. A bill to provide for the reform of congressional procedures with respect to the enactment of fiscal measures; to provide ceilings on Federal expenditures and the national debt; to create a Budget Committee in each House; to create a Congressional Office of the Budget, and for other purposes. Referred to the Committee on Government Operations.

THE CONGRESSIONAL BUDGETARY PROCEDURES ACT OF 1973

Mr. ERVIN. Mr. President, on behalf of myself and Senators METCALF, and NUNN. I have today introduced a bill to be entitled: "The Congressional Budgetary Procedures Act of 1973."

I would like to quote briefly from the budget message of the President of the United States, submitted to Congress on January 29, 1973:

> The fragmented nature of Congressional action (on the Budget) results in a . . . serious problem. Rarely does the Congress concern itself with the budget totals or with the effect of its individual actions on those totals . . . "Backdoor" financing . . . provides permanent appropriations, authority to contract in advance of appropriations, authority to borrow and spend without an appropriation, and program authorizations that require mandatory spending whether or not it is desirable in the light of current priorities . . . The Congress must accept responsibility for budget totals and must develop a systematic procedure for maintaining fiscal discipline.

While I have frequently been cast in the role of the President's adversary, and lately this seems to be happening with remarkable regularity, I must say that on this matter of congressional fiscal responsibility, I am in whole-hearted agreement with the words I have just quoted. The congressional procedures with respect to spending the taxpayer's dollar are, to say the least, in dire need of a major overhaul, and have been for quite some time. Since 1960, Federal spending has tripled, the inflation rate has tripled, the dollar outflow abroad has quadrupled, and the dollar has been devalued twice—the first such devaluations since 1933, in the heart of the Great Depression. It has been 52 years since Congress has done anything about shaping its basic tools for controlling Federal expenditures. The Budget and Accounting Act of 1921 was the last major reform of congressional budgetary procedure, yet we are now spending nearly 100 times what we were spending yearly in the 1920's.

Mr. President, I believe that we may now have an unprecedented opportunity to take constructive action toward remedying the situation. It is apparent that a growing number of my colleagues share this concern over the need for renovation of the budget process in Congress. During the last session, Congress made provision for establishment of the Joint Study Committee on Budget Control. This action obviously reflected an awareness of the disturbing fiscal situation facing the Nation and the compelling need to find meaningful ways to deal with it. Furthermore, within the last 3 months alone, we have seen the introduction, here in the Senate, of some 12 bills embodying various approaches to the matter of establishing congressional control, not merely over spending, but over the very process of making the decisions to spend. In short, we are witnessing a gathering momentum toward regaining one of the most basic prerogatives of the legislative branch, the power of the purse.

Mr. President, I request that the name of the distinguished Senator from Tennessee (Mr. BROCK) be added as a cosponsor of the bill.

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

Mr. ERVIN. I firmly believe that Congress will not achieve that goal unless and until it establishes procedures which will provide a sound, workable system encompassing all congressional actions affecting the budget process. In the words of the Joint Study Committee of which I have just made mention:

> We must have an effective, permanent mechanism for budget control which will assure a more comprehensive and coordinated review of budget totals and determination of spending priorities and spending goals, together with a determination of the appropriate associated revenue and debt levels.

To this end, I introduced the Congressional Budgetary Procedures Act. At this moment my distinguished colleague, the Senator from Montana, chairman of the Subcommittee on Budgeting, Management, and Expenditures of the Committee on Government Operations and cosponsor of this legislation, is conducting legislative hearings on the subject "Improving Congressional Control Over the Budget." The subcommittee is considering and taking testimony on, among other things, the 12 bills I mentioned a moment ago. It is my hope and intention that the bill I introduce today will be considered by that subcommittee in that context and will prove useful to the Members in their consideration of the legislation which is so urgently needed. The language of the bill is certainly not final. I anticipate it will be changed in many particulars to reflect the recommendations that will result from the deliberations of the subcommittee and the recommendations of the Joint Study Committee on Budget Control. However, I do feel it embodies the basic concepts which will enable us to achieve the position we have been hearing so much about of late, that of fiscal responsibility.

Mr. President, allow me briefly to describe the basic features of my proposal. First, the legislation establishes a standing Committee on the Budget in each House. The Senate Budget Committee shall be comprised of 15 members, 3 from the Committee on Appropriations and 3 from the Committee on Finance, and 9 members chosen from the Senate membership at large, excluding those who sit on the Committees on Appropriations or

Finance. The House Budget Committee shall be 15 members similarly selected, with the exception that the Committee on Ways and Means is substituted for the Finance Committee. The Senate Budget Committee will be chaired, in each even-numbered Congress, by one of its members from Appropriations and in each odd-numbered Congress by a member from Finance. The House Budget Committee chair will also alternate; in each even-numbered Congress it will be held by one of its members from the Committee on Ways and Means and in odd-numbered sessions by a member from Appropriations. In any given Congress, then, we have the balance of two chairmen, one from the revenue side of congressional operations, the other from the expenditure side.

Second, the legislation creates a congressional Office of the Budget, a nonpolitical, nonpartisan entity under a Director and Deputy Director chosen by the Speaker of the House. The Director will appoint such staff as needed, without regard to political affiliation. Basically, it will be the duty of this Office to provide the Budget Committees of each House, and other committees of Congress, with whatever information is needed with respect to revenues, expenditures, Presidential budget requests, the general state of the economy, and a myriad of fiscal-related data including aggregate budget authority and outlays enacted to date. The Office will be equivalent, in importance and prestige, to the General Accounting Office.

Not later than the first of March each year, having considered the recommendations, reports, and analyses prepared by the Office as well as any other information deemed appropriate, including material adduced at hearings if necessary, the Budget Committee of each House shall report to its House a concurrent resolution dealing with the fiscal situation.

The resolution will, with respect to the ensuing fiscal year, estimate revenues, recommend an appropriate level of expenditures and an appropriate level of the public debt. It will establish a limit on total outlays, that is, a spending ceiling, consistent with its recommendations. It will establish limits on outlays within specific major categories to be designated by the Budget Committees. It is anticipated that these major categories will be selected so as to coincide, to the extent possible, with the existing major divisions of budget responsibility within Congress. The concurrent resolution will also establish limits, with respect to the ensuing fiscal year, on total budget authority and on budget authority by major category with a view to holding outlays under such budget within the limits established. The concurrent resolutions thus introduced shall be highly privileged in each House, and the legislation provides detailed procedures for their consideration, including provision for conference committees to resolve differences. No amendments to the concurrent resolution which would increase any limits proposed shall be in order except those that provide for increased revenues by source, or for decreases in other categories equal to the increase proposed by the amendment. This measure insures that Members advocating increased spending will have to do so in the harsh light of the realization that resources are limited, a fact which often seems to escape us. The same restriction shall apply with respect to proposed tax cuts; namely, that any such reductions would have to be accompanied by offsetting changes in spending totals or the public debt.

Further, the legislation provides that every measure enacting budget authority shall specify a limit on outlays under such authority for the fiscal year to which the budget authority relates. In addition, each such measure reported by a standing committee shall be accompanied by a report prepared by the Office of the Budget comparing budget authority and outlays in the measure with amounts requested in the President's Budget and with limits established by the concurrent resolution.

It shall not be in order to consider any measure providing budget authority for a fiscal year until the concurrent resolution establishing limits with respect to that year has been agreed to. Nor shall it be in order to consider any measure providing budget authority or outlays in excess of the limits established in the concurrent resolution then in effect. The first concurrent resolution relating to a given fiscal year shall be agreed to by March 30 in the calendar year within which the fiscal year commences. A second concurrent resolution revising the limits established in the first may be reported if necessary, and if reported will be agreed to by September 30 in the fiscal year to which it relates. Further revisions in limits may be accomplished during the fiscal year only by further concurrent resolutions as described.

Up to this point I have described provisions relating to budget authority and spending ceilings and the means by which they will be effectuated. Let me now describe two major portions of the legislation dealing with other aspects of the fiscal picture.

First, the measure I introduced would require that any basic authorizing legislation—that is, legislation creating new programs or activities—be enacted no later than the last day in April preceding the fiscal year in which those programs or activities would begin. This is a simple device designed to allow responsible fiscal planning and control of the budget. The essence of any budget, whether that of a family or of a nation, is advance planning. No budget for any period can be adhered to if sudden decisions to spend in completely new directions are made within that period. The legislation does, of course, provide for new program authorization for the fiscal year in progress in situations of major disaster or other emergency.

Second, and this is vital, the legislation provides for control of what is commonly called "backdoor" spending. Backdoor spending means, simply, congressional action allowing obligation of funds without a meaningful review by the Appropriations Committees. It includes such things as contract authority, borrowing authority, mandatory appropriations which commit expenditures, and a number of actions which are loosely refered to as "permanent appropriations." In short, backdoor spending is spending outside the jurisdiction of the Appropriations Committees or mandated spending such that the Appropriations Committees have no discretion or control. Somehow, this kind of spending must be controlled if Congress is ever to be considered fiscally responsible.

The legislation I propose establishes that any "backdoor" spending measure will provide that any spending under such measure can occur only after a later measure authorizing such spending is enacted. Only the Budget Committees in each House will have jurisdiction to report such authorizing measures, and all such measures shall be referred to the Budget Committee of the House in which they are introduced. This establishes control over "backdoor" spending legislation which is analogous to the control over "normal" spending provided by the appropriations process, and is, I believe, unique among the proposals heretofore introduced. It is also essential to any real control over spending.

There are several other features of the proposed legislation, including amendment of the Budget and Accounting Act so as to require some additional information and projections in the President's budget, but I shall not take time now to enumerate them. Suffice it to say that I have described the essential elements of my proposals and have omitted, I believe, only tedious description of supporting detail.

Mr. President, a simple spending ceiling, without a mechanism to implement that ceiling, is nothing more than a stopgap measure. At the moment, we are in need of such a measure as a first step, a holding action, like the celebrated Dutch boy with his finger in the dike. I believe the legislation I have been describing today goes well beyond such temporary action. It can be the basis for the total rebuilding of the structure of fiscal responsibility, a job to which we are all so obviously committed and one which is so urgently needed.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 1541

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 "Congressional Budgetary Procedures Act of 1973."

DEFINITIONS

SEC. 2. For purposes of this Act, "budget outlays" means Federal expenditures and net lendings in the fiscal year to which the budget relates; "budget authority" means congressionally enacted permission for the Government departments and establishments to enter into obligations requiring either immediate or future payment of money; "Budget" means the budget of the U.S. Government transmitted to Congress by the President pursuant to the Budget and Accounting Act, 1921.

SEC. 3. (a) There is hereby established a standing committee of the Senate to be known as the Committee on the Budget (hereafter in this section referred to as the "Committee").

(b) The committee shall consist of 15 members who shall be selected in the same manner as other standing committees of the Senate except that—

(1) Three members shall also be members of the Committee on Appropriations, and

(2) Three members shall also be members of the Committee on Finance, and

(3) The remaining nine members shall not be members of either the Committee on Appropriations or the Committee on Finance.

(c) The committee shall have the jurisdiction conferred on it by this Act and shall perform such other functions and duties as may be prescribed by this Act or as may hereafter be prescribed by the Senate.

(d) The committee shall be chaired, in each even-numbered Congress, by one of its members from the Appropriations Committee and in each odd-numbered Congress by one of its members from the Finance Committee.

(e) All provisions of law and rules and orders of the Senate applicable to standing committees of the Senate shall apply to the committee in the same manner and to the same extent as other standing committees.

(f) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, services of a Senator as a member of the committee, or as chairman of the committee, shall not be taken into account.

SEC. 4. (a) There is hereby established a standing committee of the House of Representatives to be known as the Committee on the Budget (hereafter in this section referred to as the "Committee").

(b) The Committee shall consist of 15 members who shall be selected in the same manner as other standing committees of the House except that—

(1) three members shall also be members of the Committee on Appropriations, and

(2) 3 members shall also be members of the Committee on Ways and Means, and

(3) the remaining 9 members shall not be members of either the Committe on Appropriations or the Committee on Ways and Means.

(c) The Committee shall have the jurisdiction conferred on it by this Act and shall perform such other functions and duties as may be prescribed by this Act or as may hereafter be prescribed by the House.

(d) The Committee shall be chaired, in each even-numbered Congress, by one of its members from the Ways and Means Committee, and in each odd-numbered Congress by one of its members from the Appropriations Committee.

(e) All provisions of law and rules and orders of the House applicable to standing committees of the House shall apply to the Committee in the same manner and to the same extent as other standing committees.

SEC. 5 (a) For purpose of this section—

(1) The term "advance obligation authority" means authority provided by law, whether on a temporary or permanent basis—

(A) to enter into contracts, under which the United States is obligated to make outlays, prior to the time that appropriation or other budget authority for such outlays has been made available,

(B) to incur indebtedness for the repayment of which the United States is liable (other than indebtedness incurred under the Second Liberty Bond Act),

(C) to guarantee on behalf of the United States the repayment of indebtedness incurred by any persoa, aad

(D) to make payments (including loans and grants) to any person if, under the provisions of the law containing such authority, the United States is obligated to make such payments to persons who meet the requirements established by such law.

(2) The term "new advance obligational authority" means advance obligational authority provided by law enacted after the effective date of this Act, including any increase in, or addition to, any advance obligational authority provided by law on the effective date of this Act.

(3) The term "person" includes a government and a subdivision or agency of a government.

(b) It shall not be in order in either the Senate or the House of Representatives to consider any bill or other measure which provides new advance obligational authority, or any amendment which provides new advance obligational authority, unless such bill or measure, or such amendment, also provides that the new advance obligational authority may be exercised for any fiscal year only to the extent authorized for such fiscal year by laws enacted after the enactment of such bill or other measure.

(c) All bills and other measures introduced in the House of Representatives which authorize the exercise of new advance obligational authority shall be referred to the Committee on the Budget of the House (hereafter in this Act referred to as "House Budget Committee" or "Budget Committee"). No committee of the House other than the Budget Committee shall have jurisdiction to report any bill or other measure which authorizes the exercise of new advance obligational authority. All bills and other measures introduced in the Senate which authorize the exercise of new advance obligational authority shall be referred to the Committee on the Budget of the Senate (hereafter in this Act referred to as "Senate Budget Committee" or "Budget Committee"). No committee of the Senate other than the Budget Committee shall have jurisdiction to report any bill or other measure which authorizes the exercise of new advance obligational authority.

(d) It shall not be in order in either the Senate or the House of Representatives to consider any bill or other measure, or amendment thereto, which authorizes the exercise of new advance obligational authority for a period in excess of one fiscal year.

SEC. 6 (a) It shall not be in order in either the Senate or the House of Representatives to consider, on or after the first day of May of any calendar year (beginning with the calendar year 1974), any bill or other measure which authorizes the enactment of budget authority for the fiscal year commencing in such calendar year.

(b) The provisions of subsection (a) shall not apply to any bill or other measure if—

(1) the report accompanying such bill or other measure sets forth the existence of an emergency or other unusual circumstance which requires its consideration; and

(2) the Senate or the House of Representatives, as the case may be, by a two-thirds majority of the Members present and voting on a roll-call vote, waives the application of subsection (a) to such bill or other measure.

SEC. 7 (a) There is hereby created a Congressional Office of the Budget (hereafter in this Act referred to as "Office"). The Director and Deputy Director of the Office shall be appointed by the Speaker of the House without regard to political affiliation and solely on the basis of their fitness to perform their duties. The Director and Deputy Director thus appointed shall receive the same compensation as the Comptroller General and the Assistant Comptroller General respectively.

(b) The Director of the office shall—

(1) appoint such other personnel and consultants as may be necessary to carry out the duties and functions of the office, all such personnel and consultants to be appointed without regard to political affiliation and solely on the basis of their fitness to perform their duties;

(2) equip the office with up-to-date computer capability, and obtain the services of experts and consultants of computer technology.

(c) It shall be the duty and function of the Office to provide information to the Budget Committees of the two Houses, and to other committees of the two Houses on request, with respect to the budget, appropriation bills, other bills authorizing or providing budget authority, revenue, receipts and estimated future revenues, and changing revenue conditions and such other information as may be deemed appropriate by the Director, or the Budget Committees.

(d) The Joint Committee on Reduction of Federal Expenditures shall cease to exist and its staff and functions shall be subsumed into the Office.

(e) (1) In the performance of its duties and functions, the Office shall be empowered to coordinate and utilize both the General Accounting Office and the Library of Congress resources as provided under the Legislative Reorganization Act of 1970.

(2) Each department, agency, and instrumentality of the executive branch of the Government, to the extent permitted by law, shall furnish to the Office upon request made by the Director, such information as the Director considers necessary to carry out the duties and functions of the Office.

SEC. 8 (a) The Office shall make estimates of the tax revenues and other revenues expected to be received by the United States Government with respect to each fiscal year, including an itemization by major revenue sources. The Office may thereafter revise such estimates from time to time as it considers appropriate. Such estimates, and revisions thereof, shall be made available to the Budget Committees of the two Houses of Congress.

(b) Not later than ten days after the budget with respect to such fiscal year has been transmitted to Congress, and, based on the estimate of the Office of revenues expected to be received by the United States Government with respect to each year, the Office shall recommend to the Budget Committees of the two Houses of Congress the amount, if any, by which budget outlays of the United States Government should exceed revenues expected to be received, or the amount, if any, by which such revenues should exceed such budget outlays, in order to provide for appropriate growth and stability of the economy of the United States.

(c) The Budget Committees are authorized to hold hearings on such estimates and recommendations for the presentation of facts and views by, among others, consultants or organizations thereof.

SEC. 9. (a) Each Budget Committee shall—

(1) receive and give consideration to the estimates, recommendations, reports, and analyses of the Office and consider the Budget, the Economic Report and the Nation's economic condition, including gross national product, employment, business investment, consumer spending, international trade, the availability of credit, and the state of Federal expenditures and revenues; and

(2) hold hearings for the purpose of gathering additional information should the Budget Committee deem it necessary.

(b) Based upon factors enumerated in subsection (a) of this section, as well as any other information deemed relevant the Budget Committees shall, not later than March 1 of each year report to their respective Houses a concurrent resolution which shall—

(1) estimate revenues to be received in the ensuing fiscal year and the major sources thereof;

(2) recommend, for the ensuing fiscal year, the amount, if any, by which budget outlays should exceed revenues, or revenues should exceed budget outlays, in order to promote the general welfare and to provide maximum employment, production, and purchasing

power consistent with national economic stability, and recommend an appropriate limit on the public debt;

(3) establish for the ensuing fiscal year, a limit on total budget outlays consistent with paragraph (2) above; a limit on total budget authority which will result in budget outlays within the established limit;

(4) establish, with respect to the ensuing fiscal year, for each committee having jurisdiction to report legislation providing budget authority, limits on budget authority and budget outlays in major categories to be designated by the Budget Committees.

(5) establish, with respect to the ensuing fiscal year, a limit on the amount by which the revenues and receipts of the government may be reduced by any bill or other measure.

(c) The report accompanying the concurrent resolution shall include, but not be limited to, a comparison of revenues and major sources thereof as estimated in the concurrent resolution with those estimated in the Budget; and a comparison of the limits on total budget authority and total budget outlays established in such concurrent resolution with total budget authority requested and total budget outlays estimated in the Budget.

(d) Not later than September 1 of each year, the Budget Committees shall review the provisions of the concurrent resolution provided for in subsection (b) of this section, and report a new concurrent resolution providing any revisions the Committees deem appropriate.

(e) The limits on total budget outlays and total budget authority established by concurrent resolution enacted pursuant to this section may be revised by succeeding concurrent resolutions enacted pursuant to procedures as set forth in this section.

(f) (1) A concurrent resolution reported under subsections (b), (d) or (e) of this section shall be highly privileged in each House. It shall be in order at any time after the third day following the day on which such a concurrent resolution is reported to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) No amendment increasing the limits on total outlays or total budget authority or increasing the limits on budget outlays or budget authority in major categories established in the concurrent resolution shall be in order except those which specify (a) a reduction in the limits on budget outlays or budget authority in other major categories not in excess of the amount by which the limits on budget outlays or budget authority would be increased by such amendment or (b) a provision recommending increased revenues through additional taxation or public debt or both; No amendment decreasing tax revenues or receipts shall be in order except those which specify (a) a reduction in the limits on budget outlays, or budget authority by major category by an amount not less than such decrease in tax revenues or receipts or (b) a provision recommending an increase in the public debt.

(3) Debate on such concurrent resolution shall not exceed ten hours, which shall be divided equally between those favoring and those opposing the concurrent resolution. Debate on amendments shall not exceed two hours, divided equally between those favoring and those opposing the amendment. Once debate has begun, no other matter or measure may be considered by that House. A motion to recommit the concurrent resolution shall not be in order and it shall not be in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(4) Motions to postpone, made with respect to the consideration of such a concurrent resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(5) Appeals from decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such a concurrent resolution shall be decided without debate.

(6) If, prior to the passage by one House of a concurrent resolution of that House, that House receives from the other House a concurrent resolution of such other House, then—

(A) the procedure with respect to the concurrent resolution of the first House shall be the same as if no concurrent resolution from the other House had been received; but

(B) on any vote on final passage of the concurrent resolution of the first House the concurrent resolution from the other House shall be automatically substituted.

(g) (1) There shall be a conference of the two Houses to resolve any differences between the concurrent resolution as passed by each House.

(2) The conference report shall be highly privileged in each House. It shall be in order at any time after the third day following the day on which such a conference report is reported to move to proceed to its consideration (even though a previous motion to the same effect has been disagreed to). Such a motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(3) Debate on the conference report shall be limited to four hours, which shall be divided equally between those favoring and those opposing the conference report. A motion to recommit the conference report shall not be in order and it shall not be in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(4) Motions to postpone, made with respect to the consideration of such conference report and motions to proceed to the consideration of other business, shall be decided without debate.

(5) Appeals from decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to such conference report shall be decided without debate.

(6) The concurrent resolutions reported under (b) and (d) of this section shall be agreed to by March 30 and September 30, respectively.

SEC. 10. (a) Except as provided in subsection (b), it shall not be in order, in either the Senate or the House of Representatives, to consider any bill or joint resolution providing budget authority for any fiscal year prior to the date on which the two Houses agree to a concurrent resolution pursuant to Section 9(b) prescribing limits on budget outlays and budget authority with respect to such fiscal year.

(b) The provisions of subsection (a) shall not apply to any bill or other measure if—

(1) the report accompanying such bill or other measure sets forth the existence of an emergency or other unusual circumstance which requires its consideration; and

(2) the Senate or the House of Representatives, as the case may be, by a two-thirds majority of the Members present and voting on a roll-call vote, waives the application of subsection (a) to such bill or other measure.

(c) Subsection (a) shall not be construed to preclude the holding of hearings or other consideration by any committee of the Senate or the House of Representatives, or any joint committee of the two Houses, with respect to proposed budget authority, proposed outlays and estimated revenues set forth in the Budget.

SEC. 11. (a) Section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by inserting after "ensuing fiscal year" in paragraph (5) "and the two fiscal years immediately following the ensuing fiscal year";

(2) by striking out "such year" in paragraph (5) and inserting in lieu thereof "such years";

(3) by inserting after "ensuing fiscal year" in paragraph (6) "and the two fiscal years immediately following the ensuing fiscal year".

(b) Section 201 of such Act is amended by adding at the end thereof the following new subsection:

"(d) The budget shall include (1) with respect to each of the major categories as designated by the Budget Committees, an examination of proposed expenditures and appropriations for the ensuing fiscal year and each of the two fiscal years immediately following such year, and (2) the bases used for the proposed expenditures and appropriations by major categories for the ensuing fiscal year and each of the two fiscal years immediately following such fiscal year."

SEC. 12. (a) All bills or joint resolutions providing budget authority with respect to any fiscal year (beginning with the fiscal year ending June 30, 1975) shall provide a limit on budget outlays in such fiscal year under such budget authority.

(b) Each bill or joint resolution providing budget authority shall be accompanied by a report prepared by the Office which shall include but not be limited to:

(1) a comparison of total budget authority in each major category provided by the bill

(A) with budget authority requested in such major categories in the Budget; and

(B) with budget authority limits in such major categories prescribed in the concurrent resolution agreed to under Section 9 then in effect;

(2) a comparison of budget outlays as limited by the bill or joint resolution during the fiscal year to which the budget relates

(A) with the budget outlays estimated for that purpose in the Budget for that fiscal year; and

(B) with limits on budget outlays in relevant major categories prescribed in the concurrent resolution agreed to pursuant to Section 9 then in effect;

(3) a comparison of estimated budget outlays under budget authority provided by the bill or joint resolution in each of the two years following the fiscal year to which the Budget relates with estimated budget outlays for each such year as projected in the Budget.

(c) It shall not be in order for either House to consider any bill or other measure, or amendment thereto, providing, with respect to a fiscal year, budget authority or budget outlays which exceed the limits on budget authority or budget outlays established for such fiscal year by concurrent resolution agreed to under Section 9 of this Act and in effect at the time such bill or other measure is being considered.

(d) The provisions of subsection (c) shall not apply to any bill or other measure if—

(1) the report accompanying such bill or other measure sets forth the existence of an emergency or other unusual circumstance which requires its consideration; and

(2) the Senate or the House of Representatives, as the case may be, by a two-thirds majority of the Members present and voting on a roll-call vote, waives the application of subsection (c) to such bill or other measure.

SEC. 13. The provisions of this Act, other than sections 7 and 11 are enacted by the Congress—

(1) as an exercise of the rulemaking powers of the Senate and the House of Representatives, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House, except that such House may change the provisions of such sections with respect to that House only by a vote of two-thirds of the Members of that House present and voting.

Mr. BROCK. May I say I am delighted with and grateful for the action the Senator from North Carolina has taken over the years in attempting not only to achieve fiscal responsibility in this Government, but to see that Congress reasserted its constitutional rights and responsibilities.

I have been active in seeking effective reform in this body and in the other body for at least 10 years now, and for the first time in my life I honestly believe that we have made more progress in achieving honest reform and honest reassertion of the constitutional rights of the Congress of the United States this year than we have in the preceding 10 years that I have served in the two bodies, and I think the Senator from North Carolina is due an enormous amount of credit for his leadership in this area.

I personally introduced S. 40, a bill to establish a legislative budget and congressional authority in setting national priorities last year. Because of this, the committee has been holding hearings on it. With the Senator from Montana's leadership in the subcommittee, those hearings have been enormously productive. The Senator's bill, of which I am a sponsor, along with the Senator from Montana and the Senator from Georgia, intends to encompass more fundamental and far-reaching reform proposals that have been advocated by a series of people from all walks of life—Members of Congress, professors, members of the academic community, members of business, and other organizations.

There is a common will today to see that Congress reasserts having a voice in the establishment of priorities and a responsible voice in achieving the use of the resources of this country in a fashion responsive to the will of the people, and responsive in the context that that will be done within the limits of the capacity of the American people to be taxed.

I am delighted with the Senator's proposal. I want to support him fully and thoroughly in this body today, because I think his leadership is fundamental to the cause of true reform in the Senate and in the Congress.

Mr. ERVIN. I am deeply grateful to my friend from Tennessee for his most complimentary remarks. I am especially pleased to have him as a cosponsor of the bill. Ever since he came to the Senate, and, as far as I know, when he served in the House, the Senator from Tennessee has been a strong advocate of the Government's setting its financial house in order. I certainly share the view of the Senator from Tennessee that that is the prime obligation resting upon the Congress.

We are much concerned in the Congress at this time with recapturing the power of the purse, with which the Constitution provides Congress the authority, but if Congress is to reacquire this power in a way to serve the best interests of the people of the United States, we are going to have to have a measure such as that proposed in the bill introduced by the Senator from Tennessee, which I cosponsor, or that proposed in the bill which I have introduced today, to establish measures which will keep Congress within the field of financial responsibility when temptation presents itself to Congress, as it often will, to stay outside that area.

Like the Senator from Tennessee, I think that many of our present woes, and indeed virtually all of our woes in the financial field, have been occasioned by past reckless deficit financing of Government programs, which has been engaged in during more than 40 years past. This is not a partisan issue in any sense of the term, because we have had this reckless deficit financing under all administrations, and the time has certainly come to call a halt.

Our problems have come about, because of deficit financing to a large degree, because deficit financing robs the people of their past earnings and robs them of their future earnings.

I am certainly delighted to have the aid of the Senator from Tennessee, a valuable member of the Government Operations Committee, to assist me in sponsoring the bill.

Mr. President, I think it is in order for me to explain a little more in detail some of the features of this proposed legislation.

The main features of the Congressional Budgetary Procedures Act are as follows:

First. Congress would enact annual ceilings on Federal expenditures, new budget authority, and the national debt which are related to estimated revenues to provide surplus or deficit levels appropriate to the national economy.

Second. Congressional budget committees in both Houses of Congress would be established to oversee spending, new budget authority, and revenue levels.

Third. Congressional controls over "backdoor" spending which now escapes review by the appropriations committees, would be subject to review by the budget committees.

Fourth. A prestigious Congressional Office of the Budget would be established to develop information and aid Congress in controlling expenditures.

Spending and revenue levels would be developed by the new Congressional Budget Office, reviewed by the Congressional Budget Committees and a concurrent resolution enacted by Congress early each year establishing such limits. After that, measures for higher spending or lower taxes would have to be accompanied with offsetting changes in other areas or in the debt limit.

The act would create two separate standing committees on the budget—one for each House. This is consistent with recommendation 7 of the Joint Study Committee interim report. Each committee would be comprised of three members from the appropriations committee, three members from the tax-writing committee, and nine members at large who are not members of these committees. The three members from the appropriations and tax-writing committee could be the chairman, the ranking majority member, and the ranking minority member of these committees. This would assure powerful representation on the budget committees of those most vitally concerned. The nine members at large would be selected as they are for other standing committees, assuring representation of the membership at large. The chairmanship of the two budget committees would be rotated between the members of the appropriations and tax-writing committees.

The Congressional Office of the Budget provided by the act would be a much stronger body than the joint staff mentioned in recommendation 8 of the joint study committee interim report. It would be equivalent in importance, prestige, and expertise to the General Accounting Office. While the Congressional Budget Office could utilize information developed by the General Accounting Office, the Library of Congress and various Government agencies, its function should be more concerned with overall spending and revenue matters and fiscal effects of programs, rather than specific investigations such as those conducted by the General Accounting Office.

With two Houses of Congress, no satisfactory method of selecting the head of a congressional agency has yet been developed, which would seem to present a problem in selecting the Director of the Congressional Office of the Budget. In the case of other congressional officers such as the Comptroller General and the Librarian of Congress, this selection is made by the President. Since the purpose of the office is to enable Congress to develop independent judgment, this does not seem appropriate in case of the Director of the Congressional Budget Office.

The act provides that selection of the Director and Deputy Director of the Congressional Office of the Budget be made by the Speaker of the House on the basis of competence without regard to partisan affiliation. The Speaker is the highest officer in the House which initiates fiscal bills. Moreover, the Speaker ranks just behind the Vice President in Presidential succession. The staff itself would also be selected solely on the basis of competence without regard to partisan affiliation.

Based on the budget estimates and the estimates and recommendations of the Congressional Office of the Budget, the two budget committees would hold hearings and consider what level should be set for total expenditures and revenues for the ensuing fiscal year, what the budgetary surplus or deficit would be and what limit should be placed on new spending authority and tax reductions. This process would begin within 10 days after the submission of the Federal budget by the President.

Before March 1 of each year, each

Budget Committee would report to its parent body a concurrent resolution which would:

First. Estimate total revenues for the ensuing fiscal year.

Second. Recommend a relationship between total spending and revenues which is appropriate to the maximum growth and stability of the national economy, and an appropriate level for the public debt.

Third. Establish a limit on total budget outlays and budget authority which is consistent with such relationship between spending and revenues.

Fourth. Establish a limit budget authority and outlays by major category of expenditures as designated by the budget committees, and a limit on tax cuts.

Fifth. Defend in the report the rationale for its recommendations.

To implement Joint Study Committee interim recommendation 1, the concurrent resolutions would be considered in each House under rules of limited debate. But once adopted after conference committee reconciliation and congressional enactment, before March 30 of each year, any measure affecting totals would have to be offset by provision for changes in revenue or spending levels or the public debt limit. This takes into account Joint Study Committee interim recommendation 5.

In the light of changing economic circumstances, such limits would be subject to a midyear review in September of each year and altered if appropriate. This would be consistent with the Joint Study Committee's interim recommendation 3.

Joint Study Committee interm recommendation 4 calls for "allocating the appropriate portions of expenditures and budget authority ceilings to various committees having jurisdiction over the legislation affecting the budget." Such allocations would be designated by the budget committees and included in the concurrent resolution.

During the course of the congressional session, the Congressional Office of the Budget would provide reports on how new legislation would affect spending and tax levels.

To further implement Joint Study Committee interim recommendation 2 and get a better grip on "back door" spending, the act provides Congress with a second look at new budget authority which, under current rules, escapes meaningful review by the Appropriation Committees. Normally, a new program must, first, be authorized by legislation, and, second, be reviewed by the Appropriations Committees before spending can take place. The same double look would be provided in the case of backdoor spending. After legislation has been reported by a standing legislative committee and enacted by Congress, spending could not take place until the budget committees report a bill or bills authorizing the exercise of budget authority provided in the "back door" spending measure. Such additional legislation would also be required before tax cuts could take place.

Thus backdoor spending which permits expenditures to be made without review by the appropriations committees, would get a review by the budget committees. This would include programs involving expenditures which cannot be altered by the appropriations committees; that is, pay increases, veterans' benefits and other programs which commit the Government to higher expenditures.

Joint Study Committee interim recommendation 10 would require new authorizing legislation to be enacted a year in advance of the fiscal year in which such legislation takes effect. The act provides that such new authorization be enacted before May 1 of each year if budget authority under such authorization is to be provided in the ensuing fiscal year. This will be very helpful in providing sufficient time for the Office of the Budget to review such measures and report on their effects on the budget for the year under consideration.

Finally, Joint Study Committee interim recommendation 9 calls for review of the different ways in which budget authority and expenditures are, in fact, authorized or incurred. This highly useful exercise can be prepared by the proposed Office of the Budget and reviewed by the budget committees.

Mr. President, I have the abiding conviction that the machinery provided in the bill introduced by me with the cosponsorship of Senators METCALF, NUNN, and BROCK will work well to enable Congress to set its affairs in order in respect to the exercise of its constitutional powers of the purse.

Mr. President, I yield the floor.

By Mr. MONDALE (for himself and Mr. HUMPHREY):

S. 1542. A bill to impose a 60-day freeze on prices and rents and direct the President to establish a long-run economic stabilization program. Referred to the Committee on Banking, Housing and Urban Affairs.

CONGRESS SHOULD IMPOSE 60-DAY PRICE FREEZE

Mr. MONDALE. Mr. President, the announcement last week of a 2.2-percent increase in wholesale prices during March—the biggest 1-month jump in 22 years and an increase of 26.4 percent on an annual basis—demonstrates clearly that phase III has been a colossal and unmitigated disaster.

The normally staid and low-key Wall Street Journal began its report on the March wholesale price jump by saying:

> The failure of the Phase 3 economic controls was spectacularly documented anew by a wholesale price explosion in March.

The report then went on to speak of "prices—gone wild," "a bombshell report," and "a stunning burst of price boosts for industrial goods" that "left Government economists open-mouthed."

The report quoted a "top Federal analyst" as saying that his reaction was "shellshock" and that: "The numbers are absolutely, incredibly bad."

We are clearly in big trouble. Prices are soaring totally out of control. We must act now before the situation gets even worse.

I am, therefore, today proposing legislation that would:

First. Freeze all prices and rents "at levels no higher than those prevailing on March 16, 1973";

Second. Direct the President to roll back prices and rents to levels lower than those on March 16 when necessary to control inflation; and

Third. Direct the President to establish a "long-run" program to control inflation to take effect after the 60-day freeze expires.

The bill would also give the President authority to make adjustments during the freeze to correct "gross inequities."

We need a breathing period to put our economic house back in order. Congress must do it if the President will not. This 60-day freeze will give us the time needed to put together an economic stabilization program that will work. The President should consult with the Congress, labor, business, consumers, and as many other interested citizens as possible—just as he did before instituting phase 2—in order to work out the best possible control program for the long run.

The events of recent months have shown that one-man rule over the economy is a prescription for disaster. The President—acting on his own—initiated phase 3 just 2 short days after announcement of the biggest jump in wholesale prices in 21 years. Higher prices for the consumer were clearly on the way, but the warning signs were not heeded.

The freeze on meat prices announced by the President on March 29 is both inadequate and unfair. What good does it do to have controls on meat prices when all other prices are going wild And how is it fair to the farmer to impose a freeze on the prices he receives but no freeze on the costs he must pay? We need an across-the-board freeze on all prices that applies fairly and equitably to everyone.

The March wholesale price figures show clearly that it is unfair to single out the farmer as the scapegoat for higher prices. Prices for industrial commodities—the single best indicator of inflation—went up at an annual rate of 14.4 percent in March—the sharpest 1-month jump in 22 years. And prices for consumer finished goods ballooned at an annual rate of 26.4 percent, equaling a 25-year-old record.

Mr. President, we are now in the midst of an inflationary psychology gone berserk. Businessmen are rushing headlong to establish higher prices on the assumption that another freeze will be imposed. To head this off we should make it clear—as this bill does—that the freeze will not allow prices higher than those prevailing on March 16. Making the freeze retroactive to March 16 will remove any incentive for further anticipatory price hikes.

Although the freeze I propose does not cover wages and salaries, this will pose no great problem for a period as short as 60 days. Wages and salaries will remain under the phase 3 controls, which so far have been very effective on the wage side. In addition, businesses will be very reluctant to agree to any sharp wage increases while the prices they can charge are frozen, and while the shape of the long-run control program mandated by this legislation remains unclear.

I ask unanimous consent that the text of S. 1542 be reprinted at this point in the RECORD.

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

S. 1542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. The Economic Stabilization Act of 1970 is amended by inserting after section 203 the following new section:

"§ 203A. Freeze on prices and rents

"(a) Notwithstanding any other provision of this title, all prices and rents are hereby frozen at levels no higher than those prevailing on March 16, 1973. The President may, by written order stating in full the considerations for his actions, make adjustments with respect to prices and rents, in order to correct gross inequities.

"(b) As soon as practicable, but not later than 60 days after the date of enactment of this section, the President shall by written order stating in full the considerations for his action, roll back prices and rents to levels lower than those prevailing on March 16, 1973, but not lower than those prevailing on May 25, 1970, in order to reduce inflation and otherwise carry out the purposes of this title. The President may make specific exemptions from the rollback by written order stating in full the considerations for his determination that such rollback is unnecessary.

"(c) The President shall, not later than 60 days after the enactment of this section, issue orders and regulations establishing a long-run control program to—

"(1) stabilize prices, rents, wages and salaries in order to reduce inflation; and

"(2) stabilize interest rates and corporate dividends and similar transfers at levels consistent with orderly economic growth."

By Mr. MONDALE (for himself, Mr. PERCY, Mr. KENNEDY, Mr. BAYH, Mr. HART, Mr. HUMPHREY, Mr. JAVITS, Mr. MATHIAS, Mr. MOSS, Mr. PASTORE, Mr. PELL, and Mr. WILLIAMS):

S. 1543. A bill to amend the Social Security Act to provide for extension of authorization for special project grants under title V. Referred to the Committee on Finance.

Mr. MONDALE. Mr. President, the President proposed 1974 budget provides $244 million to continue the highly successful maternal and child health program. But unless Congress acts, the special projects which receive 40 percent of the funds would be dissolved on July 1.

Last year the Senate Finance Committee and the full Senate voted to extend the special project grant authority by 2 years. That extension was reduced to 1 year by the conference committee. So once again these projects are threatened with termination.

These special projects have proven to be a highly effective means of upgrading the health care of a million low-income mothers and children in this country. They are operated by health departments, teaching hospitals, and medical schools and in neighborhoods that otherwise lack the health resources necessary to combat high infant mortality rates and offer preventive care to mothers and children.

One very successful project has been operating out of the Hennepin County General Hospital in Minneapolis, in my home State. In 1966, 43 percent of mothers whose children were born in the hospital had received no prenatal care. In 1970 the rate was 13 percent. Similar achievements have been recorded by projects all over the country.

I believe that it would be a serious mistake to destroy these existing health programs and facilities at a time when we are on the verge of constructing a whole new health delivery system in this country.

For this reason I am introducing today with Senator PERCY and a bipartisan group of other cosponsors a 2-year extension of the special project authority. Congressman KOCH of New York has introduced similar legislation in the House. In addition, Congressman WILBUR MILLS, chairman of the House Ways and Means Committee, has told representatives of these projects that he would personally support legislation to guarantee their extension for 1 year.

I am hopeful that the Senate will be able to enact an extension for these worthwhile programs soon.

MATERNAL AND CHILD HEALTH

Mr. PERCY. Mr. President, I am very pleased today to join Senator MONDALE in introducing legislation to extend the maternal and child health special project grants under title V of the Social Security Act. Since 1967, these special project grants have made possible one of the best investments of the Federal health care dollar. Maternal and Infant Care, Children and Youth, Newborn Intensive Care, Dental Care, and Family Planning projects have had a profound impact on the populations they serve, contributing to the reduction of infant mortality, affecting morbidity rates, and decreasing the rate, duration and cost of hospitalization for high-risk pregnant women, infants, and children.

In 1967, Congress revised the social security provisions under title V to redistribute maternal and child health moneys so that general support, through formula grants, would be made available to all States to promote optimal health care for mothers and children, while targeted support, through special project grants, would direct financial resources to geographical areas of greatest need. Congress anticipated that the special project grants, through steady increases in funding, would develop to a point that beginning July 1972, the States would assume responsibility for them.

In early 1972 the Comptroller General prepared a report for Congress which pointed out that many States would not have the funds to assume responsibility for the special projects and that neither the Federal Government nor the States had made adequate plans for the transition. Although the Academy of Pediatrics, the American Medical Association, the American College of Obstetricians and Gynecologists, as well as other medical and health related associations, recommended that the authority for special project grants be extended for an additional 5 years, Congress approved only a 1-year extension last year. Reports are that the 1-year extension has not been adequate to effect an orderly transition process.

Take Illinois as an example. The impending change in funding distribution will reduce Illinois' share of maternal and child health funds by 42 percent or $3.5 million. Such a drastic reduction will have a major effect on the availability of services to pregnant women, infants, and children in medically indigent communities in Illinois where there is virtually no alternative health care. According to the state department of public health, maternity and infant care programs, which currently serve 123,666 patients, and children and youth programs, which serve 57,600 children, will have to suffer a 50-percent cutback should such a reduction take effect.

On the merits of effectiveness alone, these special project grants deserve our continued support. In a 1969 study, mortality for maternal and infant care newborns in Chicago was 19.4 per thousand live births, as compared with 19.9 per 1,000 for newborns under private physician care, 31.2 per 1,000 for newborns in hospital clinics, and 21.7 per 1,000 for American newborns in general. Equally important, the average annual cost per child in the Chicago children and youth program is $120, while comparable cost per child under medicaid is $300. Such achievements are extraordinary in view of the fact that the patients served under these programs are drawn from the least healthy areas of the State.

Illinois, it must be stressed, is not an exception to the rule. Nationwide infant mortality rates decreased by only 5 percent between 1960 and 1965; after maternal and infant care projects began, infant mortality rates decreased by 19 percent between 1965 and 1970. Since the beginning of maternal and child health projects, there has been a 50-percent decrease in the number of children served who needed hospitalization, a decrease of more than 50 percent among those served in dental recall examinations. Most important, the average annual cost per child in these projects dropped from $201.26 in 1968 to $149.82 in 1970.

It should be noted that the President, commendably, has recognized the worth of these programs. Maternal and child health is not one of the activities designed to be phased out or significantly reduced. In fact, the President's fiscal 1974 budget request for maternal and child health is $244 million, an increase of $5 million over the past appropriation.

It should also be emphasized that the bill which Senator MONDALE and I are introducing today does not ask for one penny more than the President's budget request for maternal and child health. We are merely asking for a 2-year extension of the special project grant authority so that some very successful and effective health programs might continue to exist and perhaps enjoy incorporation into whatever new health delivery for financing system is enacted by Congress.

By Mr. MONDALE (for himself, Mr. NELSON, Mr. HUMPHREY, Mr. PELL, Mr. CRANSTON, Mr. MOSS,

Mr. HUGHES, Mr. TUNNEY, Mr. CLARK, Mr. ABOUREZK, and Mr. HATHAWAY):

S. 1544. A bill to prohibit the further expenditure of funds to finance the involvement of the Armed Forces of the United States in armed hostilities in Cambodia. Referred to the Committee on Armed Services.

Mr. MONDALE. Mr. President, today I am introducing, along with Senators NELSON, HUMPHREY, PELL, CRANSTON, MOSS, HUGHES, TUNNEY, CLARK, ABOUREZK, and HATHAWAY, a bill to prohibit the further expenditure of funds to finance the involvement of the Armed Forces of the United States in armed hostilities in Cambodia unless such expenditure has been specifically authorized by Congress.

Mr. President, my bill is simple. It provides that money can be spent for U.S. combat efforts in Cambodia only if authorized by Congress.

My purpose is also simple. It is to avoid a constitutional tragedy as well as further human tragedy. Twelve years after American forces were first committed to Vietnam in the name of protecting a friendly but vulnerable government, once again a President of the United States, entirely on his own, is using U.S. military force in a foreign country with absolutely no constitutional authority for doing so.

In pursuit of a will-of-the-wisp—the North Vietnamese Command Headquarters—COSVN—we invaded Cambodia in April 1970. On March 12 of that year, the Nixon administration indicated, in a letter to Chairman J. W. FULBRIGHT, that it was no longer depending on the Gulf of Tonkin resolution "as legal or constitutional authority for its present conduct of foreign relations." The sole constitutional authority claimed by the administration for our military activity in Indochina has been, as the President stated in 1970, "the right of the President of the United States under the Constitution to protect the lives of American men."

But now that U.S. combat forces are out of Vietnam, U.S. participation in the Vietnam war has ended. Hence any renewed military activity anywhere in Indochina constitutes—even according to the President's own reasoning—a new war and therefore the need for the advance consent of Congress.

Yet incredible as it may now seem, we are witnessing massive air raids over Cambodia. On April 10, U.S. B–52 and F–111 fighter planes struck insurgent forces for the 33d consecutive day. As many as 60 B–52 sorties are flown in a single day, dropping an estimated 1,800 tons of bombs. We are told that this bombing is essential to support the beseiged Lon Nol government.

Efforts by the administration in recent days to justify its bombing policy have been imaginative but futile. The SEATO Treaty commitment has been suggested, but the government of Lon Nol has not altered Prince Sihanouk's 1955 decision to exempt Cambodia from the treaty's protection. A tenuous link has been offered by Ambassador William Sullivan of the State Department and Secretary of Defense Richardson between the President's mandate to make war and his reelection mandate. Surely this cannot be a serious point. State Department lawyers have reportedly produced a complex rationalization, but so far they are reluctant to reveal it. The administration has also tried to rely on a tacit understanding of an ambiguous section—article 20—of the Paris Agreement—an agreement which was not even submitted to Congress for ratification—as justification for its actions.

Finally, Secretary Richardson said that the administration feels its constitutional authority to bomb Cambodia "rests on the circumstance that we are coming out of a 10-year period of conflict."

This is the wind up . . . So I think one way of putting it is that what we are doing in effect is to try to encourage the observance of the Paris agreements by engaging in air action at the request of the government, which is the principal victim of the nonobservance of the agreements.

Such a rationale could easily be extended to involve us again in both Laos and Vietnam as well as Cambodia. And it is ominous that Richardson, in fact, refuses to rule out the reintroduction of American troops into Vietnam. Because of this possible danger, I continue to support the legislation introduced by the senior Senator from New Jersey (Mr. CASE) and the senior Senator from Idaho (Mr. CHURCH) prohibiting the reengagement of U.S. forces in land, sea or air combat anywhere "in or over or from off the shores" of the entire Indochina area.

Mr. President, we no longer can permit the President's warmaking powers to go unchecked and unchallenged. The legal legerdemain that the administration offers is an open challenge to the Congress to assert our constitutional responsibility.

Accordingly, Mr. President, I send the bill to the desk for appropriate reference, and 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. 1544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to avoid further involvement of the United States in armed hostilities in Cambodia, no funds heretofore or hereafter appropriated may be expended to finance the involvement of any member of the armed forces of the United States in armed hostilities in or over Cambodia unless such expenditure has been specifically authorized by legislation enacted after the date of enactment of this Act.

By Mr. TOWER:

S. 1545. A bill to amend title 37, United States Code, so as to extend from 1 to 3 years the period that a member of the uniformed services has following retirement to select his home for purposes of travel and transportation allowances under such title, and for other purposes. Referred to the Committee on Armed Services.

Mr. TOWER. Mr. President, in the last Congress, I introduced a measure to correct what I felt to be an unfortunate problem connected with the armed services. That bill, S. 1321, very simply would have extended the time a member of the uniformed services has following his retirement to select his home for purposes of travel and transportation allowances.

As you know, a serviceman is currently allowed 1 year after the date of his retirement in which to select his permanent homesite for purposes of PCS travel and transportation allowances. But this unnecessarily short time places a burden on those parents with children in high school. Many times the child must forgo graduation from the school in which he has spent his secondary years so that the final move may be made, as is the serviceman's right at Government expense. There are, of course, other exceptional instances which prevent full utilization of this privilege, for example a serious illness which precludes movement of the patient.

No matter what the reason, however, the 1-year limit is an arbitrarily short one. Extension of the limit to 3 years will solve most problems that could occur and yet will not create additional costs to the Government. I ask my colleagues to join me in effecting rapid consideration and passage of this legislation, which I introduce today.

By Mr. HUMPHREY:

S. 1547. A bill to establish a Joint Committee on National Security. Referred to the Committee on Armed Services.

JOINT COMMITTEE ON NATIONAL SECURITY

Mr. HUMPHREY. Mr. President, I am introducing a bill today which would establish a permanent Joint Congressional Committee on National Security.

I believe this committee will enable Congress to address itself in a more comprehensive way than ever before to a thorough and ongoing analysis and evaluation of our national security policies and goals.

If the 93d Congress has one important objective, it should be redressing the imbalance between the executive and legislative branches relating to both domestic and foreign policy.

I propose that the committee have these main functions:

First, to study and make recommendations on all issues concerning national security. This would include review of the President's report on the state of the world, the defense budget and foreign assistance programs as they relate to national security goals, and U.S. disarmament policies as a part of our defense considerations.

Second, to study and make recommendations on Government practices of classification and declassification of documents.

Third, to conduct a continuing review of the operations of the Central Intelligence Agency, the Departments of Defense and State, and other agencies intimately involved with our foreign policy.

For too many years, the Congress has had inadequate information on matters concerning national security. We in the Congress have had to accept partial information, often in limited context, and as a result have been unable to weigh the total picture.

The consequence of this situation has been a continuing dimunition in the foreign policy role of the Congress.

It is often difficult for Congress to obtain adequate disclosure of Government documents. On several important occasions heads of the Defense and State Departments and members of the National Security Council have claimed executive privilege and have refused to answer congressional inquiries on matters concerning our national security.

While the President and key Government officials meet occasionally with the leaders of the Senate and the House of Representatives on an informal basis, there is no forum for a regular and frank exchange between the Congress and the executive branch on the vital issues affecting our national security. I am particularly sensitive to this missing link, having had the special experience of serving as a U.S. Senator for 17 years and as Vice President for 4 years.

The Joint Committee on National Security would provide that link.

It would function in the national security field in a manner comparable to the Joint Economic Committee, which conducts a systematic review and analysis of the President's annual economic report.

Its unique feature would be the composition of its membership. It would have representation from those individual and committee jurisdictions that have primary responsibility in military, foreign relations, and congressional leadership.

It would include the President pro tempore of the Senate; the Speaker of the House; the majority and minority leaders of both Houses, and the chairmen and ranking minority members of the Committees on Appropriations, Foreign Relations, and Armed Services, and the Joint Committee on Atomic Energy.

It would not usurp the legislative or investigative functions of any present committees, but supplement and coordinate their efforts in a more comprehensive framework.

I want to emphasize this last point. The proposed Joint Committee on National Security is not being created as a competing force with the Armed Services Committee or the Foreign Relations Committee of which I am proud to once again be a member. It will be a way to coordinate the information which the Congress so desperately needs to carry out its oversight responsibilities of the executive branch in the field of national security.

Nor is it designed to usurp the President's historic role as Commander in Chief, or to put the Congress in an adversary relationship with the executive branch.

It is, rather, a new body, to be composed of Members of both parties and both Houses of Congress, that will make possible closer consultation and cooperation between the President and the Congress.

In recent years, we have seen a gradual isolation and insulation of power within the executive branch. The Constitution, I suggest, intended something quite different when it called for a separation of powers.

We have not had the mechanism in our national security apparatus for adequate consultation between the two branches in the formulation of national security policy.

As one observer of the foreign policy process observed:

> National security is too important to be left to the national security apparatus.

I concur with this view. The President and his national security advisers have a duty and constitutional obligation to relinquish some part of the initiative which they now command in the conduct of American foreign policy.

There are reasons for the concentration of power which has developed within the executive branch which are quite understandable considering our experience in World War II and afterward. But times change, and so must our institutions and responses.

In an article in Foreign Affairs, July 1959, I expressed my concern over this development. I noted that the Congress "with its power of the purse, and through the right to investigate, to criticize, and to advocate—does exert a significant influence on the quality and direction of U.S. foreign policy."

I found that the Congress must have its own vehicle for educating itself and expressing ideas on this question and the more general issue of national security.

I wrote:

> Such independent expertise is absolutely necessary if the House and Senate are to fulfill their Constitutional responsibility of surveillance and initiative. Without competent independent sources of fact and wisdom they cannot make discriminating judgments between alternative programs and proposals.

I, therefore, suggested:

> The Congress prompt the executive to put its house in order by itself creating a Joint Committee on National Strategy, to include the chairmen and ranking minority members of the major committees of the House and the Senate.

Such a committee's purpose would be to look at our total national strategy—military, political, economic and ideological. This committee would not usurp the functions of any of the present committees, but supplement them by endowing their work with a larger frame of reference. As I said in 1959:

> The Chairmen of the Committees represented would come away from the meeting of the new Joint Committee with a greater appreciation, for instance, of the relationship between fiscal policy and national productivity and how both factors relate to our defense posture and our negotiating position. Responsible statesmanship consists precisely in the capacity to see complex relationships in a perspective as broad as the national purpose itself.

Mr. President, I made that proposal in 1959. Had it been adopted, perhaps the history of the past 12 years might have been different. I cannot help but believe that if we had shared more fully in momentous decisions, like those in Vietnam, we would be less divided as a nation by the bitterness and hatreds that confront us today.

But I submit, Mr. President, that now is not the time for regrets. It is a time for careful and responsible decision; it is a time to adapt our institutions to change; above all, it is a time to act.

It is not enough for the Congress to insist upon its prerogatives if it is not prepared to cope with its responsibilities.

The executive branch, recognizing the deep interrelationships between issues of foreign affairs, military policy, and some crucial domestic issues, prepared itself to fulfill its responsibilities to the Constitution by forming a National Security Council.

It is fitting, therefore, that the Congress adopt a similar, parallel and counterpart mechanism: a Joint Congressional Committee on National Security, which could draw on the experience and expertise of legislative leaders in various national security areas.

Our existing congressional committees lack coordination. The joint committee would not, under my proposal, usurp any of the functions of these committees of the two Houses, but would address itself to the broad-gaged issues that overlap their jurisdictions and thereby assist the congressional and executive decisionmaking process.

Issues of defense, arms control, foreign development and security assistance, national priorities, foreign policies, the development of a global concept for our national interests, and a simultaneous evaluation of our security interests, classification and declassification procedures—all these and many more issues require coordination and a broad focus.

The joint committee I am proposing would concentrate on these and other topics. Let me summarize why I believe such a committee is desirable:

First, it would provide for a total analysis and evaluation of national security jointly by both Houses of Congress.

Second, it would permit closer consultation and cooperation in national security planning with the executive branch than is now possible. This, I believe, would help restore the intended balance of power between the two branches and strengthen the decisionmaking process.

Third, the committee will have the power to review and simplify classification procedures and to declassify documents whose contents should not be withheld from the public. Thus, we can achieve greater understanding, support, and public participation in the establishment of our objectives and policies.

The composition of the joint committee can be summarized as the following:

The Joint Committee—

First. There will be 25 members with fully bipartisan representation. The majority party will have three members more than the minority party.

Second. The experienced authority of the Congress would be fully represented on the joint committee.

Third. Each House also would have the opportunity to be represented by outstanding members who are not chairmen or elected leaders through the provision for membership of two majority and one minority member from each House.

For a more complete description of the functions and composition of this committee, I ask, Mr. President, unanimous

consent that the bill to establish a Joint Committee on National Security 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. 1547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress declares that—

(1) it has been vested with responsibility under the Constitution to assist in the formulation of the foreign, domestic, and military policies of the United States;

(2) such policies are directly related to the security of the United States;

(3) the integration of such policies promotes our national security; and

(4) the National Security Council was established by the National Security Act of 1947 as a means of integrating such policies and furthering the national security.

SEC. 2. (a) In order to enable the Congress to more effectively carry out its constitutional responsibility in the formulation of foreign, domestic, and military policies of the United States and in order to provide the Congress with an improved means for formulating legislation and providing for the integration of such policies which will further promote the security of the United States, there is established a joint committee of the Congress which shall be known as the Joint Committee on National Security, hereafter referred to as the "joint committee". The joint committee shall be composed of twenty-five Members of Congress as follows:

(1) the Speaker of the House of Representatives;

(2) the majority and minority leaders of the Senate and the House of Representatives;

(3) the chairmen and ranking minority members of the Senate Committee on Appropriations, the Senate Committee on Armed Services, the Senate Committee on Foreign Relations, and the Joint Committee on Atomic Energy.

(4) the chairman and ranking minority members of the House Appropriations Committee, the House Armed Services Committee, and the House Foreign Affairs Committee;

(5) three Members of the Senate appointed by the President of the Senate, two of whom shall be members of the majority party and one of whom shall be a member of the minority party;

(6) three Members of the House of Representatives appointed by the Speaker, two of whom shall be members of the majority party and one of whom shall be a member of the minority party.

(b) The joint committee shall select a chairman and a vice chairman from among its members.

(c) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

SEC. 3. (a) The joint committee shall have the following functions:

(1) to make a continuing study of the foreign, domestic, and military policies of the United States with a view to determining whether and the extent to which such policies are being appropriately integrated in furtherance of the national security;

(2) to make a continuing study of the recommendations and activities of the National Security Council relating to such policies, with particular emphasis upon reviewing the goals, strategies, and alternatives of such foreign policy considered by the Council; and

(3) to make a continuing study of Government practices and recommendations with respect to the classification and declassification of documents, and to recommend certain procedures to be implemented for the classification and declassification of such material.

(b) The joint committee shall make reports from time to time (but not less than once each year) to the Senate and House of Representatives with respect to its studies. The reports shall contain such findings, statements, and recommendations as the joint committee considers appropriate.

SEC. 4. (a) The joint committee, or any subcommittee thereof, is authorized, in its discretion (1) to make 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 binding, (9) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(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. The provisions of sections 102–104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(c) With the consent of any standing, select, or special committee of the Senate or House, or any subcommittee, the joint committee may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(d) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(e) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

By Mr. PELL (for himself, Mr. PASTORE, Mr. KENNEDY, and Mr. BROOKE):

S. 1548, A bill to establish a Commission to review the proposed closing of any military installation. Referred to the Committee on Armed Services.

Mr. PELL. Mr. President, I am introducing today legislation to establish a Commission to review and evaluate proposals by the Department of Defense for closing of military installations within the United States.

Joining me in presenting this legislation are my distinguished senior colleague from Rhode Island (Mr. PASTORE), and my distinguished colleagues from Massachusetts (Mr. KENNEDY and Mr. BROOKE).

I am presenting this legislation because of my deep concern over reports of impending announcements of the closing of military installations in Rhode Island, the procedures that are followed in making decisions on base closings, and the immense impact that closing of military installations can have on the economic life of a region.

The legislation I have proposed would establish a 17-member Commission, including executive branch officials, Members of Congress, and public representatives, to review and evaluate proposals by the Defense Department for the closing of military installations. The legislation would require 180 days' advance notice of any proposed base closings to the Commission. The Commission would, within 90 days of receiving notice of a proposed base closing, submit to the Defense Department and the Congress a report including its findings and recommendations.

The Commission's recommendations would be based on a determination of whether the base closings would be in the best interest of national defense, the Nation's economy, and military efficiency.

Mr. President, this legislation is timely and badly needed.

The Defense Department has confirmed that a major package of military base closings will be announced before the end of this month.

Because of reports that these impending base closings would affect installations in the State of Rhode Island, the Rhode Island congressional delegation has met twice with Secretary of Defense Elliot Richardson. The second of these meetings was held just yesterday in conjunction with the congressional delegation from Massachusetts in the office of the majority leader of the House of Representatives THOMAS P. O'NEILL.

At that meeting, it was made clear that the New England area would be hard hit by the forthcoming base closings.

And at both of our meetings with Secretary Richardson, the Members of the Senate and the House presented cogent and, I believe, persuasive arguments for the continued operation of the military installations in our States.

At the meeting yesterday, I presented factual information, based on strategic and cost-saving considerations, that I believe argue very strongly for the continued operation of the Newport Naval Base.

I ask unanimous consent that there be printed at this point in the RECORD two charts, prepared at my request by the

General Accounting Office, which demonstate very clearly the economic and strategic advantage of maintaining Newport as the home port of the Atlantic cruiser-destroyer force.

I think these are factors that should be considered when vitally important decisions are made about deployment of forces and the closing of military installations.

Mr. President, these decisions are much too important to be left entirely to middle level, faceless bureaucrats, operating in the executive branch without any opportunity for objective public review.

The decisions are much too important to economic operation of the Defense Department, too important to the maximum strategic use of our military forces, and much too important to thousands of workers who have devoted years of their lives to loyal and efficient service at these installations to permit arbitrary decisions without review.

For example, the civilian workers at the naval air rework facility at Quonset Point in Rhode Island have through the years proven their efficiency by meeting production quotas and consistently achieved their work objectives with fewer work hours than the targets established by the Defense Department. I ask unanimous consent that there be printed at this point in the RECORD a table comparing the productivity of these workers with other similar Government facilities, prepared by my staff with the assistance of the GAO.

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

ATTACHMENT 1

SUMMARY OF EXCESS COST PER ROUND TRIP OF STEAMING FROM SELECTED HOME PORTS TO SELECTED MISSION AREAS OVER NEWPORT (AT 16 KNOTS)

Type of ship	Per hour	6th Fleet (Gibraltar) mission area — Home port: Norfolk (+26 hours)	6th Fleet (Gibraltar) mission area — Home port: Charleston (+50 hours)	6th Fleet (Gibraltar) mission area — Home port: Mayport (+76 hours)	Norwegian Sea (Bergen, Norway) mission area — Home port: Norfolk (+32 hours)	Norwegian Sea (Bergen, Norway) mission area — Home port: Charleston (+58 hours)	Norwegian Sea (Bergen, Norway) mission area — Home port: Mayport (+82 hours)
CVS–11 (aircraft carrier, ASW)	$2,070	$53,820	$120,060	$157,320	$66,240	$120,060	$169,740
CVA–42 (attack aircraft carrier)	3,026	78,676	175,508	229,976	96,832	175,508	248,132
CV–60 (attack aircraft carrier) [1]	3,243	84,318	188,094	246,468	103,776	188,094	265,926
CA (heavy cruisers)	159	4,134	9,222	12,084	5,088	9,222	13,038
CG (guided missile cruiser)	153	3,978	8,874	11,628	4,896	8,874	12,546
DLG (guided missile frigate)	113	2,938	6,554	8,588	3,616	6,554	9,266
DDG (guided missile destroyer)	85	2,210	4,930	6,460	2,720	4,930	6,970
DD (FRAM I) destroyer	61	1,586	3,538	4,636	1,952	3,538	5,002
DE (1052 class) escort ship	53	1,378	3,074	4,028	1,696	3,074	4,346

[1] CV–60 typical for Forrestal class.

NAVAL AIR REWORK FACILITIES, ACTUAL VERSUS ALLOCATED MAN-HOURS

ATTACHMENT 2

	Cherry Point			Jacksonville			Norfolk			Quonset Point		
	Actual	Allocated	Ratio	Actual	Allocated	Ratio	Actual	Allocated	Ratio	Actual	Allocated	Ratio
3d and 4th quarters fiscal year 1969:												
Total direct man-hours	1,708,889	1,704,000	100.2	2,174,177	2,176,000	99.9	3,516,232	3,530,000	99.6	1,878,010	1,943,000	96.6
Total productive man-hours	2,915,307	2,934,000	99.3	3,794,219	3,765,000	100.7	6,445,228	6,477,000	99.5	3,299,216	3,410,000	96.7
Fiscal year 1970:												
Total direct man-hours	3,001,561	3,041,000	98.7	3,643,997	3,792,000	96.1	6,044,377	6,035,000	100.1	3,161,288	3,233,000	97.7
Total productive man-hours	5,255,411	5,347,000	98.2	6,578,541	6,687,000	98.4	6,942,519	[1] 1,066,000	.....	5,775,950	5,860,000	98.5
Fiscal year 1971:												
Total direct man-hours	2,341,641	2,324,000	100.7	3,079,725	3,023,000	101.8	5,513,928	5,480,000	100.6	2,886,009	2,949,000	97.8
Total productive man-hours	4,044,412	4,049,000	99.8	5,496,825	5,570,000	98.6	9,816,831	9,742,000	100.7	5,055,895	5,173,000	97.7
Fiscal year 1972:												
Total direct man-hours	2,604,812	2,623,000	99.3	3,186,767	3,210,000	99.2	5,275,926	5,363,000	98.3	2,846,470	2,863,000	99.4
Total productive man-hours	4,487,099	4,480,000	100.1	5,568,712	5,627,000	98.9	9,484,960	9,557,000	99.2	5,013,811	5,018,000	99.9
1st and 2d quarters fiscal year 1973:												
Total direct man-hours	1,309,304	1,294,000	101.1	1,451,987	1,497,000	96.9	2,419,057	2,487,000	97.2	1,343,344	1,249,000	07.5
Total productive man-hours	2,258,814	2,242,000	100.7	2,557,412	2,542,000	100.6	4,286,411	4,350,000	98.5	2,293,551	2,303,000	99.5

[1] Error.

Mr. PELL. Mr. President, everyone agrees with the need for more efficient operation of the national defense establishment. I think the goal of greater efficiency will be served by an objective, public review and evaluation of proposed military base closings, as provided by my bill, I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks.

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

S. 1548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the Military Installation Closing Commission (hereinafter referred to as the "Commission") which shall be composed of 17 members as follows:

(1) the Secretary of Defense or his designee;

(2) the Secretary of the Army or his designee;

(3) the Secretary of the Navy or his designee;

(4) the Secretary of the Air Force or his designee;

(5) the Chairman of the Armed Service Committee of the Senate and three other members of the Senate appointed by the president pro tempore of the Senate, one of whom shall be from the minority party;

(6) the Chairman of the Armed Service Committee of the House of Representatives and three other members of the House of Representatives appointed by the Speaker of the House, one of whom shall be from the minority party;

(7) the Secretary of Labor or his designee;

(8) the Comptroller General of the United States or his designee; and

(9) three members from private life appointed by the President.

(b) Members of Congress appointed to serve on the Commission shall serve until the end of the Congress during which they were appointed.

(c) The terms of office of the three members from private life first taking office after the date of enactment of this Act shall expire, as designated by the President at the time of appointment, one at the end of two years, one at the end of four years, and one at the end of six years. The terms of office of their successors shall expire six years after the expiration of the terms for which their predecessors were appointed, but any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed may be appointed only for the unexpired term of his predecessor.

(d) Nine members of the Commission shall constitute a quorum.

(e) Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(f) The Commission shall elect a chairman and vice chairman from among its members.

DUTIES OF THE COMMISSION

SEC. 2. (a) It shall be the duty of the Commission to review and evaluate any decision of the Department of Defense to close any military installation with a view to determining whether the closing of such installation is in the best interest of the national defense, the Nation's economy, and military efficiency.

(b) Whenever the Commission is notified by the Secretary of Defense of any proposal by the Department of Defense to close any military installation, the Commission shall promptly conduct a comprehensive study regarding the proposed closing and submit a written report containing its findings and recommendation with respect to the proposed closing to the Secretary of Defense and to the Congress within 90 days after receipt of such notification. The Com-

mission shall include in such report its evaluation of (1) the impact of the proposed closing on the economy of the area in which such installation is located, (2) whether an alternative installation should be closed rather than the one proposed to be closed, (3) the probable effect of the closing of such installation on the national defense, and (4) whether the justification for closing such installation is sound.

POWERS OF THE COMMISSION

SEC. 3. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of such staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals; and

(3) hold such hearings, sit and act at such times and places, administer such oaths, and receive the testimony of such witnesses and examine such books, records, correspondence, memorandums, papers, and documents as the Commission may deem advisable.

REPORTS BY THE SECRETARY OF DEFENSE; LIMITATION ON CLOSING AUTHORITY

SEC. 4. (a) The Secretary of Defense shall submit a written notification to the Commission at least 180 days prior to the closing of any military installation in the United States and shall include in such report the justification for the proposed closing and such other information he considers may be of assistance to the Commission in carrying out its duties under this Act. The Secretary shall also notify the Commission in writing whenever any transfer of personnel or activity is made from any military installation if such transfer is made in connection with a plan for the closing of such installation within one year from the date such transfer is made.

(b) No military installation may be closed or abandoned until after the expiration of 180 days from the date upon which written notification has been given to the Commission by the Secretary of Defense as required by subsection (a) of this section.

(c) The 180 day period referred to in subsection (b) of this section shall not apply in the case of any military installation proposed to be closed by the Secretary of Defense if the Commission finds, and notifies the Secretary of Defense in writing, that (1) the expeditious closing of such installation is in the best interest of economy and the national defense, and (2) there is no compelling reason to delay the closing of such installation.

ASSISTANCE OF GOVERNMENT AGENCIES

SEC. 5. Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such data, reports, and other information as the Commission deems necessary to carry out its functions under this Act.

COMPENSATION OF MEMBERS

SEC. 6. (a) Members of the Commission who are Members of Congress or officers or employees of the Federal Government shall serve without compensation in addition to that received in their regular public service or employment, but shall be reimbursed for travel, subsistence, and other necessary expenses as authorized under law incurred in the performance of duties vested in the Commission.

(b) Members of the Commission appointed from private life shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

RULES AND REGULATIONS

SEC. 7. The Commission is authorized to issue such rules and regulations as it deems necessary to carry out its duties under this Act.

DEFINITIONS

SEC. 8. As used in this Act—

(1) the term "military installation" includes any camp, post, station, base, yard or other installation under the authority of the Department of Defense. Such term does not include any installation (A) outside the several States and the Commonwealth of Puerto Rico, (B) having a total military and civilian complement of 500 or less, or (C) used primarily for river and harbor or flood control projects.

(2) the terms "to close" and "closing" include any transfer of personnel or activity from, or the termination of any activity at, a military installation if, as a result of such transfer or termination, the total military and civilian complement of such installation is reduced by more than 50 percent of what it was three years prior to the date of such transfer or termination.

REPEAL

SEC. 9. Section 611 of the Military Construction Authorization Act, 1966 (Public Law 89-188; 79 Stat. 818), is repealed.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 10. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 11. This Act shall be effective with respect to the proposed closing of any military installation on and after April 1, 1973.

A COMMISSION TO REVIEW MILITARY BASE CLOSINGS

Mr. KENNEDY. Mr. President, I am pleased to join the distinguished Senator from Rhode Island (Mr. PELL) and other New England Senators in introducing this legislation which attempts to impose objective criteria on the Defense Department's often haphazard manner of evaluating defense installations.

This matter is particularly crucial at this time when rumors are rampant of planned reductions of numerous domestic military installations, reductions which occur while the 2,300 bases abroad escape untouched.

Yesterday the Massachusetts and Rhode Island delegations met for 1 hour with the Secretary of Defense. No justification was presented by the Secretary nor would he confirm the reports of specific closings of the Boston Naval Shipyard, Westover Air Force Base, and other New England installations.

There was no opportunity to present information that could be directed to the concerns of the Defense Department because the criteria they were using to determine which bases would remain open was never disclosed to us.

No one can challenge the need for a reduction of the support costs in the Pentagon, costs which represent at least one-third of the total defense dollar and which represent half of the total defense manpower. Yet we wonder why there is no priority given to closing down some of the bases spread around the globe which not only mean less money for other defense activities, but also add to the balance-of-payments problem.

But as we go about reducing the enormously costly superstructure that the taxpayers of the Nation support, the decisionmaking in the Defense Department too often has nothing to do with cost effectiveness or with real defense needs.

Yet communities are converted into depressed areas overnight by Defense Department decisions to close bases and the workers and their families are never told why those decisions are made, until after the fact.

For that reason, we are introducing legislation today to establish a 17-member Tripartite Commission with representatives from the Defense Department, the Congress, and the public to review and enter findings on all proposals of the Defense Department to close down domestic military installations. Identical legislation is being introduced in the House of Representatives.

One hundred and eighty days prior to any proposed base closure, the Secretary of Defense would report his plans to the Commission, along with a detailed justification for the proposed closing. Within 90 days from that date, the Commission would present a report with its findings and recommendations to the Secretary and the Congress.

The report would contain an evaluation of:

The impact of the proposed closing on the economy of the local area.

The alternative installations which might be closed rather than the one proposed.

The effect of such closing on the national defense.

The soundness of the justification for closing such installation.

The Commission would have the power to hold hearings and to require the information it felt necessary to achieve its purpose. The overriding responsibility of the Commission would be to determine whether the closing proposed by the Defense Department was in the best interests of the national defense, the Nation's economy and military efficiency.

It would appear that this is the only means available for the Congress and the public to obtain information as to why bases are closed, what savings are involved and in what way the national security is assured.

This Commission is one way to insure that all such information is available to the Congress and to the people so that they may have some reasonable opportunity to comment and offer relevant information. It would apply to all such base closings taking place after April 1, 1973.

I would hope that this measure would be considered expeditiously by the Congress.

By Mr. ROTH:

S.J. Res. 89. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public schools or other public buildings. Referred to the Committee on the Judiciary.

Mr. ROTH. Mr. President, I introduce a joint resolution proposing an amend-

ment to the Constitution of the United States to permit voluntary prayer in our public buildings, especially our public schools.

As a Member of Congress I sponsored similar legislation and last year I cosponsored a proposal by Senator BAKER which contained similar language.

My amendment is relatively clear in scope. It guarantees the right of all persons "lawfully assembled, in any public school or other public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer."

In contrast to the proposal offered last year by Senator BAKER, I have specifically mentioned "schools" as among those public buildings in which voluntary prayer would be permitted. I have also substituted the word "voluntary" for the term "nondenominational," a term which has been the subject of extensive debate among constitutional scholars.

Mr. President, I believe that an amendment such as this has considerable public support. In 1969, a constituent poll which I sent to every household in Delaware contained this question: "Would you favor a constitutional amendment to permit voluntary prayer in public schools?" Of those responding, 84 percent said "Yes." In addition, the 126th General Assembly of the State of Delaware enacted into law H.R. 298, a measure authorizing a daily period of silent meditation in public schools.

As my colleagues will recall, important decisions in 1962 and 1963 by the Supreme Court flatly and almost unanimously rejected, as unconstitutional, religious exercises in public school programs. Public reaction to these decisions was swift and strong. Throughout our Nation, people responded by petitioning their representatives in Congress to provide legislative relief from the effects of these decisions.

Mr. President, I believe the time has come for Congress to give effect to this public response. I urge my colleagues to approve of an amendment to the Constitution permitting voluntary prayer in public schools.

I ask that the full text of the joint resolution be printed in the RECORD at the conclusion of my remarks.

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

S.J. RES. 89

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public school or other public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 70

At the request of Mr. ROBERT C. BYRD (for Mr. HOLLINGS), the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), the Senator from Kansas (Mr. PEARSON), and the Senators from West Virginia (Mr. RANDOLPH and Mr. ROBERT C. BYRD) were added as cosponsors of S. 70, to promote commerce and establish a Council on Energy Policy, and for other purposes.

S. 136

At the request of Mr. SCHWEICKER, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 136, the Opportunities Industrialization Centers Act.

S. 863

Mr. EAGLETON. Mr. President, I ask unanimous consent that at the next printing of S. 863, the Cosmetic Safety Act, the names of Senator HUGHES of Iowa, Senator MONDALE of Minnesota and Senator NELSON of Wisconsin be added as cosponsors. I am pleased to be joined by my colleagues on the Labor and Public Welfare in sponsoring this important legislation.

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

S. 1104

At the request of Mr. HATHAWAY, the the Senator from Michigan (Mr. HART), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1104, the Environmental Protection Act of 1973.

S. 1125

At the request of Mr. HUGHES, the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 1125, to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

S. 1147

At the request of Mr. DOMINICK, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 1147, to amend the Occupational Safety and Health Act of 1970.

S. 1191

At the request of Mr. MONDALE, the Senator from Colorado (Mr. DOMINICK), the Senator from New York (Mr. JAVITS), and the Senator from Illinois (Mr. PERCY) were added as cosponsors of S. 1191, the Child Abuse Prevention Act of 1973.

S. 1220

At the request of Mr. MONDALE, the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 1220, to preserve key elements of the social services program.

S. 1401

At the request of Mr. HRUSKA, the Senator from Oklahoma (Mr. BARTLETT), the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. FANNIN), the Senator from Wyoming (Mr. HANSEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Georgia (Mr. NUNN), and the Senator from Virginia (Mr. SCOTT) were added as cosponsors of S. 1401, to establish rational criteria for the mandatory imposition of the sentence of death, and for other purposes.

S. 1424

At the request of Mr. SCHWEIKER, the Senator from Rhode Island (Mr. PASTORE), the Senator from Idaho (Mr. CHURCH), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 1424, to provide certain benefits for members of the Armed Forces and civilian employees of the United States who were in a missing status for any period of time during the Vietnam conflict.

S. 1439

At the request of Mr. MUSKIE, the Senator from Indiana (Mr. BAYH), the Senator from Colorado (Mr. HASKELL), the Senator from Iowa (Mr. HUGHES), and the Senator from Rhode Island (Mr. PASTORE) were added as cosponsors of S. 1439, the Tax Reform Act of 1973.

S. 1497

At the request of Mr. TUNNEY, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 1497, to amend the Omnibus Safe Streets Act and to provide for an improved Federal effort to combat crime.

SENATE JOINT RESOLUTION 71

At the request of Mr. MONDALE, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of Senate Joint Resolution 71, the "National Advisory Commission on Health Science and Society Resolution."

SENATE JOINT RESOLUTION 80

At the request of Mr. ROTH, the Senator from Alabama (Mr. ALLEN), the Senator from Oklahoma (Mr. BARTLETT), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from California (Mr. CRANSTON), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from Indiana (Mr. HARTKE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Illinois (Mr. PERCY), and the Senator from California (Mr. TUNNEY), were added as cosponsors of Senate Joint Resolution 80, to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

H.R. 4586—CHANGE OF REFERENCE

Mr. ALLEN. Mr. President, on behalf of the distinguished Senator from Missouri (Mr. EAGLETON) and at his request, I ask unanimous consent that the Committee on the District of Columbia be discharged from further consideration of H.R. 4586, to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association, and

that the bill be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SENATE RESOLUTION 96—ORIGINAL RESOLUTION REPORTED RELATING TO FUNDS FOR THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

(Referred to the Committee on Rules and Administration.)

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following resolution:

S. RES. 96

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $20,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946, as amended.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 39

At the request of Mr. BELLMON, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Resolution 39, to establish a Senate Oversight Committee on the Conference on Security and Cooperation in Europe, the Conference on Mutual and Balanced Force Reduction, and the Strategic Arms Limitation Talks II.

SENATE RESOLUTION 94

At the request of Mr. STEVENS, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Senate Resolution 94, requesting the President to enter into negotiations with major oil importing countries to establish an international organization of oil importing countries.

AMENDMENT OF NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES ACT OF 1965—AMENDMENTS

AMENDMENT NO. 80

(Ordered to be printed, and to lie on the table.)

Mr. BENTSEN submitted an amendment, intended to be proposed by him, to the bill (S. 795) to amend the National Foundation on the Arts and Humanities Act of 1965, and for other purposes.

AMENDMENT NO. 81

(Ordered to be printed, and to lie on the table.)

Mr. PROXMIRE submitted an amendment, intended to be proposed by him, to Senate bill 795, supra.

VOTER REGISTRATION ACT—AMENDMENTS

AMENDMENTS NOS. 82 AND 83

(Ordered to be printed, and to lie on the table.)

Mr. MATHIAS submitted two amendments, intended to be proposed by him, to the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 5 TO S. 706

At the request of Mr. MONDALE, the Senator from New York (Mr. JAVITS) was added as a cosponsor of amendment No. 5, intended to be proposed to S. 706, a bill to create a National Legal Services Corporation.

NOTICE OF HEARINGS ON S. 891

Mr. JOHNSTON. Mr. President, the Subcommittee on Production and Stabilization of the Banking, Housing, and Urban Affairs Committee will hold hearings on S. 891, to extend the President's National Commission on Productivity, on Monday, April 16, 1973, at 2 p.m., room 5302, New Senate Office Building.

Anyone wishing to testify on the above bill should contact Mr. Gerald Y. Allen, professional staff member, telephone 225–7391.

NOTICE OF HEARINGS ON BILLS TO CODIFY, REVISE, AND REFORM THE FEDERAL CRIMINAL LAWS

Mr. McCLELLAN. 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 Criminal Laws and Procedures at 10 a.m. on April 16, 1973, in room 2228, Dirksen Senate Office Building, on bills to codify, revise, and reform title 18 of the United States Code (S. 1, S. 716, S. 1400, and S. 1401). The testimony this day will be directed to the subjects of the imposition of a mandatory sentence of death and the appellate review of sentences. Additional information on this and subsequent hearings can be obtained at the subcommittee office, room 2204, Dirksen Senate Office Building, telephone 225–3281.

The following witnesses are scheduled to appear at this hearing: Hon. Joseph T. Sneed, Deputy Attorney General; Hon. Robert Dixon, Assistant Attorney General; Hon. Arlen Specter, district attorney, Philadelphia, Pa.; Hon. J. Edward Lumbard, Judge, U.S. Court of Appeals, New York; Hon. Walter E. Hoffman, chief judge, U.S. District Court, Norfolk, Va.; and Prof. Livingston Hall, Harvard University School of Law.

NOTICE OF FOREIGN AGRICULTURAL POLICY SUBCOMMITTEE HEARINGS, MONDAY, APRIL 16, 1973

Mr. HUMPHREY. Mr. President, the Subcommittee on Foreign Agricultural Policy of the Senate Committee on Agriculture and Forestry will resume its hearings on U.S. agricultural trade policy next Monday, April 16, 1973. The hearing will begin at 10 a.m. and will be conducted in room 5110 of the New Senate Office Building.

The subcommittee will hear from officials of the administration's Office of Special Trade Representative. Invited to appear at this particular hearing are: Messrs. William D. Eberle, Special Trade Representative; William R. Pearce, Assistant Special Trade Representative; Harold B. Malmgren, Assistant Special Trade Representative; and Howard L. Worthington, Assistant to Secretary of Treasury, Mr. Schultz.

The purpose of this hearing will be to review the administration's recommendations concerning upcoming multilateral agricultural trade negotiations with the newly enlarged European Economic Community, Japan and other nations who will be participating in trade talks later this year under the General Agreement on Tariffs and Trade—GATT.

Mr. President, this hearing comes at a particularly important time for American agriculture in that the Congress has just received the President's proposed trade bill and our Committee on Agriculture and Forestry will begin marking up general farm legislation later this month.

It is my hope that beginning with next Monday's hearing, that Congress will be afforded the opportunity to which it is entitled to fully and carefully examine all of the relevant issues and important questions relating to our nation's future agricultural trade policy. To date, the administration has taken great pains to avoid sharing with Congress the particulars of its agricultural trade strategy as it relates to upcoming multilateral negotiations with foreign nations. Those particulars, which are contained in the so-called Flanigan Report, have been withheld from review, study, and comment by the Congress by the administration, despite the fact that the contents and recommendations contained in that report have been the guiding principles underlining almost all actions either taken or proposed by the administration since last fall.

On Thursday of this week, tomorrow, April 12, I intend to address the Senate in more detail about this matter, particularly as it relates to the full contents of the "Flanigan Report."

ADDITIONAL STATEMENTS

BUDGET PROPAGANDA

Mr. MUSKIE. Mr. President, according to recent reports in the press, the White House is launching a major propaganda campaign against the Congress over the issue of Federal spending.

Public relations kits prepared and distributed to high-ranking Federal officials refer to the "far-out 15"—15 Federal programs which, according to the administration, will break the back of the American taxpayer.

These kits, entitled "The Battle of the Budget, 1973," contain guidelines for presenting the administration's point of view, including instructions to Federal officials on where, when, and how to warn taxpayers of the danger of congressional "tampering" with the President's budget.

The implications of such a propaganda campaign are very disturbing.

I have, therefore, asked the General Accounting Office to investigate the circumstances surrounding the production

and distribution of these "kits," including such questions as whether they were prepared and distributed at taxpayer expense, who authorized their production, and whether such a propaganda campaign violates the law, in particular the antilobbying statute.

I ask that the text of my letter to the Comptroller General be included in the RECORD at this point, along with excerpts from the kits and the materials pertaining to this propaganda campaign which my office has obtained.

There being no objection, the text of the letter, excerpts and material were ordered to be printed in the RECORD, as follows:

APRIL 9, 1973.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: Recent press reports in the *Washington Post* have revealed that the Administration has undertaken a major propaganda campaign in an effort to launch an attack on the Congress over the issue of Federal spending.

Those press reports reveal that "to make sure voters get the same message, Federal writers have been given a detailed set of guidelines by the White House, telling them where, when and how to warn taxpayers of the dangers to their pocketbooks if Congress tampers with the President's budget."

As principal weapons in this propaganda campaign, the Administration has put together and distributed kits entitled "The Battle of the Budget, 1973."

These kits, which have been circulated to top agency officials, tell government specialists how to write speeches warning of tax increases and give lists of 15 Federal programs to be attacked. They also contain anti-Congress speech material and examples of horror stories which spotlight deficiencies in programs the President wants to terminate.

In addition to obtaining a partial copy of the kit, my office has also obtained excerpts from the instructions the Department of Commerce apparently sent to its district office officials along with the kit. These instructions request that district office officials "immediately identify a minimum of two or more major forums for organizational meetings between April 6–23 at which a selected senior departmental spokesman may deliver a basic business-oriented speech on the 'Battle of the Budget.'"

In addition, these instructions, apparently sent out by H. Phillip Hubbard, Acting Director of Field Operations at the Department of Commerce, request that the district office officials "make arrangements to deliver such a speech yourself before a minimum of four additional groups during the same period (April 6–23) as well as handling on your own any of the major forums for which a departmental spokesman is not available."

I am concerned about the implications of such a propaganda campaign, apparently directed by the White House, and, therefore, I am requesting that your Office undertake an investigation of it, with particular attention to answering the following questions:

1. Who authorized the production of these "kits"?

2. Were these kits prepared and produced at taxpayers' expense?

3. How widely have these kits been distributed both inside and outside the government?

4. What kind of instructions accompanied these kits when they were circulated?

5. What Federal funds, if any, have been used to finance this propaganda campaign? From what budget authority did those funds come?

6. Does a propaganda campaign of this nature, if undertaken at government expense, violate the law? In particular, is the anti-lobbying statute, U.S.C. 18, 645, 62, Stat. 792, applicable to this situation? If it is, how is it applicable, what violations have occurred?

I am enclosing copies of the material my office has obtained concerning this propaganda effort by the Administration. I would appreciate receiving a preliminary report on this matter by the close of business April 30 and an estimate of the length of time a full investigation of this matter will require.

Thank you for your cooperation.

With best wishes, I am,

Sincerely,

EDMUND S. MUSKIE.

[From the Washington Post, Apr. 4, 1973]

PR MEN GIRD FOR "BATTLE OF BUDGET"

(By Mike Causey)

The Nixon administration is mobilizing the bureaucracy's extensive, and expensive, public relations apparatus for an attack on the "spendthrift" Democratic-controlled Congress.

To make sure voters get the same message, federal writers have been given a detailed set of guidelines by the White House, telling them where, when and how to warn taxpayers of the dangers to their pocketbooks if Congress tampers with the President's budget.

The guidelines, obtained by this column, tell government specialists how to write speeches warning of tax increases, and give lists of 15 federal programs to be hit, anti-Congressional "one liners" to be used by officials on the banquet circuit, and examples of "horror stories" to be used in spotlighting federal programs Mr. Nixon wants to end.

The idea is to rally public pressure against Congress not to tamper with the budget. The approach is not new. It was used by the Kennedy administration to push anti-poverty programs and civil rights, and by the Johnson administration to build support for our presence in Vietnam. But the scope of the latest operation, and its tight control from the White House, may be unprecedented, and is definitely attack-oriented.

Kits, called "The Battle of the Budget, 1973," were distributed yesterday morning to top agency officials and public relations aides. The kit includes detailed instructions as to how future government press releases, and speeches, are to be written, listing:

"Major Themes."

"Key Facts."

"Sample Speech Material. One-Liners, Sample Speech," and "Anecdotes" that lampoon unsuccessful federal programs, members of Congress and anti-administration newspapers.

Examples of how "Horror Stories Might Be Used" in speech material and "canned" editorials written for newspapers and television stations include the following:

"Each day the Congress persists in its efforts to foist on the American public a gaggle of runaway spending schemes . . . and boondoggling programs which fuel inflation and threaten higher taxes.

"The pat response by the President's critics is that the President is hurting the poor, not responding to the people and has his priorities mixed up."

It then lists the programs Mr. Nixon has "targeted for cutbacks," and the "horror stories" to be used to illustrate they have been a waste of time and taxpayers' money. They include the Concentrated Employment Program in East Harlem that had "the commendable goal of 1,400 enrollees" in a job training, placement system.

"Only 616 persons were actually enrolled," the guideline sheet says, "while 170 of those dropped out. Instead of the hoped-for job placements of 920, the magic figure for the number of persons placed in jobs was 6. That is to say, thousands of dollars were spent for a program whose final results were a one out of 100 ratio of job placement."

In a section called "Support for the President's Stand," speech-writers are told to draw on Mr. Nixon's earlier antispending statements—which are attached—and to use this followup:

"As President Nixon has said, 'The way to hold the line on taxes is to hold the line on federal spending.'" The suggested follow-up in a speech is "It is as simple as that."

The speech-writers are then given this suggestion for phrases their bosses must use in upcoming speech-making tours. They should tell taxpayer groups:

"But holding that line means doing away with some of the favorite sacred cows that the Congress has funded and refunded again and again for decades." The sample speech continues:

"As far as the public is concerned, these sacred cows stopped giving milk years ago. But each special program has a small but determined band of special beneficiaries—people who have been receiving something for nothing; people who have been getting a free ride at the taxpayer's expense. These free loaders are not going to be evicted without a fight."

[From the Washington Post, Apr. 9, 1973]

"FAR-OUT 15" SKIRMISH NOW A BATTLE

(By Mike Causey)

While the administration steps up attacks on congressional budget-busters—using the bureaucracy as the battering ram—key Democrats are studying a little-used federal law that provides fines and jail terms for civil servants who get caught in the lobbying business.

Under orders from the White House, federal agencies have been told to whip up public opposition to the socalled Far Out Fifteen. They are legislative proposals Mr. Nixon says would ruin his budget and force unwanted tax increases. Many of the programs under attack are pet projects of powerful Senate and House Democrats eyeing the 1974 congressional elections.

The result of the executive vs. legislative branch brawl, now being fought with press releases and speeches, could be that some career civil servants will find themselves caught in a legal meat grinder that could cost them their jobs. It could also bottle up agency money packages in a revenge-seeking Congress.

The law in question, one of the most frequently bent on the books, is the antilobbying statute, known in the trade as U.S.C. 18, 645, 62 Stat. 792. It reads:

"No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or designed to influence in any manner a member of Congress to favor, or oppose, by vote or otherwise, any legislation or appropriation by Congress . . . but this shall not prevent officers or employees of the U.S. . . . on the request of any member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business."

Like most laws, the above can, and probably does, mean lots of things.

One reading would indicate that civil servants who get involved—as speech writers, secretaries or liaison—in lobbying against a congressional project would be in violation of the law. If that is true, the law has been violated frequently by other administrations.

If, however, you take the approach that federal workers report directly to the President, it could be argued that they should do what he says, even if it means butting heads with Congress.

Some congressmen are considering a test of the law. The outcome could be a clear mandate for the President, any President, to use the bureaucracy as he sees fit, or to put it more directly under control of the Congress. Unfortunately for the "test case" federal worker caught in the middle, it could mean loss of a job, a $500 fine and a year's room and board at some federal penitentiary.

Right to Strike Hearings: The first ever on the controversial proposal to give postal employees the right-to-strike open today before Rep. Charles H. Wilson's (D-Calif.) Postal Facilities subcommittee, Postmaster General E. T. Klassen is leadoff witness.

In addition to the right to strike, postal unions are seeking the right to negotiate the union shop, which would require rank-and-file employees to join organizations, or at least pay dues to them.

Klassen has said before that he would not oppose the right to strike, provided postal unions stop asking Congress to legislate on their working conditions and instead stick to the bargaining table.

National Right to Work Committee, which opposes compulsory unionism, will also testify this week as will heads of major postal unions.

Music Soothes The Savage Scientists: Department of Transportation has installed piped-in music at its research facility next door to the CIA in McLean. Reaction to the music from workers is mixed. But in these times of belt-tightening at DOT, some wonder about the cost of the sound of music.

Job Hunters: The White House Fellows group is looking for a secretary, up to Grade 7. Call 382-4661 . . . National Capital Housing Authority wants an attorney (D.C. bar) with landlord-tenant experience. Call 382-8025.

Agency for International Development's Rosslyn's office has openings for GS 7-9 and 11 contract specialists. Call 557-0187.

[From the Washington Post, Apr. 8, 1973]

WHITE HOUSE GIRDS FOR BUDGET BATTLE

(By David S. Broder)

"Mr. Nixon's men are organizing it with the same thoroughness—and many of the same techniques—they used in the last election campaign."

Last Wednesday afternoon, the weekly meeting of the departmental information officers of the Nixon administration was shifted from its regular location in the Executive Office Building to the Theodore Roosevelt Room of the White House.

The occasion was something of a celebration. Ken W. Clawson, the deputy director of communications for the executive branch and organizer of the session, passed out cufflinks with the presidential seal to everyone present.

Such mementoes have been traditional at the White House for years, celebrating the end of wars, the resolution of missile crises, or the passage of major pieces of legislation.

As far as anyone could remember, however, this was the first time that the agency publicity men, the top echelon of the army of government flacks, were so well rewarded for their part in sustaining a presidential veto.

"One down," said Clawson referring to the previous day's Senate vote upholding Mr. Nixon's veto of the vocational rehabilitation act. "One down and 14 to go."

Facing at least 15 possible veto showdowns with Congress, the White House has mobilized all the resources of the executive branch for the 1973 battle of the budget. In this struggle, mobilizing public opinion on the President's side of the debate is regarded as one of the most vital battlegrounds.

Mr. Nixon's men are organizing it with the same thoroughness—and many of the same techniques—they used in the last election campaign. In time, the "selling of the budget" may make as striking a chapter in the public relations textbooks as "the selling of the President."

Clawson, a former Washington Post reporter who is expected to succeed the departing Herbert G. Klein as the administration's information director, is the coordinator of the budget campaign.

As in the last campaign, Mr. Nixon himself is being used sparingly for crucial roles in the publicity drive. The President provides the basic themes and the overall message and delivers—in occasional radio and television talks to the public and in messages to Congress—the key statements in the budget battle.

But the day-to-day work of keeping the message before the public is being done by Cabinet officers and agency heads, just as those men or their predecessors served as "surrogate candidates" for the President last fall.

Clawson, who coordinated the "surrogates" in the 1972 campaign, is marshaling them with similar efficiency and an eye for detail in this new campaign.

In an interview last week, he insisted that each Cabinet member is setting his own speech schedule and picking his own topics, with the White House merely offering background material on budget issues and providing suggestions on ways to reach as wide an audience as possible in the city he chooses to visit.

But participants in Clawson's weekly meetings depict the White House role as central in the whole publicity drive.

Weeks ago, they say, Clawson announced to the agency information chiefs that the President wanted his hold-the-line budget drive given top priority in every possible forum. Applying this doctrine, Clawson ordered a quota of one "economy" speech per week for every presidential appointee in the department or agency.

Last week, the quota was tripled, with the flacks told they would be responsible for producing three appearances a week by each political appointee.

Target areas were identified—mainly small to medium-sized cities with conservative Democratic or liberal Republican congressmen. Agency public relations men were told to coordinate their principals' speaking plans with John Guthrie, an aide to presidential assistant H. R. (Bob) Haldeman, in order to avoid overlapping appearances and to assure maximum coverage.

In recent weeks, Clawson has added other assignments to the expanding drive:

Each department or agency was told to deliver two signed editorial page-style commentaries on the budget battle by its officials, which Clawson is attempting to place in newspapers around the country.

Each agency publicity man was directed to produce several ideas on budget stories for trade and business publications.

Each department with a radio facility was told to produce recorded budget messages for radio stations to tape for their own use.

A list of radio talk shows across the country was distributed and the publicity men were urged to line up interviews for their bosses—via long-distance.

The White House is also playing a leading role in shaping the contents of the message. In addition to distributing the President's own economy statements and legislative veto messages to a list of some 1,500 editors, editorial writers and broadcasting executives, Clawson's office prepared a bulky "battle of the budget" kit as a guide to agency speechwriters.

A copy of the document, obtained by Washington Post reporter Mike Causey, lists "horror stories" and "program failures" that can be used to justify presidential budget cuts; letters to the White House; editorials and polls supporting Mr. Nixon's stand; and "one-liners" and anecdotes directed against the congressional "budget-busters."

Material from the White House speech kit has been turning up regularly in the texts of Secretary of Commerce Frederick B. Dent, Secretary of Housing and Urban Development James T. Lynn and others. For example, when presidential counselor Anne Armstrong told a San Antonio audience that "holding the line means putting some sacred cows out to pasture," she was quoting a Clawson one-liner.

When Dent told the Wholesale Grocers Association about the anti-poverty agency's employment program in East Harlem, he was citing one of the Clawson-certified "horror stories."

When Lynn told audiences in Washington, Indianapolis, Charleston, W. Va., Richmond, and Anderson, S.C., that the alternative to budget-cutting would be a 15 per cent tax raise, he was parroting one of Clawson's recommended "major themes."

The White House has also encouraged the advertising of similar themes by private-citizen allies of the President. Last Tuesday, The Washington Post carried the first full-page ad in a planned national campaign by a newly formed group called Citizens for Control of Federal Spending.

The chairman of the organization is David Packard, former deputy Secretary of Defense and head of the 1972 Nixon campaign in California. Its "legislative consultant" is Bryce N. Harlow, counselor to the President in the first Nixon administration and formerly top White House lobbyist. The list of other officers and members is studded with social friends of the President and former members of his administration.

The new organization has rented space on the same floor of a Washington office building with the local office of J. Walter Thompson, the advertising agency that contributed Haldeman and so may others to the White House staff, but its own agency is Wagner and Baroody, a firm whose principals have worked for Mr. Nixon and the Republican National Committee.

When H. Lee Choate, the retired Air Force officer who is listed as executive director of the Citizens for Control of Federal Spending, was asked if the group had any ties to the White House, he said, "No."

"They're aware of our existence, of course," he added, "because our three leaders (Packard and ex-Reps. John W. Byrnes of Wisconsin and James Roosevelt of California) visited the President and told him what they were prepared to do. He was very grateful and encouraged them to go on."

Clawson, denying any more role in the creation of the citizens committee than he acknowledged in the orchestration of the administration's own publicity campaign expressed optimism about the way the battle of the budget is going.

"I think we're winning it in the country," he said, citing a series of public opinion surveys, including the latest Gallup Poll. That poll reports that by majorities ranging from 54 per cent to 65 per cent, voters believe that federal taxes are too high, that it is very important to balance the budget and that it is more important to hold down spending and taxes than to increase spending for social programs.

"We know the country is with us," Clawson said, "but the people who are hit by the budget cuts are the organized special interest groups—like the professional poverty workers—who are just lobbying the hell out of Capitol Hill."

"The question is whether congressmen will respond to their constituency back home or to the organized pressure groups," he said.

So far, the President is winning the battle both in the country and on Capitol Hill, where his first veto was sustained and the Senate has passed a spending ceiling even lower than the one Mr. Nixon recommended.

The way things are going, Clawson may have to request a supplemental appropria-

tion for more presidential jewelry for his flacks.

EXCERPTS FROM "BATTLE OF THE BUDGET, 1973"

THE FAR-OUT 15

John D. Ehrlichman, Assistant to the President, March 9, 1973: "A $9 billion herd of Trojan horses that are thundering our way from out of the Congress, brightly painted and outfitted with very attractive accessories . . .

"This is a $9 billion dagger at the pocketbook of the American taxpayer . . ."

The Congress presently has on its calendar 15 pieces of legislation which would raise the taxes of the American people. Some of these budget-busting bills have passed and the others may be passed in the near future. Most, perhaps all, will be votoed.

These 15 bills would raise President Nixon's budget by $9 billion. And they would require a 4% surcharge on individual income taxes in order to pay for them.

What follows is a close examination of these bills:

The Far-Out Fifteen:
Airport Grant Extension.
Anti-Hijacking.
Economic Development Administration.
Emergency Farm Loans.
Flood Control.
Health Maintenance Organizations.
Older Americans Legislation.
REA.
REAP.
Rural Water and Sewer Grants.
Veterans Legislative Package.
Vocational Rehabilitation Legislation.

FLOOD CONTROL

If anything warms Congressional hearts more than fund-raising dinners, it is dams.

Big dams, little dams, earth dams, concrete dams—they all mean flood control, recreation, conservation, reclamation. And more than that, they mean vote-getting pork from the Federal barrel.

It is no wonder then that one of the first bills passed in the new Congress authorized $593 million for 34 such water projects. Passed by the Senate, it is now in House Committee where it certainly won't die from lack of loving care.

* * * * *

PRESIDENT NIXON'S NEW BUDGET

No matter that that bill ties the President's hands for a year in trying to do anything about upgrading the standards on which Federal approval of such projects is based.

No matter that President Nixon had already proposed a much more reasonable flood control program authorizing $400 million for ten projects that had passed all the environmental and economic tests.

It is all well and good to want to prevent flooding and create scenic lakes to admire and ski upon, but some concern has to be shown for overall Federal fiscal integrity and some concern must be shown for whether these projects are going to pay a return in benefits on the Federal investment.

The time has come when a hard, careful choice must be made between popularity and necessity, when some kind of balance must be struck between Christmas spending and New Year's morning after.

No less than fiscal responsibility and sound management of the Nation's business is at stake in the flood control dispute between the Congress and the President.

KEY FACTS ABOUT THE BUDGET FIGHT

I. The Past: An Era of Bigger and Bigger Government:

Governments at all levels—Federal, State and local—now take 32 percent of the Nation's income; in the mid-50s, they took only 25 percent.

The Federal Government alone has nearly doubled its burden on taxpayers since 1950, now taking over 20 percent of all personal income.

Growth of Federal spending was especially pronounced under the last years of LBJ, growing at an average annual rate of 17 percent between 1965 and 1968. In 1963, there were only 160 individual grant programs, but now there are over 1,000.

A huge momentum is now built into the growth of Government. Nearly 75 percent of the FY 74 budget is for virtually "uncontrollable" items

At the present rate of growth, the budget of the Federal Government will be over $1 trillion—the size of our entire economy today—by the 1990's.

MAJOR THEMES

President Nixon's new budget moves us firmly toward something that Americans have not achieved in nearly 20 years: prosperity without war and without inflation.

The key to the President's budget is its tight lid on spending.

He is cutting back on programs that don't work in order to concentrate our efforts on those that do.

He is reforming other programs so that through revenue sharing, people will have a greater control over their own lives.

When big spenders in Congress bust open the budget, they impose higher taxes or more inflation upon the American public.

The increase in our tax bills could be as much as 15%.

This is a battle between the public interest and the special interest. Congress always hears from the special interests. Now is the time for the average taxpayers to let them know how you feel about higher taxes and more inflation: write now to your Senators and Congressman to tell him where you stand.

EMPLOYEE STOCK OWNERSHIP PROGRAMS

Mr. FANNIN. Mr. President, this past Sunday the "Intelligence Report" column in Parade magazine carried an item strongly supporting the concept of employee stock ownership programs.

The foremost authority on such programs is Louis O. Kelso of San Francisco. It has been my good fortune to explore this program wtih Mr. Kelso, and I believe this concept can indeed help revitalize our business enterprise system.

As a result, I introduced S. 1370 on March 27, 1973. Senators HANSEN and DOMINICK joined me in sponsoring this proposal to encourage a broader base for ownership, especially among the employees of corporations. Our objective is to strengthen the American economic system we call capitalism.

The article in Parade hit some of the highlights of the program we are proposing to encourage through S. 1370. It also summarizes some of the reasons why the Kelso plan can be effective.

Mr. President, for the benefit of my colleagues who might be interested in this legislation, 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:

WHAT AMERICA NEEDS

The American work ethic is eroding rapidly. Today's workers are more willing to strike than ever before. Not only the blue-collar type but schoolteachers, writers, civil service employees, nurses, semiprofessionals.

In the manufacturing industries, many on the asesmbly line take no pride in their labor, frequently sabotage the products they are paid to produce. Others, who eschew sabotage, engage in shoddy work, take no interest in what they consider meaningless, futureless jobs.

What can be done to turn the labor force around?

One sugestion which may have merit is known as "The Second Income Plan." It is the brainchild of Louis O. Kelso, a San Francisco attorney-economist. Kelso believes that what America needs is more capitalism.

He contends that the ownership of capital in this country is concentrated in five percent of the population. The other 95 percent, he maintains, own no stock or such a small share as to have no stake in capitalism.

In an article he wrote for "Industry Week" magazine last year, Kelso proposed the establishment of systems that would provide workers with enough stock to ensure them a decent stake in capitalism, a stake large enough to include a second income.

He calls his plan "employee stock ownership trust financing," and it has already been adopted by 18 companies. It calls for a trust to be built into a firm's financial structure allocating stock to employees in proportion to their income without reducing their take-home pay or savings. Thus they participate in a larger ownership role without withdrawing capital from the existing owners.

Several years ago, Kelso co-wrote a book with Mortimer Adler, "The Capitalist Manifesto," in which he pointed out that if capital ownership were more equitably distributed in this country, if more workers had a more sizable interest in the profit picture of their corporations, labor unrest would go down and productivity would go up.

What is wrong with capitalism, Kelso contends, is that too few people own too much. What he advocates in broadening of the ownership base, a variation of the share-the-wealth theme.

PROTOCOL AGREEMENTS FOR CIVIL USES OF ATOMIC ENERGY

Mr. MONTOYA. Mr. President, as chairman of the Subcommittee on Agreements for Cooperation of the Joint Committee on Atomic Energy, I wish to advise my colleagues that in compliance with section 123(c) of the Atomic Energy Act of 1954 as amended, the Atomic Energy Commission on March 29, 1973, submitted to the joint committee a proposed "Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy", together with a diplomatic note which is regarded as an integral part of the amending protocol.

The Atomic Energy Act requires that such a proposed agreement lie before the joint committee for 30 days while Congress is in session before becoming effective. The basic purpose of the protocol is to permit transfers to Japan of increased quantities of U–235 to fuel its expanded nuclear power program. Relatedly, the present 30-year period of the agreement would be extended for an additional 5 years, from 1998 into the year 2003. The purpose of the diplomatic note is to establish two understandings about continued application of certain aspects of the present agreement.

The Japanese nuclear program which would be fueled pursuant to the protocol totals 60,000 MWe. This represents a threefold expansion over the current

level. The expanded program is composed of reactors now operating, under construction, and planned for construction within the 5-year period following conclusion of the protocol.

In keeping with the general practice of the joint committee, I ask unanimous consent to insert in the CONGRESSIONAL RECORD, for the information of interested Members of Congress, the supporting correspondence. The text of the agreement and diplomatic note which is an integral part of the amending protocol are available at the office of the Joint Committee on Atomic Energy. The material follows:

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

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., March 29, 1973.

HON. MELVIN PRICE,
Chairman, Joint Committee on Atomic Energy, Congress of the United States.

DEAR MR. PRICE: Pursuant to Section 123c of the Atomic Energy Act of 1954, as amended, copies of the following are submitted with this letter:

a. a proposed "Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy", together with a diplomatic note which is regarded as an integral part of the amending protocol;

b. a letter from the Commission to the President recommending approval of the protocol and diplomatic note; and

c. a memorandum from the President containing his determination that their performance will promote and will not constitute an unreasonable risk to the common defense and security and approving the protocol and note and authorizing their execution.

The basic purpose of the protocol is to permit transfers to Japan of increased quantities of U–235 to fuel its expanded nuclear power program. Relatedly, the present 30-year period of the agreement would be extended for an additional five years, from 1998 into the year 2003. The purpose of the diplomatic note is to establish two understandings about continued application of certain aspects of the present agreement.

The Japanese nuclear power program which would be fueled pursuant to the protocol totals 60,000 MWe. This represents a threefold expansion over the current level. The expanded program is composed of reactors now operating, under construction, and planned for construction within the five-year period following conclusion of the protocol.

The provisions of the protocol are in accord with the revised policy adopted by the Commission in 1971 governing foreign supply of enriched uranium and are thus similar to the recent amendment to the U.S.-EURATOM Additional Agreement. Pursuant to this policy, the revised agreement will be essentially an enabling document. It permits the transfer of U–235 for power as well as research purposes, but does not constitute an advance allocation of our enrichment capacity. An allocation and firm supply assurance would depend upon the subsequent execution of a supply contract.

Article I, paragraph A, allows the Commission to enter into toll enrichment contracts to supply enriched material for fueling power reactors. The paragraph also permits sale of enriched fuel at the Commission's option upon a request by a purchaser. Article I also continues the following provisions contained in the present agreement but with modifications following recent precedent:

(a) the transfer of special nuclear material to Japan expressly for performance of conversion or fabrication services and subsequent transfer to third countries or return to the United States (paragraph C), and

(b) the transfer of special nuclear material other than U–235 by the Commission to Japan for fueling purposes (paragraph D).

Regarding point (b), Commission transfers of plutonium would be subject to a ceiling, which in this case would be the current ceiling of 365 kilograms of plutonium. Private plutonium fuel transfers under the agreement, however, would no longer be subject to the ceiling although they would, of course, be subject to safeguards and other relevant provisions. As noted in the recent case of the EURATOM amendment, the revised approach of having the ceiling apply only to Commission transfers has been used in view of the Commission's intention not to be a long-term commercial supplier of plutonium and also in view of the quantities of plutonium which will be generated in privately owned power reactors.

Article II of the amendment establishes terms and conditions of material supply. As is currently the case, uranium enriched to more than 20% in U–235 may be transferred when the Commission finds there is a technical or economic justification. Authority would be continued for the reprocessing of material supplied by the United States to be performed in Japanese facilities upon a joint determination of the parties that safeguards may be effectively applied, or in such other facilities as may be mutually agreed. Further, as provided in the recent EURATOM amendment, special nuclear material produced through the use of material supplied by the United States to Japan may be transferred to third countries provided that such countries have an appropriate agreement for cooperation with the United States or they guarantee the peaceful use of the produced material under safeguards acceptable to the parties.

Article III amends the current ceiling article in the agreement, Article IX. In connection with the new supply policy noted earlier, the U–235 ceiling would become merely an upper limit on transfers and would no longer represent an advance allocation of diffusion plant capacity. Under this approach there is also no longer a need for an appendix setting forth specific power projects to be fueled. Further, the U–235 ceiling is expressed as that quantity of separative work required, over the life of the agreement, to support the 60,000 MWe program noted earlier. It is this practical measure which would become the ceiling control on U–235 transfers for power applications. The relatively minor quantities needed for research applications would be subject to ad hoc agreement and would not be charged against the ceiling. Regarding plutonium, the present ceiling of 365 kilograms would be continued but, as noted earlier, it would apply only to Commission transfers.

Article IV of the amendment is intended to reflect the primacy which both the United States and Japan accord to the safeguards of the International Atomic Energy Agency (IAEA). This would be done by reversing the concept in the current agreement. Instead of providing for bilateral safeguards which may be supplanted by IAEA safeguards, the usual condition would be reflected at the outset, i.e., Agency safeguards would be applied but, in the event they should not be acceptable to the United States, they would be supplanted by bilateral safeguards.

Article V reflects the fact that safeguards responsibilities are being exercised by the IAEA pursuant to a trilateral agreement among the Agency and the parties. As is provided in other bilaterals, the parties agree that Agency safeguards should continue pursuant to the trilateral, as it may be amended or supplanted by a new trilateral. The current trilateral provides for IAEA safeguards in Japan on materials, equipment and facilities subject to safeguards, under the bilateral agreement, and in the United States, on any special nuclear material produced in Japan through the use of such items which is sent to the United States. Provision is made for suspension of the application of this trilateral in favor of a safeguards agreement under Article III of the Nuclear Non-Proliferation Treaty or similiar agreement.

In negotiating acceptance by Japan of the new supply policies described above, it was recognized as a matter of equity that certain undertakings by the United States which Japan regards as important, and upon which actions pursuant to the current agreement were predicated, should not be eliminated retroactively. These undertakings would be continued by means of a diplomatic note, as indicated earlier. The two issues concerned were the maintenance of an assured allocation of U–235, which is no longer in accord with the new fuel policy, and the United States commitment that charges for enrichment services would be those in effect for users in the United States at the time of delivery, which commitment is no longer being continued in Agreements for Cooperation. However, in order to avoid having the amending protocol retroactively affect earlier outstanding commitments, the diplomatic note would establish the following understandings:

(1) The allocation of the quantity of U–235 currently allocated for fueling the Japanese nuclear power program would be maintained for reactor projects identified in the appendix to the Agreement for Cooperation prior to entry into force of the amending protocol.

(2) With respect to contracts executed prior to entry into force of the protocol, charges for enrichment services applicable to Japanese customers would be those in effect for users in the United States at the time of delivery.

The protocol will enter into force on the date on which each party shall have received from the other written notification that it has complied with all statutory and constitutional requirements for entry into force.

Sincerely,

DIXIE LEE RAY,
Chairman.

THE WHITE HOUSE,
Washington, March 22, 1973.

Memorandum for Dr. Dixy Lee Ray, Chairman, Atomic Energy Commission.

Subject: Proposed Protocol and Diplomatic Note Regarding the Agreement for Cooperation with Japan Concerning Civil Uses of Atomic Energy

I have reviewed the proposed "Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy," together with the Diplomatic Note, which were submitted for my approval with the Atomic Energy Commission's letter of February 27, 1973.

Pursuant to the provisions of Section 123b of the Atomic Energy Act of 1954, as amended, and upon the recommendation of the Atomic Energy Commission, I hereby:

a. Approve the proposed Protocol and Note, and determine that their performance will promote and will not constitute an unreasonable risk to the common defense and security of the United States of America; and

b. Authorize the execution of the proposed Protocol and Note on behalf of the Government of the United States of America by appropriate authorities of the Department of State and the Atomic Energy Commission.

RICHARD NIXON.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., February 27, 1973.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: Enclosed is a proposed "Protocol Amending the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy", together with a proposed diplomatic note which is regarded as an integral part of the amending protocol. The protocol and note have been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended. With the Department's support, the Commission recomends that you approve the protocol and diplomatic note, determine that their performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize their execution.

The basic purpose of the protocol is to permit transfers to Japan of increased quantities of U-235 to fuel its expanded nuclear power program. Relatedly, the present 30-year period of the agreement would be extended for an additional five years, from 1998 into the year 2003. The purpose of the diplomatic note is to establish two understandings about continued application of certain aspects of the present agreement.

Turning first to the provisions of the protocol, it is in accord with the revised policy adopted by the Commisson in 1971 governing foreign supply of enriched uranium and is thus similar to the recent amendment to the U.S.-EURATOM Additional Agreement. Pursuant to this policy, the revised agreement would be essentially an enabling document. It would permit the transfer of U-235 for power as well as research purposes, but would not constitute an advance allocation of our enrichment capacity. An allocation and firm supply assurance would depend upon the subsequent execution of a supply contract.

Accordingly, Article I, paragraph A, allows the Commission to enter into toll enrichment contracts to supply enriched material for fueling power reactors. Once Japanese customers are ready to contract for a particular quantity, they would compete on a "first come, first served" basis as far as access to available AEC enrichment capacity is concerned. Access to such capacity will be on an equitable basis with the Commission's other customers. The paragraph also permits sale of enriched fuel at the Commission's option upon a request by a purchaser.

Article I also continues the following provisions of the present agreement, but with modifications following recent precedent:

(a) Paragraph C permits the transfer of special nuclear material to Japan expressly for performance of conversion or fabrication services and subsequent transfer to third countries or return to the United States. As in the United Kingdom agreement and the recent EURATOM amendment, the provision is in reciprocal form.

(b) Under paragraph D, special nuclear material other than U-235 may be transferred by the Commission to Japan for fueling purposes. The Commission transfers would be subject to a ceiling, which in this case would be the current ceiling of 365 kilograms of plutonium. Private plutonium fuel transfers under the agreement, however, would no longer be subject to the ceiling, although they would of course be subject to safeguards and other relevant provisions. As noted in the recent case of the EURATOM amendment, the revised approach of having the ceiling apply only to Commission transfers has been used in view of the Commission's intention not to be a long-term commercial supplier of plutonium and also in view of the quantities of plutonium which will be generated in privately owned power reactors.

Article II of the amendment establishes terms and conditions of material supply. As is currently the case, uranium enriched to more than 20% in U-235 may be transferred when the Commission finds there is a technical or economic justification. Authority would be continued for the reprocessing of material supplied by the United States to be performed in Japanese facilities upon a joint determination of the parties that safeguards may be effectively applied, or in such other facilities as may be mutually agreed. Further, as provided in the recent EURATOM amendment, special nuclear material produced through the use of material supplied by the United States to Japan may be transferred to third countries provided that such countries have an appropriate agreement for cooperation with the United States or they guarantee the peaceful use of the produced material under safeguards acceptable to the parties.

Article III amends the current ceiling article in the agreement, Article IX. In connection with the new supply policy noted earlier, the U-235 ceiling would become merely an upper limit on transfers and would no longer represent an advance allocation of diffusion plant capacity. Under this approach there is also no longer a need for an appendix setting forth specific power projects to be fueled. Further, the U-235 ceiling is expressed—numerically in megawatts of installed generating capacity—as the separative work required, over the life of the agreement, to support the fuel cycle of the Japanese power reactors now operating, under construction and planned for construction starts within the five-year period following conclusion of the protocol. The anticipated Japanese program totals 60,000 MWe, and it is this practical measure which would become the ceiling control on U-235 transfers for power applications. The relatively minor quantities needed for research applications would be subject to ad hoc agreement and would not be charged against the ceiling. Regarding plutonium, the present ceiling of 365 kilograms would be continued but, as noted earlier, it would apply only to Commission transfers.

Article IV of the proposed amendment is intended to reflect the primacy which both the United States and Japan accord to the safeguards of the International Atomic Energy Agency (IAEA). This would be done by reversing the concept in the current agreement that the bilateral safeguards are supplanted by IAEA safeguards to the concept that IAEA safeguards, as the normal condition, would be supplanted by bilateral safeguards when the former are not acceptable.

Proposed Article V reflects the fact that safeguards responsibilities are being exercised by the IAEA pursuant to a trilateral agreement among the Agency and the parties. As is provided in other bilaterals, the parties agree that Agency safeguards should continue pursuant to the trilateral, as it may be amended or supplanted by a new trilateral. Further, a new element of reciprocity has been introduced in paragraph B of the article. This paragraph provides that the existing trilateral agreement covering IAEA safeguards will be suspended with respect to one party when the other party finds that the first party's safeguards agreement with the IAEA pursuant to the Nuclear Non-Proliferation Treaty (NPT), or any similar agreement, is satisfactory for purposes of such suspension. The current trilateral provides for IAEA safeguards in Japan on materials, equipment and facilities subject to safeguards under the bilateral agreement, and, in the United States, on any special nuclear material produced in Japan through the use of such items which are transferred to the United States. Under the proposed provision in paragraph B, this trilateral would be suspended in Japan if Japan enters into an NPT safeguards agreement acceptable to the United States and would be suspended in the United States if the United States enters into a safeguards agreement pursuant to the Presidential Offer under the NPT which Japan finds acceptable.

In negotiating acceptance by Japan of the new supply policies described above, it was recognized as a matter of equity that certain undertakings by the United States which Japan regards as important, and upon which actions pursuant to the current agreement were predicated, should not be eliminated retroactively. These undertakings would be continued by means of a diplomatic note, as indicated earlier. The two issues concerned were the maintenance of an assured allocation of U-235, which is no longer in accord with the new fuel policy, and the United States commitment that charges for enrichment services would be those in effect for users in the United States at the time of delivery, which commitment is no longer being continued in Agreements for Cooperation. However, in order to avoid having the amending protocol retroactively affect earlier outstanding commitments, the diplomatic note would establish the following understandings:

(1) The allocation of the quantity of U-235 currently allocated for fueling the Japanese nuclear power program would be maintained for reactor projects identified in the appendix to the Agreement for Cooperation prior to entry into force of the amending protocol.

(2) With respect to contracts executed prior to entry into force of the protocol, charges for enrichment services applicable to Japanese customers would be those in effect for users in the United States at the time of delivery.

Following your approval, determination and authorization, the proposed protocol and diplomatic note will be formally executed by appropriate authorities of the United States and Japan. In compliance with Section 123c of the Atomic Energy Act, the agreement will be submitted to the Joint Committee on Atomic Energy.

Respectfully yours,

——— ———, *Chairman.*

SENATOR SCOTT'S EFFORTS ON BEHALF OF SENIOR CITIZENS

Mr. SCHWEIKER. Mr. President, the problems of our senior citizens have not eluded the keen eye of our Republican Leader, Senator HUGH SCOTT of Pennsylvania. He knows the plight of persons who must exist on fixed incomes, be they private pensioners or social security recipients.

Senator SCOTT has been a strong supporter of increased and liberalized social security payments. He has advocated more generous earnings limitations along with easier eligibility for health care for the elderly.

I ask unanimous consent to place Senator SCOTT's accomplishments on behalf of senior citizens in the RECORD.

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

SENIOR CITIZENS

93D CONGRESS

Legislation

S. 582—To allow needy senior citizens who are not on welfare to continue to receive social services.

92D CONGRESS

Legislation

S. 1172—To exempt citizens of the United States who are 65 years of age or over from

paying entrance or admission fees for certain recreational areas.

S. 3012—To strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder employees of electing business corporations.

S. Amdt. 1664—To increase the outside earnings limit to $3,000 per year for social security recipients.

Votes

Voted for Social Security Amendments of 1972 including special minimum benefits for long-term workers, an increase in the outside earnings limit to $2,100, benefits for widowers and widows of 100% of deceased spouse's entitlement, and age 62 computation for men.

Voted for 20% increase in social security benefits and automatic cost of living increases in benefits in future years.

Voted to allow persons 65 or older a phased annual tax credit of up to $300 for property taxes or rent paid on their residence.

Voted for the hot lunch program for the elderly.

Voted for supplemental appropriations for fiscal year 1972 to provide for special programs for the aging.

91ST CONGRESS

Legislation

S. 819—To exempt Senior Citizens from *admission fees* to National Parks and forests.

S. 1179—To provide *reduced air fares* for Senior Citizens.

S. 1896—To include *dental and eyecare and hearing aids* among the benefits provided by Medicare.

S. 2037—To authorize grants for the construction or modernization of *Neighborhood Health Centers.*

S. 2184—To include *prescribed drugs* under coverage of the supplementary medical insurance program for the aged.

S. 2518—To liberalize conditions governing eligibility of *blind persons* to receive disability insurance benefits.

S. 3709—Veteran's pension to the Social Security Bill.

S. Amdt. 117—Scott-Williams Amendment to create a *Small-Investor Savings Bond* paying 6% interest.

S. Amdt. 682—To provide a *minimum monthly Social Security benefit of $100 and* increases in larger monthly benefits.

S. Amdt. 683—To *increase special age 72 Social Security benefits by 10%.*

S. Amdt. 684—To increase *outside earnings limitation* for Social Security beneficiaries to $2,400.

S. Amdt. 785—To permit *all persons reaching the age of 70 before January 1, 1972 to be eligible for special benefits under Social Security.*

Votes

Voted for a *15% across-the-board increase in Social Security benefits and automatic cost-of-living increases.*

Voted for a *15% increase in Railroad Retirement benefits.*

Voted for the *Emergency Home Financing Act to help relieve shortage of homes and home-financing funds.*

Voted for extension of supplemental annuities and mandatory retirement of railroad employees.

Voted to increase the ceiling for combined workmen's compensation and social security disability benefits from 80% to 100% of average earnings.

90TH CONGRESS

Legislation

S. 35—To amend the Internal Revenue Code to extend *head-of-household tax benefits* to widows, widowers, and individuals 35 or older who maintain their own households.

S. 291—To increase *outside earnings limitation for Social Security recipients* to $3000.

S. 2053—To provide for *periodic cost-of-living increases for Social Security* recipients.

S. 3702—To assist physicians in prescribing *drugs covered under Federal-state health programs* and to encourage economy in the prescribing and dispensing of prescription drugs.

S. 3732—To create a *Catalogue of Federal Assistance Program* to aid persons in determining whether they qualify for assistance programs.

S. 3771—To allow individuals to continue to purchase *vitamin and mineral supplements* without a prescription.

Votes

Voted against increasing high earning years used in computation of *Civil Service Retirement Benefits.*

Voted for Economic Opportunity Act of 1969 including additional appropriations for the *Senior Opportunities and Services Program.*

Voted to allow Senior Citizen *welfare recipients* to retain a portion of state welfare payments irrespective of the 15% Social Security increase.

Voted to extend grant provisions for Senior Citizens under the *Older American Act Amendments of 1967.*

Voted for the Housing and Urban Development Act of 1968 including programs of *low cost rental and cooperative housing for the elderly.*

89TH CONGRESS

Legislation

S. 1140—To authorize retirement without reduction in annuity for *Civil Service employees* with 20 years of service who are involuntarily separated from service by reason of the abolition or relocation of their employment.

Votes

Voted to remove existing discriminatory provisions against spouses under *Railroad Retirement Act.*

Voted to increase annuities for *Civil Service Retirees.*

Voted *to retain the medicare provisions* of the Social Security Amendments of 1965.

Voted *to provide limited disability insurance benefits for the partially blind.*

Voted *for the Social Security Amendments of 1965,* including the *Medicare* and *Medicaid* programs.

Voted for the Housing and Urban Development Act of 1965 including *rent supplements* for low-income tenants.

Voted for the Economic Opportunity Amendments of 1965 under which the *Foster Grandparents Program* was established.

Voted *for special Social Security benefits for certain previously ineligible persons over 72.*

Voted *for Federal Salary and Fringe Benefits Act of 1966* which allows retirement at full annuity at age 55 after 30 years of service and at age 60 after 20 years of service.

88TH CONGRESS

Legislation

S. 1262—To improve Social Security *disability benefits for the blind.*

S. 2181—To improve *rehabilitation programs for the blind* under the Social Security Act.

S. 2385—To improve *State medical assistance programs for the aged.*

Votes

Voted for the *Social Security Amendments of 1964* including increased benefits.

Voted for the Hospital and Medical Facilities Construction Act Amendments of 1964 which increased funds for *grants for the construction of nursing homes.*

Voted for the Housing Act of 1964 including increased funds for loans to non-profit sponsors of *rental housing for the elderly,* and provided for low-interest *rehabilitation loans for private home owners.*

87TH CONGRESS

Legislation

S.J. Res. 27—To declare May of each year as *Senior Citizens Month.*

S. 937—The Old Age Health Insurance Program to provide a program of Federal matching grants to States to provide *health insurance for persons 65 or older at reduced rates.*

S. 3384—*To allow a tax deduction for travel expenses to and from work for disabled persons.*

Votes

Voted *for an increase in Civil Service Annuities.*

Voted for the Housing Act of 1961 providing direct *loans for housing for the elderly* and increased the Federal contribution *to low-rent public housing occupied by Senior Citizens.*

86TH CONGRESS

Legislation

S. 563—To permit an in-school child of a deceased individual to continue *eligibility for a child's Social Security benefits* between ages 18 and 21.

S. 565—To *increase from $1200 to $2400 the allowable outside income for Social Security recipients* without suffering deductions from benefit checks.

S. 3330—To permit needy children deprived of parental support to be elegible for assistance under the State plans for *aid to dependent children.*

Votes

To provide *voluntary participating health benefits plan for persons 65 or over whose* income is not more than $3000 individually or $4500 per couple who are not recipients of public assistance.

Voted to include *tubercular and mentally ill patients* in medical care for the aged provisions of the Social Security Amendments of 1960.

Voted *for the Social Security Amendments of 1960,* which eliminated the age of 50 as a minimum to qualify for disability benefits and liberalized the *retirement test* for eligibility.

Voted *to increase the minimum benefit levels* under old age, survivors and disability insurance payments from $40 to $70 monthly.

COMMENT AND INVESTIGATORY REPORTING

Mr. BIDEN. Mr. President, in recent months there has been a mounting anxiety expressed by many newspaper and broadcasting reporters and editors in respect to what they discern as a concerted and deliberate attempt to discourage commentary and investigatory reporting on the part of the executive branch of the Federal Government.

In view of this apprehension, I wrote all daily and weekly newspapers and radio stations in my State and asked them to write me as to their concerns, if any, and specifically their attitude toward proposed legislative safeguards for the benefit of the communications media.

I wish to share, without comment of my own, the replies of several of those to whom I wrote. I do this in hopes that these replies may be helpful to those of us within and without the Congress who have addressed themselves to this situation.

I ask unanimous consent that the replies of these editors and news directors be placed in the RECORD.

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

WILMINGTON, DEL., NEWS-JOURNAL,
March 2, 1973.

DEAR SENATOR BIDEN: Thank you for your letter of Feb. 16, soliciting my opinion on the current controversy over "reporter shield" laws.

I would prefer to see no such law passed if its intent is to create a class of people who are excused from appearing or testifying before a grand jury. This view is not quite heretical in the newspaper business, but it certainly does not put me in the company of the majority of my colleagues.

My reasons include these:

I am in favor of laws that increase the public's access to information. I have, for example, campaigned for "open meeting/open record laws." These would assure access to decision-making gatherings of public agencies and would assure access to documents of public agencies. The beneficiaries would be the people who are paying the bills—the public. These proposals ask privileges for the public—not for the press.

Proposals for newsmen's shield laws that I have seen would exempt certain people by law from some obligations of an American citizen; i.e., answering a subpoena.

Balanced against the right of a free press is the constitutional right of a citizen to compel witnesses to appear.

There is the seemingly minor but real problem of defining who is a "newsman" or "reporter" to be covered by such a law. The thought of licensing "real" newsmen is repugnant.

Perhaps most importantly, if the government grants press immunity for subpoena, it has acquired a new club with which to threaten a free press: the power to take away such immunity. As one of my co-workers said, I'd rather take my chances with the constitution.

Rather than worrying about shield legislation, I would much rather see you and other federal officials who are concerned about the problem working to discourage the current fashion of attempting to use reporters as government investigators. Meanwhile, newsmen placed in this position will simply have to follow their own consciences. I suspect this means that they will continue to refuse to break confidences.

I hope these thoughts are helpful. I want to make it very clear that they are my own—not those of the papers, their editorial board, or the News-Journal Co.

Thanks for asking.

Sincerely,

JOE DISTELHEIM,
Deputy Metropolitan Editor.

ROLLINS CABLEVISION,
Wilmington, Del., February 26, 1973.

DEAR SENATOR BIDEN: Thank you for asking for by opinion regarding proposed legislation to insure newsmen certain immunities.

Certainly, the right to protect informants is an essential tool to investigative reporters. I've exercised it often. And I'm sure you'll receive many endorsements of this constitutional guarantee.

But let me tell you what further legislation, if approved, should not guarantee:

1. The right of reporters to distribute heresay, and then, confronted with a denial and a demand for proof of the allegations, hide behind legislated immunity by claiming the source of the information is confidential.

2. Immunity to any reporter or media which releases statements by confidants which prejudice a defendant's right to a fair trial by an impartial court.

3. Any reporter or media immunity from bearing full responsibility should refusing to reveal a news source cause injury or death to any persons, or endanger National security.

In most cases, reporters, like other professional investigators, must establish the reliability of their source to their superiors before being permitted to use the data.

In a responsible press this first line safeguard is the most valuable.

But we must not, however zealous, however dedicated to their craft they seem, permit any individual or news vehicle to violate the rights of private citizens, or endanger the safety of a community or the Nation by issuing unprovable statements and calling it news from confidential sources.

Short of these three reservations, I firmly believe that newsmen and newswomen, like other professionals who's success depends in part upon the ability to insure anonymity to informants, should not be privately harrassed or publicly prosecuted for protecting their sources.

We're looking forward to having you on Channel Five. Hope you can make it soon.

With best regards,

PAUL V. MCKNIGHT,
Director of News and Public Affairs.

RADIO STATION WILM,
Wilmington, Del., March 6, 1973.

DEAR SENATOR BIDEN: Replying to your letter of February 16. Sorry I'm a bit late. I believe firmly that reporters' news sources must be protected at all costs. One outstanding reason. . . . investigative reporting would come to an end if a newsman had to reveal his or her sources. Without investigative reporting, such things as corruption in government and industry would never be found out.

Also, news-gathering is a business, a profession, like any other, and every profession has its methods and procedures, individual to each. Should the winemaker give away his recipes; should General Motors tell Chrysler of its manufacturing secrets; does duPont tell Monsanto; should newsmen give away their sources of information? Each of these above instances directly affects people.

Those are my feelings.

Sincerely,

DELAWARE BROADCASTING CO.,
Art Curley, News Director.

DELAWARE STATE NEWS,
Dover, Del., March 8, 1973.

DEAR SENATOR BIDEN: This is in reply to your letter of February 16 regarding the rights of newsmen to protect their sources of information.

I strongly feel news-gathering organizations should not be forced into a position where they are serving as an investigatory agency of the government. The intent of the First Amendment was clearly to keep the press independent of the government.

The government's recent habit of subpoenaing the jailing newsmen who protect their sources of information is not in keeping with the spirit of the First Amendment. If allowed to continue, this practice will interrupt the public's access to a great deal of information, and will dry up some confidential sources now available to the news media.

Any attempts to strengthen the First Amendment, however, should be approached with great caution. I question, for example, whether professional newsmen should have any special rights or privileges which are not granted to all other citizens.

I fear, also, that any attempt to define who qualifies as a "newsman" under such legislation, would put the government in a position where it is, in effect, licensing newsmen. Yet, if the legislation did not define who is not a newsman, practically any underworld figure could start printing a newsletter and claim access to the proposed privilege of newsmen not to reveal their sources.

In summary: legislation which defines the term "newsman", or which has any qualifications or exceptions, could have the effect of reverse interpretations which would actually limit freedom of the press. Yet, without the definition, a serious blow could be dealt to the government's investigative efforts.

Until somebody comes up with legislation which overcomes those dangers—and I've seen no such legislation as yet—we are probably better off leaving the First Amendment as it is, and letting individual cases be judged against the First Amendment as it now stands.

The best answer, of course, is to have elected and appointed officials who understand the importance of a free press. Obviously some members of the current administration do not fall in that category.

In the interim, some of us in the news profession may end up imprisoned as a result of our efforts to protect our sources of information. If that happens, it is a price every dedicated journalist should be willing to pay. Hopefully, however, public outrage will keep such cases at a minimum.

Best personal regards,

JOE SMYTH, *Editor.*

SUSSEX (COUNTY) DAILY EAGLE,
Georgetown, Del., February 26, 1973.

DEAR SENATOR: In response to your inquiry about opinions on federal shield laws for newsmen and their sources, I have to say that I think no formal legislation is desirable. If that's heresy coming from a newsman, give me 40 lashes with a wet press card, but . . .

In my 13 years of newspaper experience, I've found that the problems of dealing with sources and revealing sources at the medium and small town level—where the majority of the press corps works—cannot be solved by national legislation. The types of laws presently proposed may on occasion benefit the New York Times, the Associated Press, or national columnists, but not bread and butter reporters.

Could a national law keep a local market from refusing to sell our newspaper because I would not reveal to him the source of my information about the robbery of his store? Could it keep a department store from pulling out its advertising because I would not reveal to them the author of a letter to the editor? Could it keep the police department from favoring other papers because I will not reveal to them the source of my information from within the department? These are the types of problems about information and source which most reporters face daily . . . and they cannot be solved by shield laws.

In addition, no legislation of this nature can logically pass without some restrictions, yet any restriction spelled out by the law would be an abridgement of the First Amendment while absolute protection would provide a perfect cover for those sources who would pass false information or for those newsmen who would fabricate information and then fall back on the shield law to protect not their sources but themselves.

I am not so cynical as this letter may at first sound, but neither am I blindly idealistic about our national press. The large dailies sold out their right to the respect of the hard working press when they took government favor in the form of the so-called "failing newspaper act"—legislation that exempts the press lords from monopoly regulations so that they can continue to acquire properties and undermine smaller, independent papers. Having eaten the apple, the "forbidden fruit" of government favor, these large interests now

tempt smaller papers to take some of the same under the guise of shield legislation, another law that would put newspapers under the "protection" of government.

I think the most good in this area can be gained by Congressional moral support of a free press, censure of public officials who would ask for subpoenas, declassification of large masses of material and increased financial support for local, state and national investigative bodies . . . rather than by lip service to free press with another law and its red tape to clutter up our courts.

I appreciate your efforts to gain in-put from those directly affected by this type of legislation, and I'm glad to have a chance to air my views.

Yours sincerely,

JUDITH M. ROALES,
Associate Editor.

BACKING THE ARTS

Mr. GOLDWATER. Mr. President, during each of the last 3 years when appropriations were before us for the National Endowment for the Arts, I have spoken on the Senate floor in support of these appropriations. Also, in 1969, I cosponsored and spoke in support of legislation providing for a permanent authorization for programs under the National Foundation on the Arts and the Humanities Act of 1965.

Today I rise in unqualified support of a renewal of the charter for the National Endowment for the Arts and its advisory National Council on the Arts. My interest in this legislation is that these national arts bodies have done more for stimulating and helping the growth of art and cultural programs wanted by local people and organized by local groups than any other kinds of State or local assistance could have done alone.

The National Endowment for the Arts deserves commendation for keeping a low profile in the programs it fosters. I have made a careful study of its functions and checked with my own State officers working in this field and I am satisfied that the Federal unit is not dominating the State or local governments—it is not issuing a maze of confusing and restrictive regulations which encumber local initiative to meet local needs—it is not channeling its support only into particular kinds of projects which meet the preconceived, peculiar tastes of a Federal bureaucracy.

What it is doing—and doing well—is to uplift the development of locally conceived programs and to help these programs stand on their own locally guided feet. It has aided immensely in the creation of State commissions and councils on the arts. It has helped to bring State governments to an awareness of the need for an expansion of their own State budgets in the arts and cultural fields. It has sparked the birth of people-oriented arts programs in small and isolated communities which otherwise could never have obtained such services with their own financial resources.

Mr. President, the proof of what I am saying appears in the record of events happening in my own State of Arizona. After the National Endowment of the Arts began conducting its operations, Arizona was able to develop a statewide network of festivals extending over a period of 7 months of each year. These annual festivals, which are expressive of local characteristics and interests, include the February Scottsdale Arts Festival, the April Tucson Festival, the May Father Garcés Celebration of the Arts at Yuma, the June Sedona Arts Festival, the June through July Greater Phoenix Summer Festival, and the July through August Flagstaff Summer Festival. All these festivals are receiving financial and technical assistance from the Arizona Commission on the Arts and Humanities, which in turn receives an anual grant of aid from the National Endowment for the Arts.

In all, there were 596 different events in Arizona during fiscal 1972 which received financial aid from Arizona's own commission. The total attendance at these events numbered over 616,000 persons. The $182,000 of Federal funds expended toward the conduct of these events were far surpassed by $803,000 of local funds contributed toward the projects.

In addition, there is a special category of projects which receive direct grants from the National Endowment for the Arts. In fiscal 1972 Arizona received at least $63,500 of these grants, although the funds were administered by the State commission.

Mr. President, no description of cultural events in Arizona would be complete without mention of the pioneering work Tucson is doing in developing art that is aimed at the Spanish-speaking people of the Southwest. Since 1970, a bilingual theater, El Teatro del Pueblo, has been operating in Tucson as a Spanish-language theater for local residents who do not attend the English-speaking theater. The State arts commission has been instrumental in assisting the creation of this special cultural outlet and the National Endowment has provided financial grants to this group for 3 consecutive years, including a $10,000 grant in fiscal 1972.

Mr. President, there are numerous other projects I could mention which are important to Arizonans and which are being aided by the National Endowment, such as the Phoenix Symphony tour concerts on Arizona Indian Reservations, the Tucson Symphony youth concerts, the Artists-in-Residence programs at Yuma, Mesa, and Northern Arizona University, and the extensive visual art exhibition tour which brought various art shows to at least 13 different Arizona localities.

What all this means, Mr. President, is that the arts are important in Arizona. The local citizens of our State want to experience the arts. They will support the arts both with local attendance and local financial aid if cultural events are made available to them. The people in my State and many other States across the Nation have shown that they have a strong interest in things other than the worldly, materialistic values of everyday living.

In summary, Mr. President, I can say with all conviction that the National Endowment for the Arts, assisted by the several State art commissions and councils, has awakened a healthy interest in the arts and encouraged the growth of an enormous diversity of cultural events through the United States. I support the continued charter of life for this fine organization and again commend it for the unobtrusive way it has helped to foster the Nation's cultural development.

TRIBUTE TO JOYCE ELLIS

Mr. EAGLETON. Mr. President, my office and the people of Missouri recently suffered a great loss due to the untimely death of Joyce Summerfield Ellis of my office.

Joyce devoted most of her life to public service. Since 1954 she worked for three Senators from Missouri—Senator Thomas Hennings, Senator Edward Long, and me. If her work benefited us, her presence, her quiet humor, and her love for all around her enriched us all beyond any measure.

Joyce Ellis was deeply devoted to her family—mother, grandmother, aunt, and uncle. She loved them very much.

She was a gardener who awaited each spring—even this one—with a special love for nature. And she loved and cared for all the people around her, and made us better with her caring.

Nothing I can record here can be worthy of her, but there will be an enduring monument in the memories of everyone who knew her and learned the meaning of unstinting human kindness.

A PROPOSED CONSTITUTIONAL AMENDMENT ON BUSING

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the RECORD the statement I made at the hearing conducted by the Judiciary Committee on April 10 on the proposed antibusing amendment to the Constitution, Senate Joint Resolution 47.

There being no objection, the statement by Senator BARTLETT was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DEWEY F. BARTLETT

I appreciate the opportunity to appear before this distinguished committee to present my views concerning forced busing.

First, let me make it quite clear I am for integration. I am proud of my public and private record in race relations.

The issue of forced busing became a matter of great concern to many citizens of Oklahoma in the fall of 1969. At that time the first flood of busing opposition came to a head in Oklahoma City. As Governor of Oklahoma, I was expected to take a public position. I did not want to be wrong. As I stated, I morally believe in integration. The question was whether forced busing was a proper vehicle to achieve integration.

After much study, it became obvious to me that forced busing was an unjust, unworkable experiment, and not in the best interest of integration, education, or of people, generally. At that time, I issued a detailed statement which said in part:

"Busing, however, requires the school board and/or superintendent to discriminate against some students (of each race) attempting to eliminate the results of long-time discrimination. Discrimination to eliminate discrimination is indefensible and is a cure as sick as the disease itself."

Time has vindicated that conclusion.

Busing has created a state of social and educational chaos in Oklahoma's two largest cities, Tulsa and Oklahoma City. It is one

issue on which their is little division. The vast majority of people, including Oklahomans, are opposed to forced busing and cannot understand why it has not been stopped.

I'm sure most of you are familiar with the studies which have been made in the busing experiment. David J. Armor, Associate Professor of Sociology at Harvard, in an in-depth studying of busing, concluded that "busing does not lead to significant, measurable gains in student achievement or interracial harmony. The available evidence thus indicates that busing is not an effective policy instrument for raising the achievement of Black students or for increasing interracial harmony." And he continues: "The available evidence on busing then leads to two possible policy conclusions. One is that massive busing for purposes of improving student achievement and racial harmony is not effective and should not be adopted at this time. The other is that voluntary integration programs . . . should be continued and positively encouraged by substantial Federal and state grants."

I have discussed busing with the Superintendent of my state's two largest school systems. Both of these men are sensitive, intelligent human beings who desire excellence in education for Black and whites. Both of these men have been in the trenches on busing. They have had to formulate and implement busing plans. And both are of the opinion that busing has failed. Dr. Gordon Cawelti, Superintendent in Tulsa, wrote to me that "If the government were really trying to help in this matter, much greater efforts would be made in the area of dispersal of integrated housing so that the schools could be naturally integrated. I think unless the problem is faced up to, we will see a continued "white flight" with the consequences that have already been recognized in a city like Atlanta, which was 70% white and 30% Black ten years or more ago, and today is 78% Black." Tulsa has experienced a 37% decrease in school enrollment while the suburbs have increased by 11%. Likewise, Dr. Bill Lillard of Oklahoma City states that "Public support for schools has been weakened and polarization has increased as a result of busing."

The money spent on busing could be better spent to raise the quality of education.

It is interesting to note that persons who previously were strongly in favor of busing are having second thoughts. Roy Wilkins, head of NAACP recently said that he no longer believes it is necessary for blacks to be sent to white schools to receive a good education.

Which brings me to why I am here. I have introduced S.J. Res. 47, a constitutional amendment to prohibit the forced assignment of a child to a school on account of his color. The amendment is as follows: "No public school student shall be assigned, transferred, or otherwise compelled to attend any school on account of his race, color, creed, or national origin."

I know the Committee is considering both constitutional amendments and legislation to prohibit forced busing. I support eliminating forced busing by both legislation and constitutional amendment. The former is more expeditious and easier to achieve, the latter is more sure.

The people are frustrated that government is not responsive to their will. They point to a 1971 Gallup poll showing 77% National opposition to forced busing—with Blacks split almost evenly.

This is one of several areas of legislative prerogative invaded and confiscated by the Supreme Court. Now is the time for Congress to exert its constitutional responsibilities to represent the people.

The amendment I have proposed will work. I suggest, gentlemen, this is why we are here—to represent the people. And the people do not want forced busing.

I appreciate the invitation to appear before this Committee, and I will be happy to furnish any additional information.

JOHNNIE M. WALTERS COMPLETES TERM AS COMMISSIONER OF INTERNAL REVENUE

Mr. HOLLINGS. Mr. President, a son of my State of South Carolina is about to step down from the high office of Commissioner of Internal Revenue. Mr. Johnnie M. Walters was born and raised in Hartsville in Darlington County. He graduated from Furman College in Greenville, then attended the University of Michigan Law School, from which he graduated in 1947.

Mr. Walters gained attention for his ability in the practice of law in Greenville and was appointed Assistant Attorney General of the United States, tax division. He received his second Presidential appointment to the office of Commissioner of Internal Revenue in August 1971.

As Commissioner, Johnnie Walters appeared on many occasions before congressional committees, and won much respect for his professional knowledge and his willingness to be helpful. He has also spoken frequently around the country, particularly to legal and accounting groups, and especially about the importance of respect for law in America.

It has come to my attention that Commissioner Walters delivered an address on this subject on March 31, 1973, at the University of South Carolina, which expresses a practical reverence for the rule of law at a time when it is under attack from many quarters.

Mr. President, I ask unanimous consent that Commissioner Walters' remarks together with a biographical sketch, be printed in the RECORD at this point as a tribute to a man who has brought distinction to the office of IRS Commissioner.

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

BIOGRAPHICAL SKETCH: JOHNNIE MCKEIVER WALTERS, COMMISSIONER OF INTERNAL REVENUE

Johnnie M. Walters of Greenville, S.C., was named Commissioner of Internal Revenue by President Nixon on June 21, 1971. He was confirmed by the U.S. Senate on August 4, 1971, and took the oath of office on August 6, 1971.

As Commissioner, Mr. Walters is responsible for planning and developing the policies of the Internal Revenue Service and administering the activities of its seven regions and 58 districts.

Before his appointment as Commissioner, Mr. Walters served as Assistant Attorney General, Tax Division, in the U.S. Justice Department.

Mr. Walters is no newcomer to the IRS, having been with the Legislation and Regulations Division of the Chief Counsel's Office from 1949 to 1953. He was assistant head of that division when he resigned to join the legal department of Texaco, Inc., in New York City.

He left Texaco in 1961 to enter private law practice, specializing in tax law with Geer, Walters, and Demo of Greenville, S.C. In 1969, he was appointed Assistant Attorney General by President Nixon.

Mr. Walters has been chairman of the Employment Tax Committee of the American Bar Association's Section of Taxation and chairman of the Southeastern Regional Special Liaison Tax Committee.

Born Dec. 20, 1919, near Hartsville, Darlington County, S.C., Mr. Walters received an A.B. degree from Furman University at Greenville, S.C., in 1942, and an LL.B. from the University of Michigan in 1948.

During World War II, Mr. Walters was an Air Force navigator. He flew 50 combat missions from Italy and received the Air Medal with clusters, the Purple Heart, and the Distinguished Flying Cross.

Mr. Walters was admitted to law practice in Michigan in 1948, New York in 1955, and South Carolina in 1961. He was admitted to practice before the U.S. Supreme Court December 8, 1961. In Greenville, Mr. Walters was active in the County Bar Association, the Rotary Club, the Chamber of Commerce, the United Fund, the Symphony Association, and the Little Theater.

Mr. Walters and his wife, the former Donna Lucille Hall of Detroit, Mich., have four children.

LAW—NOT WILL

(Remarks by Johnnie M. Walters, Commissioner of Internal Revenue)

I am delighted and honored to share with you today some thoughts on the rule of law in our society.

Let us begin by recognizing that the society man creates must be less than perfect always—even though perfection always must be our goal and our model. So long as men have the capacity for vanity and hatred, some of them will band together to set themselves against other men and create the seeds of strife. Where men show traits of avarice, some of them will steal; if they are susceptible to anger and jealously, some will strike their fellows; and where there are characteristics of cunning and deception, some will conspire to benefit themselves at the expense of others.

Yet, we always must remember that men also have the capacity for good—for compassion, for love, for mercy. When taught right from wrong, men are proud to do right and ashamed to do wrong. And out of his conscience man has found a key to his fate by putting aside the arbitrary rule of men for the impartial rule of law.

Overwhelmingly Americans are law-abiding. They obey the laws they have helped to create; they abhor the law breaker, whether he is an assassin, an embezzler, or a tax cheat.

While the law does not solve problems, it does provide the mechanism and means for their solutions. It is the law which gives us the confidence that we will be free and secure to do what we want to do, and gives us the faith that others will not unduly prevent us from doing that. It is the law that keeps men apart in anger and holds them together in trust. Without law, most of what man has accomplished would be lost, and little of what he dreams could be attained.

How does all this affect the lawyer, and particularly the young lawyer? Well, first, it imposes on him a tremendous responsibility, because the lawyer must keep and protect the law. He is in the forefront of those who cultivate and support the law. Secondly, it assures the lawyer a sense of personal worth. It is he who is looked to for advice and counsel on the state of the law. Third, he has the confidence that the lawyer's calling is indeed a noble one, for if the role of law in society is all we say, what could be more inspiring than to play a vital part in making it work?

Young people going into law today—an age of idealism—undoubtedly do so with visions of blocking injustice, exposing wrong, preserving right, and securing justice. This is a magnificent motivation—let's hope it never

dies or ebbs. Yet, at the same time, as lawyers we must analyze the law properly—always keeping in mind that it alone does not solve problems.

Though we hear much of activist lawyers today, I firmly believe we make a serious mistake if we encourage the concept that our laws are and should be changed in the courts. Writing law is the function of the legislature, which is responsible to the people through elections. Interpreting and applying the law is the function of the courts, which usually are not subject to popular mandate. The lawyer may play a role in both areas, but in doing so he should not confuse the parameters of either role. If he does, he abuses both the law and his high professional calling.

In a democracy, the primary way to effect change is through the legislature. In securing that change desired or needed by the people, where the democracy provides the means for peaceful change, violence has no place as a political weapon. Those who today would view the courts as an instrument of change should note that yesterday they would have opposed change by the courts and well may wonder what the morrow may bring. The people make the law, and once it is made it binds all—citizens, lawyers, judges. Justice Oliver Wendell Holmes, appalled when some of his colleagues seemed to measure a law in question by their personal learnings rather than by the Constitution, wrote: "I strongly believe that my agreement or disagreement has nothing to do with the right of a majority to embody their opinions in law."

Today's activist lawyers have many opportunities to assuage their desires in properly using the courts to enforce the law. It is neither necessary nor beneficial for them to push the courts into improper action or positions for which they were never intended under our Constitution.

Let us remember that discovery of facts constitutes more than half of the practice of law. To document injustice and to invoke the law for the public good is indeed a noble and satisfying endeavor, but to go still further and usurp the lawmaking function of the legislature is, in effect, to go over the heads of the people.

Today, we are also witnessing a new phenomenon—the use of violence by those who think they are so right they can use any means to achieve their ends. In our great country, where we have the redress of the ballot and the bench, the man is no hero who resorts to battles and barricades. He is, in fact, a destroyer of the very institutions and the very legal system established to provide the peaceful means of change.

In discharging their responsibilities—responding to specific case situations, not initiating law—the courts may be, as Chief Justice Burger has noted, a "slow, painful and often clumsy instrument of progress" nevertheless they provide us a detached and impartial judgment. And that we need, and must cherish. We want the judgment of courts; but we do not want them to substitute their will for the people's will as written by the legislature. That neither comports with our basic system of government nor provides society with the judgment essential to achievement of its lawful goals or models.

There is still another role that we Americans expect of our lawyers. We prize our system of law as highly as any gift, and we expect our lawyers to support and promote that institution as the only alternative we have to anarchy. This means upholding all laws, not just those laws with which we happen to agree.

Being familiar with the institution charged with responsibility to collect the revenue required to operate our Federal government and to support its programs, I assure you that the IRS strives to discharge its responsibilities even-handedly, fairly and vigorously. Admittedly it makes mistakes—just as do the other institutions of government—but on an overall basis it serves the Nation extremely well. In doing that, it needs and solicits help. It is no different in this respect than the Congress, the courts—all the other institutions. As citizens you owe it to yourselves to do all you properly can to defend and support—and improve—your institutions. As lawyers, you have an even higher responsibility because citizens generally look to and expect lawyers to lead. And it is this role of leadership in the law, of building by example the love of law in others, that is the highest and most demanding obligation of our profession.

THE SCARCITY OF GASOLINE AND DIESEL FUEL

Mr. FANNIN. Mr. President, the dimensions of one particular aspect of our national energy crisis have in the past months become ominously clear. I am referring to the scarcity of gasoline and diesel fuel. Shortages already exist in some localities, and are expected to continue throughout the summer.

The pinch is being felt by motorists, major oil companies, and independent marketers alike. Each interested group has suggested solutions. Each views its proposals as the best remedy for the situation.

Mr. President, the gasoline shortage presents Government and industry decisionmakers with a maze of interrelated problems, not to be solved by any simplistic solution. A recent article in Time magazine does an excellent job of spelling out the complex factors involved. 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:

OIL: THE GROWING GASOLINE GAP

Cassandras of the energy crisis have long warned that some day gasoline rationing would allow only a few gallons per customer and that autos, buses, police cars and fire trucks across the nation would be stranded for lack of fuel. Suddenly, some day seems ominously close. Many parts of the country are, in fact, short of gasoline and diesel fuel. The scarcities threaten to persist, at least in some localities, throughout the peak summer driving season.

Texaco, the nation's largest marketer of gasoline, is already allocating its distributors only as much fuel as they received last year, even though demand is up. Gulf has declined to continue supplying diesel fuel to the Metropolitan Atlanta Rapid Transit Authority, and the city's 606 buses will be stalled if another supplier cannot be found by April 30. For the first time in memory, authorities in Des Moines and Boston have not received a single bid for contracts to supply city vehicles. Boston's police and fire departments have only enough gas to last through June.

Independent oil marketers—the chains of off-brand stations that buy surplus gasoline and resell it at discount prices—are being squeezed hardest as major oil companies save what gas they have for their own stations. White Eagle Oil Co. of Chico, Calif., closed six outlets last month; Gibbs Oil Co., a 350-station chain in the Northeast, has shut 15 stations and may put others on short hours. Eleven Sears, Roebuck & Co. outlets around Miami have begun to limit motorists to ten gallons per visit. Metro 500 of Minneapolis has temporarily closed 16 of its 17 stations, and Owner Paul Castenguay is keeping the sole survivor open only by stealth: late at night he drives his tank truck to major-brand stations where friends will secretly sell him a few gallons, on which Castenguay makes no profit.

Refineries are simply not turning out as much gasoline as motorists want to buy. Production currently is running around 42 million bbl. a week, but consumers are buying about a million barrels a week more than that. The excess is being siphoned out of gasoline inventories, which are about 16% below those of a year ago. This summer, demand is expected to hit 50 million bbl. a week. One main reason: manufacturers put nearly 11 million new cars on the highways last year, and more of them than ever before are equipped with air conditioning and other power options that reduce gas mileage.

Independent marketers, who have captured 22% of the retail gasoline trade, suspect that major oil companies have contrived the shortage to force them out of business, drive up prices, and silence environmental critics. They note bitterly that despite the gas shortages last week the nation's refineries worked at only 88.7% of capacity, the lowest level since last November.

Spokesmen for the major oil companies claim that refinery runs are down because their stocks of unrefined crude oil are dwindling in the face of a world-wide tightness of supply. Lowered gasoline output also reflects the fact that last winter oil companies shifted much refinery capacity to production of home-heating oil; they are just beginning to switch back. In addition, the Cost of Living Council last month reimposed mandatory price controls and profit-margin limits on the petroleum industry; one effect is to discourage many refiners from importing expensive foreign crude to augment their supplies. Further exacerbating the problem, environmentalists have recently blocked construction of new refineries that they feared would cause ecological damage along the coasts of California, Delaware and the Gulf of Mexico.

Executives of major oil companies suggest a number of predictable remedies for the shortage; raise the oil-depletion allowance so that they can afford to spend more money on exploration; lift price controls so that they can raise gasoline prices to levels that would discourage consumption; and delay proposed federal antipollution standards that seem likely to cut auto gas mileage.

POOLS

In Minnesota, where at least 113 independent stations have closed already, the state legislature has taken another tack. It is considering a bill that would force major oil companies to sell independents at least 10% of all gasoline brought into the state. In Washington, D.C., Darrel Trent, acting director of the Office of Emergency Preparedness, suggests that commuters form car pools or take public transportation to work and that states reduce highway speed limits because cars consume less fuel at lower speeds.

Many independent marketers favor removing all restrictions on imports of foreign oil. President Nixon is unlikely to go that far, but he is expected shortly to replace quotas, at least temporarily, with a tariff system that would permit much more crude oil to be imported at higher prices. If that step is taken, Administration officials are convinced that the nation can get through the summer suffering nothing worse than localized gasoline shortages and some rise in prices. There is one major hitch: if refineries produce enough gasoline to meet peak demand this summer, they may have to curtail heating-oil output enough to threaten more chillouts next winter.

A SIGN OF HOPE IN IRELAND

Mr. BUCKLEY. Mr. President, on two previous occasions I have had the pleas-

ure of engaging in a colloquy with the distinguished junior Senator from Massachusetts (Mr. BROOKE) on the topic of the trouble in Northern Ireland. On those occasions we both expressed our concern for the suffering of the Irish people and hoped that all parties concerned act in a responsible manner.

Needless to say, the violence and the destruction have continued in that troubled area. But there have been signs of hope, small signs, perhaps, but nonetheless evidence of what I feel can be eventual triumph of reason and justice. The white paper recently issued by the British Government is another of those signs of hope. While I have not yet had the opportunity to examine that paper in detail, its general outline seems to me to be most reassuring. The minority—Catholic—group would be assured a share of the political power in a new 80-seat assembly and a new governing body. Civil rights would be guaranteed for all.

I was particularly gratified to note sections 30 and 31 of the white paper which read as follows:

The Government favors, and is prepared to facilitate, the establishment of institutional arrangements for consultation and cooperation between Northern Ireland and the Republic of Ireland.

Progress towards setting up such institutions can best be made through discussion between the interested parties. Accordingly, following the Northern Ireland elections, the Government will invite representatives of Northern Ireland and of the Republic of Ireland to take part in a conference to discuss how best to pursue three interrelated objectives. These are the acceptance of the present status of Northern Ireland, and of the possibility—which would have to be compatible with the principle of consent—of subsequent change in that status; effective consultation and cooperation in Ireland for the benefit of north and south alike, and the provision of a firm basis for concerted governmental and community action against terrorist organizations.

I believe that such proposals are in the interest of all of the Irish people. The unification of Ireland by legal means, mutually arrived at and agreed to by all concerned, offers, I have long been convinced, the best hope for tranquility and prosperity for all the Irish people. The sections of the White Paper concerning the setting of institutional frameworks to foster discussions toward that end are among the most convincing arguments for a careful study of the White Paper by all. The habit of consultation on matters of common importance to all Irishmen could prove enormously beneficial in dispelling ancient hostilities and emphasizing the broad range of common interests shared by north and south alike. In section 4 of the paper, it is stated:

To all those who seek the unification of Ireland by consent, but are genuinely prepared to work for the welfare of Northern Ireland, the proposals offer the opportunity to play no less a part in the life and public affairs of Northern Ireland than is open to the fellow citizens.

Much remains to be done in Northern Ireland. Terror and violence have brought not only physical but spiritual harm to a great people. It is my hope that from the White Paper will come the beginning of a new Ireland, which eventually will be united, prosperous, peaceful, and free.

NASHUA, N.H., SCHOOLCHILDREN WORRIED ABOUT INFLATION

Mr. MCINTYRE. Mr. President, I recently received from Nashua, N.H., some 13 letters from sixth graders who have a pretty good practical understanding of the meaning of the word inflation.

They wrote to tell me that the prices on the things they normally buy have gone up in the last few weeks. Furthermore, they realize that prices on the food their mothers buy for the family have jumped as well.

Mr. President, we have a tendency sometimes to look at inflation in terms of charts and graphs. American consumers define inflations in more practical terms—they must scrimp and save in order to survive it.

The letters from these children should remind us of this fact. I want to comment each of them for taking the time to let their Senator know how concerned they are about the problem and I ask unanimous consent to print their letters in the RECORD so that may colleagues will have a chance to read them.

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

NASHUA, N.H.
March 27, 1973.

Senator THOMAS J. MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: My sixth grade class at Crowley School has been discussing the increase in prices and, as you can see by their letters, they are very much concerned. Their spelling and punctuation is often poor but the letters express what they feel.

I was happy that the children, in an effort to do something about their concern with rising prices, came up with the idea of writing to their Congressman. They firmly believe in the democratic process. If you can take time in your busy schedule to respond to them, it will be greatly appreciated. The day after they wrote the letters, an article appeared in the Nashua Telegraph stating your proposal to put a freeze on prices for 60 days. My sixth graders certainly did not expect such prompt action on your part.

Sincerely,

KAY WILLIAMS.

NASHUA, N.H.,
March 27, 1973.

Senator THOMAS MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: I am writing you about the way food is going up. It's not just meat, it's everything. Like corn flakes went from 39¢ to 43¢ in about a week. And if anyone thinks that's not bad, then they're cracked.

And that boycott week. Well, I agree on boycott, but we have to go without meat. And I like meat a lot. So, if you could do something about it, I would really appreciate it.

Yours sincerely,

SHELLEY SMITH.

NASHUA, N.H.

Senator THOMAS J. MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: I am mad because the food prices are going up. I went to a store to buy a bag of chips and they were 15¢. They used to be 10¢. I am never going to buy chips again unless they go down to 10¢ again.

All food prices have gone up. One time I went to a store to buy cat food for my cat Whiskers. The cat food used to be 12¢ a can, but now they are 29¢ or 30¢.

I used to buy some candy in a pack for 29¢, but now they are 39¢. Some people don't make much money when they work. What do they think? I think prices should go down. A bunch of kids in my classroom think they should go down, too.

KAREN LEFEBVRE.

NASHUA, N.H.,
March 27, 1973.

Senator THOMAS MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: Our class has been talking about prices being raised. Like before I was able to buy a candy bar for five cents and now they're all ten cents.

DANNY DUMAINE.

NASHUA, N.H.,
March 28, 1973.

U.S. SENATE,
Washington, D.C.

DEAR SENATOR MCINTYRE: In the past few weeks the prices have gone up. And when I go to the store on the way home from school, I need pretty much money just to buy a few things.

I wish that you could talk to Congress and make them do something about it.

Yours truly,

GEORGE EFTIMIOU.

NASHUA, N.H.

Senator THOMAS MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: One day I went to the store to buy some peanut butter and it cost 63¢ a jar and the day after I bought some and it cost 65¢. I think that you should do something about it.

Your friend,

LYNE CHARLAND.

NASHUA, N.H.

U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: This letter is about prices going up. One day I went to buy model glue and it costs me 19 cents and the other day it was 15 cents.

In some stores I used to buy small pints of orange juice and chocolate milk for 12 cents and now I have to pay 15 cents for it. Some people think what's a few cents. But after a while it can add up to a lot.

So if you and some other of the important people can you should do something about it.

Sincerely,

JOHN BISSONNETTE.

NASHUA, N.H., *March 27, 1973.*

Senator THOMAS J. MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: I'm in the 6th grade. I can't stand going down to the store every day and find out the ring dings, devildogs and freto corn chips and pepsi and half pint milk going up about 3¢ apiece. Even the model glue is up 19¢. Please try to do something about it.

Thank you,

BRIAN REARDON.

NASHUA, N.H.,
March 27.

Senator THOMAS MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: I am writing to you about the boycott. I think that if the United States had more places that they

fatten the cattle, and more breeding places that they wouldn't have this kind of a problem.

If we could start a fund raising or something like that maybe we would have enough money to buy some. Thank you for your time.

Sincerely,

CATHERINE BURNS.

NASHUA, N.H.,
March 27, 1973.

Senator MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: There are many things wrong in N.H. I feel the people should do something about it. Like cleaning up the rivers. There are many ways in which people can make money doing it. Even us kids would help, too.

The food prices are worse, though. People are in the stores and all you can hear is people yelling about the prices. There must be something we can do. If you find something please write me and tell me.

LAURA TREMBLAY.

P.S.—I appreciate your reading this.

NASHUA, N.H.,
March 27, 1973.

U.S. SENATE,
Washington, D.C.

DEAR SENATOR MCINTYRE: I think that the prices are going up too high and the peoples' pay is not going up. What I am trying to say is that all the stores' products are going too high for some people, like the groceries are going up, like my mother paid $40.00 and now she pays $60.00 for her groceries. They have gone up, you know. Goodbye. I hope you take my note to conscience.

Your friend,

BRIAN CHEEVER.

NASHUA, N.H.,
March 27, 1973.

Senator THOMAS MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: I think that the food costs a lot. I think that you should do something about it.

I went to the store for my little sister Sylvie and she asked me to go buy a box of Cracker Jacks and she gave me a dime. So I went to the store and the box of Cracker Jacks cost eight cents. So two days after I went and got another box of Cracker Jacks and it cost a dime.

Please do something about it.

Your friend,

LISON LEHARLAND.

NASHUA, N.H.,
March 27, 1973.

Senator THOMAS MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: I have written this letter to tell you how high the prices on food are going up.

One price of steak about six inches long and about four inches wide costs two dollars.

I want you or someone else to stop the rising prices on food. Especially on meat.

BRIAN HENDERSON.

NASHUA, N.H.,
March 27, 1973.

Senator THOMAS MCINTYRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCINTYRE: Prices have gone up quite a bit. For example the milk used to be $1.12 and now it costs $1.17. So I'm asking you to lower the prices please. Have a nice day. Thank you.

Yours truly,

PATRICIA SATTERFIELD.

ADMINISTRATION TRADE BILL

Mr. PERCY. Mr. President, I am most pleased that the administration has submitted comprehensive trade legislation to the Congress. Since 1967 the President has not had authority to conduct and conclude trade negotiations with other countries.

The bill is sweeping in its scope covering tariff adjustment authority, nontariff barriers, adjustment assistance, import relief provisions, most-favored-nation authority, tariff preferences for developing countries, export promotion, and overseas investment. It should be noted that the bill is unprecedented in the authorities it would give to the President to handle international economic matters. It faces up to the very real problem American industry is confronted with in nontariff barriers about which I have spoken so frequently.

I admire the hard work and tough but realistic thinking that has gone into this legislation. I hope that now the Congress will respond to the President's initiative in a comprehensive and responsible way and will put this matter at the top of the legislative agenda for action this year.

TESTIMONY OF MAYOR ROY B. MARTIN, JR.

Mr. HARRY F. BYRD, JR. Mr. President, yesterday the distinguished mayor of the city of Norfolk, Va., the Honorable Roy B. Martin, Jr., testified before the Senate Committee on Banking, Housing and Urban Affairs' Subcommittee on Housing and Urban Affairs.

His remarks touch on the dynamic growth of Norfolk and the success of its urban redevelopment program.

I am pleased to offer these remarks for the consideration of my colleagues and ask unanimous consent that they be printed in the RECORD in their entirety.

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

TESTIMONY OF ROY B. MARTIN, JR., MAYOR OF NORFOLK, VA.

Mr. Chairman and members of the Committee: My name is Roy B. Martin, Jr. I am Mayor of the City of Norfolk, Va.

As Mayor of Norfolk since 1962 and a member of the City Council since 1953, I welcome this opportunity to present Norfolk's experience to you in your evaluation of the effectiveness and efficiency of Federal housing and community development programs.

Norfolk is a 300 year old city, sitting on the southern shore of Chesapeake Bay at Hampton Roads. Our population of roughly 310,000 is about 70 percent white and 30 percent non-white. Norfolk's 50 square miles is 95 percent developed. Because we are surrounded by water and by other municipalities, we cannot grow by annexation. Given these facts, if we are to build better housing and a better community, we must rely upon urban redevelopment.

Over the last 25 years, a once-decaying seaport town has been transformed into a model of urban progress. This could not have been achieved without the existence of programs of Federal assistance which have provided both the incentive and the means for accomplishing major improvements in our city, consistent with national goals.

Today, a strong and clear need remains in Norfolk for continued Federal support to build on the success of the past and accomplish what remains to be done, unimpeded by arbitrary moratoriums and impoundments.

Norfolk's first experience with rebuilding our city actually came in the era of the Revolutionary War, after all standing structures except Old Saint Paul's Church were leveled by British naval gunfire and arsonists in 1776.

During the era of World War II, personnel of the United States Navy had many inelegant epithets to describe the unfortunate character of the city. Sailors said that a couple of beers made Norfolk easier to take. After Norfolk, Okinawa looked good. Our city had become dull, dirty and corrupt.

Meanwhile, another story was unfolding. In 1935, a group of concerned citizens who had the foresight to see that public action would be required to improve the sorry condition of the City's housing stock, first proposed creation of a Norfolk Housing Authority. However, in those years before municipal reform came to Norfolk, it took until 1940 for the City Council to give its approval to formation of the Authority.

Then, after the Second War, Norfolk became the first city in America to have an urban renewal project approved under the Housing Act of 1949. In that area today, a luxury hotel and a 750-unit public housing project stand side-by-side. Tax revenues to the city from redevelopment in Project UR–Va. 1–1 have increased almost 300 percent.

When we try to evaluate our experience over the last thirty years, we can cite with pride several characteristics which have ensured the success of the redevelopment and housing program in Norfolk.

First, constructive teamwork has existed between the Federal government and local officials. Federal priorities have been our priorities. On matters of importance, we have usually seen eye-to-eye.

Also, there has been close cooperation between the City government and the commissioners and staff of the Redevelopment and Housing Authority. We have all recognized the need for well-planned and well-managed public action in improving the quality of life for all of Norfolk's people.

Next, we have made extensive use of the broad range of housing and community development programs which the Congress in its wisdom has enacted. This flexibility has enabled us to use different tools to meet different needs throughout our city.

In addition, with the assistance of these Federal programs, we have tried to maintain Norfolk's character as a balanced community. In the area of housing, for example, we have more than 5,600 units of public housing in management or development; we have made effective use of various other HUD-assisted housing programs, especially in redevelopment areas (and, here, let me add that we have had no 235 or multifamily foreclosures ever); and we have an outstandingly successful Section 312 Conservation Program, which has already begun to bring back to the inner-city many middle- and upper-income families whose heads are doctors, lawyers, businessmen and professionals of all ages.

Let us look at some of the specific contributions of redevelopment and housing programs to Norfolk.

Mr. Chairman, last Spring, the Department of Housing and Urban Development released findings of a set of studies which extolled the success of local redevelopment activities. Specifically, these findings showed that the urban renewal program has produced:

A 422 percent increase in the average assessed valuation of redeveloped acreage;

A 395 percent increase in average tax revenues per acre; and almost two dollars of private investment for every one dollar of Federal investment.

CAN ANY OTHER PUBLIC PROGRAM ANYWHERE MATCH THIS RECORD?

We in Norfolk wish that HUD would quote our experience: the results are even better.

Estimated annual tax receipts to the city from redeveloped land are expected to increase 450 percent, or almost $5-million per year. This, of course, does not include land put to public reuse, which will have provided the City of Norfolk with numerous public and charitable facilities. These include:

A new police headquarters and a precinct house, three fire stations and ten parking garages.

Scope, Norfolk's Cultural and Convention Center.

A new main library and a branch library.

Major expansion with several new facilities at Old Dominion University and Norfolk State College.

A new city hall, courts building, and a new city jail.

A new board of education building, two elementary schools, one junior high school, and two senior high schools.

A public park and a recreation center.

A public health building and a mental health clinic.

Red Cross headquarters.

Eastern Virginia Medical School.

Four new hospitals.

FEDERAL INVESTMENT OF $108 MILLION WILL HAVE BROUGHT OTHER PUBLIC INVESTMENT OF $112 MILLION AND PRIVATE INVESTMENT OF $301 MILLION

Clearly, Title I has proved itself to be a broad and flexible program, enabling us to take a comprehensive approach to community development. Because of Title I, Norfolk is now a better community. We have had good planning and good execution, and we have tried to "relate the relatables."

Again, let us remember that the 1949 Act tied redevelopment efforts to remedying a serious housing shortage and clearing slums and blight.

When we began our redevelopment program in 1949, almost 40 percent of Norfolk's housing stock was substandard. Today, this figure has been reduced to 15 percent, at the same time as our population has increased by 100,000 and the bulk of the housing stock has continued to age. If sufficient resources are available, we expect to be able to reduce this 15 percent to 3½ percent by 1980.

Over the years, our redevelopment and housing program has been responsible for the construction or rehabilitation of 9,817 units of decent housing. This represents more than 10 percent of Norfolk's entire housing stock. In addition, another 2,070 units are planned for redevelopment land.

We must also consider the benefits to the economy of the private sector which our redevelopment and housing program has brought.

Norfolk's East Main Street was once known mainly for bars, babes and burlesque.

Today, along East Main Street stand: the headquarters of the Virginia National Bank; the headquarters of the United Virginia Bank; Norfolk's award-winning Civic Center; and a beautifully designed and landscaped pedestrian walkway.

A few blocks up Saint Paul's Boulevard are an amazingly successful inner-city shopping plaza and the new headquarters of the Norfolk Chamber of Commerce, located in the 200-year-old Norfolk Academy building.

On the next block stands the 12-story Holiday Inn-Scope, recently refurbished by a group of area businessmen at a cost of several million dollars.

Moving a few blocks west and south, we find many leading retail stores which have been going through faceliftings and other improvements, drawing more and more customers all of the time.

In Norfolk, the Redevelopment and Housing Authority currently has opened more than $13 million in contracts to private firms involved in housing development and redevelopment, which provided jobs last week for more than 500 construction workers with an equivalent annual payroll in the millions of dollars.

Once again, this construction and employment return significant income and sales tax revenues to the city, the Commonwealth of Virginia and the United States Treasury.

In the last four weeks alone, redevelopment land in downtown Norfolk has been sold to private developers who plan to build a $12 million hotel on the waterfront and a multi-million dollar bank building. This is the fruit of a solid history of good planning, good management and good execution. This shows the confidence of investors and the kind of excitement which is attracting more and more people to downtown.

We in Norfolk take great pride and satisfaction in the exemplary cooperation and sense of direction which has existed for many years between the private and public sectors in our redevelopment and housing efforts.

Now, in April of 1973, how do the prospects for our housing and redevelopment programs look?

On the housing side, studies of Norfolk's supply of housing show that significant Federal assistance continues to be required, just to keep up with the forces of demand and deterioration, no less to get ahead.

We have been forced to sue the Government to obtain subsidies amounting to more than $2-million in order to keep our public housing program operating as it should operate, with good management, sound maintenance and necessary community services. A recent article in U.S. News & World Report for March 26, 1973, portrayed our dilemma in the present situation.

Former Assistant Secretary for Housing Management Norman Watson called Norfolk's public housing program a model for the nation. Public housing works. And in Norfolk, it benefits and serves the needy; fifty-five percent of the residents of low-rent public housing in Norfolk are on public assistance.

We believe that the Congress and the people have made an investment in public housing which should be protected and preserved just like any other public investment in school buildings, municipal offices, a hospital, streets and highways or a transportation system.

Similarly, plans for 369 units of HUD-assisted housing in our Hunterville Redevelopment Project and 495 units of HUD-assisted housing in the Berkley II Neighborhood Development Program area are threatened by the President's moratorium on assisted housing. Both of these plans had been formulated in close cooperation with the respective Model Cities Neighborhood Assemblies. What do we tell the people of those neighborhoods, who invested their personal time and effort believing that "the system" worked and would despond to their needs?

In addition, our Section 312 Conservation Program has suffered over the last several months, both from a basic inadequacy of funding and the on-again, off-again policy of the Office of Management and Budget. If the Administration is serious about preserving our existing supply of housing, why has it recommended terminating the Section 312 Rehabilitation Loan Fund as of June 30, 1973? In the transitional period of Fiscal Year 1974, what tool will we have to use in place of the 312 Program? Funds may stop, but aging and the potential for deterioration continue. Studies of Norfolk's housing situation show that 1,977 more units should be rehabilitated by 1980, just to maintain our present position.

On the redevelopment side, we in Norfolk have two main concerns.

First, funding during the transitional period in fiscal year 1974 to the special revenue sharing or block grant approach must be maintained at recent levels. We fail to see how the President's request of only $137-million for urban renewal, a cut of 93 percent from FY 73 funding, is sufficient to maintain an adequate program and a stable, professional staff during the transitional period. Unless the FY 74 funding for urban renewal is increased significantly by the Congress, America's towns and cities will suffer severely.

Second, if the Congress chooses to move to the special revenue sharing or block grant approach, new legislation should provide for a level of funding adequate to meet the needs of the community. Those communities who have successfully demonstrated their ability to plan and execute redevelopment activities should be guaranteed that their resources will not be undeservedly reduced by any new formula of assistance. In this connection, Mr. Chairman, we commend the "hold-harmless" provision of the Housing and Urban Development Act of 1972 (S. 3248).

Although we have made great strides in Norfolk, we still have far to go before we shall have completed our agenda for progress.

We have reduced our percentage of substandard housing to 15 percent or roughly 15,000 units; but this still means that one out of every seven dwelling units is not in the condition it should be. This means that approximately 45,000 of our more than 300,000 citizens still have not shared in meeting the goals set forth in the 1949 and 1968 Acts.

Nevertheless, some people proclaim that the crisis of the cities is over. Yet, if the crisis has in fact been conquered, how can these same people allege that the tried-and-true programs which brought us out of the crisis were failures? The position of these people is obviously inconsistent.

Norfolk's recent history tells the story of how local initiative combined with incentives and tools made available by the Federal government to meet national goals has transformed a seaport town into a 21st century metropolitan center.

Let us characterize our progress.

Flophouses have been replaced by first-class hotels.

Overcrowded slums have been replaced by thousands of decent homes.

Modern banks and businesses stand where bawdy houses once prevailed.

Historical structures have been preserved.

Breeding places of crime and arson have given way to police and fire stations.

Symphony orchestras and professional sports teams now perform where dwellers in blight watched rats on the rampage not many years ago.

A modern system of highways, bridges and tunnels has replaced old ferries and obsolete and circuitous roads.

Where Navy personnel once tried to avoid Norfolk, hundreds and thousands are choosing our city as their place to retire.

Let me summarize by saying that in evaluating the existing housing and community development programs in Norfolk, we believe that their success here has proven their strength and their soundness.

This is what we have accomplished; this is what we hope to continue.

Our problems are *not* solved.

But we know where we're going and what needs to be done; 15,000 slum dwellings remain in Norfolk.

To meet these needs, we must have reliable and responsible support from the Federal government, without the arbitrary stopping and starting of programs.

We must have a level of funding which represents a serious commitment to domestic America in the 70's.

Thank you.

THE ECONOMIC SITUATION

Mr. FANNIN. Mr. President, in a time when we are confronted with many complex issues we are fortunate in having journalists and broadcasters who are able to strike directly to the heart of our problems.

This is especially true of our current economic situation.

Recently I heard a commentary on radio by George Putnam, and I was so impressed by his analysis that I obtained a transcript.

Mr. Putnam has won more than a thousand awards in his broadcasting career which dates back to 1934 when he was in Minneapolis. Since 1951 he has been on television in California. He now does two newscasts daily on KTLA–TV in Hollywood, and he has a radio program which is carried by 40 radio stations from Hawaii to Maine. I am told that Mr. Putnam researches and writes his own programs.

Mr. President, I believe that Mr. Putnam's observations and suggestions concerning our economic situation are valid and should be brought to the attention of all Members of Congress. Therefore, I ask that the commentary be printed in the RECORD.

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

"ONE REPORTER'S OPINION"—COMMENTARY BY GEORGE PUTNAM

ECONOMIC CHAOS

It is this reporter's opinion that the government must move quickly to halt the headlong rush toward financial and economic chaos. The public is griping over high prices in the food market. Labor unions are demanding higher wages to meet higher living costs. There is discontent over the import of so many manufactured goods, in direct competition with our own products. The dollar is in jeopardy, and world currencies are floating uncertainly.

The Congress speaks of fighting inflation. There is a continuing huge deficit in our federal budget. Our gold supply is being rapidly depleted. The savings of those who are old, and those who are going to be old, are being withered away by devaluation and the printing of paper money. The government continues to borrow on short term, high interest notes, which must be repaid at a higher figure. Nearly thirty-five billions of dollars come out of the budget simply to service the interest on the debt.

Everybody says something has to be done to stop all this, yet refuses to do his part. Well, the question is, what should be done?

It is this reporter's opinion that first of all, government should get out of those programs in, which it has no legitimate place—no business. There must be a readjustment of balance among the federal, the state, and the local governments. Every businessman and every householder knows you cannot spend more than you are taking in. It applies to the United States as well as it applies to the housewife and her budget.

Tariff barriers must be readjusted. Too long have we allowed an influx of foreign products to unfairly compete with our own manufactured goods. At the same time, our old and new trading partners have prevented, through high tariffs, the importation of our products.

Now, there was a time when the foreign product was a cheap imitation—ersatz, of the fine American product. This is no longer the case. German automobiles, Japanese electronic equipment and cameras and the like, are sought after throughout the world as superbly manufactured, and of highest quality, and at sensible prices.

In the midst of these international monetary crises. It is time for a coming together of government, management, labor, and the consumer, for a complete realignment of economic priorities, in which these sectors do not compete with each other, but work together for the general good of all of us. Because as I recall, someone once said, "If we don't hang together, we'll all hang separately."

PRICE CONTROLS

Mr. BROCK. Mr. President, an editorial in the Sarasota, Fla., Herald-Tribune of Sunday, April 1, 1973, lays waste to the argument of those who see ever greater governmental controls on the marketplace as the solution to our economic problems.

As the editorial points out, these policies generally produce precisely the opposite effect from that which they intend. Moreover, as each succeeding attempt fails, the proponents turn more extreme, in the vain hope, as the title of the editorial suggests, that the effects of poison may be counteracted by prescribing more poison.

It is informative reading for all who seek sanity in the debate over our economic policies, and I ask unanimous consent that it be printed in the RECORD.

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

PRESCRIBING MORE POISON

Congressional Democrats apparently believe, judging from recent words and actions, that the best remedy for a bad case of poisoning is more of the same poison.

Or more specifically, when economic controls aggravate problems, they would cure them with more controls. Senate Democrats last week pushed through a bill that would slap rent controls on apartments in 60 cities. Other Democrats in Congress are pushing for a 60-day freeze on all prices and interest rates; some even favor, so we gather, trying to control the wind and the rain and other factors that determine raw food prices.

All this will hardly be good news for the nation's independent bakers, who are going out of business in droves because the industry's giants have been forced to keep a lid on prices at a time when flour costs have been rising. And it should be disturbing, but maybe isn't, to the building industry, which has had all sorts of trouble with lumber since Phase 2 set lumber price ceilings at artificially low levels.

When demand shot up, lumber producers naturally concentrated on the most profitable items. Shortages developed in items least profitable. Now, the controllers are trying to restrict log shipments to Japan, which of course works just counter to the efforts of those other federal officials who are trying to restore trade equilibrium with Japan.

And everyone traveling the streets of New York can see that rent controls are something less than a great idea. The city has block upon block of decrepit housing that could have been maintained and properly valued had not a long period of rent controls distorted the city's real estate values.

As for interest rates, they were held down quite successfully last year by a liberal Federal Reserve monetary policy and the activities of the Committee on Interest and Dividends. This has helped us get a dollar that buys increasingly less in foreign markets and at home, simply because the policy entailed excessive money creation.

And then there are the fuel shortages, past and future, which Congressmen think can be cured with new controls, jawboning and all those other marvelous gimmicks of modern government. As we've noted before here, there's nothing like holding down the price of a commodity artificially when you are trying to entice someone to increase production of that item.

Agriculture Secretary Butz, who isn't always right but is usually forthright, recently described those who want raw food price controls as "damn fools." Department secretaries aren't supposed to say things like that about Congressmen, but sometimes a man can get so exasperated he can't control himself. And when Congressmen have so little understanding of an economic malaise that they persist in policies that can only make it worse, it is easy to become exasperated.

The year 1972, with controls in place, the Fed printing lots of money and Congress merrily overspending the budget by $11 billion, may have seemed like an economic paradise. But as the events of early 1973 have shown, it was a fool's paradise. If there is any wisdom left in Washington, we won't return to that world of illusion but will instead concentrate on the fundamentals of fiscal and monetary restraint as the only route back to stability.

PRECEDENT FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, critics of the Genocide Convention have argued that there is no precedent for our acceptance of article IX of the treaty. Article IX states:

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

There is indeed a precedent for U.S. participation in such a provision. On November 2, 1967, the Senate ratified the Supplementary Convention on the Abolition of Slavery. Article X of the Supplementary Slavery Convention states that disputes between the contracting parties are to be submitted to the International Court of Justice for adjudication. This is clear precedent for article IX of the Genocide Convention.

Mr. President, the Senate should ratify the Genocide Convention as soon as possible.

THE CHANGING MIDWEST

Mr. MONDALE. Mr. President, each of us takes a great deal of pride in our own State and those things which make it distinctive in this richly diverse Nation. It is a special source of pride when those things receive national attention, and that is why I was so delighted by a column which James Reston of the New York Times recently wrote as a result of a visit to Minnesota.

It was gratifying indeed to see a journalist of Mr. Reston's stature and distinction take note of the quality of the leadership in the State government of Minnesota—particularly that of our outstanding Governor, Wendell Anderson, as well as the unique nature and character of the Democratic-Farmer-Labor Party of our State.

Believing that Mr. Reston's article will be of interest to my colleagues, Mr. President, I ask unanimous consent that it be printed at this point in the RECORD.

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

[From the New York Times, Apr. 6, 1973]

THE CHANGING MIDWEST

(By James Reston)

ST. PAUL, April 5.—The land in the upper Middle West still looks a little bleak and winter-weary these early April days, but a hungry world is crying for fodder, and the outlook for the farmers out here is unusually bright.

They are grumbling, of course, about the boycott against rising prices, but they are more patient than the city folk, who will probably be crowding the butcher counters again in a couple of weeks. "Give us this day our daily meat. . . ."

Unlike the Midwestern auto industry, which is running into increasing competition from Europe and Japan, and the aerospace industry in the Far West, which is running out of customers, American agriculture retains the scientific and trade advantages American industry is losing, and is now the best hope of solving the nation's balance-of-payments problem.

You cannot come across these fertile geometric fields from the Ohio to the Mississippi without feeling the strength and energy and bustle of these people, particularly in the state of Minnesota, where youth seems always to be in the saddle.

Washington may be talking primarily about politicians in their sixties, but out here a new generation of leaders is rising. The attractive and intelligent Governor of Minnesota, Wendell R. Anderson, is just forty but has been in elective office here for fifteen years.

Speaker Martin Sabo of the State House of Representatives has just turned 35, but is regarded as an oldtimer because he has been in the House since 1960, when he was first elected at the age of 21.

In the last election for the Minnesota Legislature, the average age of State Senators dropped from 48 to 42 and in the House from 45 to 42 (the average age of Senators in Washington now is 55.3 and of members of the House 51.1).

Things may look much the same on Capitol Hill in the Federal capital, but here roughly 40 per cent of the members of the State Legislature are freshmen who were elected for the first time last November.

And this is not merely a mathematical point, for the Minnesota House voted 99 to 29 this week to give 18-year-olds full legal status as adults, and Governor Anderson's budget allocated 54 per cent of requested funds to education.

Minnesota, of course, usually seems younger and more progressive than most of the Midwestern states, and this is undoubtedly true today. Both Minnesota Senators in Washington are Democrat-Farmer Labor, and the Minnesota delegation in the House is four Democrats and four Republicans, while the Republicans from all twelve Midwestern states in the House of Representatives outnumber the Democrats 70 to 52.

Nevertheless, looking to the future, the political balance in the country seems to be changing, with the thirteen states of the sunny crescent from California down through the Southwest and across to Florida beginning to challenge the Middle West, in Kevin Phillips' calculation, as "the leading national base of the Republican party."

This conclusion is open to challenge, for of course the Midwest was as unanimous for President Nixon last November as the rest of the country, but the Democrats now hold eight of the twelve Midwest governorships—Ohio, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Kansas and Nebraska—while the Republicans hold only four—Michigan, Missouri, Indiana and Iowa.

Last November, the Democrat-Farmer Labor party here won both houses of the Minnesota Legislature for the first time in history, and as Governor Anderson remarked the other day: "This Minnesota pattern is in line with a major Democratic trend in the upper Midwest. In the combined areas of Illinois, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota and Montana," he added, "there are only two Republican U.S. Senators and one Republican Governor."

So something is going on out here that is not only helping President Nixon with his world politics—producing the food that is his main bargaining tool—but paradoxically seems to be helping the Democrats in state politics. The richer the industrial workers of the country get, the more they seem to vote Republican; but the richer the farmers get, the more they seem to back the Democrats in non-Presidential elections.

In 1929, one American farmer produced enough food for twelve people and will now soon be producing enough for 100. In 1939, farm income was only 50 per cent of non-farm income in the nation, but in 1972 it was 79 per cent of non-farm income.

No wonder then that, despite the habitual complaining in the farm belt, there is now an air of prosperity and an anticipation of more to come. Big Ten football seems to be in a slump, but the farmers are talking boom, and even saying nice things about the Russians and the Chinese, who promise to be good residual customers for years to come.

A SURVIVAL LETTER BY DR. JEAN MAYER

Mr. PERCY. Mr. President, on Sunday, April 8, the New York Times Magazine carried an interesting and timely article by Dr. Jean Mayer, the noted Harvard nutritionist. I hope my congressional colleagues will read it as it may well prolong their lives.

Dr. Mayer, the chairman of the 1969 White House Conference on Food, Nutrition and Health, has contributed a great deal to the work of the Select Committee on Nutrition and Human Needs. In this article he strikes many of the themes which are part of the committee's agenda this year.

For instance, the article itself is a first-rate example of how to inform the public in a readable and entertaining fashion about the basic rules of good nutrition. Our committee is in the midst of a detailed study of how best to meet the need for nutrition education in this country.

In addition, Dr. Mayer describes the sensible way to lose weight—eat less but eat well and exercise regularly—and points out some of the fallacies in some currently popular diet plans. Two so-called fad diets, the macrobiotic diet and the Atkins' diet—"Dr. Atkins Diet Revolution" is a runaway best seller—are the subject of a committee hearing April 12.

Finally, Dr. Mayer urges his readers to avoid sugar-coated cereals and to cut down on the consumption of sugar. This theme is one which arose in the committee's hearing on nutrition advertising on children's television and will be followed up in further hearings on the relationship of sugar to health. Mr. President, Dr. Mayer sets out in this article a sensible diet regimen for a typical American family. I believe we all can benefit from a careful reading of his work.

I ask unanimous consent for the article to be printed in the RECORD.

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

WATCH YOUR DIET AND LIVE

(By Jean Mayer)

Dear Mary: I am glad to hear about your new baby and pleased your mother has come to live with you. She was quite lonely and with your husband away most of the week, she will be good company for you, too.

You ask me a great many questions on how to feed your teen-age daughter, your little boy and the new baby, and you also ask if you ought to consider special nutritional supplements for your mother, who has just passed her 60th birthday. I will indeed answer your questions: They are, incidentally, perfectly good and intelligent queries; you need not be so apologetic about them. Before you get to the answers you seek, however, you will have to pay a slight toll: You will have to read through advice concerning the two members of the family about whom you did not ask—you and your husband.

Let us start with you. You had an uneventful pregnancy. Your weight gain was 24 pounds, almost just about the middle point of the range (18 to 27 pounds) recommended by the committee on maternal nutrition of the National Academy of Sciences-National Research Council Food and Nutrition Research Council Food and Nutrition Board (as a very thin girl to start with, you could have been well in the upper part of the range without any risk). The decision to breast-feed the baby will actually make it easier to get back your normal figure without going on the reducing diet you are contemplating "now that you have stopped eating for two." Part of the weight gain during pregnancy is designed to prepare some reserves for the nursing period. You will use them up fast—at a rate of 600 to 1,000 calories a day's worth of breast milk. Be sure to drink plenty of milk yourself, no less than a pint, preferably a quart. If you want, you can use one of the low-fat milks with milk solid added. Be sure to eat a balanced diet, with eggs, meat, fruits and vegetables. Follow your appetite and stop worrying.

Actually, now is the time you are eating for two. When the baby was in the womb he was still very small and though he was growing very fast in proportion to his size, the absolute amount of growth was far less than after birth; now he has to maintain his own body heat and also he is considerably more active. As an encouragement to nursing the baby, remember there is now a great deal of scientific literature reporting on studies showing that babies are far less likely to develop stomach aches and diarrhea when they are breast-fed, that they are less likely to overeat, and that their intellectual and emotional development tends to be smoother. The mental health of mothers tends to be better as well. Their physical health is by no means compromised, even if they breast-feed for much longer than the three months customary in the United States, as long as they eat well themselves. So to start with, take good nutritional care of yourself.

I warned you that I would go from you to your husband before I talked about your children and your mother. I do so because he is, in many ways, the most vulnerable member of your family. Joe is approaching 40, weighs 30 pounds more than he did in college, and there is a history of high blood pressure in his family. I hope he gets a regular check-up and knows both his blood pressure and his cholesterol level. We have literally millions of persons in the United States whose blood pressure is elevated and who either don't know it or don't do anything about it, even though we have more effective medication for hypertension than we have for any other chronic disease. I assume Joe is not

one of these. At any rate, he would do well to eliminate his terrible habit of oversalting his food—even before he has tasted it. There is good evidence that this practice is likely to predispose to high blood pressure.

And try to get him to cut down on the enormous amounts of fat he eats: two eggs and bacon every morning is a very bad habit for an adult man unless his cholesterol is known to be extremely low (below 180 points). It makes him start the day consuming at least 500 completely unnecessary milligrams of cholesterol, which in turn prop up his own blood cholesterol by at least 25 to 30 points. Recent studies show that when your cholesterol goes from 150 to 250 points, your chances of dying of a coronary triple. Incidentally, I hope you haven't swallowed the fairy tale propounded by a lady "pop nutritionist" which claims that the cholesterol of eggs doesn't count, because they also contain lecithin. That's nonsense. In our nutrition laboratory at Harvard when we want to elevate the blood cholesterol of men or monkeys, we feed them large amounts of eggs and, lecithin or no lecithin, it goes up. Eggs are an excellent food for you and your children, but try to cut Joe Sr.'s ration to two a week—as a Sunday treat. One of the good, traditional, hot or cold (not sugar-coated!) cereals with a small amount of sugar and skim milk and fruit will do very well for him.

Get Joe to lose at least 20 of those 30 extra pounds he put on since graduation—and get him to do it on a sensible diet, not on a steak and martini "low carbohydrate" diet. Low-carbohydrate diets are high-fat diets much more than they are high-protein diets, and the last thing you want to do is to push his cholesterol further up. Give him *moderate* amounts of food, including protein foods—one meal poultry, one meal fish, one meal pork or beef is an easy way to cut down on meat fat; broil his meat rather than fry it; give him skim milk rather than whole milk; and generally speaking, cut his calories by cutting down on sugar and saturated fats. If you can, and I know it's difficult, get him to walk an hour every day; considering his size, that will burn up at least 300 calories a day. A pound of fat is the equivalent of 3,500 calories; he could lose his 20 to 25 pounds in a year through walking alone.

And cutting down on empty calories, sugar, fat, and one of his two nightly cocktails, would mean that he goes back to his best weight much faster. Try to get him to stick to such a practice even when he is on the road.

Finally, encourage him to play squash two or three times a week. Pack his racket and squash clothes in his suitcase when he travels. That additional hour of hard exercise will not only help him with his weight, it will also keep his blood vessels elastic and less likely to become narrowed by cholesterol deposits. I am sure, knowing him, that he is a conscientious father and husband and is buying a great deal of life insurance so that all of you will be protected if something happens to him. Point out that the best insurance is for him to stay alive by following a prudent regimen of diet and exercise.

Now for the children. The baby is doing well on breast milk and vitamins (human milk is higher in vitamin C than cow's milk but is still somewhat too low in vitamins C and D). At some point, your pediatrician will supplement his diet with a source of iron such as enriched cereals and/or vegetables, and later, baby liver. Please don't jump the gun and feed solid foods to your baby before your doctor tells you to simply because your neighbor or your sister-in-law did. Recent work done in our department at Harvard and at Rockefeller University suggests that packing the diet of a baby too soon with concentrated sources of calories may be the one way to make him overeat, it may induce him to produce an increased number of fat cells which he will carry as a bane the rest of his life. This is particularly so since on at least one side of the baby's family there is a tendency to overweight.

Speaking of overweight, you may be right in beginning to worry about Joe, Jr. He is, indeed, quite heavy for 6 years, even though he is on the tall side. We have conducted studies on overweight children for over 20 years at Harvard and have again and again come to a conclusion which I believe applies particularly to little Joe: namely, that many overweight children are characterized not so much by an appetitie greater than normal as by a level of activity much lower than normal. There is, of course, no reason why little Joe should be exposed to candy or sugared soft drinks in the house. Just don't buy any "junk foods." And while we're at it, why continue to bake those elaborate pies and cakes, which I must recognize you do so well? Neither Joe Sr. nor Joe Jr. should have them; your daughter and your mother don't eat them. Why not get everybody used to finishing their meal with fruit? But more urgent even than cutting out empty calories, is the necessity to do something about little Joe's exercise habits: this boy spends altogether too much time in front of television. A great deal of ink has been expended discussing the potential damage to children's minds from watching, hours on end (5 hours a day on the average for preschool children, says a recent study), those mediocre programs and those endless ads (5,000 "food" ads a year, most of them for candy, sugar-coated cereals and soft drinks), I personally worry as much about the damage to their bodies. All this is time taken away from their active play. And why not take advantage of your mother's presence to leave the baby with her and walk Joe to and back from school? You need to get out of the house and he needs the exercise.

Your daughter Martha has always presented the opposite problem. She looks like you, a real ectomorph, a lanky girl with narrow hands and feet and long fingers, the type that my colleague at Harvard, Dr. Carl Seltzer, and I have shown is extremely unlikely ever to have a weight problem. Yet she is on one extreme diet after another: I remember her on a rich diet (high carbohydrate, low protein, low fat), on that extreme ketogenic diet (high fat, moderate protein, no carbohydrate), on the grapefruit diet, on an egg diet, on a banana and even on an ice cream diet. It is fortunate that so far she has not stuck too long to any one diet, but even so, most of the time she is consuming an extremely unbalanced ration. I hope you have her checked up regularly. I worry about her intake of a number of nutrients, iron in particular. Iron deficiency anemia is very widespread among girls of her age. Watch out also for any sign that she might be carrying this unnecessary dieting to an extreme. Anorexia nervosa is the self-inflicted starvation which often occurs among teen-age girls and young women. Usually its victims are like Martha, very bright and articulate, physically active and terribly conscientious. With both her father and brother on the plump side, it is all too easy for Martha to imagine she has a weight problem: reassure her tactfully on this point, and make sure no one in the family, even by indirection or as a joke, suggests she is turning plump!

As for your mother, she is, indeed, 60, but unless her physician has told you something I do not know, this poses no special problem. She has always eaten sensible meals and taken long daily walks. As long as she can walk, she is not likely to have trouble controlling her weight. She has always been blessed with unusually good teeth, perhaps because she was brought up in a Texas community with a naturally optimal fluoride content in the water supply. Teeth are important at any age but particularly in older people: too many of our "senior citizens" place themselves on monotonous diets with few food choices because they have lost too many teeth or have badly fitting dentures: they develop nutritional deficiencies as a result of poor dental health. The fact that she lives with you is another excellent plus in her nutrition: it is hard to keep one's enthusiasm for buying, cooking or even eating a balanced diet if one lives alone—she no longer has that problem now that she has moved.

One last point. You ask about vitamins. The baby has his prescribed. The rest of you should get your nutrients from a well-balanced diet. If you want additional insurance (you are, after all, nursing; Joe Sr. and Joe Jr. should cut down on their calories; Martha is on one fad diet after another; and your mother is likely to eat less as the years go on) all of you can take one vitamin pill if you want, but get a reliable brand which will give you the Recommended Daily Allowance (RDA), not small amounts of one and huge amounts of another. And stay away from massive doses of any vitamin (unless, and it will probably never happen, your doctor prescribes it for a rare condition). Megadoses of the vitamin of the year (have you noticed how they rotate?) are no more effective than the RDA, and no one knows what their long term effects may be.

What's Left to Eat? Plenty

Trying everything from Zen macrobiotic diets to the Atkins "Diet Revolution," caught between $2-billion worth of advertising for highly processed foods and soft drinks and claims of miracle cures and rejuvenation through "megavitamin" therapy and organic foods, exposed daily to categorical statements by "authorities" of unknown qualifications, the American public is feeling more and more confused.

Yet the fact is that the basics of a good diet have not changed over the years. The secret ingredients are: Eat a varied diet; eat enough; don't eat too much. Two additional precepts deserve mention. First, the explosive development of cardiovascular mortality (which has for a generation kept the life expectancy of our population at age 20 from rising) can be stopped only if we, particularly male adults, adopt a more prudent mode of life and diet, increase daily physical activity, cut down on total calories, cut down on total fat, on saturated fats on dietary cholesterol. Second, the alarmingly high proportion of sugar (sucrose) in the diet is a factor in our deplorable national dental health—all the more so since the water supplies of too many communities are not yet properly fluorinated. We should cut down on this source of empty calories as well.

What is left to eat? At breakfast, orange juice (real orange juice) for the whole family; eggs and a good bread for the children and the young mother; one of the excellent traditional cereals for the father, with milk or skim milk in some form for all.

At lunch, either a meal of meat, fish or cheese, vegetables or salad and fruit, or a sandwich made of good, palatable bread with meat, tunafish, sardines or cheese (but not cream cheese) and lettuce and/or tomato.

At dinner, a soup in winter; alternate sources of protein such as cheese, poultry, kidney beans, fish or meat; one or, preferably, two vegetables; whole-grain or enriched bread, and fruit. In general, we eat more meat than we need to—and not enough fruits and vegetables. Eat these fresh in season; they can be canned or frozen the rest of the year.

One of the deplorable effects of the recurrent craze for low-carbohydrate diets (in the eighteen-sixties and seventies, it was the Banting diet; in the nineteen-sixties and seventies, it has been the "Calories Don't Count" diet, the "duPont" or Pennington diet, the "Air Force" diet, the Stillman diet, the

"Drinking Man's Diet" and Atkin's diet) is that each burst of publicity for each reincarnation of the same old recipes convinces Americans that they have to spend enormous amounts of money for a lot of animal foods in order to be healthy. The facts don't back this up. We need carbohydrates—which come from cereals, fruits and vegetables and milk, as well as sugar—for two main reasons: Our muscles work most efficiently when burning carbohydrates, and our brains burn nothing but a carbohydrate, glucose. We eat more fats and fewer carbohydrates (for all our sugar consumption) than almost anybody; we are fatter and have a higher mortality from heart disease than practically everybody.—JM.

CAMBODIA AND POSTWAR RELATIONS WITH INDOCHINA

Mr. KENNEDY. Mr. President, in light of the continuing warfare in Southeast Asia and the American bombing of Cambodia, I ask unanimous consent to include at this point in the RECORD a recent statement I made on developments in Cambodia and postwar relations with the countries of Indochina.

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

SENATOR KENNEDY COMMENTS ON CAMBODIA AND POST-WAR RELATIONS WITH INDOCHINA

Earlier this week, a Study Mission representing the Judiciary Subcommittee on Refugees, which I serve as Chairman, returned from a visit to North and South Vietnam, Laos, and Cambodia. The Study Mission was part of the Subcommittee's continuing effort since 1965 to document the devastating impact of the Indochina war on the civilian population—and to make the case, again, that the humanitarian needs of orphans and maimed children—of refugees and civilian casualties and war victims of all kinds—must be a matter of vital concern to the American people and their government.

The Study Mission was headed by Dr. Nevin Scrimshaw of the Massachusetts Institute of Technology. It included medical, child welfare and refugee experts, as well as staff members of the Subcommittee, and was the Subcommittee's Seventh field visit to Indochina since 1965. Members of the Study Mission traveled in all the countries of Indochina, and interviewed scores of war victims, American officials in the field, representatives of all governments and political authorities in the war-affected areas, foreign diplomats, and many others.

Within the time available in each country, members of the Study Mission traveled in both urban and rural areas. The principle items of inquiry included the following:

The overall impact of the war on the civilian population, as measured by such factors as the number, location, and condition of war victims;

The level of destruction to civilian installations such as housing and schools and medical facilities;

The immediate and longer-term "people needs" as distinct from the more general reconstruction and developmental needs;

The capabilities of the governments of Indochina in meeting these needs;

The kinds and levels of humanitarian assistance required from other countries; and

The potential sources and channels of such assistance.

The Study Mission is currently preparing a detailed report of its findings and recommendations in these and other areas of concern to Congress and the American people. And over the next few weeks and months the Subcommittee will try to contribute responsibility to the discussion over our country's future relation with Indochina in the aftermath of war, and will make every effort to help chart a responsible, long-run course for America's future policy.

But, regrettably, the issue now at hand is less about the future, than about recent developments and the present course of American policy and actions. Let us not forget that America is still at war in Indochina. Despite ceasefire agreements in South Vietnam and Laos—and the Administration's repetitive claim that peace with honor is at hand—conflict and battle continue in Indochina—even in South Vietnam where there is precious little honor, as each side competes with the other in violating the terms of the Paris agreements.

Let us not forget that many Americans are still involved in the continuing conflict—especially in the escalating bombing missions over Cambodia, and in other activities that support the battles throughout the region. And even as we celebrate the prisoners' return—and pursue the fate of those still missing in action—additional numbers of our young men are still risking their lives today in the skies over Cambodia, or have been mortgaged to the future, in case the Administration carries out its threats of renewed bombing elsewhere in Indochina.

It's the same old endless war in Indochina—only the name of the country has changed. For the people of Cambodia, this war began three years ago with an American sponsored invasion. We called the invasion a decisive action to end the conflict in Vietnam. Today, we call our massive bombing of Cambodia a desperate action to prevent new conflict in Vietnam.

And worst of all, as the violence continues from both sides—as the bombing escalates to new highs—Cambodia's crisis of people grows and grows. Tragedy is piled upon tragedy. More children become orphans. More thousands of men and women and children become refugees, and thousands more are injured or maimed or killed. They are joining the ranks of earlier war victims—nearly 15,000,000 throughout Indochina—for the sake of old arguments that no longer wash.

Look, if you will, at what has happened in Cambodia.

The Refugee Subcommittee's Study Mission to Cambodia reports that at least one-third of Cambodia's population—some 2,000,000 people—have fled the bombing and battle in the countryside over the last three years. The city of Phnom Penh has more than doubled in size, and is now circled with refugee shantytowns. And in the remainder of the country, refugees are crowded by the tens of thousands into provincial towns and refugee camps—often with no food and shelter, and with little active concern or help from their government or the U.S. Mission in Phnom Penh.

Thousands of Cambodians have fallen as civilian casualties to the bombing and conflict. Orphans number some 260,000. And over 50,000 war widows have registered with the government.

But nowhere is the tragedy in Cambodia better seen than in the gaunt faces of the thousands of hungry children our Subcommittee mission saw—little bodies thrown together in make shift camps, the human debris of the bombing and war.

The war has so thoroughly disrupted agricultural production in Cambodia that this once rich rice-exporting nation now must import, with U.S. assistance, over three fourths of all the rice consumed. War damage to civilian and government installations totals over $2 billion. Nearly 45% of the hospital facilities have been destroyed by bombing or artillery. Over 40% of the roads are destroyed or damaged. Some 35% of all the bridges are destroyed. Communications and transportation are severely disrupted, with nearly 50% of all vehicles in Cambodia destroyed.

The prognosis for Cambodia is grim, but only in part because of the deteriorating military situation. In reality, the crisis which now seizes Phnom Penh began nearly three years ago with the failure of the Lon Nol government to organize effectively or command the support of the people. Corruption at the highest levels of government, chaos in administration, and the political bankruptcy of the country's leadership.—these are the primary ingredients in the Cambodian crisis today. Whatever mandate the Lon Nol government may have had three years ago to bring peace to Cambodia has now completely vanished. And in the decay that has followed no amount of B–52 bombs, or threats of escalating military action by our government can bring relief or peace to the people of Cambodia.

As many of us have said on the Senate floor in recent days there is no moral, legal, or constitutional justification for American bombing of Cambodia. Worst of all, the illegality of our massive bombing is matched only by its futility. Today, the Lon Nol government controls only 20% of the territory of Cambodia. The assaulting forces are spread so widely, that no amount of bombing by our B–52's can really be effective. All we can succeed in doing with our bombs is to destroy the countryside, and annihilate whole families and villages. The bombing cannot stop the war. Indeed, it may well be that the only conceivable bombing strategy that could possibly have any measurable effect on the fighting in Cambodia is to resume the bombing of the Ho Chi Minh trail in Laos and North Vietnam. And the Secretary of Defense threatened to do just that earlier this week in an unguarded moment. But I do not think that President Nixon will take that step. Because it would reveal to all the world that his peace with honor is fragile at best and nonexistent in some areas.

If we really want peace in Cambodia—and ceasefire arrangements for all of Indochina—then we should be sending our diplomats to help negotiate these arrangements, instead of sending our B–52's to bomb. Until then, the people of Cambodia will remain pawns in an international game of bluff and bombing, because neither side—including our own government—has the wisdom to provide sufficient diplomatic leadership to secure an effective truce.

There is one other very disturbing element underlying the events of recent days. Last January, in his press conference explaining the Paris Peace Agreements, Dr. Kissinger replied, in response to repeated questions, that all the agreements had been made public—there were no hidden protocols, no secret understandings lurking unseen in the agreements. But now, as the controversy erupts over the bombing in Cambodia, we read reports that Dr. Kissinger in fact reached a secret understanding with North Vietnam that American bombing might go on in Cambodia until a ceasefire in that country was achieved. How many other secret understandings are there? How many hidden deals? I say, the American people are entitled to know all the agreements and understandings reached in Paris—not just the parts that may contribute to the President's peace with honor, but the parts that may lead us into deeper war.

We can debate again and again the reasons for and against our continuing military commitments and involvement in Indochina. We can debate again and again the reasons for and against the President's unilateral command to continue the war. But beyond debate is the yearning of the American people for peace—for a generation, or even a day of peace—so that our Nation can finally turn its full attention to all the other things we have to do at home and overseas.

We hope and pray for peace. But the course the Administration is now pursuing in Cambodia and the rest of Indochina runs a serious risk of re-cycling the war of old. I urge

the Administration to pull back. I urge the President to stop the bombing and begin the diplomacy necessary to bring about the peace.

And only then can we really talk about post-war Indochina, and America's future role in Southeast Asia.

A WONDERFUL LADY CELEBRATES 90TH BIRTHDAY

Mr. HELMS. Mr. President, Friday, Apirl 13, will be a very special day for a wonderful lady in my State. Mrs. Rebecca Langston Raper of Goldsboro will be celebrating her 90th birthday.

Mrs. Raper is the mother of Evelyn L. Raper, who worked here on the Hill for 15 years. Miss Raper was employed by the Army and attached to the Senate Military Affairs Committee. She retired from the Sergeant-at-Arms office in 1967.

Mrs. Raper moved to Washington to live with her daughter following the death of her husband, John R. Raper, in 1943. She returned to Goldsboro in 1970 following her daughter's retirement.

This charming and gracious lady has many friends here in the Washington area. She is loved and admired by an even greater number in North Carolina.

Mr. President, I am sure my colleagues will wish to join me in extending our very best wishes to Mrs. Raper on this her 90th birthday.

THE REDISCOVERY OF AMERICA

Mr. HOLLINGS. Mr. President, recently Mr. Herbert Cunningham of Charleston, S.C., delivered an astute and moving address. It was given before the Exchange Club of Charleston on Thursday, March 15, 1973. I call it to the attention of my colleagues today because of its many incisive comments on minority conditions in the United States today.

Mr. Cunningham is an active and progressive moving force in the life of his community. He is involved in the business life of Charleston and is presently president of the Young Businessmen's Association.

One salient aspect of this address is its understanding of the role that American business can play in advancing the well-being and opening wide the opportunities for black Americans. Such an emphasis on the part of corporate America would be beneficial to all concerned, and Mr. Cunningham portrays in sincere and moving language the necessity for broader and more rapid movement on this front.

Mr. President, I believe this address is worthy of attention throughout the land, and I therefore 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 REDISCOVERY OF AMERICA

(By Herbert Cunningham)

Thank you, and good afternoon.

I appreciate, your kind invitation to participate at your luncheon this afternoon and I am delighted to be here.

I am glad to say it, that there is a surplus of black talent in this community. I know because it happens all over, that groups such as this do not get the opportunity for speakers that they should get a chance to hear. What I am saying is that sometimes organizations stereotype themselves for an individual. Most of the time groups like these would rather hear a Rep. Herbert Fielding, a Judge Richard Fields, or a Jim Clyburn, simply because of occupation or business in the community, so I feel delighted beyond expression to stand before you today. And thanks again Dr. Stine.

For, it is here and in other groups similar to this one . . . that you and I have the chance to influence the future of the people of this community. Also, it is through organizations such as the professional and business men that we can draft together a declaration of interdependence for my fellow black Americans.

Yes blacks are interdependent! Those who would follow us look to us for help, certainly, but also for the inspiration to succeed. And we, in turn depend upon those who would follow us. For it will be they who, by building on our own modest achievements can validate and perpetuate the reality of full, equal and successful participation in the economic opportunity of this Nation.

Four and a half centuries ago, a Negro, a black Spaniard—Pedro Alonzo Nino, discovered America or at least, he helped; for he was one of Columbus' pilots aboard those three spidery vessels—he helped his ship's master discover a new world.

For millions of our people, this country—this land of the free and home of the brave—is just now becoming the reality of a rock bound landfall after so much drifting on shifting tides in a sea of tomorrow's promises and hopes held out.

In case you and I may have forgotten what it's like to hunger for the realization of such a magnificent dream, perhaps we should listen to the voice of the disadvantaged . . . to the voice of this discoverer. He's been told what America is, what it means. He knows where it is and he is intent on getting there, but he has been waiting just off shore. Just out of sight of this land for so long now, and as he waited—not always patiently—he prayed, and I quote

"Lord God of other people's prizes, of long life and the necessary education and the balanced diet and good luck—of red steak and fresh fruit, of milk delivered to the door step, and the principle of one kid—one bedroom in a good neighborhood—of battery toys and two weeks paid vacation and heavy lifting and fringe benefits and all the stuff in magazines—give us this day."

"Lord God of shipping clerks, of ole men with pails and mops, of people in stockrooms, of cleaning women, of red caps, of unskilled laborers, heal the broken vein, protect the drop out, and deliver the delivery boy. Get us one day on the long form, God."

Make me gung-ho, give me stick to-it-ivity. Or whatever else it takes, and lend me the power to forgive those who probably do not deserve it. For nothing counts now but getting on . . . and I am not getting anywhere". "I am in trouble. I am deprived, I live in the slums. I am disadvantaged. I have not had what others have. I have filled up on the cheaper cuts, but have not been full. I have been sick needlessly. I have not had all my shots. I have lived on low wages and paid high interest". "Now, for the time being, for however long it takes, because others have their's . . . because I should have it . . . because it would be good . . . because it is my right . . . because it would be wrong if I didn't have it . . . because I must have it. Give me, oh God, the courage for whatever needs to be done. Give me please whatever I will have to have . . . to do the things that must be done . . . to be the person I need to be . . . Lord . . . let me win".

Well, sometimes I need to be reminded no matter how unsavory the sound or how mean the memory. I am a minority within a minority, being a member of the great "middle class," that thin veneer of our race that W.E.B. Dubois once referred to as the "talented tenth."

In most of the usual requisitions for so called success in this society, especially in our own culture, we've "got it made," but let's remember two vital points. First: "That having it made" in no way implies . . . keeping it made, and second: That we didn't make it on our own; we had help and we should rededicate ourselves to helping others, to assisting and inspiring these discoverers, we've been talking about.

You know, our own success—our personal prosperities and the economic progress of the firms that write our pay checks—depend in a very real sense upon the economic and social well being of the people . . . the individuals . . . who compromises our market. Only to the extent that they prosper will we know the rewards . . . tangible and intrinsic of real lasting and meaningful success ourselves.

Instead of always being content to divide up the existing pie of the ethnic market, here's a way to increase the size and value of every piece, without diminishing the worth of any other. Here's a way to have a bigger pie by encouraging and assisting those who through their own economic gains. will contribute to the expansion of our segment of the economy itself.

Black America is *all ready* quite a market. Today, this country's black population is approaching twenty-five million people: a population *twice* that of Belgium, France, or Australia and three times Sweden's. Since 1950, America's black population has been growing almost half *again* faster than the *total* population. If this continues—and it should—by the end of this decade, one American in *eight* will be a *black* American.

And despite the economic flight of many blacks, this market of ours is—nonetheless—an important market, even a rich market, with a spendable income after taxes—of some forty billion dollars a year. The Negro market represents a purchasing power equaling Canada's; Black Americans' gross income—before taxes—exceeds the value of all the goods exported by the United States in 1970 and according to the best sources I've found the value of the market should double—to about $80 billion a year—by the latter part of this decade.

Now those are facts . . . very encouraging facts. But that discoverer we talked about; these are facts about him to . . . but they aren't very encouraging. Listen to a few. . . .

The black population in America has almost doubled in a little over twenty-five years. More people *sure*. But more problems, too. This is an urban population—and we are told that most of our problems today lie in the cities. Right now, over 15-million blacks live in metropolition areas. And in Charleston County alone blacks make up 78,000 people out of a total of 248,000.

Increasingly high rates of divorce, separation and desertion are turning this more and more into a woman-dominated population. Almost *one-third* of all black families today have a woman at the helm, and we're told that only a minority of black children reaching the age of eighteen have lived *all* their lives with both parents.

By most measurements, this is a poor population. The median income is only a little more than *half* that of the average white. And the majority of our children receive public assistance under aid to dependent children at some point in their formative years. Right now seven times more black children receive government aid than do whites.

When Williard Wirtz was Secretary of Labor, he said that machines have the equivalant of a high school diploma today. And yet, the median educational attainment of the American black is only 9.9 years. The current drop-out rate among blacks is better than fifty percent. And in New York City it is

70 percent. Yes, as a black I have to disagree stringently with proposed cuts in aid to the poor and to those black families who need it.

It has been reported that there are now only half as many unskilled and semi-skilled jobs in the economy as there are high school drop-outs, and it's estimated that about a third of the 26 million people both black and white entering the labor market during this decade *will be* drop-outs. Sad as it is, these are people without a future.

What's the answer? Bayard Rustin put it this way. "When a black youth can reasonably foresee a future free of slums, when the prospect of gainful employment is realistic (*and believable*)—we will see motivation and self help in abundant enough quantities. Remember Benjamin Bonnaker who surveyed the streets of Washington, D.C. Tom Tipton Van Gard, John L. Brockington, superintendent of Saint Paul School Dist. 23, Albert and Benjamin Brooks on Morris Street, Elizabeth Brown formerly of Metropolitan and New York opera companies, Herbert Stepney probation officer, Chas. County.

Henry L. Grant, St. Johns, Laura Mack Sims head of the State cosmotology board and Lonnie Simmons. The list grows and grows, Cat Anderson, with Duke Ellington.

I, as a professional, an entrepreneur, and a member of management—represent only about five per cent of my race. Industries as a whole have hired blacks for management, but only for a token. It is sad but true. We head public relations, urban problems and other indirect jobs. Industries have yet to let us become a part of the top echelon, the policy making, the budget making and sitting in on board meetings. There is no way we can close the gaps that have been created over the years with this kind of attitude. The only black in top management who so functions is Joe Black of Greyhound.

It is interesting to note that minority business should work within the free enterprise system. "Now that we know the rules, we don't want some other system to come along and replace the free enterprise system."

A recent U.S. census showed 332,000 minority businesses. Of these 163,000 are black owned, of the 163,000 he said, 125,000 have no employees and have an average gross income of $7,000 per year. Also, 38,000 of the 125,000 have one or more employees and show an average gross income of $95,000 a year.

Black business grossed less than one per cent of the total business revenues in this country.

It is obvious that John Johnson, Johnson Publishing, Chicago, the George Johnsons, Johnsons Products and the Henry Parks of Parks Sausage Co. are rare in the lexicons of minority business. There are, however, a number of up and comers on the minority business scene, experienced businessmen who could make it if given the same capital and market opportunities as whites.

We, as blacks, are just like you. We have fallen prey to the perfectly natural tendency to form our own little "in group" . . . to meet with, talk to, and plan for—each other. These are the people you have sought also.

We're all guilty of the wagon train syndrome—forming a tight little circle with our backs turned, most of the time anyway, to the undisciplined, clamorous, eager and dissatisfied masses that surround us.

We've formed our circle, and there's strength in that circle. Now it's time for each of us to pivot one hundred eighty degrees—to turn around and face outward—still maintaining our places in the circle. Only now it's an open circle—now we have . . . not just the opportunity, but the responsibility—for involvement with those outside ourselves.

Business holds great prestige value among our young blacks. It offers the promise of tangible gain, a better way of life, and opportunity to control one's own environment rather than remaining—as is all too frequently the case—the pawn of one's environment.

A New York management consultant firm commissioned by the Labor Department's Manpower Administration to measure corporate progress and prospects of black managers interviewed 500 black managers and professionals. The overwhelming majority felt that their chances for access to top executive jobs were slight; that they do not have equal business opportunities with whites; that the most existing corporate equal employment policies are slogans and most expressed pessimism about their corporate futures.

Most of these black managers and professionals felt that most corporations had let blacks in the door but that the problem now is upward mobility in line positions rather than in staff or support jobs.

I firmly believe that young blacks are far more pessimistic about their corporate futures than before. Also, in my opinion, black businessmen are not yet a significant force in industry, either in the entrepreneurial area or at the corporate management level.

Let me throw out a strong challenge to you, it is much later than you think; and, the minority enterprise programs to involve minorities in corporate management have just gotten started.

Back in 1941, the opening of the national Negro Business League meeting included this statement. "The respect of other Americans for Negro personality depends probably more on the economic and commercial advancement of the Negro man than all other factors put together. This respect can not be gained unless Negroes become efficient conductors of commercial and industrial enterprises." But there have been problems. Two years ago a group of blacks wanted to purchase the Blatz Beer Company of Milwaukee and even asked the courts to delay the sale for two weeks to secure loans for the purchase; the courts said no, and the beer company wasn't sold until a much later date. Is this fair business practice or is it business?

By increasing our own ranks—as professionals and as specialists in the business world—by your encouraging and where possible, assisting in the creation of new black enterprises—you can perform a vital service—that of providing visible success symbols which for so long now have simply been missing. Without these symbols—successful individuals in business, as well as successful black business themselves—our young people have no prototype worthy of emulation.

But with example you can provide them with the image you can help to project. There are many more reaching effects—effects that can be predicted with virtually absolute certainty—than just inspiring a few more people to follow the paths you have chosen. Remember; the *civil rights* movement today has become a *human rights* movement that's founded on economic opportunity!

The name of the game today is equal *participation*. Participation not just in some things—and tokenism in others—but full participation in all things . . . with the rightful expectation of equal results based solely on individual effort and personal merit.

The untapped potential that lies waiting to be awakened in the still-largely dormant black American market is enormous. So—help to unleash this potential. Encourage new *and* existing business, help project an image worthy of emulation for our young people. Help us win both personal and corporate influence by working for better educational programs and facilities. Help us to continue to fasten responsible action in all the deficit human areas where help is so urgently needed. And where possible help accelerate our assistance *and* our leadership.

We can do it, and I. *We* can make a difference—even though it may mean more work, more anguish, than we can realize just now. But then if we don't do it—who will?

Let us—*together* accept the challenge and make the goal of full, equal and successful economic participation a vital, prideful part of our professional lives.

Communicate! Motivate! Challenge! and lead!

These are the demands of the witness "it is now for you and me to give".

What justification do you and I have in attempting all this? I think Dr. King gave us the greatest reason of all when he stood before the *prophetic* meeting in the little church in Montgomery and so eloquently said that . . . "When history books are written in future generations, the historians will have to pause and say, 'There lived great people' . . . a black people—who injected new meaning and dignity into the veins of civilization.

"Thank you," my friends . . . the *shore* is in sight. Let the claim now be granted . . . to that which has so recently been discovered.

PROBLEMS TENNESSEE BROADCASTERS FACE TODAY

Mr. BROCK. Mr. President, during the recent convention of the National Association of Broadcasters, the leaders of that profession from my State hosted a breakfast to which the Tennessee congressional delegation was invited.

On that occasion, Mr. D. A. Noel, vice president of the Tennessee Association of Broadcasters, was called on to present remarks about the opinions of the broadcasting industry with regard to several matters involving their relationship to the Government.

His remarks are extremely cogent, and deserve wide currency. I would therefore ask unanimous consent that they be printed in the RECORD.

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

REMARKS BY D. A. NOEL

I want to add one more voice of thanks and appreciation to our Tennessee Senators and Representatives—and to ther staff personnel—for the excellent representation they are providing for *all* of the people of Tennessee. As Broadcasters, and members of the Tennessee Association of Broadcasters, we share with other citizens of our state a great interest in *all* legislative matters, not just those which affect our industry.

We appreciate your work and we offer you whatever assistance our facilities can provide to help you keep the people of Tennessee informed about your activities and about the significant issues of the day.

I was asked by our Association to present to you a *concise* statement of the problems which Tennessee broadcasters face today. I'm sure my fellow broadcasters would agree that it is difficult—if not impossible—to cover all of the problems in a brief statement, but I hope that we can convey to some extent the serious implications surrounding two or three of the major problems of broadcasters.

Before I refer to any of the problems, let me assure you that we do not come here expecting you to listen to any *purely selfish* concerns—on the contrary, we will mention only those things which we sincerely believe are a threat to the general public good as well as to broadcasters.

I hope you will not think that we overstate the case when we tell you that we believe the very continued existence of the American free enterprise system of advertiser-supported broadcasting is in *serious jeopardy*. There are those who apparently would like to see it destroyed and there are some who

would perhaps unknowingly just "regulate" it out of existence, a little at a time.

Because time is limited I shall mention only three of the major problems which plague the broadcast industry:

(1) *License Renewal Legislation* (challenges-petitions)

(2) *Journalistic Freedom* (1st Amendment rights)

(3) *Unwarranted Restrictions on Advertising* (relief from)

The first, and obviously most important problem is the need for license renewal legislation which would give direction to the FCC, the courts and to broadcasters. We are aware of the fact that most of our Tennessee Congressmen have endorsed or cosponsored license renewal legislation—and we are grateful for your support. We also know that our Tennessee Senators and Representatives occupy positions of leadership in important committees and that you can play a significant role in bringing about legislation which will be in the best interest of the public.

A reasonable license renewal bill is *essential* if our free broadcasting system is to continue. Under the present climate and under court decisions based upon un-clear and inadequate law, license renewal procedures now expose the broadcaster to all kinds of challenges and petitions, *whether or not* he is doing a good job of serving the public. He must risk losing his license to anyone who makes bigger promises (but has no record of performance)—and he must risk losing control to special interest groups who merely want to substitute their own version of what serves the public interest for that of the experienced licensee who seeks to serve *all* public interests.

All of this makes it a high risk to invest capital for improved facilities, for expanding news departments and for long-term programming commitments. Worse than financial risk is the insecure climate in which the broadcaster must exist while he attempts to build a better industry. Already a number of good people and some good companies have left the industry because of the uncertainty and the absence of any reasonable assurance that the broadcaster with a good record of community service, who has not violated the law or FCC rules—may count on staying in business at license renewal time.

We believe the *public interest*, as well as our own, requires legislation to establish appropriate license renewal rules, which would help to preserve the free system—yet at the same time preserve reasonable regulation. We need a bill which will offer some degree of stability for broadcasters. The five year renewal, rather than the current three years, is desirable, of course, provided it is not coupled with any loss of journalistic freedom.

Secondly, we need legislation which will insure the broadcaster *Journalistic Freedom*. Broadcasters' First Amendment rights are under attack and only the Congress can effectively defend them. This is far more important to the public than to broadcasters—but our industry is determined to preserve the free flow of information, without censorship or intimidation. Most of the debate concerns various forms of so-called "shield laws," to insure that newsmen need not reveal their sources of information, when to do so would dry-up the source, thereby depriving the public of information on matters of importance.

The N.A.B. proposes an unqualified, absolute shield law for newsmen. This is also the position of the T.A.B. board and most of its members. I will simply repeat that this is of great concern to *all* the people because it affects their basic right to know—one of the basic freedoms.

Third, we are concerned about the threat of more and more restrictions on advertising which is the life blood of the free broadcasting system. We do not object to reasonable rules to insure honesty and good taste and responsibility in advertising. Indeed, we applaud such rules because we must earn and deserve our listeners and viewers confidence. But some of the ridiculous proposals generally categorized as counter-advertising—if required—will indeed destroy the industry. Obviously, some of the more recent proposals of no advertising at all for certain programs—and certain products would more quickly dissolve the free broadcasting industry.

Self regulation, both in the advertising industry and in broadcasting, is the best answer and it is working and getting better all the time. The N.A.B. Code Authority has adopted new rules governing the advertising of proprietary remedies and is planning new rules for advertising directed to children. Other code changes will be made as the need arises.

In conclusion, we broadcasters are saying that we need your help—and we feel the general public needs your help—to preserve the present system of *free broadcasting*. Our system is not perfect but it's still the best in the world—and it deserves protection, under reasonable regulation, so that it may continue to improve and to serve the best interests of all the people.

UNCONSCIONABLE INCREASE IN FUNDS FOR NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Mr. PROXMIRE. Mr. President, when the bill S. 795—the authorization bill for funds for the National Foundation on the Arts and the Humanities—comes before the Senate this week, I intend to offer an amendment to cut back drastically on the unprecedented increase in funds which that bill seeks.

Under the bill, funds for the Foundation explode. They rise by geometrical proportions.

The annual increase in funds for the Foundations since its inception 5 years ago has been $20 million a year. In fiscal year 1973 they received $80 million.

But under S. 795 their funds would double from fiscal year 1973 to 1974, or from $80 million to $160 million. This is a 100 percent rise.

In both fiscal years 1975 and 1976, the annual increase would be $120 million and the total funds would rise to $400 million by fiscal year 1976.

This is both unprecedented and unconscionable.

PROXMIRE AMENDMENT

My amendment would limit the increase to $40 million a year in each of the next 3 fiscal years. That figure, far from being niggardly, is double the annual increase of $20 million which the Foundation has received in the past.

I ask unanimous consent that a table showing the funds authorized in the past and those proposed under S. 795 and under the Proxmire amendment be printed at this point in the RECORD.

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

TABLE 1.—*Actual and proposed authorizations for the National Foundation on the Arts and the Humanities for fiscal years 1969–76*

[In millions]

Fiscal year:	Amounts
1969	$22.75
1970	24.75
1971	40
1972	$60
1973	80
Proposed amounts under S. 795:	
1974	160
1975	280
1976	400
Proposed amounts under Proxmire amendment:	
1974	120
1975	160
1976	200

WHY THE PROXMIRE AMENDMENT SHOULD PASS

There are any number of reasons why the provisions of S. 795 should be defeated and the Proxmire amendment should pass.

PROPOSED FUNDS ARE EXCESSIVE

First, the funds sought by the Foundation are excessive. It is almost as much money as the $425 million the President cut from the OEO funds for fiscal year 1974.

It is five times the amount we spend for the Peace Corps.

It is twice the amount the President cut from REA funds for next year.

It is a five fold increase, not just an annual increase to overcome inflation and pay raises. This program explodes.

It is also excessive because funds just cannot be spent efficiently that fast. It is bound to bring waste if the grants to the arts and humanities rise fivefold in this short period of time.

WILL PROMOTE STALE, STERILE, AND SECOND RATE ART

Second, it will promote stale, sterile, and second rate art. Great art and artists are not universal commodities. They are unique people and unique works. There is no way to promote excellence in the arts by shoveling out the money. It cannot be done.

DANGER OF GOVERNMENT TAKEOVER OF THE ARTS

Third, there is a great danger if this expansion continues, that we will get a Government takeover of the arts in this country. That means the dead hand of Government and the dead hand of censorship over art.

We have just seen the censorship of the film "State of Siege" because the authorities had one eye on the Government and the funds they receive from the Government. This will happen time and time again if art in this country will come to depend mainly on Government support. Some Assistant Director of OMB or the chairman of a congressional appropriation committee will one day become our czar of the arts.

Art subsidized in the main by the Government will not and cannot flourish. With lesser amounts we will get both more freedom and better art.

For all these reasons, the funds proposed in S. 795 are far out of line. It should not pass in its present form.

A YOUNG SCHOOLTEACHER SPEAKS UP FOR HER STUDENTS AND AGAINST HEW

Mr. HELMS. Mr. President, completely unreasonable bureaucratic guidelines continue to go out to the school systems of this country from the Department of Health, Education, and Welfare. Most of these orders are aimed at the beleaguered school systems in the South.

Far too often, HEW demands—issued

by lower echelon bureaucrats—are made without a pose of elementary investigation. Far too often, HEW is unyielding in these demands, completely ignoring facts showing them to be unworkable.

An appalling example of this was pointed out recently in a letter to HEW, which was printed as a guest editorial in one of the finest newspapers in my State—the Goldsboro News Argus.

The letter was written by a young schoolteacher who does not mind speaking up in defense of what she believes to be in the best interest of her students.

Mrs. Lynn Riggsbee of Wayne County, N.C., a special education instructor at Fremont School, says she is tired of having to answer to HEW, and thinks it is time HEW answered to her.

She acknowledges that her class is racially identifiable. It contains 84 percent black students. Mrs. Riggsbee is white. She teaches a special class for the mentally retarded.

She says, "As anyone who has a quarter-grain of sense can tell you, mental retardation knows no racial boundaries. I love my children—all 84 percent black and 16 percent white—and it makes me happy to say they love me, too. What's more, they love each other."

Mr. President, here is a disturbing illustration of the potential harm inflicted upon innocent and helpless school children as a result of nit-picking by the HEW bureaucracy.

I commend Mrs. Riggsbee for her forthrightness and for her courage.

Mr. President, I ask unanimous consent that the guest editorial by Mrs. Riggsbee, as published in the Goldsboro News Argus, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

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

A TEACHER'S LETTER TO HEW BUREAUCRATS

(By Mrs. Lynn Riggsbee)

On last Friday, our county unit was informed by the powers that be at HEW, that seven of our schools were under fire for having "racially identifiable" classes. Of most specific interest to me was that my class was one of the classes cited as being racially imbalanced. So, after spending my weekend trying to justify my class being so proportioned, I have decided that I am tired of having to answer to HEW and since my tax dollars pay their salaries, I feel that now it's their turn to answer to me.

First, a review of the facts seems to be in order. My class is indeed, "racially identifiable." It has 84 per cent black. I am white. My class is also a special service. It is specifically designed for the mentally retarded. As anyone who has a quarter-grain of sense can tell you, mental retardation knows no racial boundaries, nor does it pay any attention to arbitrary statistical limits such as HEW wishes to impose. Too, there are many causes for mental retardation, not the least of these being cultural and economic deprivation. Unfortunately, this is the main cause of retardation in the community where I teach. And, again unfortunately, it is mostly the black children who have been so deprived. Am I to blame for this? Is my principal? Is our administration? Our only concern is that I be there for the children who need me—regardless of race—in order to help remedy a sad, but already existing situation.

But, HEW, while we sweat in the North Carolina sunshine, you sit in your air-conditioned offices thinking up questions for us to answer rather than coming to schools to see where the real problems lie. Why? Do you think that words are going to make classes run smoothly?

Yet, you seem bound and determined to undermine the education of our children (both black and white) by forcing groupings to achieve an arbitrary balance. Did it ever occur to you that a child is better off when placed on a level where he can master its skills? Isn't the ultimate aim of education for our young to enable them to become useful and productive citizens rather than a liability on the welfare rolls?

I love my children—all 84 per cent black and 16 per cent white—and it makes me happy to say they love me, too. And, what's more, they love each other. No racial tension there!!! Let's not resegregate. Integration has done so much good. But, HEW, give us the freedom to group so that education is beneficial to all—not to just a few.

Why don't you admit that maybe you are a little too stringent in your requirements? Maybe they're not doing what they were designed to do. Will you come to a classroom and see the real thing? Will you be a teacher for a day?

MINNESOTA YOUTH SYMPHONY

Mr. MONDALE. Mr. President, one of the outstanding programs for young people in my home State is the Minneapolis Youth Symphony.

This highly regarded group is one of three youth orchestras selected from a field of 40 to tour the Republic of Romania next summer. During that 3-week visit the young musicians will study with Romanian students, music educators, and citizens. A highlight of the trip to Romania will be a performance of a concert in Bucharest in honor of Romanian President Nicolae Ceausescu. This trip will provide a rare and valuable opportunity for cultural exchange which is so important to future international understanding.

The orchestra was organized in the fall of 1972. Membership is determined by audition. There are 87 musicians, ages 12 to 18, who represent 35 different junior and senior high schools within a 120-mile radius of the Twin Cities metropolitan area.

In recognition of the fine work of the symphony, Gov. Wendell Anderson proclaimed March 18–24 as "Minnesota Youth Symphony Week." During that week the orchestra performed in the rotunda of the Minnesota State Capitol Building.

I ask unanimous consent to insert in the RECORD a copy of Governor Anderson's proclamation of "Minnesota Youth Symphony Orchestra Week."

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

PROCLAMATION

Whereas the cause of world peace, understanding and goodwill has recently been greatly enhanced by a group of young Americans visiting Communist China; and

Whereas an invitation has now been extended by the Socialist Republic of Romania to the United States to send musical groups to visit their country in the summer of 1973; and

Whereas the Minnesota Youth Symphony Orchestra composed entirely of teenage musicians has been selected from forty competing groups from throughout the United States for their outstanding musical ability; and

Whereas this trip will be financed entirely by the members of the orchestra, their friends and the citizens of local communities within our state;

Now, therefore, I, Wendell R. Anderson, Governor of the State of Minnesota, do hereby proclaim the week of March 18 through March 24, 1973, as "Minnesota Youth Symphony Orchestra Week" in Minnesota, and urge all citizens of our State to join in the support of this worthwhile project.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this twelfth day of March in the year of our Lord, one thousand nine hundred and seventy-three and of the State, the one hundred and fifteenth.

WENDELL R. ANDERSON,
Governor.

EDUCATIONAL CRISIS

Mr. BROCK. Mr. President, a recent column by Joseph Alsop sounded a clear warning that a crisis in education persists in this country.

In spite of forced busing, in spite of billions of dollars, in spite of the rhetoric of the social planners, Johnny still cannot read.

Alsop's documentation of the failure of our educational system, particularly in our large cities, is a grim commentary which will, I hope, bring us to the realization that new directions and new leadership are desperately needed.

I ask unanimous consent that his column be printed in the RECORD.

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

[From the Washington Post, Mar. 28, 1973]

JOHNNY STILL CAN'T READ

(By Joseph Alsop)

It is not the sort of stuff headlines are made of, but the deepening crisis in American education is still the most ominous single feature of our political landscape. Consider the following facts:

Item: The Supreme Court has just refused to strike down the discriminatory system by which our schools are largely financed by property taxes. The court was probably wise not to order a judicially-contrived educational earthquake. But that still leaves rich school districts paying lower taxes and getting better schools, and poor school districts getting poorer schools while paying higher taxes.

Item: Only a few decades ago, New York City's school system was still a model for other big cities. The other day, however, the annual citywide reading tests showed that the New York system had once again dropped further behind in teaching the city's children the most basic and essential skill, which is how to read. The reading level has been declining continuously in the New York schools since 1965, when testing began.

Item: There is a class difference here. Queens and Staten Island children, still predominantly white and middle class, are still reading at the level of the national averages, and sometimes above. But in the overwhelmingly black Williamsburg district in Brooklyn, for instance, the boys and girls in the ninth grade are reading at the level of normal sixth graders. That means most of them will leave school effectively illiterate.

Item: Really recent exact figures are not available. But in all big cities in America, the black and Puerto Rican components in the school populations—the ones who are not learning to read, in fact—have been steadily

increasing, year by year. In most American big cities beginning on a North-South line from Chicago to New Orleans and going eastwards, the whites are now in the minority in the school populations, both in North and South.

The social meaning of this for the future hardly bears thinking about. In the last half centuries, great numbers of Americans—all the so-called ethnic groups, for instance, and the Chinese- and Japanese-Americans—have escaped from partial or total exclusion into full success in the larger American society. But these groups escaped by having the tools to escape; and reading was the first tool.

Thus the meaning of the school crisis is that our last large excluded groups, the great majorities of the blacks and Puerto Ricans, are not being given the tool they need most of all, in order to escape into equality. There is no use talking about equal opportunity, for people who cannot take advantage of opportunities, even when offered. And there are precious few opportunities in modern America for persons who leave school without the ability to read and write and figure.

So consider the future of so many of our big cities, which are getting nearer and nearer to being straight-out ghettoes half hidden behind financial and business districts! All this in sum betokens a horrifying failure of American society today, and an even more hair-raising problem for American society in the future.

Yet the soggy silence that now prevails on these subjects also has its own grim, quite current political meaning. After all, you do not look to hold-the-line conservatives like President Nixon for creative answers to vast social problems. For such answers you look—or used to look—to the liberals who want change and do not fear it.

But in the crucial area of education, as in so many other areas important for domestic policy, the American liberals have fallen strangely silent. They cannot even find the energy to challenge the nonsense of pseudo-thinkers like Harvard's Christopher Jencks, who has grandly announced that it is hopeless to expect the schools to educate the people who need education most.

The reasons for the liberal silence on education are pretty obvious, too. The slogan-think remedy of the past was school desegregation, forcible if need be, and by busing if need be. But three things have happened to make the slogan-thinkers taciturn.

Busing has proved to be a horribly hot political potato, especially with the white blue collar workers who are so vital to the Democratic Party. Most black people have turned out not to want their children bused, any more than blue collar whites want it. And even where the device has been given the fairest kind of chance, in places like Berkeley, Calif., mere forcible desegregation has turned out to do little or nothing to raise black children's reading levels.

This is a thing that can be done, and has been done, although it costs a good deal of money. It was done, for instance, very briefly, by the more effective schools program in New York City—which was killed by liberal hostility and liberal neglect, because it did not suit the slogan-thinkers. But is it really liberalism (or is it bankruptcy?) To have no problem except dismantling the country's foreign policy and national defense? All the same, that is American liberalism today.

THE PLIGHT OF VITALI A. RUBIN

Mr. CRANSTON. Mr. President, 76 Senators have now joined in cosponsoring the amendment which would deny most-favored-nation tariff treatment and Government-guaranteed credits to nonmarket countries which deny their citizens the right or opportunity to emigrate. Though the amendment speaks ostensibly of trade and economics, it is in fact the human dimension of inhumane emigration restrictions which motivates those of us who support this legislation.

It seems that almost every day we hear another report that needless misery is being inflicted on innocent men and women. The victims may be quite eminent, or they may be just people seeking greater opportunity in another country.

In this connection, I want to call the Senate's attention to one of these individuals. He happens to be an intellectual of international standing, but still a single human being endangered by an arbitrary government. His situation is hardly unique; it is sadly typical.

Vitali Rubin is a Russian Jew and a recognized authority on ancient China. In February 1972, after applying to emigrate to Israel, he was forced to leave his position at the Soviet Academy of Sciences. In July 1972, his application to emigrate was rejected. Since then, he has not been allowed to work or to publish. Mr. Rubin's case shows how the problem transcends the infamous "education tax," for he has not been able to obtain an exit permit at any price.

Throughout the world, scholars have rallied to Vitali Rubin's defense. At the recent annual meeting of the Association for Asian Studies, held in Chicago, a letter was circulated about Mr. Rubin. The efforts of this scholarly organization in this matter deserve to be better known and they deserve the support of decent people regardless of nationality or profession.

Therefore, Mr. President, I ask unanimous consent that Mr. Rubin's appeal to his fellow scholars in America and the response of the Association for Asian Studies be printed in the RECORD, together with a petition from a number of scholars of early Chinese history on Mr. Rubin's behalf.

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

THE PLIGHT OF VITALI A. RUBIN

An open letter to American Sinologists [*New York Review of Books* 19, no. 5 (October 5, 1972), p. 36]

To the Editors:

Is the scholar human?

I am asking this interesting question because after five months of waiting I have finally received the refusal of my application for permission to go to Israel. As "an important specialist" I am not allowed to emigrate.

It is not up to me to judge my quality as a Sinologist. May I list some facts concerning the fate of this "important specialist" in the Soviet Union. For the last three years I worked in the Institute of Oriental Studies of the Academy of Sciences as a temporary senior researcher although this title was never confirmed. When in January 1972 I informed my chief that I was going to apply to settle in Israel, he insisted on my leaving my position immediately. I resigned on February 1 [1972] and since then I haven't worked and cannot earn my living. All my works have since been withdrawn from printing (among them the Russian translation of the first three books of "Ch'un Ch'iu" and "Tso Chuan," with commentaries [and] the articles: "The Problem of Culture in Ancient Chinese Thinking"; "Shen Tao and Fa-chia", "Approach of Ancient Chinese Philosophers to the Problem of Power"). Orders for reviews of my book *Ideology and Culture in Ancient China* (published in 1970) in two scholarly magazines were canceled; more than this, citations and mentions of my previous works were removed from all books and articles at the printer's. The message is clear: such people as I are undesirable and are to be made non-existent in Soviet Sinology.

When Soviet authorities refuse to let Jewish scientists emigrate to Israel, they claim that these scientists have access to secret materials and that their emigration may be dangerous to the security of the state. My materials however are Chinese classics; they are no more secret than the Bible or the tragedies of Shakespeare. I am deprived of my human rights therefore because I am a scholar.

I send this letter because I hope the treatment of your colleagues does matter to you. Soviet leaders today often speak about the great importance of international cooperation among scientists and scholars, but it is difficult to understand how it is possible to appreciate knowledge and understanding and at the same time to deprive scholars of their human rights.

VITALI RUBIN.

This letter from Vitali A. Rubin, a Russian Jewish Sinologist and, until recently, a senior research worker at the Institute of Oriental Studies, U.S.S.R. Academy of Sciences, Moscow, must concern all scholars of Asian studies regardless of their area of specialization. The issue at hand is a simple one. Rubin is a specialist in early Chinese history and philosophy whose works may no longer be published, whose books and articles may no longer be quoted by other Soviet Sinologists, and whose daily life is being subjected to constant harassment as long as he is obliged to remain in the Soviet Union. This kind of "book burning" and persecution must be resisted at every stage and in every country lest it engulf us all, whatever our special field of interest may be.

Vitali Rubin was a student of history at Moscow State University when the Nazis threatened Moscow in late 1941. He volunteered for the front, was captured by the Germans, but succeeded in escaping from them after only three days. He resumed fighting, suffered from frostbite, and then, due to Stalin's suspicions of all former prisoners of war, was sent to a special labor camp where he was compelled to work in a coal mine for a year and a half. There he contracted tuberculosis of the spine. Although he was subsequently cleared of all "spy" charges, it took him years to recover his health. After the war, Rubin completed his studies in Moscow, worked as a bibliographer, and then as a researcher at the Oriental Institute. In February 1972—*over a year ago*—he announced his intention of emigrating to Israel. He immediately had to resign his position. In July 1972 he was informed that his request for an exit permit had been denied. He has thus been out of work for nearly fourteen months. As a result, not only has he been forced to sell books from his personal library in order to live but it has also become necessary for him to receive help from friends outside of the Soviet Union.

Rubin is not out of work because he is unemployable. A position is currently waiting for him in Israel. Indeed, he is a scholar who has much to contribute to the understanding of early China on an international basis. In Western languages he has published an article entitled "Tzu-ch'an and the City-State of Ancient China" (*T'oung-pao* 52 (1965), p. 8–34). His many works in Russian include "Appreciations of Confucius in Western Sinology." "Two Sources for Chinese Political Thought." "Ideology and Culture in Ancient China." "Traditions of Chinese Political Thought." "Ma□ in Ancient

Chinese Thought," and "How Ssu-ma Ch'ien Depicted the Spring and Autumn Period." (For the full references to these articles and for an evaluation of his work—an evaluation, incidentally, which places Rubin in the forefront of Soviet studies of early China—see Francoise Aubin's *compte-rendu* "Travaux et tendances de la Sinologie soviétique récente" in *T'ouna-pao* 58 (1972), p. 162–166.) And in addition there were the four works in press, now withdrawn from publication, referred to in his letter above. One of these, his translation of the first three books of the *Ch'un-ch'iu, Tso chuan*, and commentaries, would appear to be a particularly grievous loss.

This cruel and unwarranted discrimination against Rubin as a scholar has not gone unopposed. Professor Harold Z. Schiffrin of the Hebrew University of Jerusalem has already mobilized considerable support on Rubin's behalf among scholars in all areas of Chinese studies. Furthermore, some 60 scholars from 11 countries who work in Rubin's own field of interest and are thus most keenly affected as scholars by the actions of various Soviet authorities have signed a petition of protest and have cabled and written the President of the Soviet Academy of Sciences of their shock and outrage. The signers include the names of many distinguished people such as Derk Bodde, H.G. Creel, Theodore deBary, W.A.C.H. Dobson, Jack Dull, Wolfram Eberhard, Ping-ti Ho, A.F.P. Hulsewe, Edward H. Kaplan, R.P. Kramers, Donald Munro, Joseph Needham, David S. Nivison, E. G. Pulleyblank, Allyn Rickett, Moss Roberts, Edward Schafer, Benjamin Schwartz, Burton Watson, William Watson, Arthur Wright, and Erich Zurcher. Copies of the petition and the list of signatories were forwarded to Academician M.V. Keldysh, President of the U.S.S.R. Academy of Sciences (in January) and to Academician Lev P. Delusin, Head of the Oriental Institute's China Section (in February). No response has yet been received from either of them. Letters also have been sent to several United States Senators concerned with this type of problem. In general, they share our outrage but are not optimistic about the ability of the Senate to influence Soviet policy in this matter.

The Association for Asian Studies, according to Article II of its Constitution, is a scholarly, non-political organization designed to promote the "scholarly study of Asia," "to provide means for the publication of scholarly research and other materials designed to promote Asian studies," "to promote the exchange of information within the field of Asian studies in North America," and "to facilitate contact and exchange of information between scholars and scholarly organizations in North America interested in Asian studies and those in other countries." The actions of the Soviet authorities, whatever their political nature or intent may be, threaten the very objectives for which the Association for Asian Studies was formed. It is our belief, therefore, that each and every member of the AAS has a personal responsibility to defend Rubin and other scholars in a similar plight. In doing so, members protect the scholarship which the AAS seeks to promote as well as their own interests.

We strongly urge you, therefore, to assist Rubin in the following ways:

(1) To attend the General Business Meeting of the AAS (4:30 p.m. Friday, March 30, in the Grand Ballroom on the Fourth Floor) where the immediate issue of Rubin's plight and the general issue of academic freedom may be discussed, particularly if the AAS Board of Directors is unable to take appropriate action on these matters;

(2) To attend the meeting of the Committee on Professional Issues (4:00 p.m. Saturday, March 31, in Private Dining Room #7 on the Third Floor) where the issue of Rubin's plight and the general issue of academic freedom will definitely be raised;

(3) To join in our appeal to relevant authorities by

(a) Signing the attached petition, copies of which will be circulated in this country and abroad, and returning it directly to Professor David Keightley (Department of History; University of California; Berkeley, Calif. 94720);

(b) writing on Rubin's behalf directly to:

Academician M. V. Keldysh, President; U.S.S.R. Academy of Sciences; Lenin Prospekt 14 Moscow, U.S.S.R.

Academician Lev P. Delusin, Director; Section for the Study of China; Institut Vostokovedeniia AN SSSR (Institute of Oriental Studies), Armianskii Per. 2; Moscow, U.S.S.R.

and any Soviet Asian scholars whom you may know. When urging that Rubin be allowed to emigrate immediately with his family, please sign your letters with an indication of your full title and institutional affiliation.

(4) To write to your congressmen, the State Department, and the International Research and Exchange Board (110 East 59th Street, New York, N.Y.) which administers the Soviet-American Exchange Program, asking them to intercede on Rubin's behalf;

(5) To send letters of encouragement and support *by registered mail* directly to Vitali A. Rubin (Telegrafnyi P.7, KV. 13; Moscow Center, U.S.S.R.);

(6) To assist us in covering the expenses incurred on Rubin's behalf by sending contributions to David Keightley together with the signed copy of your petition. Any funds that go unspent will be sent to Rubin in c/o Professor Harold Schiffrin.

Thank you very much for your response to this appeal and for your generous cooperation.

DAVID N. KEIGHTLEY,
University of California (Berkeley).
RHOADS MURPHEY,
University of Michigan.
HAROLD Z. SCHIFFRIN,
Hebrew University of Jerusalem.
FRANK J. SHULMAN,
University of Michigan.

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, Calif., January 29, 1973.

ACADEMICIAN M. V. KELDYSH,
President, U.S.S.R. Academy of Sciences,
Lenin Prospekt 14, Moskva.

DEAR ACADEMICIAN KELDYSH: I am writing you to express my concern, and the concern of many fellow Sinologists throughout the world, about the apparent fate of Vitali Rubin. The enclosed petition, which has so far been signed by over 40 Sinologists from 6 countries, indicates the strength of that concern. I will be ready to send you the signed petitions at a later time, but I will here simply list the names and institutions of those who have signed:

Wm. Theodore de Bary (Columbia University).
I. d'Argencé (Avery Brundage Collection).
Lester Bilsky (University of Arkansas).
Barry Blakeley (Seton Hall University).
Walter R. Bleckmann (Kutztown State College).
Derk Bodde (University of Pennsylvania).
Anneliese Gutkind Bulling (Columbia University).
Chun-shu Chang (University of Michigan).
Doris Dohrenwend (Royal Ontario Museum).
W. A. C. H. Dobson (University of Toronto).
H. G. Creel (University of Chicago).
Jack Dull (University of Washington).
Wolfram Eberhard (University of California).
Chauncey Goodrich (University of California).
A. F. P. Hulsewe (University of Leiden).
Ping-ti Ho (University of Chicago).
David Johnson (Columbia University).
Robert A. Juhl (Buena Vista College).
Edward H. Kaplan (Western Washington State College).
David R. Knechtges (University of Washington).
R. P. Kramers (Zurich University).
Yu-sheng Lin (University of Wisconsin).
Sally Merrill (University of Indiana).
Stanley J. Mickel (Wittenberg University).
Donald Munro (University of Michigan).
David S. Nivison (Stanford University).
Jordan Paper (York University).
M. Pirazzoli-t'Serstevens (Musée Guimet).
E. G. Pulleyblank (University of British Columbia).
Allyn Rickett (University of Pennsylvania).
Moss Roberts (New York University).
Michael C. Rogers (University of California).
Henry Rosemont, Jr. (Brooklyn College).
Edward H. Schaefer (University of California).
Wayne Schlepp (University of Wisconsin).
Benjamin Schwartz (Harvard University).
Tao Tien-yi (University of Hawaii).
Laurence G. Thompson (University of Southern California).
Wei-ming Tu (University of California).
Burton Watson (Columbia University).
Howard J. Wechsler (University of Illinois).
Ernest Wolff (University of Illinois).
Edmund H. Worthy (New Asia College).
E. Zürcher (University of Leiden).

As you will see, these are mainly scholars in Rubin's own field of scholarship. They are not ideologues or people who normally sign political petitions. We know that violations of academic and human freedom take place throughout the world; my own country is certainly not free from blame in this regard. None of us have any desire to embarrass the Soviet Union or the Academy of Sciences by public criticism that could be construed as political in its intent. Our concern is primarily scholarly and humanitarian.

As a scholar yourself, you will surely feel the sense of shock and outrage that we all feel when a man's scholarship and his career as a scholar are condemned for reasons quite extraneous to his work. It is particularly sad that Rubin should be treated in this way at precisely the moment when Francoise Aubin's welcome *compete-rendu*, "Travaux et tendances de la sinologie soviétique récente," in the recent 1972 issue of *T'oung Pao*, devotes a significant part of its attention to Rubin's work. Discrimination against Rubin does a disservice to Sinology throughout the world; it sheds no lustre on the good name of Soviet scholarship.

Other scholars will undoubtedly add their names to the above list and I shall keep you informed of our concern. Eventually, the petition will have to be made public in various ways, one of which, you will see from the petition itself, concerns the International Congress of Orientalists meeting in Paris in July, 1973. It is my sincere hope, however, that such publicity will not be necessary. We are not concerned, let me repeat, with embarrassing the Soviet Union or the Academy of Sciences. We are concerned primarily with Rubin's freedom to live and work as a scholar.

I would appreciate hearing from you about this sad affair. Anything that you can do to convey to the Soviet authorities finally responsible the indignation felt by scholars (and their students) throughout the world, will be greatly appreciated. A response from you will help us all to understand the situation, and to evaluate Rubin's chances for a resumption of his scholarly career, a resumption which I earnestly hope will take place soon.

Sincerely yours,

DAVID N. KEIGHTLEY,
Assistant Professor.

A PETITION

We the undersigned scholars of early Chinese history are gravely concerned by the appeal of the Russian Sinologist, Vitali Rubin.

As a result of his application (which has so far been rejected) to emigrate from the Soviet Union to Israel, he has apparently lost his job in the Institute of Oriental Studies of the Academy of Sciences in Moscow, his works have been withdrawn from print, and citations to his already published writing have been removed from works now in press. (See his letter to the *New York Review of Books*, October 5, 1972, p. 36.)

This refusal to let Vitali Rubin work or publish diminishes the scope of Chinese studies, not only in Soviet Russia, but throughout the world. No government should deny an internationally known scholar the right to choose where he will live and work.

In the interests of our profession, of academic freedom, and of human rights, we therefore petition the proper Soviet authorities to permit Vitali Rubin to resume his sinological studies, and emigrate if he so desires.

The 29th International Congress of Orientalists will be held in Paris in July, 1973. In the event that no satisfactory response to this petition has been received by that time, we are prepared to call for an enquiry into Vitali Rubin's situation, to determine the extent to which the Institute of Oriental Studies in Moscow is responsible for this deplorable violation of academic and human rights.

THE USE OF HERBICIDES FOR AGRICULTURAL PURPOSES

Mr. MONDALE. Mr. President, Senator NELSON has made an important environment statement concerning the use of herbicides for agricultural purposes. In his speech, he outlines the nature of some of the problems that arise in the use, overuse, misuse, or abuse of chemicals introduced into the marketplace without adequate studies on the question of safety and without any understanding of the environmental ramifications of their use.

Senator NELSON delivered his speech at the annual pesticide conference in Madison, Wis., where he also announced that the Environmental Protection Agency had informed him that they intend to cancel registration of the herbicide 2,4,5–T for rangeland use.

The herbicide 2,4,5-T was used extensively in Vietnam where millions of acres of forest and cropland were destroyed by defoliation. The Department of Defense terminated the use of 2,4,5-T after scientific tests confirmed its extreme toxic and teratogenic effects. And last August, Senator NELSON revealed that a Missouri helicopter firm had sprayed 2,4,5-T over about 1,000 acres of hillsides and bluffs along the Wisconsin River on the northern edge of Grant County, Wis.

Mr. President, I ask unanimous consent to have the full text of Senator NELSON'S speech, "The Use of 2,4,5-T for Rangeland Management," and the letter concerning cancellation of 2,4,5–T, received from EPA dated January 11, 1973, be printed in the RECORD.

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

THE USE OF 2,4,5-T FOR RANGELAND MANAGEMENT

(Statement by Senator GAYLORD NELSON, Pesticide Conference—Madison, Wisconsin January 17, 1973)

The controversy over the use of 2,4,5-T represents both the typical and classic case concerning the public policy questions at issue whenever it is proposed to introduce a new and active agent into the marketplace. The issue is the same whether the products involved are pesticides, herbicides, food additives, prescription drugs or toxic substances produced or used in the industrial process. The major public questions raised involve such important matters as safety, efficacy and risk benefit ratio.

The dramatic proliferation of the use of these agents in foods, drugs, herbicides, pesticides and industrial production is a recent phemonenon. While it is certainly true that many of these agents have significantly, even spectacularly, improved health care, the preservation of food, agricultural production, and industrial production, it is also true that many of these agents are dangerous, useless, or both, and many other useful agents are widely misused or overused and present serious environmental and public health hazards.

While we have been prolific in the development, production and use of a multiplicity of potent "miracle" agents, we have been derelict in establishing a sound protocol for testing their safety and efficacy and controlling their use. It was not until 1938 that we passed legislation requiring scientific proof of safety for drugs and not until 1962 that we added the requirement of effectiveness. Legislation establishing genuinely effective controls over food additives, herbicides, pesticides and toxic substances has lagged far behind. Finally Congress has begun to recognize the problem and pass legislation establishing better standards of scientific proof for safety and efficacy as well as controls over marketing and use.

Everyone is aware of the controversy over the use of 2,4,5-T for pastureland improvement. The proponents of its use, including some scientists at the University of Wisconsin and elsewhere as well as the Sponsors of Science, Inc., take the position that 2,4,5-T has been adequately tested for safety and presents no problem from that standpoint. No one doubts that the proponents are conscientious and sincere and there is no quarrel over the objective of designing better techniques for pastureland improvement so long as they are environmentally sound.

Furthermore, no valid criticism lies against the farmers who have used 2,4,5–T. They after all, are entitled to rely upon the government to set the standards for safety, licensing and use.

Nevertheless, contrary to the position of the proponents it is quite clear that adequate safety studies have not been made on 2,4,5–T. This product contains dioxin, the most toxic synthetic agent known. Since it is present in only very, very small amounts this fact has induced considerable unjustified complacency about its use. It is also dangerous in very, very small amounts, both as a toxic and teratogenic agent.

Some information about its toxicity is relevant at this point.

Next to botulinum toxin, dioxin is the most toxic agent known to man. In laboratory tests, only 6 parts of dioxin per ten billion parts (bodyweight) was lethal.

The Science Policy Research Division of the Library of Congress made an extrapolation for us which showed that assuming a lethal dose in experimental animals is directly equivalent for man, then one medicine drop of dioxin would kill 1,200 people.

Not only is dioxin extraordinarily toxic, it is also teratogenic. Dr. Jacqueline Verrett of the Food and Drug Administration reports that in chick and mammaliam studies, dioxin is "some 100,000 to a million times more potent" than the tranquilizer thalidomide which caused a large number of birth defects in Europe.

Dr. Matthew Meselson, of Harvard, headed the Herbicide Assessment Commission of the American Association for the Advancement of Science. That Commission went to Vietnam to study the impact of defoliation which included the use of 2,4,5–T. Dr. Meselson has devoted the past several years to developing sophisticated methods for detecting dioxin. I spoke at length with Dr. Meselson. He stated that "because of the slow acting nature of the dioxin, because of the susceptibility of the young, I myself would consider that the traditional safety factor of 100 should be increased so that in my own opinion I would say that we should strive to have no more than one part per thousand billion of dioxin in our own bodies." "But I do believe," he said "that from a toxicological point of view that we have an unparalleled problem here. We've been a little bit hypnotized by hearing that there is no more than even a tenth of a part per million of dioxin in the current production batches of 2,4,5–T. We've been hypnotized into thinking that that must be negligible. And it is a welcome improvement, I'm sure. But I'm not at all sure it is negligible. It may, in fact, be quite serious."

Last year in a letter to William D. Ruckelshaus, Administrator of the Environmental Protection Agency, Dr. Meselson stated that ". . . there are simply no existing measurements showing that dioxin levels in human tissue and in the food chain in areas where 2,4,5–T has been used are below the levels that might constitute a public health hazard."

Proponents of this agent, nevertheless, assert that there are adequate scientific studies. The fatal flaw in the proponents assertion lies in the fact that questions remain to be answered in two major areas of concern. 1) We don't know the effect on living creatures of long-term, low level exposure of dioxin. And 2) we don't know whether bio-magnification occurs and if so, what is its significance.

Dr. Matthew Meselson has stated categorically that "there's no monitoring program anywhere in the world for dioxin in the tissues or in food."

And on the important question of bio-magnification, adequate studies have not been conducted. If bio-magnification does occur it presents a potential environmental and public health hazard of the first magnitude. Bio-magnification was one of the major problems involving DDT. What may have been an innocent amount of DDT at the beginning of the food chain increased geometrically up the food chain until it became a lethal concentration for some creatures at the end of the food chain.

In one 1966 University of Wisconsin study of DDE, the persisting environmental breakdown form of DDT, one part of the pesticide in the sediment of Lake Michigan multiplied to 40 times that amount in the body of small invertebrates. It jumped to 370 times that amount by the time it reached the alewives in the food chain. And at the end of the food chain, the herring gull contained 16 thousand times the amount of DDE that was originally found in the Lake's sediment.

Here is what the Herbicide Assessment Commission of the American Association for the Advancement of Science had to say on the question of the potential hazard of dioxin in 2,4,5-T:

Its potential importance lies in the fact that it is exceedingly toxic, may be quite stable in the environment, and being fat soluble, may be concentrated as it moves up the food chain into the human diet.

The National Science Foundation, the National Academy of Science, and the Library of Congress advise me that they are unaware of any adequate scientific studies on the question of biological magnification of dioxin.

The U.S. Department of Agriculture has recently made a preliminary study of biological accumulation of dioxin in an aquatic environment, which indicates that biological magnification does occur.

For emphasis I repeat that most of the tests that must be done before we know where we stand have not yet been done. There is *no* relevant information on dioxin in food and human tissue. There are *no* adequate studies on long-term toxicity even in lab animals. And there is only one preliminary study of bio-magnification and it shows that it *does* occur.

There is a very fundamental public policy issue at stake here which, it seems to me, we must confront headon. The issue is this: are we going to permit the widespread use of potent and toxic agents without requiriing prior adequate scientific safety tests? From the public interest standpoint, it seems to me there is no way to answer that question except in the affirmative. We have had ample tragic experience with the widespread use of potent agents without having required prior scientific studies.

My recommendation last fall that 2,4,5-T should be withheld from use until adequate safety studies have been performed has been widely criticized as irresponsible by proponents of its use. My conclusion was not based upon any independent scientific expertise of my own. I have no such credentials and claim none. It was based upon extensive exploration of this issue with distinguished scientists knowledgeable in the field.

You will be interested to know that the scientists at the United States Environmental Protection Agency have reached a conclusion exactly opopsite from that reached by those professors at the University who have been vocal in their criticism of my position.

The Environmental Protection Agency informed me last week that they intend to cancel the use of 2,4,5-T for rangeland purposes. They state that the cancellation would apply to the kind of pastureland treatment for which it has been used in Grant County. They advise me that:

"We have not been able to establish a finite tolerance for this use . . ."

That cancellation would go into effect this month except for an injunction issued against the Agency involving a lawsuit over an entirely different use of 2,4,5-T. However, the Environmental Protection Agency has advised my office that once that lawsuit is concluded and the injunction lifted they will cancel the use of 2,4,5-T for rangeland purposes.

It is instructive to note that the scientists at the Environmental Protection Agency after reviewing all the available scientific studies as well as all information supplied by the manufacturer concluded that there was not sufficient scientific evidence available to enable them to establish a safe tolerance level.

This is exactly the point at issue. This is what the controversy is all about.

Herbicides and pesticides are valuable and useful tools properly used, in proper amounts under appropriate circumstances. However, they cannot serve the best interests of the farmer, agriculture or the public if they are overused, misused or introduced into the marketplace without adequate studies on the question of safety and without any understanding of the environmental ramifications of their use.

Unfortunately we have not followed these sensible guidelines very well in the past. I would hope we would do better in the future.

When appropriate scientific studies have been made it may well be that a safety tolerance level can be established. If so, the EPA no doubt will authorize its use under proper standards and guidelines. If such safety tolerance levels cannot be established, obviously it should not be used.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., January 11, 1973.

Senator GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: This will confirm a telephone conference on January 5, 1973, between Miss Paula Stern of your office and Mr. Douglas Campt of this Agency regarding the herbicide 2,4,5–T. You will recall that at your request this Agency made available to your office last week certain information relating to the toxicity of this herbicide.

Miss Stern, in the telephone conversation with Mr. Campt, inquired as to whether certain feeding studies on the chemical were available. Mr. Campt responded that there are feeding studies that are a part of a petition for tolerance resulting from use of the chemical on range grass submitted by the Industry Task Force on Phenoxy Herbicides. We have been advised by our Office of the General Counsel that this information is not available since the Food, Drug and Cosmetic Act requires it to be held confidential until a regulation is issued.

Miss Stern then inquired as to the current status of the registration of 2,4,5–T on range grass. She was informed that the use is currently registered as a no-residue use; however, the phase-out of the "no residue zero tolerance" concept would require cancellation of registered products bearing this use unless finite tolerances are established. We have not been able to establish a finite tolerance for this use and registrations would be subject to cancellation during this month. However, our General Counsel has advised that U.S. District Court Judge Oren Harris' order enjoining the Agency from conducting hearings or dealing with any administrative proceeding concerning 2,4,5–T would preclude our taking cancellation action at this time.

We are enclosing for your information copies of PR Notices 70–29 and 72–4 in addition to a copy of the NAS–NRC report on "No Residue" and "Zero Tolerance" dated June 1965. These documents will give the background on the phase-out of "No Residue" uses.

Thank you for this opportunity to further clarify our position in this matter.

Sincerely yours,

GARY BAISE,
Director, Office of Legislation.

PLASTIC GARBAGE ON AN ALASKAN ISLAND

Mr. STEVENS. Mr. President, the March 30 issue of the U.S. Department of Commerce publication, NOAA Week, bannered a story "NMFS Finds Tons of Plastic Debris on Alaskan Island." It describes how plastic garbage—synthetic fish nets and ropes, gillnet floats, miscellaneous bits of trash—discarded and lost by foreign fishing fleets are floating in the waters, littering the beaches, injuring and killing the creatures of the North Pacific.

Ironically, the observations cited in the article were made at Amchitka Island, the scene in November of 1971 of controversial testing by the Atomic Energy Commission. Thousands of persons demonstrated their opposition because they were alarmed at serious damage they mistakenly thought the testing might cause the area's environment and its living creatures. Now it has come to pass that like damage has indeed been inflicted—by foreign fishing fleets. Apparently because this is less dramatic than a nuclear blast, the situation is continuing with little notice.

In view of the relative lack of concern over the existing situation at Amchitka, I ask unanimous consent to provide a measure of recognition by publication in the RECORD of the article from NOAA Week.

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

NMFS FINDS TONS OF PLASTIC DEBRIS ON ALASKAN ISLAND

The National Marine Fisheries Service has found that thousands of pieces of plastic, ranging from tiny scraps to lengths of fishnet 100 feet long, litter Alaska's remote Amchitka Island beaches. The NMFS estimates that about 24,000 plastic items, including 12 tons of trawl web and perhaps 7,000 gillnet floats, have washed up along 60 miles of Amchitka beaches.

The estimate is based upon items found by NMFS during surveys of 6.2 miles of shore between last April and October to obtain information on the kinds and extent of plastics littering the beaches of the North Pacific Ocean and the Bering Sea. The surveys were incidental to other fisheries programs underway in the area.

This discovery comes on the heels of the announcement by NOAA in mid-February that oil globules and plastic debris in massive proportions were found in nearly 700,000 square miles of ocean water from Cape Cod to the Caribbean, becoming part of the habitat of countless numbers of prized game and commercial fish species.

That announcement was made following analysis of results of three cruises by NOAA vessels as part of the Marine Resources Monitoring, Assessment, and Prediction Program (MARMAP).

Most plastics are not readily biodegradable; that is, they do not break down into harmless components by biological action, so that once introduced into an environment they remain indefinitely.

Plastic garbage dumped into the world oceans has obvious physical effects on man and other creatures. Fishing vessels have been disabled when propellers were entangled in floating synthetic ropes and nets; diving sea birds and fish have been captured in scraps of netting; fur seals and other marine mammals are injured or drowned when caught in derelict nets; and some species of sea birds eat bits of floating plastic, presumably mistaking them for morsels of food.

Most of the contamination of Alaska waters by plastics is believed to be from foreign fishing vessels. The problem has been discussed in recent bilateral meetings with Japan and the Soviet Union on fisheries operations in the North Pacific Ocean and in the Bering Sea. It was agreed that contamination of the high seas is a growing and serious problem and that efforts would be made by the three nations to help reduce it.

COMMUNITY NUTRITION AGENCY OF HUDSON COUNTY

Mr. CASE. Mr. President, last year both the Congress and the President made clear their intent to reach every needy child under the national school lunch program.

An innovative demonstration program has been proposed for Hudson County, N.J., which currently provides only 8,500 school lunches daily, even though there are 92,517 public school

children and 36,500 parochial school children eligible to participate in the national school lunch program.

I have urged the Department of Agriculture to fund promptly the Community Nutrition Agency of Hudson County. I ask unanimous consent that my letter to the Department of Agriculture be placed in the RECORD. I also ask unanimous consent that a letter from the Community Nutrition Agency of Hudson County also be printed in the RECORD.

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

HERBERT D. ROREX,
Director, Child Nutrition Division,
Department of Agriculture,
Washington, D.C.

DEAR MR. ROREX: I am writing to you to urge the Department of Agriculture to fund the Community Nutrition Agency of Hudson County, New Jersey. The objective of the agency, a non-profit corporation, is to provide meals to schools without cafeterias or other serving facilities in Hudson County.

In the past few years New Jersey has made substantial progress in implementing the National School Lunch and School Breakfast programs. For example, participation rates among those entitled to free meals in the program are uniformly high throughout most of the state. In Essex County, next door to Hudson, participation rates among needy children are currently 88 percent, while Hudson serves less than 25 percent of those children entitled to free meals. And only one child in ten of the 92,500 school children in the county receive lunch free or paid under the Federal program.

The Community Nutrition Agency, which has been supported by the Hudson County Model Cities program, the New Jersey State Bureau of Food Program Administration in the Department of Education, and the Office of Economic Opportunity, is now prepared to go ahead and provide a well-rounded nutrition program for the children of Hudson County.

This Agency will help fulfill the commitment of both the Congress and the President, as made clear last year in the passage of the 1972 School Lunch Amendments, that every needy child shall receive the food he needs under the Federally sponsored children's feeding programs.

Any expansion of the School Lunch program will, of course, involve an additional expenditure of Federal funds. However, CNA will operate more efficiently than most school feeding programs since it will be a centralized feeding system using the latest techniques for effective meal delivery. CNA will also be able to administer the Federal Summer Feeding program as part of its continuing operation.

I am sure that once this Agency is underway it will receive the support it needs from the various school districts of Hudson County. Already CNA has received from Union City a letter of intent to initiate a pilot program this year and an expanded program next year if the program is a success. The State's Bureau of Food Program Administration assures me, moreover, of the feasibility of the program and its desire to provide technical assistance to make the initial start a success.

The State Bureau will also provide necessary liaison and advice to local schools who desire to join the program.

CNA is a demonstration program well within Congress' intent to reach every needy child under the School Lunch program.

I urge you to act promptly.

Sincerely,

C. P. CASE,
U.S. Senator.

COMMUNITY NUTRITION AGENCY,
Hoboken, N.J., April 9, 1973.

HERBERT D. ROREX,
Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. ROREX: I wish to thank you for giving us the opportunity to discuss our special developmental funding proposal with you and members of your staff last Friday.

We submit the following additional information to supplement our proposal and to respond more fully to some of the questions raised at the meeting.

PROJECT BENEFITS TO FOOD INDUSTRY

With only about 8,500 of the county's 92,517 public and 36,530 parochial school students receiving school lunches, there is a very substantial food service market (potentially in excess of 100,000 meals per day) which is not being reached under the existing organizational structure for school lunches. The expansion of participation in the National School Lunch and other child nutrition programs contemplated as part of the proposed project (and the further expansion which the project will facilitate) will provide an opportunity for food service companies to supply pre-packaged meals on a scale far beyond the present level.

To put this potential market in perspective, one of the better-known companies producing pre-packaged school lunches currently supplies only 30,000 lunches daily to all of its customers on the Eastern seaboard.

TECHNICAL ASSISTANCE

In the development of the project, the Community Nutrition Agency has utilized the consulting services of Roslyn Willett Associates, New York, N.Y. for the preparation of food service equipment schedules and menus. In addition, we have available to us the guidance and counsel of the New Jersey Bureau of Food Program Administration which monitors the project, as well as that of Professor Paul Lachance and the staff of the Food Science Department at Rutgers.

As the need arises in the installation of our program in specific schools, we expect to utilize these and other consultants in such areas as developing training programs for nutrition aides and other staff and in food systems engineering. When the scale of our program permits, we expect to add staff with these capabilities.

OTHER FEEDING PROGRAMS

The focus of the proposed project is primarily on the expansion of school lunch participation. Beyond the scope of the present project however, it is anticipated that the Community Nutrition Agency will play a major role in school breakfast, summer feeding, and other child nutrition programs as well as provide meals for senior citizens and other social groups under other publicly and privately sponsored programs.

As an agency with year-round concern with improved nutrition, CNA can provide the continuity, stability, and skills needed to assure economical and efficient food service operations.

HUDSON COUNTY DEMOGRAPHIC CHARACTERISTICS

In the selection of Hudson County as the site for the project, the New Jersey Department of Education's Bureau of Food Program Administration was influenced by the high incidence of poverty and related problems among the county's 609 thousand residents and the advantages—economic as well as nutritional—that the project could bring. Some of the indicators of need are shown below.

One in eleven of Hudson County's 160,000 families has an income below the poverty level. In 1970, median family income in Hudson was $9,698—lower than all but four of New Jersey's 21 counties. Median family income in Hoboken was only $7,786.

There are heavy concentrations of economically depressed families in several parts of Hudson. Sixteen percent of Hoboken's families and 10 percent of those in Jersey City and Union City are below the poverty level.

Education levels are similarly low. Among Hudson's adults over the age of 25, only half had completed 10 years of schooling, and only 36 percent were high school graduates. Median years of education were 8.7 years in Hoboken and 8.9 years in Union City and West New York.

The county's highest school drop-out rates (21 and 22 percent) were found in Hoboken, Jersey City, and Union City.

One-third of the county's 14,456 poverty families were black or Puerto Rican. One-fifth (2,720) of Hudson's black families and one-fourth (1,979) of the county's Puerto Rican families were below the poverty level.

I hope this information will be useful in the evaluation of our project proposal.

Please call upon me if I can provide any additional material.

Sincerely yours,

VINCENT FINNERAN,
Executive Director.

TRADE REFORM

Mr. BENNETT. Mr. President, President Nixon has today sent the Congress his Trade Reform Act of 1973. This legislation is essential and should receive the immediate attention of Congress if we are to maintain a competitive position in world trade.

There has been great impetus for improving the American position in world trade since the late 1960's. Following World War II, our main concern was strengthening and restoring the competitive position of our European allies and Japan. Existing international economic rules and practices were developed in the immediate postwar period to guard against the disastrous conditions which existed during the 1930's, and to assist postwar rehabilitation. Since this period, most developed countries have been following policies tending to produce trade and payments surpluses. After the most difficult of the postwar reconstruction was accomplished, West European countries and Japan established policies to achieve full employment by promoting exports and curtailing imports. However, these nations long ago achieved this goal, but the policies that generated trade surpluses remain in effect, in great measure because those groups which have done so well under them are naturally reluctant to give them up.

At the end of World War II the United States could easily afford these policies because of our position of worldwide economic dominance. We maintained a position of dominance into the 1960's, but our position naturally declined as other nations rebuilt. A decade ago our trade surplus was averaging more than $5 billion annually, an amount large enough to allow us to spend substantial amounts abroad to meet political and military objectives without undermining our balance of payments. We could also afford a balance-of-payments deficit of several billion dollars a year without problems because the world economy needed dollars to handle the growing volume of international economic transactions . . . in addition, because of

our strong international economic position, and because we had a vested foreign policy interest in the recovery of Western Europe and Japan, we tolerated certain foreign trade practices which restricted our ability to export.

However, conditions are radically different today. Our political rationale for tolerating unfair trading practices on the part of Japan and Western Europe no longer exists. The improved capabilities of our trading partners have given us new competition at home and abroad.

While all nations of the world benefited from the post-World War III pace of economic growth and trade for the first time in 100 years, U.S. imports have grown faster than exports over a sustained time period. The difference in growth rates was small until the mid-1960's, and as a consequence we maintained trade surpluses averaging about $5 billion annually between 1955 and 1965. Since then, although our export growth has been well maintained, our import growth has soared and therefore, our net trading position has rapidly deteriorated. We incurred our first deficit of the century in 1971, when our imports exceeded our exports by $2 billion. In 1972 this deficit worsened, totaling $6.4 billion. This adverse swing in trade during 1964–72, can be attributed to a few major product categories: motor vehicles and parts, steel products, textiles, clothing and footwear and consumer electronic goods. This surge of imports has not only hurt our balance of trade, but has affected American industry in specialized areas. Some industries are especially affected by trade, and sudden shifts in trade can have dramatic consequences on domestic U.S. enterprises and jobs in certain industrial or geographical areas.

To overcome these problems requires that we take action here at home and abroad through international agreements. At U.S. initiative, the world's major trading nations have decided to work toward multilateral trade negotiations to begin in late 1973. These negotiations will be difficult and take some time to complete; however, it is of great concern that we provide the President with the new authority he needs to fashion a vehicle for our international trade which is responsive to the needs of the 1970's, and to replace the expired authority of the Trade Expansion Act of 1962.

The administration's bill is responsive to the trade and other economic problems of today's world. It is conceived in the knowledge that we live in a world of rapid change and in which the amazing growth of world trade has brought more international interdependence than ever before. The bill is carefully gaged to dampen and eliminate the frictions and tensions that have arisen in our international economic relations.

Most important of all, the administration's bill responds to U.S. needs, as we in the Congress see them. It requests tariff authority sufficient to free trade and to attack the problem of tariff discrimination. A basis would be provided for negotiating away the vast complex of Government measures which are nontariff barriers. Agriculture, a sector of international trade greatly affected by nontariff barriers, will be foremost in our minds, fully aware that we enjoy therein a strong international competitive advantage. The bill recognizes that labor and industry need better legislative assurances, than are now provided, that serious injury or the threat thereof from imports will be dealt with more expeditiously. The President will be authorized to cope better with unfair trade practices and unfair competition confronting American firms and workers. We are being asked to provide a basis for the President to capitalize on his momentous moves with regard to the Communist countries through the extension of most-favored-nation treatment. Finally, the bill would fulfill this Government's promise to share, with our major trading partners, in a meaningful and mutually advantageous system of tariff preferences for developing countries.

In summary, I believe it is essential that the Congress give this legislation its direct and foremost attention and move quickly in the best interest of the Nation.

THE U.S. JAYCEES AND THEIR EFFORT TO ELIMINATE HUNGER AMONG CHILDREN IN OUR SCHOOLS

Mr. MONDALE. Mr. President, several days ago I met with Mr. Robert M. Benedict and Mr. David Jones, two dedicated and capable individuals who are working with the U.S. Jaycees in an effort to eliminate hunger among children in our schools.

Headquartered in Minnesota, this project by the U.S. Jaycees is directed toward expanding Federal child-feeding assistance to the 18,000 schools throughout the United States which currently have no school lunch program.

As a recent staff report by the Select Committee on Nutrition and Human Needs pointed out, "The single greatest obstacle to completing our task of feeding the hungry children of our Nation a free or reduced price school lunch is the lack of proper facilities in about 18,000 of our Nation's 100,000-plus schools."

I believe that the Federal Government must take all possible steps to assure that needy youngsters in these schools receive nutritious meals. I am hopeful that Congress will appropriate the full $40 million authorized for nonfood assistance in fiscal 1974 so that "no program" schools can begin serving meals to hungry youngsters. I believe that we also should stipulate that the full amount appropriated for this program be spent in fiscal 1974.

I commend to my colleagues in the Senate a paper prepared by Bob Benedict outlining the urgency and importance of providing proper nutrition for our Nation's children.

I should also like to place in the CONGRESSIONAL RECORD a copy of a letter which I sent to the U.S. Jaycees Center for Improved Child Nutrition in Bloomington, Minn., expressing my thoughts on the great value of their leadership in this field.

Mr. President, I ask unanimous consent that the following documents be printed in full in the RECORD.

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

EXPANDING THE SCHOOL LUNCH PROGRAM

(By Robert M. Benedict, Chairman, Jaycee School Lunch Committee)

The following provides an explanation of the rationale for the U.S. Jaycees' advocation of expanding the School Lunch Program.

The first can be labeled as a humanitarian concern. We were amazed, and indeed angered, to read the results of such nutritional studies as "Hunger USA," "Their Daily Bread," "Still Hungry in America," and the hearings of the Senate Select Committee on Nutrition and Human Needs. That American children should be suffering the diseases of malnutrition in a country that has:

A. Spent $36 billion dollars in farm subsidies in less than a decade to rid itself of abundance;

B. Spent $150 billion dollars in foreign aid since 1945 to assure the progress of future generations in other countries;

C. Spent $160 billion dollars since 1954 in assuring the future of Vietnamese children.

That this nation cannot afford to invest fully in our own children's nutrition, seems to us incredible. I use the word invest because most of us in the Jaycees are businessmen. We are not willing to see the taxpayers' money spent on every program that comes along, unless it shows solid prospects for a good return. Yet after careful examination and consideration, we are clearly sold on expanding the School Lunch Program for a number of very practical and, we believe, frugal reasons:

1. This nation spends $40 billion dollars each year on elementary and secondary education[1] to prepare our young people to take a productive and meaningful place in society. But at least three recent nationwide surveys have demonstrated the futility of this if the children come to school hungry. A hungry child is not concentrating on his studies, no matter how good they might be or how much we spend on them. He's thinking about that empty, gnawing craving in his stomach that is so relentless in its pain and devastating in its result.

"Teachers and principals have repeatedly told the board of the obstacle which hunger places in their way—in the form of listlessness, fights over food, inattentiveness, acute hunger pains, withdrawal, and a total sense of failure."—"Hunger USA," p. 31.

Introduction of the School Food Program to previously unserviced areas brought startling results:

"Reports of students progress in schools with first time lunch programs were astounding. Drowsy, lethargic youngsters were transformed simply because they were able to eat at least one good meal a day. Many schools report a decrease in absenteeism."—Francis E. McClone, Chairman, CSFSA Nutrition Committee (Position Paper—"Apparent Hunger in California Schools").

Following up on Mr. McClone's statement concerning decreased absenteeism, Mr. B. P. Taylor, Superintendent of the San Diego, Texas Independent School District reports:

"We strongly believe that school lunch funding is an investment in hungry children. We think it has in fact kept them in school and our records will so verify. It has not only kept them in school for an extra year, it has kept them in school until graduation time. . . . Our dropout problem is almost nil in our school district and I think the food program has been a big contributing factor."[2]

So the crux of the matter is this: If a child is too hungry to grasp his studies and/or he decides to drop out, few alternatives but wel-

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Footnotes at end of article.

fare will remain. We see the School Lunch Program as a bulwark against future welfare. If we are going to spend tens of billions to guarantee schools, textbooks and transportation for our children, why not guarantee them the nutritional ability to take advantage of it?

2. Malnutrition is costing this nation upwards of $30 billion dollars annually[3] in terms of health care, loss of wages, and increased welfare. According to Dr. George Briggs, Professor of Nutrition at the University of California (Berkeley):

"The cost of malnutrition is six times the cost of feeding all of our nation's children in school food programs."[4]

This health care cost seemed fully feasible to us as we gleaned recent nutritional studies. "Hunger USA" told of school children in Mississippi and Alabama where 60 and 80 percent were anemic; of four and five-year-old children, weighing less than twenty pounds; and of Appalachian children who at the age of six years were nearly two inches shorter than the national norm.[5]

But perhaps the California study written by Mr. McClone states it best of all:

"Malnutrition in the young child is of particular concern because mental retardation often accompanies the resulting physical retardation."

"A child's potential for intellectual development can be irreversibly impaired by malnutrition. Early malnutrition produces a permanent irreversible effect on the growth and size of organs."[6]

We could continue to relate similar studies, such as those that list the number of ill-nourished American school children as one-third, but our point is this: We feel that it is far more humane and far less costly to spend money feeding our children during their formative years than to have to support them and their families on welfare, and lose what could have been a major contributor to society.

We further feel that it is far better to strengthen our children nutritionally during their formative years than to have to pay for them medically in later years.

FOOTNOTES

[1] Hearings before the Senate Select Committee on Nutrition and Human Needs, October 13, 1971, p. 2475.

[2] Hearings before the Senate Select Committee on Nutrition and Human Needs, October 13, 1971, p. 2467.

[3] "Children's Needs" *School Foodservice Journal*, October 1971, p. 49.

[4] Ibid, p. 50.

[5] "Hunger USA," pp. 19 and 20.

[6] "California States Its Position" *School Lunch Journal*, February 1971, p. 52.

U.S. SENATE,
March 28, 1973.

Mr. ROBERT BENEDICT,
National Director, U.S. Jaycees Center for Improved Child Nutrition, Bloomington, Minn.

DEAR BOB: It was with great interest that I learned of the U.S. Jaycees effort to expand school feeding programs to the 18,000 "no program" schools throughout the United States.

As you know, through my involvement with the Senate Select Committee on Nutrition and Human Needs and as Chairman of both the Select Committee on Equal Educational Opportunity and the Labor and Public Welfare Committee's Subcommittee on Children and Youth, I am very much concerned about the well-being of our nation's children. Needless to say, a listless, malnourished child can hardly pay full attention to the lessons being taught in the classroom. His mind will be on the gnawing, craving hunger in his stomach. The poor health, missed educational opportunity, and the sense of hopelessness and frustration produced by malnutrition can only lead to an alienated citizen who never reaches his full productive potential.

I have long been familiar with the Jaycees and am deeply impressed with their ability to design solutions for local problems, their organizational skills, and their methodical dedication to carrying their programs to conclusion. I feel the Jaycees can have a far-reaching impact in this most important area of concern facing our nation today.

With warm regards,

Sincerely,

WALTER F. MONDALE.

THE TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, on March 28 I inserted in the CONGRESSIONAL RECORD a number of editorials indicating the need for the trans-Alaska pipeline. At that time I erroneously indicated that the text of the editorial from the Tulsa Oklahoma World of February 12 was identical to that of the Washington Evening Star and Daily News. This was my error. I would like to set the record straight at this point and insert the correct editorial from the February 12 Tulsa Daily World entitled "The Pipeline Disaster."

I request unanimous consent for the insertion of the editorial in the RECORD.

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

THE PIPELINE DISASTER

By delaying and possibly killing the Alaska pipeline project, a Federal Appeals Court may have canceled out the last ray of hope for an early and sensible solution to this country's rapidly-deteriorating energy supply problems.

The ruling shuts off a vast new source of petroleum at a time when it is desperately needed. Alaskan oil and gas products would not be a positive solution to the energy crisis. But most experts believe that the supply could tide us over until science refines and improves nuclear power plants and develops other new sources.

The circumstances of the pipeline disaster are loaded with irony.

The successful lawsuit was the work of self-anointed, self-righteous "protectors of the environment." Yet they never came close to making a case on environmental grounds. After years of stalling, the ecology people only last August heard a Court declare that the INTERIOR DEPARTMENT had met all the environmental requirements for construction.

No, the Alaska project was not stopped for ecological reasons. It was the victim of a "Catch 22" legality—an old law limiting the width of right-of-way.

Further irony: In cutting off a source of clean, safe petroleum products, the ruling will almost surely force increased usage of low grade coal, high-sulphur-content oil and other high-pollution fuels. While presenting themselves as champions of Mother Nature, the pipeline opponents have set the stage for an unnecessary new dose of air pollution.

The decision also creates a new demand for foreign oil, all of which must come in by tanker with increased danger of troublesome spills. We can live with this, of course. But isn't it strange that it should be brought about by people who claim to be protecting the environment?

The Court decision is a complex one. Just what kind of legislation might be needed to overrule it is not immediately clear. But steps should be taken at once to change the old right-of-way law and to put the Alaska project back on the tracks.

MINNEAPOLIS TRIBUNE EDITORIAL SHOWS CONCERN OVER CAMBODIAN BOMBING

Mr. MONDALE. Mr. President, I wish to call to the attention of my colleagues an excellent editorial entitled, "Mr. Nixon and the War," which appeared on April 1, 1973, in the Minneapolis Tribune. The editors share a growing concern over the continuation of U.S. bombing in Cambodia, with no congressional authority.

I ask unanimous consent to have the Minneapolis Tribune article printed in the RECORD.

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

MR. NIXON AND THE WAR

In his speech to the nation on Thursday night, President Nixon appealed to all Americans to "put aside those honest differences about war which have divided us and dedicate ourselves to meet the great challenges of peace which can unite us." We agree with that statement.

And yet, it seems to us, the President himself continues to play upon the issues that have divided the country since America became deeply involved in the Indochina conflict eight years ago.

He gives no credit to the sincerity of those millions of Americans who differed, and still differ, with his goals in Vietnam. These he brushed aside as merely "a small vocal minority," notwithstanding the fact that among them were not only average citizens whose consciences had been stricken by America's intervention in another people's civil war, but some of the country's most distinguished scholars, diplomats, military leaders, businessmen and politicians. These were, and are, patriots, too.

Mr. Nixon Thursday night proclaimed that his goal of obtaining an agreement that provides "peace with honor" in Vietnam has been achieved. To the extent that all the American prisoners of war have been released and, for the time being at least, the Communists have been prevented from imposing their form of government on the people of South Vietnam, that is true.

But the fighting has not ended, the peacekeeping machinery has not taken hold, and we share the concern of Joseph Kraft, who, in a column elsewhere on this page, writes that "the road is being paved for another American entry to the Vietnam War." Mr. Nixon, Kraft says, is prepared to resume bombing in Vietnam to save the Saigon government. The United States, meanwhile, continues to bomb in Cambodia, where a corrupt and incompetent military regime hangs on only with American military support, as an article on the following page reports.

Three of the Senate's most distinguished Republicans, Javits, Mathias and Hatfield, have joined Democratic colleagues in challenging Mr. Nixon's authority for the use of American bombers in Cambodia. The Senate Foreign Relations Committee should hold full-scale hearings promptly on Indochina and the administration's intentions. Such an airing might go a long way toward reducing any possibility of reentry into the Vietnam War or a further descent into the Cambodian morass.

The Paris peace conference, as Robert Keatley of the Wall Street Journal wrote in February, was "supposed to help America get off the Indochina hook." The price for interfering in the affairs of the Vietnamese people—which, if the Vietnamese had been left alone, would have been settled years ago—has been awful. Let it not be added to.

THE TRADE BILL AND THE EUROPEAN COMMUNITIES

Mr. JAVITS. Mr. President, shortly before the Trade Reform Act of 1973 was introduced, Sir Christopher Soames, who serves as the Vice President of the Commission of the European Communities in charge of external relations, made a most fortuitous statement which augurs well for the upcoming multilateral GATT trade negotiations which open this September.

Sir Christopher recognized the important political context of these upcoming negotiations. He stated:

> We must appreciate, therefore, the political importance which all our partners will attach to these negotiations, inasmuch as they provide them with one of their rare opportunities to engage the Community as a whole. I am sure this is particularly true of the United States, which sees these negotiations as part of an important relationship in which trade has its place but in which many other wider political considerations are equally involved.

Mr. President, I am sure that this broader political context, which may even include security considerations, will be on the table when President Nixon meets West German Chancellor Willy Brandt on May 1 and 2, and this may only be the first of a series of meetings with Europe's heads of state.

Sir Christopher's statement should also be welcomed since there is an indication of negotiation in two areas which will be central to the upcoming trade negotiations. Concerning the negotiations as they pertain to agriculture Sir Christopher stated:

> The Commission believes that our overall objective must be to negotiate measures on a reciprocal basis to permit the regular expansion of agricultural trade. We shall resist any attack on the principles of the common agricultural policy, but we must equally be prepared to apply the instruments of that policy in such a way that our broad objectives of expanding agricultural trade in the world can be achieved.

Mr. President, I for one and I think many of my colleagues may share this point of view, accept the principles underlying the EEC Common Agricultural Policy, but what I cannot accept is price support levels and a common levy which propose to protect the most inefficient of the Western European farmers, the net result of which is adversely to impact U.S. farm exports to Western Europe. I would think that it is in the EEC's interest as well as our own to negotiate downward this level of price supports which determines the common levy.

Is not this exorbitantly high level of price support a key contributing factor to the considerable inflationary pressures now facing all countries of the European Economic Community?

Sir Christopher Soames, in his speech, also gives considerable attention to expanding trade with the developing world in the context of generalized preferences schemes which he would like to see extended to cover "a greater number of transformed agricultural products." It would be my hope that as these more generalized preferences schemes are phased in and as the U.S. Congress considers and hopefully enacts legislation which would allow the United States to extend such preferences to exports of the developing world, that the European Community will prove willing to negotiate its own existing system of reverse preferences looking toward their elimination.

Finally, Mr. President I again would like to reiterate a point I made in Brussels during my March 22 meetings these with the officials of the EEC, regarding the importance of the EC Council of Ministers giving the EC negotiators a broad and flexible mandate for the upcoming trade negotiations. For the nature of their mandate will have an important effect on congressional consideration of the Trade Reform Act of 1973. The Congress could also restrict the U.S. negotiating mandate and write explicit negotiating instructions into the law, if the EC council of Ministers should choose to give its negotiators a narrowly drawn negotiating mandate. And, I feel that neither the Council of Ministers nor the U.S. Congress would be tempted to write such explicit negotiating instructions.

I ask unanimous consent that the Europeans Economic Community press release of April 6, 1973, which sets forth the EC overall view of the upcoming trade negotiations as stated by Sir Christopher Soames be printed in the RECORD.

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

SOAMES STRESSES POLITICAL CONTEXT OF TRADE

WASHINGTON, D.C., April 6, 1973.—The EC Commission's "overall view" on the scheduled world trade talks in the General Agreement on Tariffs and Trade (GATT) is being studied by the EC Council of Ministers in Brussels.

The Commission formally agreed to transmit its position paper on the GATT talks to the Council on April 4. On the same day, Commission Vice President Christopher Soames, responsible for the EC's external relations, informed the European Parliament of the Commission's thinking on the GATT talks. Excerpts from his remarks to the Parliament in Luxembourg follow:

"The House [European Parliament] will recall that at the Paris Summit conference last October the Community's institutions were asked to formulate by July 1, their 'overall view' on the forthcoming multilateral trade negotiations in GATT. The paper we are sending to the Governments is the Commission's contribution to that overall view.

"Now in all our reflections on this matter there is one thing I am convinced that we must never forget. We shall of course be negotiating about very concrete economic issues. There will of course be vested interests involved on all sides. There will of course be domestic political difficulties within each of our countries. And the results of the negotiations will be of great significance in themselves. Previous GATT negotiations on trade liberation have had considerable beneficial effects on world trade expansion. Indeed it is this, accompanied by a notable economic expansion within the Community, which has provided the basis for its high and comparatively stable level of employment and the notable rise in the standard of living in recent years. But this is not the only importance we should attach to these negotiations. They have a political significance that goes far beyond the material issues actually to be discussed round the negotiating table.

"THE POLITICAL IMPORTANCE OF TRADE

"We must bear in mind that trade is one of the few matters on which at present the Community can, and indeed must, speak with a single voice. And it is therefore through negotiations of this character that the Community can develop its personality and make its political impact and contribution to world affairs. We must appreciate, therefore, the political importance which all our partners will attach to these negotiations, inasmuch as they provide them with one of their rare opportunities to engage the Community as a whole. I am sure this is particularly true of the United States, which sees these negotiations as part of an important relationship in which trade has its place but in which many other wider political considerations are equally involved.

"The subjects on which we shall be negotiating will be technical, intricate, often intractable in character. There is no doubt in my mind they will be very tough negotiations. They will require all the skill our trading experts can muster. But the strategy of these negotiations must not be confounded with their tactics. They must on no account be allowed to run into the sands of technicality. That is why I hope that members of Parliament, and the representatives of the member states in the Council of Ministers, will give these technical matters their full attention. For they are bung-full of political content and will need positive overall political control. That control must not merely make certain that our policies in the economic domain are compatible with the political purposes which we and our major partners have in common, but also that the developing countries of the world would stand to gain from what we do.

"How in fact do we see the world context of these negotiations? We in the Commission believe that the moment is ripe for a major step forward in the freeing of world trade and that we should make the most of the opportunity. We believe that the Community has a great deal to contribute and that it also has a great deal to gain.

"We have recently been living through the most profound disturbance in the world's monetary system since World War II. But that does not in any way diminish the need to liberalize world trade.

"But it must be clearly stated that the large-scale international benefits which we hope will flow from these negotiations would be seriously jeopardized if ways are not found to shield the world economy from monetary shocks and imbalances such as have occurred in the last few months. The Community must make its contribution to the necessary monetary measures involved.

"TO LIBERALIZE TRADE AND HELP 'THIRD WORLD'

"In the trade negotiations, we believe that the Community should have two paramount aims. Between the industrialized countries we must consolidate and continue the process of liberalization, and do so on a reciprocal basis to our mutual advantage. For the less-developed world, we must ensure not simply that their interests are not damaged, but, on the contrary, that they secure greater opportunities for their economic expansion as a result of what we do. Without detriment to the advantages enjoyed by those countries with whom our Community has special links, new opportunities must be given to developing countries to increase their trade.

"Let me now come to our more detailed suggestions for the overall view of these negotiations. They will involve, among other things, discussions on tariffs, on non-tariff barriers, on agriculture, on what we can do to help the developing world, and on safeguard clauses. Let me take each of these topics in turn.

"I do not suppose that we shall reach a world without tariffs in these coming negotiations, nor do we think that the time is ripe to try to do so. But I do hope we shall achieve a significant further lowering of tariffs. What we need is a formula for lowering tariffs on industrial products—a simple formula and one that can be generally applied. We now have big differences between the tariff systems of industrialized countries. Some have a fairly even tariff that does not vary too much from product to product. Other countries have a tariff barrier that looks more like a craggy mountain range, with very high duties on some goods and very low duties on others.

"I think what we have to do is this: We should settle on a broad principle that the higher the tariff, the greater the reduction in it for which we should aim. For the very low tariffs we can set a threshold, so that they don't have to come down any further. That way, we will help to reduce the problem of reciprocity with some of our trading partners in the future.

"NON-TARIFF BARRIERS

"Non-tariff barriers are clearly going to play a very important role in these negotiations. But they are so disparate in character, so complex and so inchoate, that simple overall formulae will be impossible to find. So we should be selective in our strategy here. GATT and the Organization for Economic Cooperation and Development have already made various studies. We can pinpoint some individual non-tariff barriers in different countries where changes can yield substantial benefits to trade. We should agree to pick out some of the main fields where we can get rid of a complex of non-tariff barriers, or at least regulate them by codes of good conduct. Certainly we can draw up a list of the main non-tariff barriers applied against us by our trading partners that we want to see disappear. But to make the negotiations credible, we will also have to prepare a list of our own non-tariff barriers that we ourselves are prepared to throw into the pot in return, to negotiate away or at least to adapt.

"For the most part, these barriers are not imposed by the Community. They are imposed by your individual member states. We must look to the member states to work together with the Commission to draw up a list of them which is substantial enough to set against, in a spirit of reciprocity, that we will be seeking to obtain from our partners. Under no illusion that it will be easy to calculate reciprocity here, the best we can do is to aim at a package deal that is fair overall.

"AGRICULTURE

"Of course the negotiations on agriculture will be different in character from those on tariffs and non-tariff barriers on trade in industrial goods. We have to take account of the special characteristics of agriculture. Both the Community and our main trading partners each apply support policies of one kind or another for the benefit of their own farmers. We have to take account, too, of the instability of world markets. The Commission believes that our overall objective must be to negotiate measures on a reciprocal basis to permit the regular expansion of agricultural trade. We shall resist any attack on the principles of the common agricultural policy, but we must equally be prepared to apply the instruments of that policy in such a way that our broad objective of expanding agricultural trade in the world can be achieved. We will be suggesting that in the negotiations we should consider drawing up with our partners a code of good conduct on agricultural export practices. We shall also propose that international arrangements should be considered for certain commodities.

"DEVELOPING COUNTRIES

"Next I come to our contribution to improving the trade opportunities for developing countries. We have given a great deal of thought to this question. It will not have escaped the House that the lowering of tariffs between industrialized countries, even though extended to the developing countries on a most-favored-nation basis, does very little to help. On the contrary, the lower the most-favored-nation tariffs are, the less use is the generalized preference scheme to the developing world. The lower the tariff, the less does exemption from it help. To some extent, of course, developing countries will benefit from any expansion of world trade. But we do not intend to let matters rest there.

"First of all, it is essential that all developed countries should now apply generalized preference schemes. The Community has done so. We are greatly encouraged to hear that in the forthcoming trade bill our American friends now intend to incorporate provisions to introduce a generalized preference scheme of their own. We for our part believe that the best way to help developing countries would be for us and others to extend generalized preference schemes. We would like to see them cover a greater number of transformed agricultural products. We would also like to see an increase in the quantitative ceilings on certain sensitive products. We should also make special efforts to take account of the interests of developing countries when we consider non-tariff barriers and when we consider agricultural trade. We might think in terms of food aid commitments when we are considering how to regulate agricultural markets.

"*Safeguards*

"The last detailed point to mention is the vexed question of safeguards when domestic producers are gravely threatened by the results of trade liberalization. We believe that the provisions of Article XIX of the GATT should be maintained as they are. But this article has not proved easy to apply effectively in the past. Perhaps we should extend its provisions so that we can apply safeguard measures selectively rather than right across the board against all our suppliers. But in that case we should wish to agree with our partners on very stringent criteria. We may need more flexible safeguard procedures, but we must remember the danger that too many over-lax safeguard procedures could come in time to jeopardize confidence in the world-wide liberalization of trade.

"That is the main content of the paper which we are now sending to the Ministers, and it was in broadly these terms that I outlined it to the Council yesterday. It does not set out to be a draft mandate for the negotiations or to be exhaustive. Nor for that matter does it represent some sort of response or riposte to the preparations which our partners in these negotiations are at the moment making themselves. None of that would seem at this stage either necessary or wise. What we are trying to do is to draw attention to the main problems and help the Community as a whole to prepare a constructive overall approach to what we hope will prove an economically fruitful and a politically constructive negotiation."

EDWARD STEICHEN

Mr. MONDALE. Mr. President, on March 26, Edward Steichen, a pioneer in the art of photography, died at the age of 94.

Mr. Steichen was a humanitarian who, through his photographs, portrayed the human condition in its many forms. He is perhaps best known for the photographs he took and compiled to make up "the Family of Man," an extraordinary testimony to the basic similarities and needs of all men everywhere. In the last 17 years this collection of photographs has been seen by more than 9 million people in 69 nations.

During his long and productive career, Mr. Steichen experimented with many forms of photography, including portraits, movies, commercial photography, and the portrayal of the life of men on the battlefield. He was quoted as saying on his 90th birthday:

When I first became interested in photography, I thought it was the whole cheese. My idea was to have it recognized as one of the arts. Today I don't give a hoot in hell about that. The mission of photography is to explain man to man and each man to himself. And that is no mean function. Man is the most complicated thing on earth and also as naive as a tencer plant.

Mr. President, I ask unanimous consent that a copy of the Washington Post editorial honoring Mr. Steichen be printed in the RECORD.

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

EDWARD STEICHEN

Most of today's artists and, with them, the mainstream of today's art, have turned away from the image of man, which in the past was also considered the image of the divine and the focus of all artistic endeavor. One might argue that this turn to abstraction is the result of the invention of photography. A case can be made that the camera's ability to capture reality (and all reality is surely human reality) eliminate the need for the painter and sculptor to try to depict it. But one might also argue, on the other hand, that nature abhors a vacuum and that, once the painter and sculptor had abandoned the human image, there was all the more incentive for photography to fill the resulting void. Either way, Edward Steichen, who died this week within hours of his 94th birthday, contributed mightily to the filling of a void with his photography. He began his remarkable career with both brush and camera. But even though his paintings were hung in renowned collections, he soon destroyed the canvases he had kept to devote himself entirely to the new art form.

"The mission of photography is to explain man to man and each man to himself," he said a few years ago, reflecting on his work. "And that is no mean function. Man is the most complicated thing on earth and also as naive as a tender plant."

His success in that mission was second to none. As a photographer of famous and common men alike, he gave millions of people around the world new insights into the family of man and opened new visions of man's world. He worked at that success. At a time when not just photography but all art leaves much to the accidental for its effect, Edward Steichen would take as many as 1,000 pictures of one subject before he was satisfied that he got it right. He observed Rodin in his Paris studio every Saturday for a year before he even brought his camera. As a picture editor, he would sift through 10,000 prints to select 150 for a museum show.

It was this passionate diligence, in fact, that helped photography gain entrance to art museums. But the medium, said Steichen, is not an art in itself. "It is the person who creates a work of art." Edward Steichen,

the humanist, ranks with the greatest creative persons of our time.

CONGRESS SHOULD APPROVE REQUEST FOR ARTS

Mr. DOMINICK. Mr. President, I am pleased to announce my support of S. 795, the arts and humanities bill, which will continue funding for the National Foundation on the Arts and Humanities. From my observation, I believe that at the present time, we are witnessing a new awareness upon the part of all of our citizens of the value and benefits which the arts and humanities can provide to any great society.

In my home State, for example, the city of Denver now boasts of a new art museum. The museum enjoys wide community support as evidenced by the fact that funds for the new building were raised locally. After the building's completion, it was turned over to the city and county of Denver. Previously, I had the honor of serving as an officer and trustee of the museum for more than 8 years, and its present curator is Otto Bach, a talented and able man who happens to be a direct descendant of Johann Sebastian Bach.

Just last September the voters of that city passed a bond issue in the amount of $6 million for construction of a new center for the performing arts which should, among others, house the Denver Symphony Orchestra. That orchestra is acquiring a reputation as a respected addition to the fine symphony orchestras of the country. I would like to point out to my distinguished colleagues that the orchestra has announced a tour of eastern cities in March of next year, which will include stops at Carnegie Hall and the Kennedy Center here in Washington.

The Summer Opera Festival in Central City, Colo., has attained a national reputation for the quality of its performances. The list of opera stars who have appeared there includes Beverly Sills, James McCracken, Lucine Amara, Sherrill Milnef, and Cornell McNeill. The list of drama stars who have appeared includes Shirley Booth, Julie Harris, Walter Huston, and Helen Hayes. This summer added to that list will be Sir Michael Redgrave and Dame Peggy Ashcroft.

The Denver Post on April 8, 1973, gave editorial support to this bill and at this time, Mr. President, I ask unanimous consent that the editorial be printed at this point in my remarks.

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

CONGRESS SHOULD APPROVE REQUEST FOR ARTS

Hearings have been underway since last month on Capitol Hill over the budget request of the National Endowment for the Arts.

The reception thus far has been extremely favorable, even though the Nixon administration has asked for a doubling of the federal spending for the arts—from $38 million in fiscal 1973 to $80 million in fiscal 1974.

The crunch will come, however, in the House Appropriations subcommittee, which started its hearings last week and will set the actual dollar amount for the National Endowment's appropriation.

By any standard, the $80 million recommended by the Nixon administration is a small investment for the federal government to make in support of many vital programs in the arts in communities, large and small, throughout the nation.

In Colorado, for example, National Endowment funds have proved significant for the operations of the Denver Symphony Orchestra, the Denver Art Museum, the Central City Opera House Association, and for a number of local theatre and dance companies and other groups. And the recent visits of the American Ballet Theatre to Denver and the "Artrain" to smaller communities in the state were made possible by National Endowment grants.

Similar activities in all 50 states have been given essential support through such federal grants.

If the National Endowment is to meet its current commitments, let alone expand them, the $80 million can only be considered a minimal figure, particularly since part of the funds are due to be earmarked for programs related to the nation's bicentennial celebration in 1976.

It is important, above all, that the programs supported by National Endowment not lose the momentum gained since the agency's creation in 1965.

During those eight years, Americans have come to learn what Europeans have known for a long time: that federal subsidy need not mean federal control of the arts.

If Nancy Hanks, the able chairman of the National Endowment for the Arts, has her way, appropriations for the arts will continue to grow each year to meet national needs.

"One of the reasons the funds have increased," Miss Hanks emphasizes, "is that as usual the public is ahead of the federal government. People want involvement of arts in their daily lives."

Congress ought to give full and early approval to the President's budget request for the arts.

Mr. DOMINICK. Since its enactment in 1965, the act creating the National Foundation on the Arts and Humanities has proved itself a worthy vehicle by which the Federal Government can and has participated in the patronage of the arts in a direct and beneficial manner. Passage of this year's bill, which increases funding within the guidelines set forth by the administration, will allow an increase in the support and encouragement of activity and interest in the arts and humanities, as well as involve the Foundation actively in participation in planning for the upcoming Bicentennial celebration of 1976.

Therefore, Mr. President, I am pleased to support this bill which will continue to aid in providing greater cultural riches for all Americans.

PERCY-MONDALE BILL TO EXTEND FOR 2 YEARS PROJECT GRANT AUTHORITY UNDER TITLE V OF SOCIAL SECURITY ACT

Mr. JAVITS. Mr. President, I am pleased to join Senators PERCY and MONDALE in the introduction of a bill to extend for 2 years the special project grant authority of the maternal and child health program of title V of the Social Security Act.

Although the States were to assume responsibility for special project grants beginning July 1972—pursuant to the 1967 Amendments to the Social Security Act which reorganized title V and provided for formula, special project, and research and training grants—Congress extended the authority for the special project grants for 1 year through June 1973. The extension was the result of a report by the Comptroller General which pointed out that many States would not have the funds to continue projects which are not operating successfully, and that neither the Federal agency nor the States had made plans for the transition.

There are still serious problems in carrying out the formula grant provisions. A major proportion of the funds for special project grants has been concentrated in few States principally for projects in urban areas with little or no health care resources. This, of course, is consistent with the intent of Congress. However, the formula by which funds are distributed to the States provides for a distribution weighted in favor of rural States having low per capita incomes. These States would naturally benefit by the distribution of greater resources through the formula grants. Consequently, there is no way of assuring that cities which now have several projects, will have the resources to maintain these activities. Thus, many programs will be eliminated or significantly reduced.

When comparing the maternal and child health formula fund in the 1974 budget estimate, with the formula and project grant funds in 1973, New York State suffers a loss of $7,979,200 because of the unfair allocation formula. In 1973, under the formula grant and project grant provisions, the total funding was $15,480,000 for New York. In 1974, New York would receive only $7,501,200, because project grants were "folded-in" to the unfair 1935 formula State allocations.

It should be pointed out that this is not the result of any reduction in appropriations. Maternal and child health is not one of the activities designed to be phased out or significantly reduced by the administration, indeed the fiscal year 1974 appropriation request is $244 million, an increase of $5 million over the 1972 appropriation. The evidence supports my belief that title V projects represent one of the best investments in the Federal health care dollar.

In 1968, the cost per registrant was slightly more than $200 whereas in 1970, the cost per registrant is below $150. This compares most favorably to the cost per child covered under title XIX, approximately $300 per child. It should also be pointed out that services under title V are comprehensive and coordinated and include additional benefits not available under title XIX such as nutritional services and various social services.

CHILD ABUSE

Mr. MONDALE. Mr. President, the Subcommittee on Children and Youth, of which I am chairman, last week began an inquiry into a heartbreaking and widespread problem—child abuse. During the 3 days of hearings we heard testi-

mony from witnesses who have had personal experience with various aspects of the problem: a former child abuser, doctors, lawyers, social workers and researchers.

In the course of the hearings we viewed slides of horribly battered children who have been brought to hospitals for treatment; and this week Senator STAFFORD, my colleague on the subcommittee, and I visited the D.C. Children's Hospital ward where battered children are treated.

In my years in the Senate I have never seem more compelling evidence as I have in this last week that immediate action is required on a problem. One grisly story after another appears in the Washington papers. For example, an infant died recently after being returned to a home which the authorities knew was not safe.

Because of the urgent need for effective action to end child abuse, I am particularly pleased to see that the two Washington daily newspapers have indicated on their editorial pages their concern that steps be taken to end child abuse. I ask unanimous consent that editorials which appeared in the Washington Star-News on April 2 and in the Washington Post on April 1 be printed in the RECORD.

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

[From The Evening Star, April 2, 1973]

THE BATTERED CHILDREN

Of all the loathsome happenings we can remember in this area, none was more repelling than this latest rash of child-abuse incidents, two of which resulted in the deaths of children and conviction of adults. Now there's a new charge in Montgomery County, against parents whose three-months-old baby died last week. No one can presume to judge guilt or innocence in that case. But this whole subject was brought into chilling focus the other day before a Senate subcommittee.

Anyone who saw the film slide presentation before that panel will never forget it. Indeed a good many people in that committee room diverted their eyes, so unbearable were the pictures being shown by a team of specialists from Children's Hospital. Those who watched saw a procession of infants and pre-teen children who had been brutally tortured—beaten, burned, scalded, wounded with forks and other instruments. Some had broken limbs. These things were suffered at the hands of parents and guardians, and it all happened here in the Washington area.

Worst of all, these cases apparently represented just a fraction of the whole picture. Dr. Robert H. Parrott, director of Children's Hospital, said the facility handled about 100 of the 150 child abuse cases reported in the District last year, "and we estimate there are three times that many occurring each year, but going undetected."

And in Montgomery County, suspected child abuse cases reported thus far this year exceed half the number for all of 1972, and are more than double those for 1971. This probably reflects an improvement of reporting more than an increase of abuse, because the area was startled into a recognition of the problem. The death of nine-year-old Donna Anne Stern under horrifying circumstances, and the murder conviction of her stepmother last month, didn't escape the attention of very many Montgomery countians. About half of this year's suspected cases have been reported by the school system, which has acquired a keener awareness of its obligation in this field.

But still there are serious shortcomings. Professional forces dealing with this dilemma—especially in the social and psychiatric services—are badly understaffed. Sometimes there has been poor communication between the responsible agencies. Some children who might have been saved from injury or death haven't been removed from abusive homes in time. And deficiencies of law deserve much blame, too. In Maryland, protective services workers don't have authority to enter a home, to investigate possible child abuse, without a warrant. Other citizens often hesitate to speak up for fear they won't have legal immunity in reporting abuse cases. However, these drawbacks, and some others, would be removed by legislation now before the General Assembly. This session should produce new law to speed the identification and psychiatric treatment of child abusers, and afford better protection for the children.

The need for a strong federal assault on this problem is apparent, though, for most states are lagging dismally while children suffer. Senator Walter Mondale, whose subcommittee heard and viewed the grim testimoney last week, has the most promising plan. He would establish a National Center and a National Commission on Child Abuse and Neglect, and require the states to draw up acceptable plans for remedial programs. Congress should approve this approach, along with enough funding to assist the states on a major scale.

[From the Washington Post, Apr. 1, 1973]

CARING FOR BATTERED CHILDREN

This much anyway the community owes to JoAnna Stern, the Montgomery County woman found guilty of killing her 9-year-old stepdaughter by a series of tortures almost too terrible to consider: a heightened awareness of the reality of child abuse and of the wholly inadequate measures we have devised to deal with it. As these particular horrors go and case by case, Mrs. Stern's behavior toward the child who died would have to be considered atypical—most child abuse is far less calculated and grotesque than that in which she engaged. But the part of the story that was, in its special way, most horrifying was also the part that was not atypical, the part about the manner in which responsible officials of the county, once alerted to the danger the child was in, still failed to take steps to rescue her in time. We quote a memorable passage from LaBarbara Bowman's account of the trial in The Post:

". . . a county policewoman told how she . . . tried without success to get the county's family services department to take an active role in the affairs of the troubled family."

The particular combination of lethargy and confusion that characterized this performance is hardly unique to the area we live in. The fact is that nationwide the relevant authorities have been slow to recognize the dimension of the problem of child abuse and slow to take advantage of the methods available for detecting its incidence and preventing terrible damage from being done. But that should not be much comfort and still less inspiration to the people of this area who have been reading daily about local cases of child abuse in which horrendous crimes are committed against infants and young children and in which horrendous mistakes may be made by those charged with protecting them.

The Child Abuse Team of Children's Hospital provided some incisive testimony before Senator Mondale's Subcommittee on Children and Youth the other day, outlining the steps that we should be taking to protect the helpless victims of these crimes. And while they described some progress, they also described the severe limitations on action that proceed from the fact that many of the relevant authorities are under-funded, understaffed and under-informed. Police, judges, lawyers, government workers and medical people, according to the Children's Hospital Team, could all use more education in known and available techniques for doing much better by the victims of child abuse.

In recommending a number of steps to be taken, the Children's Hospital Team did cite one giant step backwards the Department of Human Resources seems to be taking. It is the elimination of the corps of special protective services case workers who have been able to devote the requisite special and urgent attention to those children in distress. That group, rather than being enlarged and improved, is evidently to be disbanded, with the small caseload of each special protective service worker to be spread out among the overburdened case workers in other areas. As many of those observed, whose letters on this subject we printed Friday, there is something so senseless and misguided about this move as to defy reason. Emergency situations involving the lives of innocent and helpless children require emergency action—and action that is right the first time around. Can anyone have any doubts about that? A group of workers connected with Children's Hospital put the case against eliminating these special services succinctly and well: "The consequence could be an increase in irreparable damage and death to these children because they will be deprived of their right to specialized intervention . . . Remember, we are not dealing with social abstractions, but with life and death."

GROWING COST OF MILITARY WEAPON SYSTEMS

Mr. BENTSEN. Mr. President, on April 10, 1973, the distinguished and capable chairman of the Senate Armed Services Subcommittee on Research and Development, Senator TOM MCINTYRE, addressed the National Security Industrial Association. The junior Senator from New Hampshire outlined some very critical questions in his speech concerning the growing cost of our military weapon systems.

As one who served for 2 years as a member of the Research and Development Subcommittee I know of the efforts made under Senator MCINTYRE'S direction to improve our procurement procedures and to insure that we maintain our technological lead in the area of national defense. Senator MCINTYRE, however, has some hard words and sound advice for the Department of Defense and defense contractors as well, when he says that:

The crunch of Defense spending requires a greater awareness by industry and by the Defense Department, of the importance of running a tight operation. There no longer is room for golden handshaking, mutual backscratching, and accommodation.

To that I can only add a profound Amen. As defense dollars become more scarce, the dollars we spend on defense simply must be used more productively.

Senator MCINTYRE is providing the Research and Development Subcommittee and the Nation with some sound, commonsense thinking on the problems facing our Defense Establishment today. I recommend his remarks to the Senate

and ask unanimous consent that his remarks be printed in the RECORD.

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

SOME THOUGHTS ON WEAPONS ACQUISITION

Address by Senator THOMAS J. MCINTYRE

You see before you a lone country lawyer facing an audience of engineers. A lone country lawyer who has come here to talk to you about *your* business. And I guess *that* says something about humility!

But I would hope this isn't as arrogant as it might appear. For though our professions differ, we hold in common a responsibility to insure the security of the United States. I, in my capacity as Chairman of the Armed Services Research and Development Subcommittee, you in your capacity as engineers and members of an organization representing every major defense contractor in the country.

Our mutual concern is about the security of this country and our common determination is to insure that we always have the weapons needed to defend ourselves from any aggressor.

You know—and I know—that the value of that insurance is priceless. This has been demonstrated again and again and again throughout our history. Yet, despite that record, your vital role in providing that insurance is not generally appreciated. You know that the so-called military industrial complex is again under heavy fire. You know that the Defense spending is in decline, and with it, Defense industry.

And in my opinion, the end is not yet in sight.

So with this in mind, I've come here today to talk about retrenchment of the defense industry; about how much I think should be allocated for Defense research and development; about duplication of major weapon systems; and about some deficiencies in the Department of Defense weapons systems acquisition policy.

Along the way, I'll make some critical comments about the duplication of defense activities and competitive prototyping (including some examples) and I'll have something to say about a recent speech by former Deputy Secretary of Defense David Packard on weapon systems acquisition.

Let me begin with retrenchment of the defense industry.

The adjustment for some companies has been traumatic. For others it has been orderly and, therefore, with little impact. I hope that all of you are bending to the difficult task of cleaning house to make sure that we continue to have a healthy and viable industrial base to meet our future domestic and military needs.

It is ironic that often when things get tight and the only choice is to take up slack, getting rid of excess overhead costs, facilities, and other deadwood leaves a company much healthier. For those who are still tempted to grasp at straws, I would advise instead a hard headed and conservative view, because this may spell the difference between survival and extinction. In the language of the crap shooter, "Betting on the come" is risky business.

On the other hand, optimism is a vital ingredient, and too conservative an attitude in a period of retrenchment also could hinder a company competing in a tight market. Stated simply, it is a juggling act, and the company that is able to strike the best balance is likely to come out ahead.

Your invitation suggested that I speak in my capacity as Chairman of the Research and Development Subcommittee. Research and development, and in a broader sense the weapon system acquisition process, should be of crucial interest to you since in reality they are the bread and butter of your operation.

Well, let's get down to business. First, let me give you an insight into some of my immediate concerns. I am concerned about how difficult it is to strike a proper balance between the total research and development requirements of the Department of Defense and the amount of dollars which the country can afford to allocate for that purpose.

I am concerned about the lack of information which we need to understand and to translate the threat that this country faces into specific requirements for new developments and quantities of equipment to be procured.

The Subcommittee tries very hard to probe this problem, but it has had little success in the past. Let me cite one complicating factor: We have international treaties and commitments which require certain military forces to be provided by the United States. But why do we have to have over 300,000 troops stationed in Europe? Why shouldn't this be reduced to 250,000, or 50,000, or none at all? What is so sacrosanct about our international commitments that requires the presence of so many troops in Europe more than a quarter of a century after World War II.

I do not suggest that we take precipitous or unilateral action, but I am convinced that our leaders must make greater efforts to permit an orderly disengagement insofar as the large numbers of military personnel and dollar contributions by the United States are concerned.

I have disgressed somewhat from research and development, but the interrelationship is clear. If we do not have to maintain troops in Europe, we would not to develop and procure military equipment which is primarily justified for that theater of operations.

As if the determination of requirements was not enough of a problem, we have to complicate it further by then having to decide whether the proposed solution makes sense. And this is even further complicated by the fact that the research and development program often proposes more solutions than there are problems.

You are all familiar with the issue concerning close air support, which is still a problem for the Congress. Last year, the basic question was why do we need an A–X, a Harrier, an attack helicopter, an A–7, and an A–4 all to perform a close air support mission. In the minds of some, this issue still remains open.

Now, turning to the Weapon Systems Acquisition policy, it is spelled out in Department of Defense Directive Number 5000.1 dated July 13, 1971. Let me quote from the state of policy.

"Successful development, production and deployment of major defense systems are primarily dependent upon competent people, rational priorities and clearly defined responsibilities."

This is a simple, reasonable statement. But in my opinion, we are far from having achieved its objectives. Considering the first of the three elements, competent people, I would have to agree that, for the most part, the people charged with this responsibility are competent. But I would stop right there. Moving to the next element, rational priorities, priorities frequently are not rational but are more a reflection of the degree of success which proponents of individual weapon systems are able to achieve in selling their programs. The Cheyenne helicopter, for example, which was technically too ambitious, was a mistake from the start and its termination after an expenditure of about $400 million is a classic example of what I have described. And there are other weapon systems in the same category.

Turning now to the last element, clearly defined responsibilities, the DOD Directive states, and I quote:

"Responsibility and authority for the acquisition of major defense systems shall be decentralized to the maximum practicable extent consistent with the urgency and importance of each program."

This marks a dramatic departure from the highly centralized control which was exercised by Secretary McNamara when he headed the Department of Defense. While I do not agree with an extreme centralization of control, by the same token I cannot accept the other extreme which is to delegate substantial decision making authority to each of the military departments for the acquisition of major weapon systems.

The close air support situation is a case in point. Another example, which goes several years back, involved the Heavy Lift Helicopter. This may also happen if proper coordination and control is not exercised in V/STOL aircraft development or High Energy Laser applications.

In summary, the crunch on Defense spending requires a greater awareness by industry and by the Defense Department, of the importance of running a tight operation. There no longer is room for golden handshaking, mutual backscratching, and accommodation.

Incidentally, my interest in eliminating unnecessary duplication extends beyond research and development. On January 2, I whote to the Secretary of Defense and asked why it was necessary to continue to operate the Navy Test Pilot Training School at Patuxent River, Maryland, as well as the Air Force Test Pilot Training School at Edwards Air Force Base, California.

On January 29, I was advised that it was necessary for the military departments to go to their field units to obtain information and that a final reply was anticipated about February 19.

Today, more than three months after my original letter, I am still awaiting a final reply. To me, this indicates that the Department even has difficulty deciding the merits of a fairly simple issue involving duplication of relatively minor facilities.

I might mention that I have become sophisticated enough in the ways of research and development to be careful about some of the things I say in casual conversation. I worry about saying things like "you can't make a silk purse out of a sow's ear," because tomorrow there could be a half dozen unsolicited proposals to the various Defense research offices to initiate such a project.

Well, let's get back on track.

There's no doubt that the Department of Defense has made some giant strides in improving its weapons acquisition process. But we can't rest on past laurels. There's still a long way to go. In fact, the weapons acquisition process is so dynamic that it has to be monitored continuously because it is by nature an evolutionary animal.

The former Deputy Secretary of Defense, Mr. Dave Packard, did an outstanding job of upgrading the weapons acquisition process. His ideas concerning the vigorous use of prototyping, adoption of the principle of design to cost, and the complete abandonment of the total package procurement concept, just to name a few, have been widely applauded in government as well as in industry.

I was again impressed when I read a recent speech that he made before the American Institute of Aeronautics and Astronautics in Los Angeles, a speech which was on the one hand a criticism of industry, but on the other a challenge to industry to mend its ways. For those of you who may not have read his statement, I had it published in the Congressional Record of February 19, 1973.

Now here is a recognized and highly regarded industry leader who heads a major electronics company employing 18,000 people. When he speaks, he is reflecting not

only his own broad industry experience but his experience in the Defense Department. The essence of his message is in the following quotations:

"Your responsibility in your industry is to develop and build the weapons that only you know how to build, and do so with greater efficiency and greater economy than you have done in the recent past."

At another point he states:

"Frankly, I think you may have to get rid of some of these 'sophisticated management and systems analysis capabilities' and fall back on some good old-fashioned common sense management techniques if indeed you are to do the job for the country that must be done."

He also offers the advice:

"Learn how to build reliable equipment at a reasonable cost. Stop looking to the government to bail you out when you fail to do your job."

I'm in complete agreement with Dave Packard's comments, and I hope his advice is taken very seriously, not only by industry but by the Department of Defense as well.

At the same time I repeat what I said earlier. The major systems acquisition policy as it is being followed today must be tightened up or clarified. The Research and Development Subcommittee hearings which have been conducted during the past several months have exposed certain practices which technically are consistent with the policy, but which in their implementation just don't make sense.

Let me use the case study approach to point up one of my hangups about the flaws which appear in the smooth surface of systems acquisition policy. I believe that we have oversold the use of the competitive prototype process. What I will describe could apply to a ship, an aircraft, a missile, a tank, or any other major weapon system. In this case it happens to be a helicopter, the Utility Tactical Transport Helicopter. Let me emphasize that I fully support the need for this program. What I will describe addresses only the *method* which has been adopted to develop this system.

You may be interested to know that before I became so expert in weapon systems, I would have thought that a rotary wing referred to a local chapter of a businessman's organization. I've learned that it also means a helicopter.

Consider these basic facts: UTTAS is technically a low risk program which means that either of the two competing contractors, Boeing/Vertol or Sikorsky, could be expected to produce a quality helicopter that would satisfy the military requirements. In fact, both contractors are using the same engine, which is being furnished by the government.

The program, as proposed last year by the Army, would have required seven prototype vehicles for each contractor and a 24 month test program, including a flyoff by the Army. After that, one contractor will be selected and awarded an initial production contract. The primary reason for this competitive approach was to realize cost benefits and the high degree of reliability and maintainability which derives from a competitive approach.

The Army awarded two cost type contracts, one with Sikorsky for $61.9 million, and the other with Boeing/Vertol for $91.3 million. The disparity in the contract amounts, which is roughly 50 percent, is the premium that the Army is paying to realize its competitive objectives.

Now what has Congress done? Last year the Research and Development Subcommittee recommended a reduction in the number of prototypes from seven to four for each contractor with obvious dollar savings. This recommendation not only was adopted by the full Committee, but was sustained by both the Senate and the House in their actions on the authorization and appropriation bills. The Congress was not aware last year that when the two contracts were awarded, the amounts involved would be so far apart.

Let us examine the significance of what I have described. How much should we pay for competition? It could be argued that, in a low technical risk program where there is confidence that either of the two competing contractors—based on years of demonstrated capability—could perform satisfactorily, one could be selected based solely upon evaluation of the proposals. This could save the government more than $150 million in development costs.

The proponents of competition could argue that such an investment in a hardware competition in the long run would produce greater savings to the government in life cycle costs. I am not at all convinced that this is so. I could be more easily persuaded to accept today's real savings for long term possible savings. There are other ways of establishing a competition such as advertising for follow-on procurements using bid packages obtained as part of the initial procurement.

If one contractor is more competent because he has greater foresight and has invested his own resources, he can receive substantially less than a competing contractor. He may have a valid complaint that his competitor is being subsidized to compensate for a lower degree of capability.

Don't misunderstand me. I am not suggesting that competitive prototyping is not a plausible approach. But I am suggesting that every major weapon system development should be scrutinized in great detail by the sponsoring Service and by the Secretary of Defense in deciding the most cost effective approach to be used in its development.

To close out my discussion of the UTTAS program—which is still being pursued on the basis that both contractors will continue through the engineering developing phase up to the point of a production decision—the selection of one contractor could be made at an earlier point in the competitive test program. This was stated specifically in the Senate Armed Services Committee Report No. 92-962 on the Fiscal Year 1973 authorization bill. On page 105, the report states, and I quote:

"The committee also considers that the contractor competition should be continued only as long as necessary to determine that the components utilized by each contractor provide a real competitive base and that any tradeoffs required are made prior to the conduct of a prototype flyoff and the selection of a single contractor to proceed with final engineering development."

Now, to be sure, there are indications that some departure is contemplated from competitive prototyping. For example, the Army proposal to initiate development of a new advanced attack helicopter. This proposal indicates, as one possibility, that a single contractor may be selected based upon evaluation of the competing five contractors' proposals, instead of selecting two contractors for a competitive prototype approach.

This is encouraging. It indicates that the Army has learned some lessons and is flexible in its approach to new weapon developments.

I want to emphasize again that my use of a case study represents no criticism in any way of the importance of this program, nor of either of the two competing contractors, Sikorsky and Boeing/Vertol, both of whom have solid records of performance.

Now let me turn to a different problem involving competitive prototyping, a problem that has to do with a compulsion on the part of the services to proceed too rapidly. This has been called unwarranted concurrency.

I refer to the Navy Surface Effect Ships program. Here we have a major technological advance that promises to provide high speed ships of large tonnage to perform a variety of military missions. It also has a substantial commercial potential.

The Navy has developed two 100-ton test craft with two different propulsion systems. These boats have encountered major technical problems which are yet to be resolved. Nevertheless, the Navy is proposing to move out on two ships of 2000 tons each in a competitive prototype program.

Last year, the Committee deleted funds to start the 2000-ton ship program. And the Committee said that when the program is initiated, only a single ship with the most promising design should be selected. As back-up, testing on the 100-ton craft could be continued as a full-back approach if needed. Nevertheless, the Navy proposal for Fiscal Year 1974 is to proceed concurrently with two 2000-ton ships in a competitive program.

About a month ago, I visited one of the 100-ton craft and had the opportunity to be briefed by the contractor. As a result, I am even more convinced of the soundness of the Committee position last year and I do not expect to support the Navy proposal.

We are still a long way from realizing this capability and we shouldn't be caught in the position of having rushed into a program and increased the risk of error and waste of precious funds. That can kill a program these days faster than anything.

Major technical problems, schedule delays, and large cost overruns no longer can any of these be either tolerated or afforded.

In conclusion, I'd like to recite a recent experience involving Secretary Richardson's appearance before the Senate Armed Services Committee in connection with the fiscal year 1974 budget. At that time, I asked him the following question:

"Mr. Secretary, with a tight budget, with both the F-14 and F-15 programs proving to be technically sound, and a separate development program for a V/STOL fighter, why should we invest an additional $48 million in a lightweight fighter for which there is no foreseeable requirements?"

His response to this question was impressive and encouraging. He expressed his agreement and concern with the problem and he said that he was sensitive to the importance of a decision earlier in the developmental process on whether to continue to invest additional development dollars.

If he follows through with what he said, he may well save the American taxpayer hundreds of millions of dollars. And in the process he would perform a great service for the Defense industry in permitting the allocation of these resources to conduct useful and much needed work.

To sum up, then, I believe that:

1. Industry must do a better job of trimming down to fit the size of the Defense program as it unfolds in the next several years.

2. Industry must develop and produce more durable, simple, and efficient weapons systems at reasonable cost.

3. The Defense Department should not rest on its laurels in having adopted more effective weapons acquisition policies but should be sensitive to the need for continually improving these as hard lesson dictate.

4. The competitive prototype concept should be thoroughly examined in the light of experience and changed as necessary to be more effective.

5. The Department of Defense should consided the equity of paying competing contractors in a low risk prototype program significantly different dollar amounts.

6. The Congress should be better informed on the relationship between the international threat, the establishment of requirements to meet the threat, and the translation of those requirements into budgetary requests projected five years into the future. This will permit the Congress to scope the problem and make the necessary decisions concerning the dollars to be provided.

7. The Department of Defense should strive vigorously to eliminate unnecessary duplication not only in weapon systems but also in its own activities.

As Chairman of the Research and Development Subcommittee, I promise you that I will continue to examine the major weapon systems developments in as much detail as time and the availability of experienced staff will permit. And I can also promise you that the recommendations which the Subcommittee will make will reflect the overriding principle of providing the most modern equipment that we can afford for the use of our fighting men if and when the need should arise.

Thank you very much for inviting me to spend this time with you.

VETERANS: ALSO PRISONERS OF WAR

Mr. KENNEDY. Mr. President, we have all watched with relief and joy the final return of all our prisoners of war from Indochina. But even as we have paid just tribute to these men, and have recognize the terrible burden they and their families have carried for so many years, too many Americans are forgetting the burden and sacrifice that all our men—the some 6 million Vietnam veterans—have paid and who also have returned to find jobs, recover from wounds, and rebuild their lives.

In a very real way these men, too, are prisoners of this war. This fact, Mr. President, was raised in a painfully eloquent letter I received this week from a constituent of mine from Chelmsford, Mass. His letter forcefully reminds us all that we have yet to fulfill the debt we owe these men, our returning veterans, by providing them the benefits or opportunities which have been in the past such an important part of our national tradition.

As this young veteran, a former first lieutenant in the Army, writes:

> Two years ago upon my arrival from Vietnam, there was no fanfare or celebration, just tears. I had lost a leg and all of my pride. Confinement to various hospital beds for eight long and painful months, made me a prisoner of sorts also. . . .
>
> There I sit, unemployed, trying to get a decent job. . . .

Mr. President, this is what too many of our veterans have faced when they returned home. They have found such a tight lid on spending that there is not enough "peace dividend" to demonstrate our gratitude for those who sacrificed so much to attain that peace. Instead, at almost every turn—in employment, in treatment for narcotics addiction, in aid to education, and in disability payments—this administration has cut back on Federal assistance for those who have served their country.

Mr. President, an administration that speaks of "peace with honor" owes our veterans a debt of honor, which so far has not been paid.

I ask unanimous consent that the text of the letter I received from a veteran from Chelmsford, Mass., be printed at this point in the RECORD.

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

MARCH 20, 1973.

DEAR SENATOR KENNEDY: Seeing the prisoners of war arrive home fills me with emotion and happiness for the men and their families. What they were subjected to, and endured, surely makes them heroes to some degree.

Two years ago upon my arrival from Viet Nam, there was no fanfare or celebration, just tears. I had lost a leg and all of my pride. Confinement to various hospital beds for eight long and painful months made me a prisoner of sorts also. (I have *never* been called a hero, however.)

If we truly have fairness and equality then why weren't I and all other veterans offered jobs if we didn't want any more military service? The POW's according to the news media, have been made this offer. I can't understand why we second class vets weren't offered free lifetime passes to major league baseball games. (Bowie Kuhn—please save us as you did the POW's.) What about tax breaks and other concessions the POW's have been offered? It becomes quite easy for me and many others to look upon this situation with nothing but cynicism.

So here I sit, unemployed, trying to get a decent job, holding on to the memories of my college degree and time spent as an officer in the army that was reported to have stopped the spread of communism. Since I am not looked upon as a hero, (and don't want to be) it seems the road is a bit rougher. And, to be sure, I would much rather have a job than be angry enough to write letters to Congressmen.

As I see it the government isn't being as fair as it should.

Sincerely,

FIRST LIEUTENANT JOBE
From Chelmsford, Mass.

VOCATIONAL REHABILITATION

Mr. MONDALE. Mr. President, one of the most disappointing votes I have observed in the Senate in a long time was the failure to override the President's veto of the Rehabilitation Act of 1973 last week.

If this legislation had been approved, a maximum of 2 million of the 5 to 7 million handicapped persons needing rehabilitation services would have received them. That, at least, would have been progress.

But by sustaining the veto we have made regression, rather than progress, inevitable.

In my home State, Federal assistance has made possible an excellent vocational rehabilitation program which has served thousands of Minnesotans. Augustus Gehrke, head of the State division of vocational rehabilitation, has prepared an analysis of the effect that the veto will have on the provision of these services to the handicapped in Minnesota. I request unanimous consent to insert Mr. Gehrke's analysis in the RECORD.

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

IMPACT OF VOCATIONAL REHABILITATION VETO ON MINNESOTA

The short-range problems that the President's veto of the Vocational Rehabilitation Act will cause in Minnesota are obvious. The Minnesota Division of Vocational Rehabilitation would simply lose almost $1 million ($980,000) in federal support between now and June 30 this year. This could mean cutbacks in services to as many as 2,000 handicapped persons during the next few months.

Even if the money does become available through an override of the veto, the President's action is causing precious time to be lost. The later in the year we get the appropriation the more difficult it will be to use the money responsibly according to our agency objectives.

The long-range problems the veto causes are extremely important also, and we must not let this year's difficulties obscure the problem of next year and years following.

There are several important measures in the vetoes bill which have an important impact on the future of vocational rehabilitation in Minnesota.

ADVANCE FUNDING

The advance funding provision is extremely important to us because knowing how much federal money will be available to us in the coming year would give us the opportunity to plan our objectives in greater detail. The frustrating situation this year—not knowing how much money will be available to us from now until the end of the year—is a good example of the problem the advance funding provision would solve.

SERVICES TO THE SEVERELY DISABLED

The special provision for National Centers for Spinal Cord Injured Persons and for persons with End-Stage Renal Failure bear special importance to us in Minnesota.

Minnesota DVR is a pioneer in the area of providing vocational rehabilitation services to persons handicapped by severe kidney disease. Our work with the Hennepin County Regional Kidney Disease Center and in establishing a network of dialysis centers throughout the state has shown some successes. Persons with kidney disease have been able to maintain productive employment.

Additional support for such a project—one that is already proving itself—would be a wise use of federal dollars.

Our close association with Dr. Theodore Cole of the University of Minnesota, an acknowledged expert in the field of spinal cord injuries, has allowed us to begin planning for use of federal vocational rehabilitation money to establish a center for the spinal cord injured. The bill would make funds available to agencies and organizations having already demonstrated skill, experience and capability in providing vocational and comprehensive rehabilitation services to persons with such disabilities. It would indeed be unfortunate if we were not able to cooperate with Dr. Cole and use his expertise to help assure that persons with spinal cord injuries are able to function as independent, productive citizens of our state.

The bill's special provision for service to severely disabled persons is a much-awaited development in the field of rehabilitation. The legislation would allow for rehabilitation services to substantially improve the ability of severely handicapped persons to live independently and function normally with their families and in their communities.

Minnesota is one of few states to have already responded to the needs of the severely disabled by initiating a long-term sheltered workshop program on its own without federal money. The rehabilitation act would allow for expansion in this area as well as in the development of work activity programs for the very severely disabled. We have made a small start in the work activity area, but we need the federal funds to proceed further.

The work activity programs are for persons whose job abilities may not be readily seen, but who, with specialized support, can improve their skills and their ability to live independently. In some cases, they will be able to achieve employability—at least at the sheltered employment level.

We estimate that there are about 3,500 severely handicapped Minnesotans who could benefit from the work activity provision of this legislation. They represent just

a portion of the handicapped population of Minnesota who will suffer the long-range consequences of the President's action.

THE BEEF ABOUT BEEF

Mr. DOMINICK. Mr. President, we are all concerned about increasing food costs, and the high price of meat in particular. But amid the furious rhetoric, protestations and suggested solutions which have been whistling through the air lately, it might be kind of refreshing to hear from a very calm gentleman who knows quite a bit about this problem himself.

In a recent article entitled "The Beef About Beef," which traces the history of beef production in this country, Mr. Hilliard E. Miller, a Colorado cattle rancher who has been in the business for decades, gives us some insight into how we got where we are and where we should go from here.

He points out that in the 20-year period from 1952 to 1972, the price cattlemen received for live slaughter steers increased 30 percent, while average hourly wages increased 230 percent; and accordingly that an hour's wages buys a lot more steak now than it did 20 years ago. He concludes with the startling assertion—startling at least to those accustomed to relying on the Federal Government to solve all problems—that Federal intervention is not necessarily the answer.

I ask unanimous consent that Mr. Miller's article be printed in the RECORD.

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

THE BEEF ABOUT BEEF

(By Hilliard E. Miller, Cattle Rancher)

COWBOYS AND CONSUMERS

Hollywood's Indian attacks on the cowboys have provided entertainment for the nation over the years but the recent attacks, launched by the politicians, news media and consumers against the cowboys puts Hollywood's idols to shame.

The cattle industry's efforts to give the true story, of what happened to beef prices, and what the future holds, to the news media has fallen on deaf ears because high beef prices are not a popular subject with the public and the story about the future does not necessarily have a happy ending.

Playing the dual role of consumer and cattle rancher, I would like to tell the story of what happened to beef prices as truthfully and objectively as possible.

THE 1952–72 CYCLE—OR BACK HOME ON POVERTY FLATS

Let's try to look at the United States as one big ranch. The amount of feed and forage available for beef cattle production sets a practical limit on how many cattle can be run in this country. We call it carrying capacity.

At the close of World War II, technology brought major changes to the livestock industry.

Mechanization of farms and ranches with tractors and pickup trucks resulted in the decimation of the horse and mule herds. They were slaughtered by the millions for pet foods.

The advent of margarine had a detrimental effect on the dairy industry. Of even greater impact were the genetic, nutritional and management advances that produced a cow that could give almost three times as much milk as before. Inevitably, about two thirds of our nation's dairy herd was liquidated.

New synthetic fibers made themselves known to the sheep and wool growers. The nation's sheep herds began to dwindle.

This slaughter and liquidation of millions of animals left a tremendous vacuum. There were millions of acres of grass and billions of pounds of feed left to be fed to something. Beef cattle offered a profit incentive so the long build up of the beef cattle population, to fill this vacuum, began.

Beef production increased rapidly until markets became glutted with the new supply and prices broke in half in 1952. The profit incentive was gone so liquidation of the beef cattle herds started, increasing supplies and driving prices to unbelievably low levels. Drought was a frequent visitor to our land in the 1950's forcing additional liquidation of beef cattle on an involuntary basis at distressed prices.

Supply and demand forces tried to align themselves but the profit incentive was gone so our nation's cow herd remained static, producing an overly ample supply of beef.

THE BIG "WHAMMY"

Traditionally, the western ranges shipped their feeder cattle to the corn belt of Iowa, Illinois, Indiana, Ohio, Nebraska, etc. where individual farmers fattened the cattle to slaughter weights and grades.

In the late 1950's, with true Yankee ingenuity, the commercial feedlot was born. The theory was to mass fatten beef. No longer was it a matter of the farmer fattening a few cattle by feeding the grain he had produced; each commercial feedlot fattened them by the tens of thousands on the theory of making a smaller per head profit on many head.

These mass production commercial feedlots demonstrated a gluttonous appetite for cattle to be fattened. They broke all bounds of tradition and brought in cattle from every nook and corner of the nation, not to mention untold thousands from Mexico. The dairy calf which had been slaughtered at 150 pounds for veal, and grass cattle that had been slaughtered at 600 to 900 pounds were finding their way from the feedlots to market as 1,100 to 1,200 pound fat cattle.

Thus, without materially changing the number of cattle in the nation, the commercial feedlots had materially increased the weights of the available cattle, greatly increasing the tonnage or pounds of beef available to the consumer. Once again, prices hit the down slide through the 1960's.

HOW MUCH IS ENOUGH?

One cannot criticize the cattle industry for not producing beef. In 1952 with a human population of about 155 million, the beef industry turned out 56 pounds per person. It was too much! Cattle prices dropped 50%. However, in 1972 with a human population of some 210 million, the industry provided 116 pounds per person. It was not enough! Prices started up. The 230% increase in consumers wages during this period and, the prosperity which the consumers were enjoying, was the one thing that brought on the high meat prices that they are fighting. Too many people had too much money to spend on the available supply of beef. So don't blame the cowman. It has been brought upon you by the blessings of prosperity.

In those twenty years from 1952 to 1972, the beef industry increased output 285%. During those twenty years live cattle sold for less than they had brought in 1948, 1949, 1950 and 1951. I am very proud to say that before, during and after those bleak years, the cattlemen refused to take government handouts and subsidies. Instead, they stood fast, determined to eat their way out of the over supply and work out their own problems without bureaucratic magic. It was not until the spring of 1971 that live cattle prices got back up to the levels at which they had been twenty years before. Today, April 2, 1973, live slaughter steers sold for 30% more than they brought in 1952. Would you roll back your wages to 30% more than you made 20 years ago? Do you want to pay taxes for the Federal Government to subsidize the beef industry or wouldn't you prefer to allow us to run our own business on the basis of a fair profit on our investment and our labors?

This brings the full cycle up to date, as we stand today with government imposed ceilings on beef prices and consumer boycotts.

FROM WHENCE ALL BLESSINGS COME

Food does not come from the super market. It comes in its many and diverse forms from agriculture through a highly complex marketing and transportation system.

Agriculture is big! Agriculture, of which beef is the largest segment, is America's largest industry. Agriculture's assets of 335 billion dollars is equal to 60% of all corporations in the United States. Agriculture generates 78 billion dollars a year to be spent on goods, services, taxes, investments and all the things that city people buy. Agriculture buys more petroleum products than any other single industry and enough rubber, every year, to put tires on 7 million cars and more electricity than all the people and industries in Chicago, Detroit, Boston, Baltimore, Houston and Washington, D.C. put together.

Yes, agriculture is big. It is a big job to feed our nation every day, not to mention food exports to many deprived nations of the world. Why shouldn't agriculture participate in the prosperity that has blessed our nation? Especially, since food, today, is still a better value than it was thirty years ago. In 1940, one hour of a factory workers wages would buy 1.8 pounds of round steak. In 1971, the same hours work would buy 2.6 pounds of round steak.

Don't forget that profit incentive, alone, keeps the wheels of agriculture turning.

WHAT ABOUT THE FUTURE?

The average age of the farmer-rancher, today, is 59. Our young people have left the country for the big cities. They have written off farming and ranching as a poor business. The investment is too high, the risks too great, the work too hard and the return too little. If the price structure doesn't allow for profitable operation, just who do you suppose is going to produce beef and food in the years to come? We must attract young people into the industry and we must have the profit incentive to encourage them to come back and get the job done. Otherwise, there will be no beef at any price.

WHAT ABOUT INCREASES IN PRODUCTION?

Let's go back to the concept that our nation is one big ranch. Given the profit incentive, there is definitely room for expansion of beef production. If the cotton farmer or corn farmer sees more profit in raising beef, he will switch to beef, thereby, increasing production. Technological and improved management techniques will also increase production. But, a big bulge in the production of beef such as occurred during the last twenty years is not in the cards. Every year, some 2 million acres of prime farm and ranch land is covered up with new freeways and city expansion. The wide open frontier is long since fenced and gone. There is no vacuum left from the slaughter of the horse, mule, sheep and dairy herds. Everything that will make choice beef is being fed to heavier weights so there is little or no additional tonnage to be expected from that source.

The simple, plain, unadulterated fact is that with an expanding human population demanding 115 to 120 pounds of beef per person, there is not enough beef to go around at cheap prices. Furthermore, regardless of what the commentators and politicians tell you, this situation is not going to change over night.

LOOK UNTO THE LORD

It takes a long time to increase beef production. If a rancher decided, in the fall of 1972, to expand his herd he would hold back additional heifer calves at weaning time, seven to eight months old and weighing 350 to 400 pounds. These heifers would be exposed to a bull in the spring of 1973. They would have their first calves in the spring of 1974. These calves would be weaned in the fall of 1974 and sold to another rancher to be run for another year on grass, to yearlings. These yearlings would be sold in the fall of 1975 to a feeder. The feeder would put them in the feedlot on full feed for 180 to 200 days until they graded USDA Choice. Now, in early summer of 1976, the critter is ready for slaughter. Thus, three and one half years have elapsed from the time the rancher decides to expand until that decision reaches your dinner table.

So, don't listen to the politicians who tell you of the increased production of beef that they expect in the last half of 1973. Over the decades of changing political administrations, I have had Republican cows that had Democratic calves and Democratic cows that had Republican calves. It just doesn't seem to make a bit of difference to the old cow as she still remains pregnant for nine months before the offspring arrives. Beef production is not determined by politicians nor engineers but by GOD.

WELL, WHAT ABOUT IMPORTS?

Australia and Argentina are the only large sources but they are having their problems. Australia is in the midst of one of the worse drouths of the century. She is being forced to liquidate many cattle, involuntarily, for lack of feed. Because of interference and bungling by a hostile government, Argentina now has one meatless week in every four. The next question is why should they ship their beef to us when they can get twice as much for it in the Japanese and European markets. The beef that does come in is a low quality beef referred to in the trade as manufacturing beef, suitable for hot dogs, hamburgers, cold cuts, Spam and etc. America is the only nation on the face of this earth, so blessed with bountiful crops and harvests, that we can afford the luxury of grain fed, fat beef that you are accustomed to and demanding from the industry, today. How ironical that in a country so blessed with plenty that the producer is penalized with low prices, while the prosperity of the people forces higher prices to the consumer. Who is the culprit? It is the government's deficit spending and the irresponsible wage demands of labor that fan the fires of inflation and brings the purchasing power of the dollar ever lower.

In any event, the plain truth is that there is a world stortage of beef. So, don't look to imports to bring beef prices down.

BUREAUCRATS, BUREAUCRATS, BUREAUCRATS

During the past year, the government has stopped buying US beef for the Armed Forces. They discontinued purchases of beef for the School Lunch Program. They opened up our borders to imports and begged the outside world to flood the market and break our beef prices. They placed an embargo on hide exports. They requested that Japan stop buying pork from us. They sold 250 million bushels of grain to Russia and drove the price of grain up so that it cost almost double in feed to feed the cattle. The Food and Drug Administration banned the use of diethylstilbestrol, DES, in cattle feeds, which increased the cost of feeding about 17%, because they had been able to pick up a residue of DES of *2 parts per billion* in the liver of the slaughtered animal, not in the meat. Yet in the same week, the same Food and Drug Administration approved the "morning after contraceptive" for women of 50 milligrams of DES per day for five days. Some bright soul put his calculator to this one and it turns out that a woman would have to eat *262 tons* of beef liver to get the same amount of DES as was prescribed for the morning after contraceptive. Finally, Mr. Nixon declared a ceiling on beef prices and the consumers instigated a boycott of beef.

Now, Pardner, if you don't think this is harassment of a vital industry I sure would like to have your opinion as to what constitutes harassment.

LET US MAKE A DEAL

Ladies and gentlemen of the beef consuming public, I think I speak for all of the one million, three hundred thousand of us who own cows in this nation. We are willing to try and produce more beef, cope with the usual economic problems, bend with Mother Nature's fickle ways and vote in the next elections but we have no intentions of making any investments to expand beef production until we can clearly see a fair profit for our efforts, in a political and economic climate that is not sniping at us at every turn. We can get a higher price for our product abroad than we can get at home. We would prefer to serve our beloved country first and always.

THE ANSWER

The only way to reduce beef prices is to increase production. The only way to increase production is to get off our backs and let us have a fair profit for our investment and labor. Given that opportunity, we will bring our children back to the home ranch and keep you the best fed nation that walks in all of God's fresh air.

How's about a delicious steak for supper, tonight?

SENATOR RANDOLPH SUPPORTS ADMINISTRATOR RUCKELSHAUS IN TRANSITION DECISION

Mr. RANDOLPH. Mr. President, the decision announced today by William D. Ruckelshaus, Administrator of the Environmental Protection Agency, is a reasonable interim action on the implementation of the 1975 requirements of the Clean Air Act for automobile emission reductions.

His schedule for compliance with the act appears consistent with its provisions and our understanding of the technological ability to meet these requirements by 1975. In making his decision, the Administrator exercised the responsibilities given to him by the Congress.

I have carefully reviewed Mr. Ruckelshaus' statement and believe it vindicates the action of the Congress as stated in the Clean Air Act, which was developed in the Senate Public Works Committee, of which I have the responsibility to serve as chairman.

His adoption of procedures to obtain a realistically phased compliance with the act is a proper approach under the existing circumstances.

This decision was based on extensive hearings conducted by the Administrator. These public examinations provided a thorough review of all issues involved, both of a technical nature and as they relate to the national economy. These are issues that will receive further scrutiny by the Senate Committee on Public Works during its oversight hearings on the implementation of the Clean Air Act, with the active leadership of the subcommittee on Air and Water Pollution, chaired by the Senator from Maine (Mr. MUSKIE).

The 1-year extension for compliance with standards established under the act is valid only if it encourages further consideration of technologies other than those proposed for use by the American automobile industry. During this period, the pressures of free market competition should accelerate development of both effective catalysts and other emission-reduction technologies. This will be especially important for the production of cars in the years after 1976.

The decision to study the value of catalysts on a limited scale will be helpful in determining if they are indeed the best way to comply with the act.

It is important to remember that the 1-year extension is the only one possible under the act. The extension granted by Administrator Ruckelshaus relieves no one from the responsibility of complying with the established standards by the statutory deadline.

During the hearings which the Subcommittee on Air and Water Pollution will hold on this subject next week, I intend to explore with the Administrator questions relating to:

The effect of EPA's action on achieving on schedule health-related ambient air quality standards;

Additional strategies to achieve health standards which might be considered by EPA, including transportation and used car controls;

Alternatives to the present catalyst-based systems which do not adversely affect driveability or fuel consumption; and,

Alternatives to the conventional internal combustion engine that have particular merit for the post-1976 period.

EARTH WEEK

Mr. DOMINICK. Mr. President, this week marks the celebration of Earth Week, so designated by Senate Joint Resolution 2, which I was pleased to cosponsor.

In recognition of Earth Week and the desire we all have to preserve and protect it for future generations, I would like to ask unanimous consent that a poem, written by the Poet Laureate of the State of Colorado, Milford E. Shields, be printed in the RECORD.

The poem is entitled,, "The Earth," and it portrays rather well the expansive resources it makes available to mankind.

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

THE EARTH

(By Milford E. Shields)

I am the earth.
I am atoms, and granite, and erosion, and chemistry, and soil.
I am dry, and cold, and wet, and hot, and flesh, and fertility.
I provide food for men's bodies, poison for their passions, beauty for their lives, vision for their souls, and peace for their ashes.
I host nature, I mistress harmony, I sister the stars, and I balance the spheres.
For I am the earth.

AGRICULTURE

Mr. MONDALE. Mr. President, farm communities in Minnesota are alarmed

by the President's announced intention to phase out price support and acreage adjustment programs.

Prior to the election last year, no hint of this new policy was revealed. In fact, at that time Agriculture Secretary Butz removed a record amount of land from production and freely boasted of being able to spend money like a drunken sailor.

Bad weather and the Russian grain sales, combined with the administration's mismanagement of last year's farm program, have contributed significantly to rising consumer anger over food prices.

Now the Department of Agriculture is removing all controls on production of wheat and cotton, and nearly all controls on planting of feed grains. Transportation lines are ready clogged with grain from the 1972 and prior year harvests which the Department called out of storage. Experts believe this grain will still be backlogged when next year's crops must be moved. Farmers are worried about how they will be able to deal with this situation.

But without price support and acreage adjustment machinery, many of our Nation's farmers would be unable to survive.

Rural America is dependent upon the survival of our family farm system for essential income, jobs, and community services.

I feel very strongly that we cannot afford to kill the family farm system, and I believe that could be the result of adopting the President's recommendations. We must maintain a viable rural America, and not push more Americans against their will into overcrowded cities.

As an indication of the sentiment in Minnesota on this issue, I offer for consideration by my colleagues an editorial which recently appeared in the Willmar West Central Daily Tribune.

Mr. President, I ask unanimous consent that the full text of the following editorial be printed in the RECORD.

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

AGRICULTURE

(By O. B. Augustson)

On this editorial page will be found a special article which comes out of the Extension Service of the University of Minnesota. It is of interest to our agricultural producers but being farming is still our basic industry should be of interest to the people in all our rural towns dependent upon that industry.

Sometimes statements from the source mentioned have not been of the viewpoint of the release article published. So it is pleasing to note this reference to the dangers of wiping out farm price supports.

For this seems to be the intention of the present administration at Washington. Farm support programs are expiring unless they are renewed by the Congress and become a retained fact even without the support of the White House or in defiance of it.

Regarding the White House attitude we note that Senator Humphrey has publicly stated that the Nixon intentions could kill what are left of our family farms

At about the same time Senator Mondale declared that the President can well be viewed as a "farm foe."

Such statements are not unexpected for the President is shooting his guns at winning out direct subsidy payments and at the same time his other target is acreage allotments that limit the amount of land a farmer can plant and still receive subsidies. The net result of all this will throw the farmers upon a complete open market and at its complete mercy.

Naturally the U.S. Dept. of Agriculture officials are of the same mind a la Butz and company. From this department the other day came an article urging the rural areas to have a common front. Talking about education and some other secondary considerations but not a word about a decent farm income to sustain and pay for those needed things. If rural America will get its just income like an urban community it will take care of all of its problems if it has any. By the same token if rural America has any problems to worry about it is because it has not received the decent income to take care of them. And here is where the common front is needed to get that just income.

RESOLUTION ADOPTED BY LEGISLATURE OF NEBRASKA EXPRESSING OPPOSITION OF MAJORITY OF NEBRASKANS AGAINST ROLLBACK OF LIVESTOCK PRICES

Mr. CURTIS. Mr. President, the Legislature of Nebraska has adopted Legislative Resolution 31. This was introduced by Senator Jules Burbach, of the 19th district. This resolution passed the Legislature of Nebraska without a dissenting vote. It had the support of every senator present. This resolution expresses the opposition of the majority of Nebraskans against the rollback of livestock prices, the regulation of the export of hides, and other price controls and price ceilings detrimental to agriculture.

Mr. President, I am in total accord with this resolution. Agricultural prices have just started to reach a point where they should be. Farmers are faced with high costs. In Nebraska, they have experienced a very severe winter and the loss of calves due to weather conditions. It is unjust and unfair to roll back these prices or subject them to control. I do not think it should be done.

I am also opposed to the ceilings on meat that were placed thereon by the President. I think that he was ill-advised. It will not help the consumer. It will shorten the supply and anything that lowers the price of agricultural products is unfair and unjust.

Mr. President, I ask unanimous consent to print in the RECORD Legislative Resolution 31. This was brought to Washington and presented by its author, Senator Jules Burbach, and Senator Walter Epke. They were accompanied by Mr. Ray Steffensmeier, a well-known banker and civic leader from Beemer, Nebr.

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

LEGISLATIVE RESOLUTION 31

Whereas, there is pending in the House of Representatives of the United States H.R. 6168 which proposes, among other things, to roll livestock prices back to the level of January 10, 1973, and to regulate the export of hides; and

Whereas, the enactment of H.R. 6168 would have a disastrous effect on the economy of Nebraska and other midwestern states in which the livestock industry is a major factor by forcing a reduction in livestock prices; and

Whereas, the enactment of H.R. 6168 would discourage the production of livestock with a resulting shortage of meat for human consumption; and

Whereas, it is expected that H.R. 6168 will come to a vote in the House of Representatives on Wednesday, April 11, 1973.

Now, therefore, be it resolved by the members of the Eighty-Third Legislature of Nebraska, first session:

1. That the Legislature vigorously opposes the enactment of H.R. 6168 and urges each member of the Nebraska delegation in the United States Senate and House of Representatives to join in such opposition.

2. That the Legislature directs Senator Burbach to chair a special committee of the Legislature to go to Washington to oppose enactment of H.R. 6168.

3. That Senator Burbach deliver a copy of this resolution to Representative Wright Patman, Chairman of the House Banking and Commerce Committee, Representative W. R. Poage, Chairman of the House Agriculture Committee, each member of the Nebraska delegation in the Senate and House of Representatives, and to Earl Butz, Secretary of Agriculture.

CERTIFICATE

I, Vincent D. Brown, Clerk of the Legislature, hereby certify that the foregoing is a true and correct copy of Legislative Resolution 31, which was passed by the Legislature of Nebraska in the Eighty-Third Legislature, First Session, on the Tenth Day of April, 1973.

VINCENT D. BROWN,
Clerk of the Legislature.

FORGOTTEN VALUES

Mr. MUSKIE. Mr. President, one of my constituents, Mr. Ben Drisko, of Camden, has drawn my attention to a provocative statement on modern life, delivered in a sermon by Dr. William J. Robbins at the First Universalist Church in Rockland, Maine.

In his sermon, Dr. Robbins traces some of the ideas and forces which have guided men and structured their societies in the past, as contrasted to our modern world of "time-saving and back-saving devices—computerized businesses —and fractured personalities." Dr. Robbins eloquently reminds us of the enduring value of our religious and intellectual heritage. I ask unanimous consent that his remarks be printed in the RECORD.

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

FORGOTTEN VALUES

It is pretty difficult and demanding and sometimes frustrating to try to be a thoughtful and at the same time a modern religious person, particularly in the western version of civilization—our familiar pattern of what it means to be civilized. We have to remind ourselves, in order to break out of our parochialism, that Western Civilization is not the only civilization. Far from it! It's just one in many, the one in which we live, but there are other patterns of culture.

You and I are the products of a special kind of moral and religious upbringing. Whether we are conscious of it or not, our roots are very deep in what is called the Judeo-Christian tradition, articulated and developed into a great architectonic structure of metaphysics, theology, ethics, law and politics, by men trained in the rigors of analysis as invented and developed by Greek

and Roman philosophers. That fusion of the Hebraic, Christian, and Greek philosophic tradition produced extraordinary results, notably, the medieval worldview. The final product of this great fusion of earlier distinct ways of thinking and living had a wonderful symmetry about it. It was a complete structure. Popes and emperors, priests and friars, princes, vassals or serfs might be quite illiterate and often were so. Recall that Charlemagne, crowned on Christmas Day in 800 A.D. as the ruler of the Holy Roman Empire, could not read and write. There are few more decisive figures than Charlemagne in western history. But, even so, he knew and felt and embodied many things, many truths, which intellectually he could not understand or explain. People living in such a unified culture might be quite illiterate, but they knew where they stood, they knew what they stood for, and they knew who was the ultimate Determiner of their Destiny. They knew also to whom they would have to give account on the great Day of Judgment, so often depicted in the statues, paintings, and stained glass of their cathedrals.

The lines of authority, which we nowadays would call the chain of command, were all brought together in the hands of one eternal authority, whose name was God. Many psychological and moral benefits were derived from living in that kind of harmonized, total pattern.

Our Pilgrim and Puritan forebears coming ashore on this new and nearly empty continent intended and really tried hard to make Massachusetts (and that includes Maine) into a latter day Commonwealth according to the pattern set down in the Hebrew Scripture. This was the Promised Land as the Pilgrims saw it; its laws, its morals, its religion, its civic order were to be the new form of the old covenant.

As in the much more extensive medieval model, this earthly life was to be spent in self-discipline and preparation for the next life. It's hard for us to comprehend. You and I don't know much about the next life. So we focus down here. But heaven to those early Americans was almost more real than earth. This was just an outer court, the passageway, so to speak, by which you entered the great temple. They knew where they were going. We say it somewhat in jest: "Heaven's my destination"! They would have said it in all seriousness, and acted accordingly.

But between the early 1600's and the late 1700's, too much had happened for the founding fathers of the United States Federal Government to try to perpetuate and write into the national Constitution that old Puritan dream of a reconstituted Commonwealth of God.

In those two centuries, some things that had once been entirely conceivable became impossible. A massive reorganization of large ideas had come about during the Age of Reason. The new science, new philosophy, new self-awareness and the new climate of ideas produced a new breed of teachers, pamphleteers and statesmen in what we now call the liberal tradition. Several of the founders of the federal government were quite willing to call themselves free-thinkers. If the French Revolution, following the American Revolution, had not gotten short-circuited into the awful days of the Terror, and had not produced the Emperor Napoleon, our cultural history might have followed quite a different course. But those massacres and those French armies moving all over Europe to Moscow, even across the Mediterranean to Egypt, so shocked the sensibilities of Western Europe, Great Britain and America that a great political reaction set in and conservatism prevailed, counteracting for awhile the otherwise clear and acceptable results of the Enlightenment. There was a temporary delay in the development. The modern mind had been born in the two great Centuries of Reason; the shattered dilapidated world-view of the previous thousand years could never again be satisfactorily pieced together from the broken fragments.

The single great idea, the drama of creation, the pyramid of power, the vision of the celestial city, literally in heaven, all of these were gone beyond recall by the end of the 18th century. Democracy, liberty, toleration had been born. The modern world with its surprising, sometimes shocking capabilities, its new questions, its tentative uncertain answers, its fascinating techniques, and its this-worldly horizons had come into existence

It is in this modern world that you and I must live today, in all of our comfort, with all of our education and affluence, time-saving and back-serving devices, mechanized or automated industries, computerized businesses, and with all of our worries, anxieties, our fractured personalities, our alienated populations and with our specialized scientists who can no longer even talk meaningful to one another because the field of each of them has developed its own language that is almost completely unknown to the outsider. Are these our new mystery cults? There is no longer a field of chemistry, there are all kinds of subspecialities within the field. Likewise, in biology and physics, and men can't cross the lines. In this respect our technologists make us think of nothing quite so much as "The Sorcerer's Apprentice" who could turn on the great floods, but lacked the magic word for controlling them or shutting them off.

Observers of our national scene today, sometimes call our current political style a "New Pragmatism", trying by the use of a philosophical term to make that style, whatever it should properly be called, look like a rational method of handling the affairs of state or "facing up to reality", as they say. Speaking this way, we not only devalue the dollar as we did a few months ago, when Mr. Nixon called it the "most significant monetary agreement in the history of the world", and then two weeks ago promptly devalued it again and called it "an opportunity". He thereby also devalues the English language.

Pragmatism is too fine a philosophical term to use for tinkering or stop-gapping or recovering a fumble for a lot of lost yardage. A valid pragmatism means "what is true works". It does not mean "what works is true". There's a world of difference. You and I are not going to solve primary problems by using secondary techniques. The legislative and executive branches of the present-day government play tiddly-winks with one another using the price of gold or the relative value of the American dollar and the Japanese Yen or the German Mark as the snapping discs in the game. But I'm very much afraid that our elected representatives do so all too truly represent the American people in this respect. Too truly to be good!

No doubt we Americans live too high. We ought to stop boasting about it, even if we won't do anything about it. We're just altogether too self-indulgent, 7% of the population of the world consuming 50% of the natural resources of the world. That's too lopsided for the American people to be thought of as a responsible member of the family of nations at this time in history. And even at home when we have to balance our national budget, certainly a moral requirement for any nation, by making a $12 billion cut, we, at the same time, add $3 billion to the military budget. What a way to celebrate the President's historic trip to Peking and Moscow! We beef up the Armed Services with new weapons systems against a wholly hypothetical enemy, since China and Russia, now our friends, are the only nuclear powers we have recently targeted upon. Then we take several billions of dollars out of federal programs for the ill-housed, ill-educated, and ill-cared for children, widows, elderly and other-wise oppressed or unemployable persons in our own domestic family, who are not hypothetical in any sense of the word. We rightly forgive our foreign enemies after the war, and wrongly refuse to forgive or forget our homeborn dissenters. Is this morality or politics? I know that you and I live in the last third of the 20th century when great moral principles and logical and religious ideas are supposed to be outmoded and held to be totally irrelevant by the brightest practioners of the new politics and the new morality. But listen! From far away and long ago can we not hear, however faintly, the gentle words . . . "and thy neighbor as thyself?". What we hear, faint and muffled is sufficient to make us restless and uneasy. A modern person, such as you and I wish to be, had better make haste to learn that, even in the modern world, we do not make all of our own laws. The acid of modernity cannot dissolve reality. What our thinkers used to call the will of God, and we may call the Nature of things, does not allow everything to go. There's a lot more to nature than stuff and things. James Russell Lowell had the right idea in his familiar doggerel lines, a pretty good memory gem to salt away:

In vain we call old notions fudge
And bend our conscience to our dealing,
The Ten Commandments will not budge,
And stealing still continues stealing.

Can it be that we descendants of the Puritan Fathers of the 1620's or of the Founding Fathers of the 1700's have thought ourselves so far away from the controlling insights of the Judeo-Christian world-view that we have altogether forgotten and no longer feel the pressure upon our minds and our actions of the inexorable justice or the unquenchable mercy of God as taught by the ancient Hebrew prophets or the Prophet of Galilee. Those forgotten values, rationalized almost out of existence, certainly out of practice, had better be remembered again. And soon! Recall Emerson's wonderfully prophetic words: "In the end it is only the triumph of principle that can bring you peace."

RETARDED LEARN JOB SKILLS

Mr. DOLE. Mr President, recently Dr. Ibrahim Hussein, executive director of the Johnson County Mental Retardation Center in Overland Park, Kans., brought to my attention an interesting and enlightening article about the mentally retarded. It is an excellent example of how young mentally retarded men and women are being rehabilitated effectively. The Johnson County Mental Retardation Center has coordinated many existing programs, services, and funds to establish an organized and efficient program providing maximum output.

The following article entitled "Retarded Learn Job Skills" by Allen Winchester, printed in the Kansas City Star, January 25, 1973, describes the program at the Johnson County Mental Retardation Center. I ask unanimous consent to have it printed in the RECORD.

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

RETARDED LEARN JOB SKILLS

(By S. Allen Winchester)

Ten years ago a psychologist concluded that an 11-year-old mentally retarded and deaf boy named Larry probably would never be able to lead a normal life.

The psychologist, who was employed by the Kansas School for the Deaf, made the

conclusion after analyzing the results of various psychological and learning tests that Larry had taken. He reported that Larry, who had lost his hearing during a severe illness, had an intelligence quotient of 60–40 points lower than that of the average person.

The psychologist described the youngster, who at 11 had no previous schooling, as a "mentally retarded child who will require a highly individualized program it retained in the school. Academic progress will be minimal. Vocational training for simple tasks only is indicated."

The psychologist concluded: "It is unlikely the child will ever lead an unsupervised existence."

Fortunately for Larry the psychologist's gloomy forecast was wrong.

Today Larry, now 26, leads a normal unsupervised life. He is married, holds a steady job, communicates in sign language and drives a car. He lives in the metropolitan area.

However, only two years ago the psychologist's prophecy did seem correct. Larry was forced to leave the school for the deaf and might have been doomed to a life of institutional confinement if the Johnson County Mental Retardation Center (J.C.M.R.C.) hadn't come to his rescue.

Larry underwent radical rehabilitation changes under the supervision of the J.C.M.R.C. Mental retardation personnel designed an individual program aimed at helping Larry become self-sufficient.

Larry's "prescription" called for guidance to help him look at things as an adult, education on budgeting money and helping him get along with others. It also called for job training.

Larry moved to Park House, a men's residence in Olathe that teaches mentally retarded persons tasks that many persons take for granted such as dishwashing, cooking, clothes washing, cleaning, how to get along with others, wearing clean clothes, showering and getting up on time.

The former nursing home can handle up to 12 men said Mrs. Vanesa Erwin who along with her husband Murle Erwin supervises the home.

"The men have to be able to take care of themselves—use the toilet, dress and feed themselves—before they are accepted here" Mrs. Erwin said.

Once in the home they are assigned one or more roommates.

"Keeping their rooms clean is one of their duties" Mrs. Erwin said. "They have to decide among themselves who is to sweep the floor in their room."

Learning to make decisions, however simple they may seem, is a step toward self-sufficiency, said Dr. Ibrahim (Abe) Hussein, J.C.M.R.C. executive director. Park House and its mission counterpart, the Linda Dorfman Home for Women, are designed to allow the mentally retarded to live in the community.

"Mentally retarded persons are one of the most highly discriminated against minorities," Dr. Hussein said. "We're trying to bring them back to the mainstream of life so they can live as normal lives as possible."

For those like Larry, who was allowed to move to an apartment in October, 1971, the transition is quick but for others it takes longer.

"We're trying to make parents with adult retarded children realize they can become independent and need not be a burden," Dr. Hussein, a native of Alexandria, Egypt, said.

The programs at the two homes include daily visits to the Industrial Rehabilitation Center in Lenexa where men and women are taught simple jobs or trades, including dishwashing, janitorial work and various assembly line tasks that would be monotonous in many but are particularly suited to mentally retarded persons, said Clair Kuszmaul, director of vocational services.

The rehabilitation center was established two years ago, with a federal grant. For some it becomes a place of permanent employment while others learn basic skills and then take jobs elsewhere.

"Our objective is to evaluate the employability of an individual and improve the deficit areas," Kuszmaul said. Factors such as attendance, work speed, productivity, dexterity and responding to supervision are stressed.

The jobs vary and depend on what Kuszmaul and Merlyn Bolen, production manager, are able to contract or dream up. Still on the drawing board are plans to have mentally retarded persons operate a service station and provide motel maid service.

The rehabilitation center has a long-term contract with a medical supply firm to assemble hospital patient packets that include soap, lotion, a toothbrush, facial and toilet tissues. The same firm also contracts with the center to lubricate and package disposable plastic enema rectal tubes. Another firm pays for tennis rackets to be strung.

The mentally retarded employees are paid up to $2 an hour for their work. The center has a job placement program which includes periodical checks with former trainees and their employers.

Larry, after receiving rehabilitational training, went to work for a North Kansas City manufacturing firm. "It's the type of job that would drive a hearing person nuts," said Mrs. Marcia Lopez, J.C.M.R.C. social worker.

Kuszmaul said the rehabilitation center, which currently is training about 40 persons, is able to place persons in community jobs after 12 to 16 months of training.

"Finding a job for them is no problem. The problem is finding mentally retarded people to train," Kuszmaul added.

Dr. Hussein, Kuszmaul's boss, agrees. The mental retardation center offers a wide array of community services for the mentally retarded and their families but is having trouble finding retarded persons living in Johnson County.

Aside from residential living and job rehabilitation the J.C.M.R.C. offers counseling, clinical evaluation, recreation and eventually hopes to offer pre-school education for mentally retarded school children. The Shawnee Mission School District offers a wide range of special education for mentally retarded children and slow learners.

Dr. Hussein said the J.C.M.R.C. is serving about 200 persons, although this does not include most persons enrolled in special education courses. Dr. Hussein believes the 200 represent only a small percentage of Johnson County's mentally retarded population.

Nationally it is estimated that 3 per cent of the population suffers some form of mental retardation. However, Dr. Hussein believes the figure may be as low as 1 per cent or 2,319 persons in Johnson County because of affluency.

Mental retardation can be caused by brain damage at birth, genetic malfunction or severe cultural deprivation. Some forms can be cured or controlled when discovered early by changing dietary practices. The odds of producing a mentally retarded child increase with pregnancies after age 35, Dr. Hussein said.

Dr. Hussein, who received his doctorate degree in educational administration from the University of Michigan in 1968, is trying to develop a model program in Johnson County, which he hopes can be used as a guide for other mental retarded agencies across the nation.

"In the past families with mentally retarded children have had any two choices—keeping them at home or locking them up in an institution," the 36-year-old director said. "We say keep the mentally retarded in the community but provide additional services for them and their families."

The mental health center now offers recreational programs including bowling teams, basketball and dances. At Park House the men receive points for each "duty" they perform—from changing their socks, to bathing and brushing their teeth. At the end of the week the one with the most points receives a free game of bowling. Those with consistently high "duty" scores will soon be allowed to live independently in the community.

On Friday evenings men from Park House, women from Dorfman House and other mentally retarded persons who live in Johnson County bowl in a special league. On Wednesdays human development or group therapy classes are available, Dr. Hussein said.

One of the main topics discussed is sex. Mentally retarded have to learn to cope with sexual feelings. Larry, who is married, looks forward to raising children, Mrs. Lopez said. She added that he and his wife should have no problem adequately caring for their children.

Dr. Hussein, however, maintains that marriage and sexual relationships pose particularly ticklish problems for the mentally retarded and their parents. The problem for most is whether they could care for a normal child. Some mental retardation experts recommend marriage only if the couple agrees to sterilization or to practice contraception.

The J.C.M.R.C. eventually hopes to offer genetic counseling for couples.

"With a blood test we can tell a couple what the odds are of their having a mentally retarded baby," Dr. Hussein said. "When the risks are high they may decide to adopt."

The mental retardation center now offers counseling for families who have retarded children to help them determine what benefits they are entitled to through Social Security aid to the disabled funds, welfare funds or tax deductions. Eventually the agency hopes to offer short term care for children.

"We could take care of children when a parent is ill or when the parents go on a vacation," Dr. Hussein said. He believes money can be found to pay for the services. The center now receives about $135,000 from the county along with some state and federal aid.

"Our problem is not money. We need to identify the people so we can serve them. We can bill the government for the costs," Dr. Hussein said.

The Johnson County Mental Retardation Center is located in suite 308, 5750 W. 95th, Overland Park. The telephone number is 649–5900.

NORTHLANDS MEDICAL PROGRAM

Mr. MONDALE. Mr. President, I was very disappointed to read in the March 20 issue of the St. Paul Dispatch newspaper that a very successful human program in Minnesota will be phased out as a result of Federal budget cuts.

I am very proud of the achievements of the medical profession in Minnesota. However, one of my major concerns has been that many residents of rural areas of the State have been able to benefit adequately from the great advances originating at the Mayo Clinic, the University of Minnesota, and other medical centers.

The threatened program, the Northlands Regional Medical program, has provided severely needed health care to many residents of the State who previously did not even have access to a doctor. A mobile van has offered medical services to residents of 18 towns with no doctors at all in one county. Residents of the Nett Lake Indian Reservation, which is 58 miles from the nearest doc-

tor, had been looking forward to daily clinics which were to be provided under the program.

The Northlands program has also helped in the vital work of spreading throughout the State the medical knowledge concentrated in the urban areas, both by improving library access and providing training for health personnel.

I ask unanimous consent that a copy of the article which appeared in the St. Paul Dispatch be printed in the RECORD.

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

QUIET HEALTH PROGRAM WILL END

(By Ann Baker)

Northlands Regional Medical Program, which in the last five years with a $6 million budget has updated medical libraries across the state, provided mobile health vans in remote districts, sponsored varieties of applied research and dozens of training projects, will end in either June or September.

Program Director Dr. Winston Miller informed the directors of 50 current and 40 planned projects that Northlands has been ordered by the Nixon administration to phase out completely, along with 55 other Regional Medical Programs (RMPs) across the country.

No new funds will be granted after June 30, he said. "A skeleton staff will be employed for a few months after July 1 to completely close out the program."

Northlands has worked quietly, invisible to the man in the street, through public and private medical sources "to get people to work together to provide health services," and to pay for experiments attacking particular health problems, Dr. Miller explained in an interview in his St. Paul office.

When RMPs were established nationwide, a result of the Comprehensive Health Planning Act of 1966, their first goal, he said, was "to bridge the gap between the latest knowledge and the application of it in the care of the person who needs it.

"Though Minnesota is rich in medical care resources, there are still huge voids, where the best of what's known isn't gotten out to the people," he explained.

There are 180 community hospitals in the state, 102 of them with fewer than 50 beds each, too small to provide the full range of care. Many towns have no doctors for miles and miles.

Even in urban areas, said Miller, the medical problems are "devilish," especially for the poor, above all for families earning between $5,000 and $10,000, who are not poor enough to get aid, not rich enough to afford adequate care.

Among the projects Northlands has set up or helped set up:

Training more than 600 nurses, 500 doctors and 100 electronic technicians in coronary care units in new techniques to "start" hearts that "stop." So far they've reported a 10 to 15 per cent mortality reduction.

Setting up a network of rehabilitative services, which are more extensive "than any other state but all concentrated in metropolitan areas."

Running workshops and in-service training for all health workers, which have, for example, sent 30 inactive nurses back on the job.

Substantially improving libraries in 112 hospitals and clinics, putting them in touch with central libraries at the University of Minnesota and Mayo Clinic and hooking them up to a national "hotline," where they can dial free for instant information on nearly any subject.

Promoting cooperation among hospitals, clinics and doctors' offices.

Running surveys of needs and analyses of the effectiveness of health care being provided.

"Not every little town can have a doctor," says Miller. "They need some other solutions, but where are they going to get them? They need support."

Traditionally, he explained, hospitals tend to be in competition with one another. "And the physician is by and large an entrepreneur: His responsibility has been to his patients; he didn't have any public accountability."

A large part of Northlands' job was to break down "that rugged individualism, the 'town-gown' syndrome, looking down their noses," to urge health workers to coordinate and consolidate in the public interests. Dr. Miller feels cooperation works best when it comes voluntarily. Through Northlands he says that has happened in many cases, with participants at first reluctant, finally enthusiastic. Much more cooordination was expected from projects planned for next year.

Miller argues that unless such coordination takes place voluntarily, it will one day be forced by federal mandate.

Regional medical programs in some states "have been total failures—they couldn't get those power blocks to work together," Miller said. But in Minnesota he feels success has been marked.

One of the 50 projects that will wind down is a rheumatic fever prevention unit run out of the St. Paul Bureau of Health. In the past year it has taken throat cultures of 8,000 children, by school nurses and the Martin Luther King and Neighborhood House clinics. Ten per cent of the children were found to have strep throat, and consequently received treatment. Their families were also checked, to guard against re-infection. If strep goes untreated it could lead to rheumatic fever and possibly severe heart disease.

The project cost $25,000. Treating one case of rheumatic fever costs $30,000—"conservatively," according to Project Director Harry Kaphingst, who sees no hope for that work being continued.

Dr. Jean Smelker, director of Community-University Health Center, Minneapolis, on the other hand, hopes to find some means of keeping a health educator, whose salary was paid by Northlands. His job was to work with people in the Cedar-Franklin neighborhood, to establish an understanding of the importance of preventive care, regular check-ups, immunizations, nutrition, dentistry.

However, that center's plan to expand from child to adult care, a Northlands proposal offering $50,000 over three years, is dead.

A mobile health van, serving 18 doctorless towns in Polk County, may be picked up and funded by the county commissioners, according to Director Lilja Snyder.

In one year, the van, staffed by nurses, has provided "nursing assessments," screening, education, counseling, including immunizations and Mantoux testing, through 2,000 patient visits. Only two towns in the county have doctors; they're 45 miles apart. Most bus and train service in the area has been discontinued. A majority of the patients are over 65.

"I'd written to everybody about the idea," Mrs. Snyder recalls. "No insurance will cover it; nobody pays for early prevention. Northlands was the only one that would listen to us." But now she's pinning her hopes on county government.

Less hopeful are the people at Nett Lake and Lake Vermillion Indian reservations, who had hoped to expand a mobile health clinic sent out from East Range Clinic in Virginia.

They had planned with Northlands for a paramedic aide and secretary-receptionist to work full time from a large house trailer, with daily clinics at Nett Lake and several times a week at Vermillion. Currently, staff visit Nett once a week and Vermillion once every two weeks, a project they began 2½ years ago.

Dr. Gibson McClelland, who works with the project, has found "the whole gamut of major medical problems—low health, life expectancy 10 or 20 years less than the average, a high rate of suicide."

Nett Lake is 58 miles from the nearest doctor; Vermillion, 25.

"With this project," said McClelland, "we hoped to provide day-to-day care—an entry into medical care when one first needs it, instead of waiting till it's critical. It would provide closer contact with the patients and much closer follow-up.

"I think it's too bad to pull the legs out from something like this," he says, "a program sponsored by public funds to be spent for needy American people, to provide them with needed services. This wasn't anything fancy. It's what should be done with the taxpayers' money."

Northlands paid for a year's planning with the Indian Health Council to establish a clinic for Minneapolis Indians at Deaconess Hospital "that would serve them better than Hennepin General, which doesn't meet their needs very well," said Dr. Miller. "Maybe they'll get a grant from a private foundation. That's the salvation, I guess."

He said many other projects need to be developed: More training, better use of medics from the military services, development of new jobs like physicians' assistants.

"There are many more problem areas coming: An emergency medical system of ambulances; this year we planned a statewide system through the state Health Department. We've about finished planning; the operational phase is cut off."

Miller sees lasting effects from the last five years' work: "The concept has been sold that the needs are great. A lot of people are dedicated to solving the problems. There are 12 professionals on our staff, pretty competent people. They'll all get jobs somewhere, but not necessarily where they can use their skills so well.

"We'll have a few missionaries, but not many. And they tend to be ostracized by their peers and regarded as a little odd."

Kaphingst, who has been involved with RMP's in other states as well as Minnesota, says, "There is simply no one ready to pick up the pieces. Unquestionably, many public health efforts will be set back many years."

HITTING THE ELDERLY FOR MEDICARE

Mr. HUMPHREY. Mr. President, the Nation's elderly have been stunned by Nixon administration plans to make them pay higher medicare costs. They recognize the serious threat this move would pose to their struggle to meet the rising cost of living on fixed and limited incomes—and medical care constitutes a major portion of those costs.

President Nixon's fiscal 1974 budget proposals with respect to medicare would:

First, require a medicare patient to pay the actual full charges for the first day of hospital care, instead of the present national average payment of $72, as well as 10 percent of all hospital charges thereafter—now without cost to the beneficiary for the first 60 days; and

Second, call upon elderly persons whose doctor bills are covered by medicare's voluntary part B insurance, to pay the first $85, instead of the first $60, of doctors' services, and to pay 25 percent, instead of 20 percent, of everything above that amount.

It is incredible that the administration would argue that by initiating these new requirements, the elderly health consumer would be made more conscious of the cost of hospitalization, and hospitalization would be cut back in favor of finding alternative modes of health care.

This bureaucratic language, in plain terms, means that the elderly will be dunned for hospital costs under medicare over which they have no choice or control; that they would be called upon to find other health care services that all too frequently do not exist or are outside their reach financially; and that several million elderly poor who are most in need of medical care—and who are not the ones who allegedly overutilize hospitals—will now be denied this care. Actually, since 1969, hospitalization rates for the elderly have declined.

The failures of cost control are elsewhere, as is plainly shown by the harsh fact that medicare pays only 42 percent of the average beneficiary's hospital and medical bills. And it is equally clear that the 20-percent increase in social security benefits voted by the last Congress can be wiped out by rising health care costs. I am profoundly disturbed over the administration's suggestion that medicare and medicaid cutbacks can be made precisely because of social security increases. This is a total distortion of the intent of Congress, which was to provide vitally needed additional assistance under social security to help the elderly meet the increased cost of living.

The administration must learn a basic lesson of health care economics, which is that devices such as coinsurance and deductibles cannot control hospital and medical care costs. But the administration must also learn that making such requirements even stiffer will only act as an economic barrier to health care for those who need it most.

Meanwhile, a medicare beneficiary, whose average hospital stay is only 12 days, would confront a rise in the cost he or she must bear, from $84 to $189.

Decisive action has been taken in the Senate to instruct the administration that promises made to the elderly must not be broken. I have joined with 51 other Senators, led by my distinguished colleague from Minnesota (Mr. MONDALE), in introducing a concurrent resolution putting the Senate formally on record in opposition to the proposed cuts in medicare and medicaid. This resolution (S. Con. Res. 18), supported by a majority of the Senate, makes it clear that these cuts have no chance of passing.

But positive, constructive actions must also be taken on behalf of meeting the urgent health care needs of 20 million older Americans. And Congress must act in the face of the administration's failure to make any recommendation to cut back the payroll taxes the worker pays or the premium the elderly pay to support the medicare program.

That is why I have introduced the Social Security and Medicare Reform Act of 1973, S. 1143. This bill provides for the reduction and eventual elimination of the supplementary medical insurance deductible—the first $60 of medical services costs that a patient must presently pay under medicare, and which the administration would raise to $85. Second, this bill calls for the elimination of the monthly premium paid by elderly persons under the supplemental medical insurance program—the premium that is scheduled to rise to $6.30 per month beginning in July, and which the Republican Party platform of last year pledged would henceforth be paid by the Government. These charges have already increased 100 percent since 1966, placing a heavy burden on the low-income elderly.

Title III of this bill would begin a system of one-third general revenue financing for the social security system. This change would promote a long-overdue reform in what is now a regressive payroll tax, to make the financing of social security more equitable, while maintaining the actuarial soundness of the trust fund. It is an essential reform to offer the working man relief from this heavy payroll tax burden. And let it be parenthetically noted that it is this trust fund, entirely self-financed by taxpayer contributions, that constitutes a major portion of the funds the Nixon administration contends are being channeled under its fiscal 1974 budget into human resources—a deceptive claim that should be openly challenged.

Other provisions of this reform measure would eliminate the earnings limitation for social-security retirement benefits—making it the policy of our Government that no person should be denied the opportunity to work or be penalized for working, because of age—and would provide that individuals who are entitled to receive widow's or widower's benefits would receive 100 percent of such benefits.

Direct action is also called for, however, to meet the health care crisis confronting older Americans. There are few alternatives available to the elderly in need of health services, few neighborhood medical centers, and even less home health services than a few years ago.

The Nixon administration appears determined to make the elderly and the sick bear the brunt of controlling inflation. It has not objected to a disgraceful loophole in the Social Security Act that achieves fiscal savings through requiring an elderly person receiving a social security increase to give up an equivalent dollar amount from the supplementary benefits he or she had been receiving under programs for public assistance, food stamps, public housing, and veterans pensions.

It was to close this loophole that I introduced S. 835, the Full Social Security Benefit Act of 1973. I firmly believe there must be no erosion of limited income gains for the elderly enacted by Congress to help them catch up with the rise in the cost of living, especially when these gains could be totally undermined through the administration's proposals for sharp cutbacks in the coverage of health care costs under medicare.

We must confront the harsh statistics of health care costs for older Americans that are rising twice as fast as for young persons. We must guarantee the original promise of medicare: health care security. To initiate congressional action toward the achievement of this goal, I introduced bills in the last Congress to authorize medicare coverage for prescription drugs—a major out-of-pocket cost borne by the elderly—and for the provision of home health care services, without the requirement of prior hospital confinement. I also introduced the Comprehensive Home Health and Preventive Medicine Act, to provide for grants to the States for projects to establish home health centers—local agencies serving the elderly, with preference given to low-income persons, and providing a range of preventive care and diagnostic services, as well as prescription drugs, hearing aids, optical supplies, speech pathology and audiology services, nutritional counseling, and physical therapy.

In place of the administration's totally negative approach to promoting alternatives to hospitalization through setting up cost barriers to the elderly in obtaining hospital care, I have proposed a constructive answer in the present Congress to meet the urgent need of 20 million people—four out of five of whom are over age 65—who are chronically ill and disabled, for a range of services, including outpatient treatment, convalescent care, various rehabilitation programs, or periodic intensive nursing, as an alternative to acute care, or hospitalization. The National Chronicare Demonstration Center Act of 1973, S. 393, which I introduced in January, would provide for project grants for programs to test the feasibility of a comprehensive, efficient, and humane system for the treatment of chronic conditions, which is currently estimated to account for over half of the skyrocketing costs of hospital care.

Beyond launching such initiatives, it is clear that a nationwide reform of our health system is urgently required, to assure that every American citizen has immediate access to quality health care at the lowest possible cost. In 1949, I sponsored original legislation to establish a comprehensive national health insurance program, and I continued to press for the adoption of what later came to be known as the medicare program, designed to at least meet the immediate and critical health cost problems of the elderly.

The administration's fiscal economizing would undermine even the achievement of this goal. In addition to proposing serious cutbacks in housing and social services for senior citizens, the administration would deny the elderly even the benefit of reduced premiums for medicare coverage through savings achieved by requiring them to pay a substantially higher proportion of the costs of hospital care and medical treatment. Instead, these savings, amounting to well over $1 billion, would be applied as an offset against the deficit in the Federal budget for fiscal 1974. The Nixon administration demonstrates an unconscionable insensitivity in trading off better health care for older Americans to pay the bill for increased defense expenditures, for which there is no essential requirement. And it will be incumbent upon Congress, once again, to cut back

administration budget requests for nonessential defense items, where it is estimated, on the basis of careful analysis, that a genuine fiscal saving of at least $5 billion can be achieved, and to apply this saving immediately to programs to meet critical human needs at home.

Mr. President, I ask unanimous consent that an excellent article on the controversy surrounding the Nixon administration's proposals for cutbacks in medicare, by Jonathan Spivak, and appearing in the Wall Street Journal of March 23, 1973, be included at this point in the RECORD.

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

SHOULD OLD FOLKS PAY MORE FOR MEDICARE? WOULD THAT CURB THE MISUSE OF SERVICES?

(By Jonathan Spivak)

WASHINGTON.—Mary W., 75 years old, entered Washington Hospital Center here last November with diabetes and cancer. Though her seven-day stay cost $903.35, she paid only $72; medicare took care of the rest.

But, under a Nixon administration proposal, she would have to pay nearly twice as much, or $142.13, for the same care.

That is a fair sample of the dollar-and-cents effect of one of President Nixon's most hotly disputed economy plans—one that proposes the elderly foot more of their health bills while the government pay less. The biggest change: Starting next January, the aged would have to pay 10% of their hospital bills. Their contributions now total far less than that. And though a few medicare beneficiaries would gain by the change, many would find their pocketbook burden doubled.

Against these presidential intentions, the elderly and their liberal friends in Washington are employing strong language. "Savage cutbacks proposed for the medicare health insurance program . . . represent a shameful repudiation of a pledge made older Americans by the President," charges Nelson Cruikshank, 70, president of the National Council of Senior Citizens.

But Nixon spokesmen, denying any breach of promise, are pouring forth soothing reassurances. Caspar Weinberger, Health, Education and Welfare Secretary, says: "We believe that the medicare reforms . . . won't impose financial hardship on the program's beneficiaries."

EMOTIONAL DEBATE

In the often emotional debate, serious economic issues are being thrashed out. The administration, backed by congressional conservatives, believes the rapid escalation of medicare costs must be halted. The proposed changes would mean a cut of 10%, saving an estimated $1.3 billion annually at the start and much more later on.

The advocates of the cutback argue, too, that the tightening-up would eliminate wasteful use of health services, make physicians more cost-conscious and tie medicare patients' payments closer to the actual cost of care.

"It seems clear that someone with a pension or even Social Security income can and should pay a small percentage of his income if he is going to stay in a hospital bed that is going to cost other people as much as $50 to $100 a day," insists Nixon aide John Ehrlichman.

Critics complain that the changes would impose a financial burden on the aged, prevent them from getting necessary medical care, produce a medicare fund surplus without passing the savings along to taxpaying workers and do nothing to solve the problem of rising medical costs. One Democrat, Sen. Edmund Muskie of Maine, even suggests "this plan could in fact increase costs for all concerned—the elderly, the government and the health industry."

The critics do concede one point: Charges paid by patients would be more closely related to actual hospital costs. Currently the aged must pay the national average cost for their first day of hospital care, regardless of what the hospital charges and what the illness is. They then get 59 days of the free hospitalization. For the 30 days following they pay 25% of the average daily cost and for the 60 days following that they pay 50%. This arrangement plainly puts a burden on patients who are more seriously ill and stay in the hospital longer, and it ignores wide cost variations among individual institutions in different parts of the country.

Instead, the administration approach would have patients pay the actual charges for the first day of care. These range from $15 in small hospitals to $100 in big-city institutions. The national average is $72 a day. After the first day, patients would pay 10% of all hospital charges.

Some patients, particularly the 1% hospitalized for more than 60 days, would save money by the change. But most patients would pay more than at present, since the average hospital stay for medicare beneficiaries is only about 12 days. Secretary Weinberger concedes that the patient's payment for the average stay would rise to $189 from $84.

Other burdens for medicare beneficiaries would also rise. Under the program's separate coverage of doctor bills, patients would have to pay a higher "deductible" amount before the government would start shelling out. These payments would increase in the future by the same percentage that Social Security benefits rose.

COUNTING ON MEDICARE

The savings resulting from the proposed changes would permit a reduction of 6% to 7% in the payroll tax that finances medicare and would allow a cut of 30 cents from the $6.30 monthly premium for doctor-bill coverage. But the administration isn't proposing such adjustments. Instead, it is counting on the medicare cutbacks to help reduce the budget deficit.

Nixon men argue, moreover, that reducing medicare outlays would allow them to maintain spending for other health programs. But Congress likes to look on medicare and Social Security as a separate compartment of the budget and balance the tax revenue taken in and the benefits handed out.

Beyond that, Congress simply doesn't like the notion of curtailing basic benefits that so many voters count on. And this is one Nixon economy plan that would clearly require legislation to enact. Last year a much milder proposal to increase patients' hospital payments came to grief in the Senate Finance Committee. This year's tougher plan seems sure to meet even stiffer resistance, as Secretary Weinberger's stalwarts themselves concede. "There's a one-in-twenty chance to get the legislation," one HEW official says.

The clashing assessments of the Nixon proposal spring partly from conflicting views of medicare priorities. To those who see lowering of financial barriers to medical care as the overriding aim, any increase in payments to the elderly is a step backward. Certainly when medicare was adopted in 1965. Congress was more intent on increasing the aged's access to health care than on holding down the cost.

"The whole principle of medicare was that the elderly weren't getting the care they need because they couldn't afford to pay for it," insists Bert Seidman, Social Security director for the AFL–CIO.

To those more concerned about costs, the view is different. Since 1965 the price of medical care has skyrocketed, and the government has already imposed limits on physicians' fees and the length of hospital stays it will pay for. The proportion of the aged's total health expense covered by medicare has fallen to 42% from a peak of 45% in 1969. And by some estimates, the new Nixon plan would reduce the share to 35%.

Those eyeing medicare costs look also at the elderly's income and find it has risen sharply. Since 1965 Social Security benefits have increased 70%. The administration argues this rise should permit an increase of 70% to $85 from $60 in the payment that a patient must make for doctor bills before the government pays. Thus, the aged wouldn't be any worse off financially under this part of the program than when it started in 1966, the economizers reason.

The proposed increase in patients' payments for hospital care is defended on the broad ground for promoting economy and efficiency in health care. Proponents contend that making patients share in the cost would deter needless treatment and increase price competition in the medical marketplace.

STOP-AND-LOOK ATTITUDE

Imposing a 10% patient payment for hospital care would act as "a reminder that these resources aren't free, and for a fair fraction of the aged it's probably a meaningful enough amount," Martin Feldstein, a Harvard economist, says.

"It achieves a stop-and-look attitude: Do I need to be in the hospital an extra day? Do I need this test?" argues Peter Fox, a HEW health expert.

Mr. Fox and colleagues contend that patients facing larger bills would seek to be admitted to lower-priced hospitals, to avoid costly tests and to shorten lengthy hospital stays. Admittedly the decisions are made by doctors, but proponents reason that patient pressure would make the medical men more cost-conscious and would minimize intervention by Washington. "My personal preference is to let doctors and patients make the decision, not the federal government," says Stuart Altman, a deputy assistant secretary at HEW.

There is little doubt that increasing charges to patients decreases their use of medical care. When a 25% patient payment was imposed by a Palo Alto, Calif., medical clinic, use by Stanford University employes covered by a university health plan dropped 24%. Studies of other health plans show similar effects. "If you put in a big enough financial barrier, you will have a diminution in use," concludes Howard West, director of the Social Security administration's division of health insurance studies.

Unfortunately, it is difficult to determine whether essential or nonessential medical services are cut back in such cases. Statistics are sparse and subject to differing interpretations. Moreover, there isn't any agreement on what is a proper amount of care for the aged or any other population group. Medicare enthusiasts tend to measure progress in dollars spent, but dollar amounts can't express the quality of care.

When medicare began paying the bills for the elderly, their use of health services jumped 25%. At the same time, use of health services by younger people fell, presumably because medical-care costs were vaulting. But since 1969, hospitalization rates for the elderly have declined; the average length of stay has dropped sharply under pressure from medicare's managers. "I don't see any evidence there is overutilization or underutilization now," says Herman Somers, a Princeton University health insurance specialist.

The idea of making the medical marketplace more responsive to price competition is appealing, but skeptics detect several drawbacks. How hard-headed can a worried, impoverished and medically unsophisticated patient be? Does a sick person want his doctor to skimp on the costs of his medical care?

Moreover, there are many of the aged who can hardly become more cost-conscious because of the administration's proposal. Some are so poor that medical-welfare programs take care of any payments they incur that medicare doesn't cover. Others are wealthy enough to buy supplementary private insurance to fill medicare's gaps. The existence of these groups weakens the case for the cutbacks.

The underlying question of how much individual patients should pay for their health care is an issue sure to arise in any future broad national health insurance program. Congress is already considering possibilities that range in generosity from an AFL–CIO proposal for paying the full cost of most care to an American Medical Association plan for providing limited financial help to low-income patients. The medicare outcome will show which way politics points.

PRICE CONTROLS ON NATURAL GAS

Mr. FULBRIGHT. Mr. President, reports in this morning's papers indicate that the President's long-awaited energy message to the Congress may include a recommendation to eliminate the Federal Power Commission's authority to regulate natural gas prices.

In a speech to the National Press Club yesterday, FPC Chairman John N. Nassikas said that the Nation needs a natural gas program that allows a "radical upturn in discoveries and dedications of new natural gas supplies to the interstate market." He implied that deregulation would remove the present system of price restraints which are partly responsible for the chronic shortage of natural gas in the United States, and for the lag in exploring for new natural gas that worsens the shortage.

I welcome the suggestion made by Mr. Nassikas that Congress eliminate the Federal Government's authority to regulate prices of new gas on the interstate market, and I hope that the President's forthcoming message contains a recommendation for legislation along these lines.

It is interesting to recall that this was a major purpose of the Fulbright-Harris natural gas bill of 1956, which was approved by Congress but vetoed by President Eisenhower. What has happened, as those of us advocating the 1956 legislation had warned, is that interference by the Federal Power Commission with market forces—by keeping natural gas prices down—has resulted in the diversion of risk capital from further exploration for gas. As Mr. Nassikas pointed out, this has certainly been a key factor in the present shortages which we are faced with today.

One of the arguments used by opponents of deregulation during the 1956 debates was that deregulation would result in consumer price gouging by the natural gas industry. It is apparent from the reaction to the Nassikas statement yesterday that similar arguments can be expected in the months ahead as Congress deals with the issue once again.

I believe today as I did in 1956 that such arguments are specious and distort the real issue involved in deregulation, which is how to insure a sufficient supply of natural gas to domestic users at a reasonable market price.

Mr. President, I ask unanimous consent to have printed in the RECORD the two articles from the Washington Post and New York Times of April 11 which describe Mr. Nassikas' statement to the National Press Club. In addition, I ask unanimous consent to insert a series of statements and articles which I wrote in 1956 in support of deregulation of natural gas prices at the wellhead, and which, I believe, are still pertinent to the discussion of this question today.

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

[From the Washington Post, Apr. 11, 1973]

FPC WANTS NATURAL GAS DECONTROLLED

(By Thomas O'Toole)

The chairman of the Federal Power Commission yesterday proposed the elimination of federal controls over natural gas prices, a regulatory function that has been the province of the federal government since 1938.

In a speech to the National Press Club, FPC Chairman John N. Nassikas suggested that Congress revoke the FPC's authority to regulate prices of "new" gas on the interstate market.

It is understood that his suggestion will have the full support of President Nixon when he delivers his long-awaited energy message to Congress next week.

"I think the President's energy message will have legislation in it to deregulate natural gas," one White House source said. "I think the President believes the time has come to deregulate natural gas."

Nassikas said that deregulation would remove the price constraints he said were partly responsible for the chronic shortage of natural gas in the United States and for the lag in drilling for new natural gas that worsens the shortage.

He implied that higher prices would drive many industrial customers away from gas to other fuels and would stimulate exploration.

The FPC chairman said the nation needs a natural gas program that allows a "radical upturn in discoveries and dedications of new gas supplies to the interstate market."

Critics of the deregulation proposal immediately assailed it as a move directed against the consumer and all for the big producers of natural gas.

They said deregulation would double the wellhead price of natural gas from its present price of 26 cents per thousand cubic feet, a move that would cost American consumers as much as $50 billion over the next 20 years.

"If you deregulate gas, then the price on new gas will double overnight," said Charles F. Wheatley Jr., general counsel of the pro-consumer American Public Gas Association. "Deregulation means that you create a situation where producers obtain a huge windfall profit at the direct expense of the consumers of the nation."

Nassikas said that gas already flowing through pipelines under existing contracts would remain under FPC regulation, but he also suggested that even this gas could be released from controls by renegotiated contracts.

The FPC chairman also proposed that new gas decontrol be accompanied by FPC authority to monitor the results of deregulation. He also suggested there be a mandatory review by Congress to see whether price regulations should be re-imposed, a suggestion that was greeted with scorn by Wheatley.

"I don't see how you could take the lid off prices now," Wheatley said, "then come back in two or three years and say let's freeze them. That's absurd."

Nassikas conceded that price controls on gas "is not a Utopian solution . . . but it is worth trying on an empirical basis to see if the economics of the marketplace will elicit greatly expanded gas development."

One aide to a senate subcommittee said he foresaw an all-out fight on the natural gas question, pointing out that the Supreme Court in 1954 had upheld the legality of the Natural Gas Act of 1938. The aide also noted that two previous attempts had been made by Congress to deregulate gas prices, but they were vetoed by President Truman in 1948 and President Eisenhower in 1958.

[From the New York Times, April 11, 1973]

FPC HEAD URGES END TO GAS CURBS; SUGGESTS HIGHER PRICES AS WAY TO END SHORTAGE

WASHINGTON, April 11.—John N. Nassikas, chairman of the Federal Power Commission, said today that he favored ending Federal price controls for new supplies of natural gas on the interstate market.

Mr. Nassikas's position was widely interpreted as a clue to what President Nixon will say in the energy message he is expected to send to Congress next week.

Speaking to the National Press Club here, Mr. Nassikas, a New Hampshire lawyer and Nixon appointee, stressed that he spoke only for himself. But it was deemed significant that Mr. Nassikas had refrained from this issue until Presidential policy was formulated.

Mr. Nassikas was believed to be aware of the President's position and to be acting in a way that would support Mr. Nixon's proposal in Congress, where natural gas pricing is a divisive issue.

SHORTAGE NOTED

Gas supplies are short, he argued, and the way to encourage more drilling and discovery may be to let prices rise.

"You have to try it," he said during the question period. "You have to measure the results. You have to watch it and see whether you're succeeding."

In his formal talk, Mr. Nassikas proposed that his agency "monitor the effectiveness of decontrol in securing new commitments of interstate gas supplies at a reasonably competitive price with alternative sources of gas and competitive fuels."

After three to five years, Mr. Nassikas said, Congress could "determine whether direct price controls should be reimposed."

Mr. Nassikas' proposals was carefully phrased to include only additional volumes of gas to be committed to interstate pipelines. By saying "new discoveries, dedications and wells," he included in the gas he would exempt from Federal regulation those supplies already discovered but not committed to the interstate market.

Wellhead prices of gas now flowing to interstate markets would remain under Federal jurisdiction. However, Mr. Nassikas proposed that such jurisdiction end when the present contracts expire.

INVESTMENT PLAN OPPOSED

Mr. Nassikas said he opposed the extension of the F.P.C.'s jurisdiction to natural gas now being sold in the state where it is produced. He took a dim view of the suggestions that freedom to raise prices above current levels be conditioned on a commitment to invest the additional revenue in exploration.

Mr. Nassikas added that the survey of natural gas reserves sponsored by his agency would support decontrol of new gas supplies. That was taken to mean that the survey would ratify the industry's official figures, which show that proved reserves have been declining, and would rebut critics who contend that the reserve figures have been understated.

Speaking with some feeling, Mr. Nassikas reiterated what he described as his view of 1970, that there were no "massive supplies

hidden in the ground." He said that "the evidence seems to be thinner today than it was then."

[From the CONGRESSIONAL RECORD]

THE NATURAL GAS ISSUE: STATEMENT AND ARTICLES IN SUPPORT OF S. 1853, BY HON. J. WILLIAM FULBRIGHT, OF ARKANSAS, JANUARY 9, 1956

Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement and two articles which I have written on the proposed amendment to the Natural Gas Act. As the Senate has been advised, this legislation is scheduled for debate beginning next week and I wish to place in the RECORD my views regarding this issue since I am sponsor of S. 1853.

The first item is a statement which I made at the opening of the hearings by the Committee on Interstate and Foreign Commerce on May 10.

The second item is an article which I prepared for publication by the St. Louis Post Dispatch.

The third item is an article by me which is published in the January 5, 1956 issue of the Public Utilities Fortnightly.

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

STATEMENT ON S. 1853

Members of the committee, I am here today as the sponsor of the bill now under your consideration, S. 1853. As most of you realize, the language of this bill is identical with the language of the bill sponsored in the House by Representative HARRIS, of Arkansas, on which extensive hearings already have been held.

The terms and provisions of S. 1853 may be subject to amendment and change by this committee after the various witnesses have been heard. I do not, in any sense, represent this measure in its present form as the final word on this problem, nor do I wish to establish the impression that I am an expert on the intricacies of the natural-gas industry, because I am not.

It is not necessary to be an expert on the natural-gas industry, however, to understand and appreciate the problem involved here. The problem is much greater, and far more important, than any single industry.

Fundamentally, the basic problem is an old one: The economic exploitation of the resources-producing regions of this Nation. That is a matter to which I have given long and concentrated attention, and it is because of my interest in that subject that I have introduced this measure.

Since the western expansion of this Nation began more than a century ago, there has been a continuing problem—a problem which industrialization has compounded almost beyond correction—of the economic inequality of the South, the Southwest, and the West, in relation to the East and the North.

The economies of the States outside the East and North have been, and still are, dependent upon natural resources for their strength and prosperity. Tax revenues from the production of such resources constitute the primary support for public education, welfare programs, highway construction, and other vital functions of the State governments in these areas. The critical value of such resources to these States is indicated by the careful, farsighted, and highly successful conservation programs which the resource-producing States have instituted and maintained with vigorous public support and approval.

Despite what the States have been able to do, a serious economic inequality has persisted through the years, and exists today. In numerous instances, the resources of such States are absentee owned; the primary wealth and profit produced by such resources benefits other regions. In still more instances, the raw products of these regions are transported from the States of origin, processed in the East and North, and the finished product resold to our residents with the profit added by manufacture going to benefit other regions. This is the classic pattern of the Nation's economic development.

Of the raw commodities produced in the South and West, few are more valuable than natural gas. As both a fuel and as a raw product, natural gas represents a source of great potential wealth and benefit to these regions. The natural gas-producing States have only in recent years begun to realize part of that potential.

Today we are faced with a problem, I might say a threat, the gravity of which cannot be overstated. The Supreme Court's decision in the Phillips case, giving the Federal Power Commission authority to assume wellhead controls over independent natural gas producers, threatens to deprive us of the potential promise afforded by this precious commodity.

It is my own conviction—which I realize it is needless to argue—that the Court erred in its interpretation of the Natural Gas Act. The legislative history of that act and the subsequent administrative interpretation made by the Federal Power Commission from 1938 to 1954 present no evidence, as I see it, to sustain the Court's verdict.

Whatever the facts may be in that situation, however, I think that we should focus our attention clearly on the unprecedented policy proposed now by those who demand that the Court's delegation of power to the FPC be left untouched.

Those who are asking for Federal control over the production of natural gas by independent producers are asking, first of all, that this Congress establish a policy of selective peacetime price control, asking that we reach down through the maze of the American economy and single out one commodity, one commodity alone, for arbitrary price fixing.

There is no equity in such a procedure; none at all. Our entire national experience with price controls, in peace or war, is testimony to the folly of selective controls. Such controls are, essentially, punitive; because they are punitive, they discourage productivity. In consequence, an artificial shortage breeds artificially high prices. Such is bound to be the result of wellhead controls on natural gas production.

The inequity of this situation is further emphasized when we realize that the exercise of wellhead controls by the Federal Government will not, and cannot, be of direct benefit to the ultimate consumers of natural gas. Only last year, this Congress passed the Hinshaw bill, restating and clarifying the traditional exemption from Federal jurisdiction of the rates and facilities of distributing companies. Distributing companies are the retailers of natural gas; they are governed by local municipal or State commissions which set consumer charges. Thus, those who ask that the Federal Government take control of gas prices at the wellhead ignore the fact that the Federal Government is powerless to raise or lower the prices paid for such gas by the public.

If there are beneficiaries of Federal control over natural gas production, those beneficiaries are not the families of this Nation.

No, as I see it, the proponents of Federal wellhead control are, perhaps innocently in some cases, asking for the power of the Federal Government to be used against the resource-producing States to compound the economic exploitation and discrimination so long practiced in this Nation.

Federal control over the independent producers' prices amounts, in effect, to protection for the competitive position of the pipelines and the distributing companies; the blue-chip investments of the postwar era.

Certainly it is obvious that Federal control over such producers will, because of its punitive and inequitable nature, cause many of them to sell their gas in place to the pipelines, which as utilities, enjoy the bonanza of a protected profit.

This will mean hardship and loss to the independent producer—the smaller he is, the harder he will be hit; it will mean the same to the countless royalty owners and landowners who enjoy no commanding economic position; it will mean hardship, also, to the State governments.

If the wellheads of our natural-gas fields are to fall into the sphere of Federal jurisdiction, a serious question exists as to whether the taxing powers of the States can continue to operate in that same sphere.

Likewise, the occupation of this sphere of jurisdiction by the Federal Government casts a dark shadow on the power of the States to enforce their various conservative measures on natural gas, and, also, on oil which is most commonly produced in association with gas.

These are serious matters, involving the relations between the States and the Federal Government, involving the functions of our free-enterprise system, involving the economic health of two-thirds of the Nation.

If Congress perpetuates Federal control, actively or by default, we shall set a precedent—a dangerous, unprecedented, and hazardous precedent—for the political exploitation of the resource-producing States. Here in Congress, certainly the great financial interests of the North and East can amass voting strength far superior to that held by the producing States. The precedent of selective-price controls sets a new pattern for exploitation, which, considered in light of the politics involved, becomes far more vicious, far more oppressive than anything ever before seen.

In this day, when the demands of world leadership require the maximum strength of all States and all regions, Congress should certainly act with great care to avoid rushing into a pattern for economic exploitation of any regions.

I feel strongly that the historic pattern of free competition in the field—the pattern followed since the inception of the interstate natural-gas industry—is the best protection, ultimately, for both the Nation and the consumer.

I believe it is urgently important for us to restore the original meaning to the Natural Gas Act. It may be that this bill now before you, S. 1853, goes too far in compromising the various cross-purposes of the competitive segments within the industry. I hope that the committee will not be distracted from the prime purpose by such quarrels or differences. The main purpose will be accomplished if we can, as I said, simply restore the original meaning to the Natural Gas Act.

[From the St. Louis Post-Dispatch of July 31, 1955]

FULBRIGHT SAYS UNITED STATES CONTROL OF NATURAL GAS PRICE AT WELL WOULD BOOST CONSUMER'S COST—HE REPLIES TO DOUGLAS THAT CURBS WOULD WRONGLY CLASSIFY PRODUCTION AS UTILITY AND END SEARCH FOR FUEL WHICH KEEPS IT CHEAP

(By J. W. FULBRIGHT, U.S. Senator from Arkansas)

WASHINGTON, July 30.—If producers in the Southwest donated a year's supply of natural gas to the families of Missouri, the typical household budget would be saved only $8.63—and there would still be a $69.38 gas bill to pay.

Exceptional? No, not at all. The same pattern is nationwide among States im-

porting most or all natural gas used for residential purposes. Free gas, given away at the producing field, would still cost $69.66 a year to the average family in Wisconsin—a saving of $4.96 annually; $72.60 in Tennessee—a saving of $7.25 annually; and $68.23 in Illinois—a saving of $5.83. In Rhode Island, where gas is used primarily for cooking and not for heating, free gas would save the average Rhode Island consumer only $1.54 on an annual gas bill of $66.66.

Where are the added costs slipped into the consumer's monthly bill? Most natural gas users may be surprised to learn that, literally, it happens right at home—not far away in Texas or Louisiana or Arkansas. The culprit, if there is one, is not some far away, impersonal corporation—it is your local distributor of gas.

NINE HUNDRED PERCENT RISE

The 320,000 residential users of natural gas in St. Louis and St. Louis County pay nearly 900 percent more for gas than the same gas costs in the producing field. Out of $21 million St. Louis families pay each year to cook and heat with gas, $14 million is for costs added after the natural gas has been delivered into the city.

Specific prices and specific costs vary from city to city and State to State, but there is no variation in the fact that—on the national average—85.5 cents of every household dollar spent for gas goes for service, and only 11.5 cents goes for the gas itself. The field price of natural gas is the smallest component of the ultimate retail price.

These facts are highly significant and pertinent to the Congress' present effort to formulate a new policy to guide Federal Power Commission participation in the regulation of the natural gas industry. Consumers, press, and public officials must understand these facts thoroughly; otherwise there is a very real danger that Congress may be influenced by artful and tireless propagandists to take a wholly unrealistic and foolish course.

The question of Federal policy toward the Nation's basic fuels and energy resources is a fundamental question. Federalization of our fuel supply for example, would render untenable the historic position of private competitive enterprise as our economic system. This prospect—whether remote or real—commends caution in any approach to a new and expanded use of Federal regulatory powers.

DOCUMENTED FANTASY

Unfortunately, there are persons who seemingly will not rest until they see the Federal Government go into the oil fields of the Southwest and plant a regulatory heel on every natural gas well in that area. In their zeal, these advocates have discarded even the pretense of caution with facts and reason and have fabricated a sort of documented fantasy which they themselves believe to be learned economics.

My very good friend and colleague, Senator PAUL DOUGLAS of Illinois, demonstrated in these columns several weeks ago how successfully fantasy can be employed to obscure the true perspective of the natural gas issue. The Senator elected to discard the facts as they are and to conjure up oversized statistics more suitable to his purposes.

The actual economics of the natural gas industry refute—rather than support—the position that Federal controls at the wellhead are needed to save the consumer from the producer.

As the facts show, the producer's price is the least important factor in the consumer's gas bill. If the Federal Government should assume control over that price, the maximum benefit in dollars and cents to the consumer would be negligible even if the field price was arbitrarily reduced to zero.

FALLACY OF UNITED STATES PRICE FIXING

The fatal fallacy of this position, however, is that the Federal Government has no authority to determine or control what domestic or commercial consumers pay. Local rates are fixed locally by State or municipal agencies. The consumer allows himself to be deceived when he accepts the idea that his natural gas bill is made high by men far away in Texas—or that it can be made lower by men far away in Washington. What the consumer pays is determined usually in his own community.

This fact cannot be too strongly emphasized: Even if the price of natural gas were frozen permanently at present levels, the customers in St. Louis—and elsewhere—would probably continue to pay an increasing cost for it through the years.

The customer is, in a real sense, not paying for gas so much as he is paying for service—the finest service obtainable. At the turn of a knob, natural gas is in the customer's home, ready to cook or heat, any time, day or night, every day in the year. No shoveling, no telephoning, no storage, no inconvenience whatsoever is necessary with natural gas, and that is what the customer pays to enjoy.

STEEL PIPE A FACTOR

In the final analysis, the price of steel pipe or the overtime wages of local meter readers may have more to do with boosting the consumer's gas bill than the field price of natural gas itself. I am reasonably certain that Senator DOUGLAS would not criticize the steelworkers union for their recent success in negotiating for a modified guaranteed annual wage, but that wage contract—resulting in a $7.50 per ton increase in steel prices—will mean higher gas bills for many present and all future natural gas consumers.

The illogic of the Federal control argument assumes even more astonishing proportions when it is realized that—wherever it is presently sold, whatever its current selling price—natural gas represents the best fuel bargain available to consumers in that area.

As a fuel for homes, business establishments, or industry natural gas is the finest obtainable. The entire interstate market for natural gas which has opened since World War II—extending service to 9 million residential users—has been a replacement market in which natural gas has been voluntarily substituted for other fuels, principally oil and coal. Other fuels have done—and could do—the job which natural gas performs. But natural gas is cleaner, cheaper, and more efficient. Natural gas is preferred by those who want the best.

If the thesis is accepted that the fuel bills of America's families are matters of concern to the Federal Government, then by no logic can it be accepted that natural gas merits first attention. Since the end of World War II price controls, the consumer costs for coal and fuel oil have skyrocketed 100 percent—the price of natural gas in the consumers price index has advanced only 12 percent. In the same period, food has gone up 65.2 percent, clothing 36.6 percent, rents 41.1 percent, and the overall cost of living 49.7 percent.

Senator DOUGLAS—and others of his persuasion—neglect these facts, undertake no crusades to save the coal user from the producer. Obviously, somewhere along the way, some perspective has been lost on this issue. The natural gas consumer is not petitioning for relief from exorbitant prices; quite the contrary, in the State of Illinois more than 300,000 families—presently captive consumers of competitive fuels—are on waiting lists for natural gas service.

This would suggest that possibly the people understand the statistics about natural gas better than the proponents of Federal control. In his article, Senator DOUGLAS dwelled at length on the statistic that passage of pending legislation preserving the independent producer's exemption from Federal utility-type regulation would mean, according to reasonable estimates, an increase to consumers of $600 million. In support, he cited industry experts who offered estimates of how much—on a comparative basis—natural gas would be worth if it were selling for the same price as competitive fuels such as coal and oil. This figure of $600 million is an absurdity, of course, but it does constitute the best evidence of the bargain of natural gas field prices.

This sort of mathematical contortion is—as it is meant to be—enough to frighten reason out of any discussion of this issue, but such propaganda techniques are unacceptable as a basis for decisions about national policy by the public—or by Congress.

YEARS OF PROPAGANDA

Ten years of propaganda have persuaded many good people that the big figures and hypothetical statistics are, in reality, facts. It is an uninviting labor—like trying to dissuade believers in flying saucers—that there is less there than meets the eye.

The fact is that the natural gas issue is not a dollars-and-cents issue. The real issue is supply—not price, and many of the consumers' self-appointed protectors are rendering a real disservice by obscuring that basic truth.

From the beginning, the monumental error of the advocates of Federal intervention in the producing field has been the careless conclusion that because natural gas is distributed by utilities the production of gas is automatically a utility function, also, subject to utility regulation.

This is not true.

The gas utility is selling, primarily, service. On a daily average, the residential user pays the utility 18 cents for bringing gas to him and pays only 2 cents for the gas itself.

PRICES NOT DIRECTLY RELATED

The two prices are not directly related. One may rise while the other falls or remains constant. In St. Louis, for example, the field price of natural gas consumed in the city increased 4 cents per thousand cubic feet from 1949 to 1953, while the cost to consumers for typical home use rose 12.4 cents over the same period. From 1952 to 1953, the field price for St. Louis natural gas advanced 0.2 cent, the price at the city gate rose 5.2 cents, and the price to home consumers increased 9.5 cents.

Any gas utility in the United States can—and some of them do—deliver manufactured gas, rather than natural gas, through their mains. The gas is manufactured from coal. Rising coal prices mean rising gas prices in such circumstances. No city has asked—and no Member of Congress has suggested—that the Federal Government should assume jurisdiction over coal production to fix the ultimate price of manufactured gas, yet the relationship is exactly comparable with the role natural gas occupies.

Our whole concept of utility regulation is against the argument that Federal power should be used to fix and freeze field prices of natural gas. Utility rates—even though regulated—vary with changing economic conditions, and the pretense that a Federal freeze on gas prices would be mere utility regulation is a sham. What the proponents of Federal gas controls are asking is the introduction into our political system of a punitive, arbitrary, selective exploitation of individual commodities on a political basis.

The inapplicability of the utility concept to natural gas production is further illustrated by the recent action of the city of Memphis in announcing plans to build its

own municipal electric power station. Memphis can—at this distant point—predict the costs of its undertaking and determine the level of consumer rates to be charged. This is a true utility situation.

COST OF FINDING GAS

By the same measure, hundreds of American cities want natural gas—one pipeline alone has been petitioned for service by 149 cities. The cities cannot, on their own, simply undertake to supply their own gas needs. Natural gas must be found, not made. Where it might be found, how much it might cost to find it are unpredictable. On the average, 9 wells must be drilled before 1 producing well is found. At costs from $100,000 to $1 million per well-dry holes included—the outlay would be astronomical, with no certainty of success.

Obviously, the producer cannot be treated as a utility. If, as some suggest, the Federal Government should apply the utility principle and guarantee a return on investment—including the expenses of the search for gas, dry holes, and all—the result would be a gigantic subsidy to the inefficient and unsuccessful and a penalty to the efficient producer. It is quite clear now that if Senator DOUGLAS had his way the producer would sensibly sell his high cost gas—the gas in which he had the most invested—into interstate commerce and keep the low cost gas at home in intrastate channels. This would be a particularly unnecessary burden for the interstate consumer, the folly of an unrealistic theory.

There is another element to consider. Already it has been mentioned that natural gas is not selling—and has never sold—for its relative worth on a heat content basis with competitive fuels. Gas at the well-head sells for less than half the value of coal at the mine-face and one-fifth as much as oil at the well.

OIL FINANCES GAS

This unusual economic bonanza results from the fact that, for 50 years, the discovery of natural gas has been subsidized by the search for oil. Until recent years, natural gas was considered economically worthless. Discovery was largely accidental, but through years of oil exploration a great stockpile of natural gas reserves accumulated.

The end of World War II—and the improvement of pipeline transmission facilities—opened, for the first time, access to vast new markets outside the Southwest. Consumption since that time has more than tripled in the 35 gas-importing States and some 25 million families now use it.

Today natural gas has a value which it never had before. Also there is built up a tremendous demand to find natural gas. The supplies are exhaustible; there is not enough to go around to everybody or to last forever.

The consumer's interest—the public interest—lies in finding more and more gas. What it will cost to find it no one can predict, because no search for gas has ever been financed as such. At present the petroleum industry is spending some $3,100,000,000 annually on the discovery, development, and production of oil and gas reserves combined.

If we set our Federal policy by the principle that the producer should get no more for natural gas in the future than he received in the past, then we will, necessarily, collapse the search for additional reserves. Independent gas producers are no different than Illinois farmers, St. Louis manufacturers, Wisconsin dairymen—they are not going to labor to produce a commodity which governmental policy makes uneconomic to market.

In regard to supply, no segment of the natural gas industry has a greater interest in maintaining adequate supply than the pipelines; otherwise, they could not operate. The Federal Power Commission determined some time ago that it was in the public interest to encourage the pipelines to search for natural gas, find their own reserves.

FAIR-RETURN THEORY

Senator DOUGLAS takes issue with this, holding that the pipelines should be able to charge only on the basis of a fair return on their investment—not the reasonable market price. In many instances, the costs as determined by investment figures on a public utility formula are above the reasonable market price. In other cases, of course, the reverse is true.

For example, in the El Paso Natural Gas Co. case the most recent pertinent decision—the FPC found the marketed price of the company's gas to be $4,970,000. Had Senator DOUGLAS' formula been applied, the cost to consumers would have been $5,060,000—plus return, plus Federal income tax amounting to several million more.

The system now used by the Commission—and embodied in the Harris-Fulbright bills before Congress—will benefit the public interest far more than Senator DOUGLAS' unrealistic effort to impose public utility formulas upon the Nation's commodity producers.

The point is well established that—for all the good intentions which may serve as motivation—the exponents of Federal jurisdiction over the Nation's gas producers are out of touch with reality and are working against—not for—the consumer's interest.

The public interest in natural gas lies in finding more and more supplies. If the producer is treated as a public utility, the search for gas to supply the interstate market will no longer be justified.

PENDING BILLS

Congress now has before it on the calendar of each House, legislation to establish a new, workable pattern of Federal regulation—regulation to supplement but not supplant the authority of the States and municipal governments. The bills are H.R. 6645, by Representative OREN HARRIS, of Arkansas, in the House, and S. 1853, which I introduced in the Senate.

These bills exempt the producer from utility regulation, but they do not leave the Federal Power Commission powerless—or the consumer defenseless—against unreasonable price increases. For the first time, the Commission is given real authority to control what the producer is paid by the pipeline. Interstate transporters cannot pass on to consumers more than the reasonable market price as determined by the Commission.

The consumer benefits and the producer benefits and the national economy benefits. It is a workable, effective, reasonable system which Senator DOUGLAS elected in his article to dismiss by saying that the "reasonable market price" standard was "useless" and "window dressing."

As shown in this article, Senator DOUGLAS' own scheme for something other than a reasonable price would actually cost the consumers millions of dollars more.

SELECTIVE PRICE CONTROLS

In a free competitive economy, it is a hazardous business to undertake to single out individual commodities for artificial price controls by the central government. Once the government begins to pick and choose, its decisions are controlled by political considerations—not by sound economics. This leads inevitably to exploitation of the less powerful by the more powerful—the wages of labor, the products of the farmers, the output of individual plants and industries all become fair game once the precedent is set.

The bugaboo of monopoly is injected into the issue extraneously. There are more than 8,000 natural gas producers competing vigorously for leases, discoveries, the privilege of producing and of finding markets in which to sell. Of the 453 separate manufacturing industries considered standard in the United States economy, 382 have a higher concentration of ownership than does natural gas production.

MONOPOLY FACTOR

We have a great body of antitrust laws in the land to protect the public against monopoly. These are applicable to the natural gas industry as much as to any other. Nowhere among those laws, however, is it suggested that the proper remedy for monopoly is governmental price fixing—which is the course some seem now to want to follow.

The public—particularly the gas consumers—would do well to begin taking a more careful and more searching look at the arguments advanced by those who want Congress to beat a hasty stampede into the experiment of virtually federalizing a basic producing industry.

Every Federal agency which has examined this natural gas question through the years has, after learning the facts, concluded that the public interest would be best served by maintaining gas producers free of utility controls.

The Federal Power Commission reached that decision first shortly after the Natural Gas Act was passed—and then—Commissioner Leland Olds, one of the present champions of Federal regulation, was among those who voted for the exemption which Congress proposes now to reestablish in the law. Today the FPC is still asking Congress to write that exemption firmly into the law.

Both House and Senate Interstate Commerce Committees, by bipartisan votes, have recommended passage of the Harris-Fulbright bills.

THE FPC GAS PRODUCER EXEMPTION IS IN THE CONSUMER INTEREST

(By the Honorable J. W. FULBRIGHT, U.S. Senator from Arkansas)

Should a Federal agency be turned loose in the Nation's oil and gas fields to control production of natural gas with a free hand to make and apply its own rules on a day-to-day basis? Or should Congress decide the area of Federal jurisdiction and write an orderly, stable national policy into the law?

The United States Senate must soon choose between these courses. Already the House of Representatives has, for the second time in 6 years, approved a bill to give the Nation a firm, reasoned, workable policy. The measure by Representative OREN HARRIS, of Arkansas, extends the pattern of the Federal Government's only successful regulatory experience in this field. My bill, a companion to the Harris bill, is pending on the Senate calendar.

What the Senate decision will be is not foreseeable. The industry, the Federal Power Commission, the President's Cabinet Committee on Energy Resources and Supply Policy, and many others believe a well-defined policy is essential to the public interest. Since 1949, committees of both Houses have consistently recommended passage of legislation such as that now pending each time the Natural Gas Act has been reviewed and studied. There has never been a serious effort to advance any alternative policy for congressional consideration.

There has been—and there is now—a powerful effort to prevent Congress from declaring any policy at all. Supreme Court decisions have clouded and confused the limitations on Federal authority laid down in the jurisdictional section of the Natural Gas Act. In the absence of clarifying language from Congress, the only practical limit on Federal power is the imagination of the 3-member majority of the Federal Power Commission. This is a decisive gap in the orderly processes of government, a gap which the pending legislation seeks to close.

I

For most of its life, the natural gas issue has been styled as a classical consumer versus producer contest. It is not a valid description of the issue, but on this foundation artful propagandists have erected a wall of misunderstanding which shuts off much light from public discussions.

The purpose of the consumer versus producer alinement is obvious. However technical the regulatory question may be, it must be settled politically in the arena of politics. The men who must settle it are not technicians; they are responsive to political statistics.

If a question is to be answered in terms of 25 million consumers or 4,000 producers, 40 consuming States or 8 producing States, then there is a certain political finality about the choice. No matter how pertinent, facts about the producers' position can anticipate only a small audience. The debate is one-sided and futile before it begins.

Obviously, this styling is faulty and superficial. The remarkable consistency with which regulatory agencies, congressional committees, and Cabinet-level studies have concluded that wellhead regulation of producers is not in the public interest plainly suggests that right is not a matter of numbers. The issue is economic, not political, and it should be measured by economic factors, not political factors.

On this plane, consumers and producers are not in conflict. The producer does not control the consumer's price, and the consumer does not control the producer's price. Twice removed from each other, separated by the pipeline and distributor, consumer and producer are not in position to bargain with each other; third-party bargaining between the two, the role proposed for the FPC, has no economic basis and would be a legal absurdity.

The residential consumer's gas rate is created beyond, not at, the wellhead. Typically, 90 percent of the rate is for service, the transporting and distributing of a commodity; only 10 cents of each consumer dollar is for the commodity itself. The commodity price in the field is a fixed price, controlled by contract. The ultimate price is a variable price, subject to adjustment to allow the distributor full recovery of current costs—plus a guaranteed profit.

Control of the 1 stable price in the producer-to-consumer sequence can have only 1 purpose; to protect the variable rates of the distributor, keeping those rates palatable and competitive for a competitive market. That Federal regulation would serve the utilities' interests, rather than the public interest, was made evident when the gas distributing utilities installed a well-financed lobbying front in Washington 3 months ago for the express purpose of defeating the Fulbright bill in the Senate.

Further emphasis of this point was provided by Senator PAUL DOUGLAS in his article appearing in this publication October 13, 1955, when he wrote in support of his pro-regulation viewpoint: [1]

Convincing evidence was presented by representatives of distributing utilities before the congressional committees to the effect that the increased cost of natural gas was seriously hampering their efforts to expand natural gas sales, that in some areas they were being priced out of the market, and that if the upward trend in field prices continued, they would meet with financial disaster.

In context, this argument explodes the contrived consumer versus producer myth. Stated baldly, the Federal regulation of independent natural gas producers is "essential" only to the utilities, so that their competitive position may be maintained at the expense of the natural gas producer. The utilities are seeking to have the supply contracts, on which the industry has been built, abrogated by Federal power so that the producer can be forced to absorb the utilities' costs.

It should be noted that the distributing utilities' plea for Federal regulation omits any reference to lower domestic consumer rates as among their purposes. The dark threat of being priced out of the market refers to the industrial market, not the cookstove and water heater market of the housewife, and is, in effect, a bid by the utilities to have Congress perpetuate artificially and arbitrarily a competitive advantage over coal, fuel oil, and other sources of energy. In other words, the utilities want gas field prices made lower so that they may sell greater volumes at their lowest rate, rather than for the purpose of reducing their highest rates—the rates which consumer families pay for home use.

Semanticists notwithstanding, the political choice—and the real choice—is not between producer and consumer, but, rather, it is between producers and utilities, or, perhaps more precisely, between consumers and utilities.

II

The gas distributing utilities are taking an expedient position, maneuvering to obtain a short-term advantage in a tightening competitive market. Their expediency has brought the utilities into strange company. Long before the utility role was so visibly defined, however, the movement for Federal control of natural gas production had its origins among the advocates of public ownership of natural resources. From this source, there has continued to come the momentum, the doctrine, the statistical exercises, and the slogan-style maxims characteristic of the effort. It is possible, but hardly prudent, to assume that the end being sought today differs from the goal in the beginning.

Historically, certain facts are pertinent. The Natural Gas Act was passed in 1938 without fanfare, without excitement, almost without interest: it was accepted as a noncontroversial measure, approved without rollcalls. In an era of self-conscious reform, this legislation was approved with a noteworthy lack of applause, for—apparently contrary to the prevailing trend of those times—it drew careful and precise lines on the limit of Federal jurisdiction. From 1938 to 1954 this limit stood. Then, by a divided opinion, the Supreme Court obscured the line in the case of certain sales by one producer, and the FPC elected to apply universally the mandate which a majority of the Commission found in that one case.

Before that decision came, however, there had been an unrelenting campaign against the limitations on FPC jurisdiction: not an effort to remove the restraints by affirmative legislation, but, rather, a campaign to confuse the legal language and resist congressional clarification. This pattern persists unchanged to the present.

The public has never been given a straightforward picture of what federal controls over gas production would mean or involve. Proponents of that cause have rallied support negatively, portraying imaginatively and quite loosely what producers might do if not controlled. They have, however, entirely failed to explain what they themselves would do if entrusted with the powers they seek. I have failed to and in any of this group's writings or preachments a single promise of a benefit to consumers. The whole burden of their appeal is that they will not let happen what might not happen anyway. This is pure demagoguery.

Reduced to reality, the mobilization of consumer wrath through all the mass media of communication and propaganda has been for the purpose of preventing Congress from taking an action which would draw a line on how far the Federal Government can go into the oil and gas fields. The long-maintained barrier against Federal intrusion into the realm of resource production has been breached at a weak point into the language of the Natural Gas Act; the gap is open for the forces of public ownership to filter through. This is certainly no ordinary matter which faces the Senate now.

III

For some, it is difficult to equate the dimensions of the issue with the minute size of the segment of the economy directly affected. It is well, therefore, to examine in more detail the implications of this issue.

The immediate reach of the act would seem, it is true, to be only one industry. However, for regulatory purposes, natural gas is inseparable from oil at the producing level and the two fuels supply 63.8 percent—nearly two-thirds—of the energy on which the American economy operates. When the arm of the government power reaches out for natural gas, it brushes against the jugular vein of our enterprise system. Control over the production of any resource is, inevitably, control over its use and its users. Such control is fundamental to a regimented economy.

We must recognize, also, that the future is built on today's precedents. The precedent which the Supreme Court and the FPC have fixed in their interpretation of the jurisdictional cause of the Natural Gas Act is that those who supply a public utility become, by that one test, public utilities in their own right.

Natural gas producers are not utilities and the Supreme Court did not insist that they were. The essence of the Philipps decision was that because a gas producer's commodity might eventually influence a distributing utility's rate the producer should be regulated on a utility basis also.

This is, I might suggest, closely akin to what some of my colleagues would regard as "guilt by association." By a sort of agile and spurious logic, the independent producer is classified as a fellow traveler of the utilities, to be treated in the same manner.

Obviously, this established legal precedent—albeit a classical example of double think—could, if universally applied, ensnare the whole range of our manufacturing and productive industries. The proponents of Federal regulation of gas producers are making a political promise to consumers of a fixed gas rate. To fulfill that promise, it would be necessary to control all components of the consumer's rate: steel, fabrication, right of way, office machines, wages and salaries, and all else that constitutes 90 cents of each dollar the consumer pays.

The promise of a fixed consumer rate is, actually, an important and significant departure from the established principles of utility rate regulation. Traditionally, utility rates are current rates, based on the costs of operation under current economic conditions plus a reasonable return. To freeze a utility rate for 20 years, without regard to cost or current economics, would, in an inflating economy, be confiscatory and leave no room for private ownership or operation. This is exactly what is proposed for independent gas producers.

Field prices of natural gas have never reached a level of current value. On comparative basis, gas sells in the field for substantially less than competitive fuels. Likewise, on the basis of costs of discovery and development, the gas price has not reflected actual cost. Gas has been discovered as an incident of the search for oil; it has, in effect, been subsidized by oil. The proponents of Federal regulation disregard this and submit, as one of the primary justifica-

[1] Federal Regulation of Independent Natural Gas Producers Is Essential, by Hon. PAUL H. DOUGLAS, Public Utilities Fortnightly, October 13, 1955, p. 622.

tion for such controls, the necessity for preventing gas-field prices from rising to a current value. Obviously, this is arbitrary, punitive, and confiscatory. It is not utility regulation; it is political regulation, leading inevitably to public ownership.

Carrying this recital forward, the proponents of Federal gas controls have raised the specter of a zero rate base. They propose that the producer be allowed to recover the cost of his lease, drilling costs, and fixed equipment. After that his expense would be fully amortized and there would be no base on which to fix a return—a percentage return on zero is zero. Corollary with this, the Federal Power Commission now holds that dedication of a commodity to public use supersedes and abrogates the terms of private contracts, specifically precluding the right of a seller to withdraw his commodity if the terms of his contract are breached and casting doubt on the seller's right to terminate deliveries after a contract has expired. In other words, a contract is meaningless. Once a producer commits his commodity to a public use his normal rights of ownership expire and he must continue deliveries, even if he is not being compensated on a current basis.

This is not conjecture or prophecy; this is simply the logic of the course we are already following. Independent gas producers already are caught in this web and this much of it they can see, but neither they, the FPC, Congress, nor the public can say how big the web is, for nowhere is the pattern of this regulation described by law. From what is already visible, however, no great imagination is required to visualize the application of this precedent to a greater breadth of the economy than natural gas.

Already there is an evident conflict between the Commission's position and the established jurisdiction of the States in matters of conservation and taxation. If the powers of the States cannot prevail against the Federal power, then the State commissions are reduced to subsidiary status, functioning as administrative agencies for the Federal Power Commission.

There is, likewise, an obvious conflict in the effort to control gas without controlling oil when the two are produced concurrently from a common well mouth. The FPC defines independent producers now as "natural-gas companies," within the meaning of the Natural Gas Act; that act requires FPC certification of the facilities of "natural-gas companies." Doesn't this mean producers must secure certificates of public convenience and necessity before beginning to drill or lay casing—their only "facilities"? What about the producer exploring for oil who finds gas unexpectedly? Must such oil producers hedge against the possibility by seeking certificates, too? Also, the act gives natural-gas companies the awesome right of eminent domain. If producers are natural-gas companies in the eyes of the law, do they not have the privilege of eminent domain in searching for petroleum beneath private property?

These questions are pertinent and pressing questions. The fact that there are no available answers demonstrates, convincingly, the weakness and hazard of the negative case for Federal controls over independent producers. Proponents of such controls have never presented a case for Federal regulation; they have failed even to define what Federal regulation should be or would be. Their whole case is a case against congressional determination of Federal policy. By preventing such congressional action, it is obvious they hope to achieve an extension of Federal power which this Congress—and no other Congress of recent years—would not endorse on its own merits.

These facts represent persuasive evidence of the importance of congressional clarification of the jurisdictional clause of the Natural Gas Act of 1938.

IV

The Federal policy toward natural gas production proposed by the pending legislation in Congress reiterates the traditional definition of Federal jurisdiction which prevailed from the passage of the Natural Gas Act in 1938 to the Supreme Court's Phillips case decision in 1954.[2]

Under that policy, Federal regulation is attached, properly, to the interstate segment, i.e., the pipelines, of the producer-transporter-distributor sequence. This policy gives the Federal Power Commission authority to control the rate at which natural gas is sold at the city gate, or, more specifically, to assure that the charges for transporting gas from the field to the city are reasonable.

Federal regulation applies to a service, not to a commodity; likewise, local rate regulation functions in the same manner. This is the critical area of the public interest. Service costs, unlike commodity costs, do not permit long-term control by contract. In lieu of contract, governmental policing is necessary to protect consumer interests. Where it is possible to establish fixed contract prices, through private bargaining, governmental policing is gratuitous and burdensome.

It should be kept in mind that under FPC policies, producers have been required to enter 20-year contracts, dedicating their reserves for two decades at prices arrived at on the basis of today's values. This long-term dedication is held necessary to assure consumers of adequate supply. Whatever the necessity, no other producer in the economy is required to make a comparable dedication.

Contrary to the statements of proponents of Federal control, the pipeline is in no wise at the mercy of producers. The pipeline does not, as some persons have suggested, begin building a line at random, snaking about the countryside searching for natural gas. To build a line, the pipeline company must first secure from the Federal Power Commission a certificate of convenience and necessity. This certificate is not granted until the pipeline is able to show (1) that it has a market, and (2) that it has under contract sufficient gas to supply that market's needs for 20 years. The producer must commit his gas, under contract, long before construction of the pipeline begins.

If there is a captive in the natural gas marketing process, it is the producer—not the pipeline, not the distributor, not the consumer. The distributor may use his facilities to distribute manufactured gas, and this is done. The consumer, likewise, elects to convert to natural gas. The astronomical expansion of the natural gas market since World War II has been a replacement market, in which gas has replaced coal or fuel oil or manufactured gas for home use. Gas did not capture the consumer, it freed him from less desirable fuels for which there had previously been no competition.

The bulk of complaints by pipelines and distributors today against gas field prices is a complaint against existing contracts, which they made. In other words, what they are seeking is not Federal regulation of an unregulated price but, rather, Federal relief from their own obligations. There is no evidence that the Natural Gas Act was intended to serve the interests of individual segments of the industry; on the contrary, there is abundant evidence that the use of governmental power to make or perpetuate competitive favor is contrary to the public interest.

The pending legislation is concerned, primarily, with the area of Federal jurisdiction. However, for the public protection, provisions are made to discourage pipelines from proposing contracts which would cause field prices to increase except by specific amounts at specific intervals. Pipelines would not be allowed expense rates above what the FPC determined to be the reasonable market price. The argument made by some that the FPC is incapable of determining a reasonable price is, in itself, an argument against their own position, for they are arguing in spirit for a political price, presumably less than reasonable.

The present effort to delineate Federal jurisdiction is consistent with the original purpose of the Natural Gas Act. It was not, and has never been, construed by the courts to be, a price-fixing measure. There was no freeze imposed on any price. The act was made necessary by an issue of jurisdiction, not an issue of price, and that same necessity today dictates the effort to restore a clear meaning to the jurisdictional section of the act.

V

Examined dispassionately, the most striking characteristic of the effort to prevent Congress from acting in this matter is the venom of the attack upon the industry. The language of the obstructionists is the language of the soapbox, not the forums where reasonable and equitable national policy must be made.

"Exploitation of captive consumers," "unconscionable profits," "windfalls," "freedom to charge what the traffic will bear," "gouging"—all the rest sprinkled so liberally in the opposition's literature reveals, I believe, that the objective is more punitive than protective. This is fortified by the inability or unwillingness of the various spokesmen to answer when asked about the hazards of confiscation, zero rate bases, or the other problems arising from the sort of unbridled administrative law they seek.

The time has come in this debate for those opposed to the pending legislation to offer a precise picture of what national policy would be if their efforts succeed. A vote against the current bills is a vote for a form of regulation; as yet, that form has no substance.

Senator DOUGLAS, in his discourse in these pages, dismissed the issue of whether the Nation should embark upon regulation of commodity production by saying "The natural-gas industry is an industry affected with the public interest, and regulation has been and should continue to be applied."

It is not natural gas, but the services connected with its interstate transportation and distribution which are affected with the public interest and to which regulation has been and should be applied. Distributing utilities are entities in themselves, organized and built to provide a service; they may, in most instances, use either natural or manufactured gas. To say that such enterprises are in the natural gas industry is as absurd as to say that Dixon and Yates are in the coal business because they use coal to operate steam generation plants.

We are dealing with a segment of a divisible industry. Production is a segment; so, also, are natural gasoline, carbon black, helium, butane, propane, and countless other businesses part of this same industry. Production is a part of an industry, as much as appliance dealers or plumbers. The sweeping generalization is a treacherous basis for the making of Federal policy.

The demand for Federal regulation clearly does not come from consumers. Those representing themselves as consumer spokesmen came mainly from municipal governments and State commissions charged with the regulation of distributing utilities; the case they made was a case for the utilities' interest, not for the public interest.

Through all this controversy, there have been no petitions from consumers for Federal relief from high gas prices. There is no showing that the imaginary captive con-

[2] *Phillips Petroleum Co.* v. *Wisconsin* (1954) (347 U.S. 672, 3 PUR3d 129).

sumers are being gouged; on the contrary, they are saving money, enjoying the cheapest fuel available. One pipeline alone has petitions from 140 cities for gas service; more than 300,000 persons in Illinois are on waiting lists for natural gas. The public is not persuaded that they will suffer from accepting such service.

The valiants out to "save" the consumer have built their own dragon. They can offer no evidence of an existing need for relief. In place of that, they conjecture what might happen if gas prices increased, and even this vision relates to the producer—not the consumer. We are told that a 5-cent increase in value of gas would give the industry a $10 billion windfall. The gas reserves, to which this figure is applied, will not be drawn from the ground through existing wells; billions must be spent to find and produce that gas. The proposition that gas be produced without rising costs—that exploration will continue unabated in 1975 at 1945 profits—falls flat before reasonable men.

There is a final absurdity in the situation Congress now faces. At the urging of the distributing utilities and the State and municipal commissions which regulate them, Congress in 1954 amended the jurisdictional section of the Natural Gas Act to draw the line of FPC authority at the city gate. Thus, the consumer's gas bill is beyond the reach of Federal authority. There can be no correlation between what the producers receive and the consumers pay; if field prices are depressed by Federal power, there is no related Federal power to transfer the reductions to a home owner's gas bill. The political promise that a vote against pending legislation is a vote to save consumers money is demagogic.

The Hinshaw bill, preserving the traditional FPC lack of jurisdiction over utilities, was approved nearly 2 years ago on the same set of principles as apply to producers. The arguments the utilities advanced for its passage apply equally to the producers' case now. By their strange reversal, the utilities and their supporters are in the position of asking Congress to put a ceiling on producers' prices to support a floor under the utilities' profits. In other words, Congress is asked to eliminate competition in the field to protect the monopolies in the cities. This is, surely, the ultimate of folly.

VI

In the final analysis, the consumer's interest and the national interest attach to supply, not the price, of natural gas. The resource is exhaustible; there is a maximum amount to be found. It has great worth not only as a fuel but as a raw material from which several thousand items can be manufactured.

The consumer and the producer alike have a common interest in finding and producing the maximum potential of our reserves. As gas becomes more scarce, exploration becomes more costly. An arbitrary economic formula making no allowance for this fact will, in itself, limit the recovery of the reserves prematurely to the detriment of all concerned.

The result would be, inevitably, to make natural gas more costly to the consumer. This is the folly of Federal regulation; it cannot fulfill the political promise by which it is justified.

There is a further shortsightedness in Federal regulation. The immediate purpose of such regulation, as it has been proposed, is to protect the utility customer, using natural gas as domestic fuel. In this approach, Federal regulation would be blind to the other uses of natural gas; the full weight of Federal influence would be directed toward rushing natural gas from wellhead to cookstove. This would deprive a vast geographic region of the United States, now on the frontier of important growth and development, of the use of its natural fuel to feed an expanding economy. The growth of the Southwest would suffer and the Nation would suffer because of it.

The choice is between a policy made by Congress or a policy made by a Commission. The bills before Congress now represent the conclusions of our congressional committees as to the policy Congress should establish. What course the FPC might follow in future years is not known—even to the members of that agency.

I believe that in this realm of Federal policy relating to the basic energy supply of the Nation the public interest and the national interest require Congress to specify the area of Federal powers to close the gap which now exists in the orderly processes of representative government.

AVOIDING SOIL EROSION ON SKI SLOPES

Mr. MOSS. Mr. President, mountain soil is a valued commodity, particularly in the arid West. With the growth of ski slopes throughout the United States, there is an increasing chance of substantial soil erosion caused by rapid spring runoff from melting snow. In many areas, irreparable damage has already occurred.

It is heartening to see that some ski areas are being propertly maintained. Efforts in the area surrounding Ogden, Utah, show that proper experimentation and persistence will pay off. The diligence of resort owners of Ogden Valley and Nordic Valley are to be commended. Dr. Alvin Cobabe and Mr. Art Christensen, both deserve credit for seeing the need and responding with appropriate soil conservation programs.

I ask unanimous consent that the article, "Cover for Bare Ski Slopes" from the Soil Conservation Service report of February 1973, be included at this point in the RECORD.

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

AVOIDING SOIL EROSION ON SKI SLOPES

What do you do about bare ski slopes in the arid West? You provide cover by seeding—or else a good part of topsoil ends up at the bottom of the slope. Because of their steep grade, ski slopes are subject to severe erosion from spring snowmelt.

Two ski resort managers in Utah didn't wait to find most of their subsoil gone before establishing permanent cover on their ski slopes.

Dr. Alvin Cobabe, manager of Powder Mountain Resort in Ogden Valley, seeded crested wheatgrass on part of the slopes to establish sod. A straw mulch was used to protect the seedbed from erosion and hold the tiny seeds in place.

Seed and straw had to be applied by hand because the slopes are so steep. Dr. Cobabe had trouble maintaining the grass stand and, after discussing the problem with a Soil Conservation Service specialist, decided conditions were not favorable for growing crested wheatgrass.

An elevation of 9,000 feet, steep slopes, a short growing season, and excess moisture are not the best conditions for growing crested wheatgrass.

Most snowmelt in that area occurs late in June and early in July—the time when crested wheatgrass normally is headed. Several other species of grass were considered, but it was decided that the best bet would be a mixture of 'Durar' hard fescue and 'Tegmar' intermediate wheatgrass. This mixture requires little maintenance and provides good ground cover and protection in a short growing season.

How much topsoil will end up at the bottom of the slope before the skiing season begins?

Tegmar is a dwarf form of intermediate wheatgrass especially adapted for soil stabilization. It is easily established, sods rapidly, and is late maturing. It is adapted to areas where precipitation is 12 inches or more annually and has proved effective in stabilizing cuts and fills of roadways, strip mine areas, and ski slopes.

Durar hard fescue is a low-growing deep-rooted perennial bunch grass that is well adapted to heavy use. It makes a good wear-resistant, low-maintenance turf in areas that receive 14 inches or more of precipitation annually. This grass performs well on north and east-facing slopes, makes a good soil-binding turf when seeded in pure stands, and is a good understory plant when seeded in mixtures.

At the Nordic Valley Ski Resort, about 15 miles out of Ogden, Utah, a considerable amount of smooth brome grass was planted on the ski slopes in the summer of 1971. The brome is providing adequate cover; Art Christensen, the resort manager, is happy with results so far. But, for comparison, he plans to plant a few pounds of the Durar-Tegmar combination.

"The first thing to do for erosion control on skil slopes in the arid West," advises Dr. Cobabe, "is to clear the slopes up and down. it's essential to leave small terraces of water bars across the slope to slow up water movement. After grading and terracing are completed, the slopes should be seeded."

Both resort managers have found the best time to seed is late in fall—or after the first skiff of snow. After the seed is sown, usually by hand, a straw mulch is applied over the seed. Straw left on the ground through the winter settles over the seed and makes a good seedbed—and it helps control erosion in spring when the snow melts.

Another method is to apply straw in the fall and plant in the spring. Dr. Cobabe believes that fertilizer is most important in getting a stand of grass on raw cut slopes. Just like any good farmer giving a healthy start to his crop, he applied 100 pounds of nitrogen per acre over the grassed ski slopes.

"There are still problems to be worked out in protecting ski slopes in the West," admitted Dr. Cobabe. "But we've come a long way with the conservation practices we're using."

THE CRITICAL NEED OF JOBS FOR YOUTH

Mr. HUMPHREY. Mr. President, I take this opportunity to serve notice that I will do everything possible to obtain the funds required to meet the actual needs of our cities for summer jobs for disadvantaged youth and for related transportation and recreation programs that are vital in the development of children and young people. It is essential that these funds be included in the second supplemental appropriations bill that will be considered by the Senate in the near future.

The President has proposed an unconscionable trade-off of job opportunities to support his claim that $424 million in Federal funds will be available for these programs this summer—including $354 million to support 776,000 job opportunities for young people. The administration's sudden discovery of these funds—which was, in part, a response to strong criticism expressed in a letter to the President on February 20, 1973,

signed by Senator JAVITS and myself and 25 other Members of this body—was accomplished by a simple designation, however unlawful, of $300 million of the appropriations already enacted by Congress for public service jobs programs under the Emergency Employment Act of 1971.

The President intends to allow these programs to terminate anyway, precisely because these programs have successfully achieved their primary goals, as stated clearly in the manpower report of the President, submitted to Congress last month. The logic of this administration position may be mystifying, but the crucial need for the continuation of these programs is very clear, with the nationwide level of unemployment, at 5 percent, remaining significantly above the level specified under this law at which Federal assistance must be initiated. Over 4 million Americans are out of work, not counting hundreds of thousands more who have dropped out of the labor force in despair. Over one-third of the 150 major labor areas in America are classified as areas of substantial or persistent unemployment.

But the Nixon administration has purposely ignored all this, finding its plans for major cutbacks in manpower training and employment programs, or for their termination, to be "consistent with the increase in new jobs in the private sector," as announced in the document entitled "The United States Budget in Brief."

I strongly believe that the Emergency Employment Act programs, which can provide some 200,000 jobs in services that are critically needed in our communities, must be continued and strengthened. And it was to accomplish this goal that I introduced S. 705, the Employment Opportunities Act of 1973, on February 1.

However, my particular concern today is to focus on the crisis level of joblessness already existing among America's youth, and which can be expected to escalate this summer. Unemployment among young men and women aged 16 to 19 stood at 15.8 percent in February—meaning that over 1 million youth want and need jobs now. But the unemployment rate among black teenagers had reached 38.6 percent by the end of last year—reflecting a pervasive condition of despair and anger, in the face of which the administration's confident assumptions of progress are simply incredible.

Apparently, the administration is not very concerned. It has called for a reduction of $66 million in fiscal 1974 outlays for the Job Corps, under which 11,000 fewer young men and women will be able to obtain vital work experience. A further economic opportunity program, known as Youth Development, and launched under the previous administration with a stated key goal of promoting youth involvement—through youth planning and implementing their own programs to deal with problems affecting their lives, and developing collective social action measures to improve neighborhood conditions and services—now appears to have been quietly shelved by the present administration.

The Nixon administration has failed to allocate any funds whatsoever that were appropriated for the Neighborhood Youth Corps summer jobs program. Instead, in its fiscal 1974 budget, it called for the wrap-in of NYC programs under its manpower special revenue-sharing proposal, and at a reduced level of funding. Outlays for NYC programs were even to be cut back by some $94 million in fiscal 1973. And an extraction of comparison figures suggested that there would be a further reduction of $50 million from these programs in the budget for the next fiscal year.

The President's March 21, 1973 announcement of this last-minute plan to provide for 776,000 summer job opportunities for youth with $354 million in funds primarily diverted from other programs, actually represents a reduction of 36,000 job slots from last summer due to a wrongly oriented economizing that reduces Federal assistance by $18 million.

However, I and Senator JAVITS and other Senators who have been deeply involved over the years in trying to promote opportunities for young people who would otherwise be denied hope and condemned to idleness, had conveyed to the President confirmed statistics which clearly show that this level of effort is totally inadequate to meet the critical need of youth for jobs this summer. The city-by-city survey conducted by the National League of Cities—U.S. Conference of Mayors reports a minimum need of 1,018,991 job opportunities for teenagers for which the cities have the capability of providing supervisory services—out of a total need for jobs for an estimated 1.7 million youth. The estimated amount of required Federal assistance to provide this minimum level of summer job opportunities for disadvantaged youth is $476.9 million. Congress has already enacted appropriations originally requested by the Administration for the Neighborhood Youth Corps summer jobs program, providing $256.5 million for 575,000 jobs. Almost the same amount would be required under supplemental appropriations for this program to meet the level of youth employment needs certified by cities across America, and for additional recreation and transportation components.

However, none of the proposed funds now to be used by the administration for this program would be drawn from the appropriations enacted by Congress specifically for this purpose. Instead, the administration intends to compound its failure to meet the urgent employment needs of several million Americans, by withdrawing funds from an account that is already fully committed—taking almost one-third of the $1.25 billion appropriated by Congress for the Emergency Employment Act. On top of this, the administration has requested that the $256.5 million appropriated for the NYC summer jobs program now be rescinded.

This is a blunder in Federal manpower policy that can have the most serious consequences. As Mayor Roman C. Gribbs of Detroit, president of the National League of Cities, has rightly commented, the President's action will force mayors to "choose who will get the job, father or son."

The Emergency Employment Act's purpose is entirely distinct from that of the NYC summer jobs program. It is designed to provide transitional job opportunities for unemployed and underemployed persons of all income and age groups. Only slightly more than 10 percent of these jobs—less than 15,000—are held by poor youth under the age of 22. And city governments cannot be expected to divert further limited funds to serving this age group, when job needs are so great among all sectors of the population. The result would be taking jobs away from unemployed Vietnam veterans, from people on welfare who are employable but cannot get jobs, and from black fathers who have gained self-respect from becoming the family wage earner.

By contrast, the Neighborhood Youth Corps summer jobs program is focused on one target group—economically disadvantaged youth in our inner cities and depressed rural areas; and it is designed to provide them with crucially important work experience on a short-term basis, between school years.

Thus, the President's plan is in direct violation of the intent of Congress. It is a plan to undermine the common good, by setting groups of our society against each other. And it is a plan that makes a mockery of administration pretensions to give greater responsibility to local governments. Instead of responsibility, mayors will only be given the blame, because they will be called upon to carry out an impossible task with even less Federal assistance than before.

The President has also asserted that the National Alliance of Businessmen "plans a massive summer employment campaign to hire an additional 175,000 young people in 126 major metropolitan areas." This statement conveniently overlooks serious problems confronted by the NAB in previous years to secure summer jobs for youth, despite earnest efforts, as a consequence of adverse economic conditions. Moreover, the alliance will be operating this year with about one-third fewer metropolitan offices throughout the country to concentrate its efforts in the face of limited funds.

Even more directly to the point, the director of the Minneapolis NAB, Roy S. Nordos, has stated emphatically in a letter to me that "the reinstatement of the NYC program is a must." He points out that even with an upturn in the economy, summer job opportunities for youth will not greatly increase. Instead, "it will give many of the major employers the opportunity to fulfill their moral and contractual obligations to regular employees on layoff."

Mr. Nordos expresses a deep and genuine concern for several thousand youth in the Minneapolis area who will be denied summer job opportunities if the NYC program is closed down:

> We are speaking of poor kids. Kids who spent their pay check to buy food for the family. Kids who bought clothing for their brothers and sisters. Kids who saved and bought themselves a presentable wardrobe so that they could return to school unashamed in the fall because they were properly clothed. . . .
>
> These are young people who cannot afford to travel. They cannot afford to attend community functions. They will be relegated to

the streets. Some will drift away despondent. Some will not return to school and a few may get into trouble. Whatever happens to them is our responsibility.

Indeed, helping these youth to have a sense of learning and doing something worthwhile, and to contribute to their families' income, and to have hope in the future, is our responsibility. And it is incumbent upon Congress to see to it that this responsibility is carried out by enacting adequate appropriations for the Neighborhood Youth Corps summer jobs program and insisting that this administration fully allocates these appropriations.

Congress must also face the harsh realities of what the cutbacks proposed under the administration's manpower special revenue-sharing proposal, as well as the termination of related programs, would mean to respective States.

The Honorable Wendell Anderson, Governor of Minnesota, has written to me to express serious concern over the impact of these reductions, on which the State manpower planning council has provided updated statistics in its April 1973 newsletter which I have just received.

The phaseout of the public employment program—PEP—with the administration's intention to permit the Emergency Employment Act to expire, will undermine a Minnesota program funded at $14.7 million in fiscal year 1972 which has created 2,500 jobs in public service. Minnesota confronts a cutback of 40 percent of its 1972 fiscal year manpower funds, or over $20 million, from the dissolution of the NYC summer jobs program and PEP and a reduction in State employment service funds.

Governor Anderson succinctly states the illogic of the Nixon administration's plan in noting that—

> While the Nixon Administration is giving more authority and responsibility to state and local governments for planning, coordinating, and evaluating manpower training programs, it is also reducing funds significantly and is phasing out or eliminating completely a major group of programs.

The State government has been developing a State manpower planning system along regional development area boundaries. This system, composed of area manpower planning boards for each region and a State council made up of representatives from agency sponsors, the private sector, labor, the general public, and manpower program clientele, could become a model for the Nation. And a State manpower plan was to be completed by April 15, 1973.

But how can any rational plan be developed or programs be effectively implemented in the face of the serious funding cutbacks expected in the next fiscal year?

Let us look more closely at what all this will mean in undermining efforts in Minnesota to provide summer job opportunities for disadvantaged youth. The Nixon administration's refusal to utilize any funds appropriated by Congress for the Neighborhood Youth Corps summer jobs program denies to Minnesota the equivalent of $4.5 million in initial and supplemental NYC summer program funds that represented over 10,000 summer jobs and work experience opportunities for disadvantaged youth last year.

This close-down of job opportunities is compounded by the phasing out of jobs provided under model cities and the public employment program. But on top of this, the Nixon administration's action to put the lock on the door of community action agencies leaves the Manpower Administration unable to fulfill 49 contracts with 25 different CAA's in Minnesota for the operation of NYC in-school, summer, and out-of-school programs, as well as for the provision of further job opportunities under Operation Mainstream and the concentrated employment program.

All of this leaves disadvantaged youths in Minnesota trapped in a tight vise of unemployment and despair and angered frustration. Yet statistics from our State clearly show solid constructive results from providing job opportunities for these young people. The Minneapolis Neighborhood Youth Corps reports that the 10,000 young people served since 1965 have earned in excess of $4,000,000. Of the youth over age 16 enrolled in NYC since last September, only 2.8 percent have dropped out of school, in sharp contrast to the prevailing dropout rate for inner city areas in Minneapolis, that is well in excess of 3 percent.

There are innumerable cases where a student's school performance has improved after starting a job with NYC. For many, NYC is the first job, and after gaining skill, experience, and confidence, the enrollees leave for better part-time jobs with the private sector, while remaining in school. And NYC jobs do provide meaningful work experience—such as 70 jobs at the veterans hospital or 60 tutoring jobs with the youth tutoring youth program. Summer job opportunities have included work as recreation leaders providing organized activities that would otherwise be unavailable for children, and a project to make the Mississippi River banks in downtown Minneapolis into a parklike area to be enjoyed by everyone.

The Neighborhood Youth Corps in St. Paul reports similar dramatic results—for example, in the Youth Tutoring Youth program, where it has been shown that disadvantaged youth can become effective tutors of grade schoolchildren needing upgrading in basic skills, and from which these teenagers have improved their own basic skills and gained an increased feeling of self-worth. In the summer of 1972, 1,566 NYC enrollees worked at 444 job sites and were supervised on the job by over 500 community agency personnel. They received extensive guidance services. And they had the opportunity to participate in a number of special programs, such as the Day Activity Center program for severely handicapped or mentally retarded children and adults, who might otherwise have been denied recreational and occupational activities.

The following evaluation from the report on the year-round NYC program of 1971–72 in St. Paul is worth repeating because it reflects similar results experienced under NYC programs throughout Minnesota:

> Statistical data . . . does not reflect the fact that the $725,230 from Federal sources went right back into the St. Paul economy. It does not account for the many hours (approximately 364,190) that were used to assist local non-profit and tax supported agencies in various job capacities. Finally, it does not reflect the smiles on needy students' faces when they receive their checks for a job well done; it does not reflect the aspirations of youth being met by having a worthwhile job; it does not reflect the feelings of self-worth that a job gives a human being.

Mr. President, I am determined that this deep sense of satisfaction and hope of youth and this commitment of communities will not be struck down by the intended juggling and withdrawal of Federal budget accounts by the Nixon administration that can cripple the Neighborhood Youth Corps summer jobs program. Youth who want to work and want to have hope in the future deserve better from their Government. And I intend to do everything possible to see to it that the full amount of funds certified by the National League of Cities-U.S. Conference of Mayors as being urgently needed to provide over one million summer jobs for disadvantaged young men and women are appropriated by Congress.

Mr. President, the announcement today, April 11, by Secretary of Labor Brennan, of an allocation of $802.9 million in Public Employment program funds under sections 5 and 6 of the Emergency Employment Act, of which $300 million can be used for summer youth programs at local discretion, does not change the critical situation I have described. These funds actually constitute delayed allocations of fiscal 1973 appropriations—a delay which has already resulted in a sharp decline in public service job opportunities under an enrollment freeze ordered by the Nixon administration. The net effect of this allocation, as stated in the Department of Labor news release itself, is "to permit an orderly completion of the Public Employment program." There has been no change in the Nixon administration's determination to phase out this vital program.

These funds, including some $11.5 million allocated to Minnesota, are not sufficient for a full operational year under the Public Employment program, and are totally inadequate for this purpose if almost $4 out of every $10 were to be diverted to provide summer job opportunities for youth. At best, such allocations will only be used by the States to provide public service jobs for a few months to those who have been on enrollment waiting lists.

I emphasize these points because the information provided in this news release can be readily misinterpreted to indicate a change in the Nixon administration's position on this vital issue, which is definitely not the case. It remains for Congress to insist that its intent with respect to the Neighborhood Youth Corps summer jobs program, and in the enactment of the Emergency Employment Act to meet urgent manpower needs, be carried out by the administration.

MENNEN E

Mr. EAGLETON. Mr. President, last week the Food and Drug Administration acted to halt production of Mennen E, a cosmetic product that has been on the market since last June. Since that time, an unprecedented number of complaints have been received by the FDA from people who have used this deodorant product and experienced adverse reactions. Unfortunately, FDA and the Mennen Co. agreed that existing stocks of this product may be sold, and no warning will be issued to consumers.

Although there is no absolute proof as to which ingredient in Mennen E is the offending element, it is generally thought that the vitamin E ingredient—a relatively recent fad in cosmetics—is related to the rash often experienced by users of Mennen E. Vitamin E is used in a number of cosmetic products, including moisturizing creams, perfumes, skin oils, and even deodorant tampons.

On March 2, I asked the FDA to let me know what cosmetics contain vitamin E, the complaint levels for each of these products, and whether any regulatory action was required in this area. To date, I have received no response to that inquiry.

FDA's action with respect to Mennen E indicates that more attention should be directed toward the line of cosmetic products containing vitamin E as an active ingredient. I urge FDA to take a comprehensive look at these products to determine: First, which products contain vitamin E; second, what kind of safety testing was performed on these products prior to marketing; and third, whether disturbingly high numbers of complaints about these products have been received.

Were the Cosmetic Safety Act (S. 863) which I have proposed already law, this inquiry would be a much simpler undertaking. Under the provisions of that legislation, the FDA would already have in its files statements of composition for all cosmetic products, safety test data and all complaint letters sent either to the manufacturers or the FDA. Moreover, the Cosmetic Safety Act would have encouraged the manufacturers to thoroughly test their products prior to marketing them.

I ask unanimous consent that a number of articles dealing with vitamin E cosmetics in general and with Mennen E in particular be printed in the RECORD.

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

[From the Wall Street Journal]

VITAMIN E

Vitamin E, big as a health fad, gets a new push in cosmetics.

Its value as an aid to the skin is as controversial as other alleged attributes from alleviating all sorts of ailments to improving sexual potency. But that hasn't stopped companies from cashing in on Vitamin E. "Within the past six months a whole new market for Vitamin E cosmetic products has sprung into existence and major manufacturers have lost little time in fielding entries," notes American Druggist Merchandising in a recent issue.

Houbigant Inc.'s Alyssa Ashley division put its Vitamin E oil in national distribution in January. Life Laboratories, North Hollywood, Calif., has had a Vitamin E skin cream on the market for over a year and an oil for six months. This month it will unveil an aftershave lotion with Vitamin E, said to reduce redness after shaving. Faraday Laboratories, Hillside, N.J., jumps into the market in the next few days with a moisturizing cream and skin oil. Mennen Co. since last April has been promoting its deodorant with Vitamin E. Mennen says Vitamin E helps prevent oxygen from reacting with perspiration to cause odor.

Revlon Inc. says it has never considered using Vitamin E as an active ingredient because there isn't any evidence it is of benefit to the skin. But the company long has used it in cosmetics for another purpose—as a stabilizer.

[From the Washington Star-News, Apr. 7, 1973]

DEODORANT PRODUCTION IS HALTED

(By Ross Evans)

The makers of Mennen E spray deodorant have reached an agreement with the Food and Drug Administration to stop producing and selling the product following consumer complaints of rashes.

The Mennen Co. agreed to stop production and shipping as of Friday, but not to recall the 125,000 cans already in distribution.

The FDA, which confirmed the agreement yesterday, said, "There is not enough of a health hazard to issue a public warning."

But Richard Sykes, a Ralph Nader associate, argued that, since the FDA received about 50 complaints from consumers of skin rashes after using the spray, the FDA should "either recall or issue warnings" of the product.

The ingredient in the spray suspected of causing a rash is vitamin E, according to the FDA.

The complaint rate for Mennen E is considered high.

PSST . . . THE END OF MENNEN E

Being nice to be close to isn't enough if you also have a rash under the arms, a number of people have complained to the Food and Drug Administration, and the Mennen Co. has agreed to cease distribution of its deodorant Mennen E, it was announced yesterday.

The deodorant, which has produced "an adverse reaction" in an unusually large number of consumers who use the product, is still available on the shelves, but production has ceased until more testing is done. An additional 125,000 cans in warehouses will not be shipped to stores.

Complaints have numbered 50 per million units, said Jack Warner of the FDA, who added that the usual rate of complaints is six to eight per million units.

Vitamin E is the suspected ingredient, but there is as yet no proof that it is causing the reaction, he said. "We are working with the company and by ourselves to pinpoint the specific action."

Mennen E went on the market in June, 1972, and 10 million cans of it have been sold.

[From the Wall Street Journal, Apr. 9, 1973]

MENNEN TO HALT SHIPMENTS OF DEODORANT, FDA SAYS

WASHINGTON.—Mennen Co. agreed to stop further shipments of its Mennen E deodorant because of a rash of complaints about rashes from users.

The action was requested by the Food and Drug administration after the agency received an "unusual number" of consumer complaints of adverse reactions to Mennen E, including severe rashes, an FDA spokesman said. Mennen, based in Morristown, N.J., already has stopped producing the deodorant, the spokesman said. The complaints totaled about 50, about 10 times the number the agency normally receives for such products, according to the spokesman.

Mennen began making its Mennen E deodorant last June and since has produced more than 10 million units, the FDA said.

Mennen officials couldn't be reached for comment on the FDA announcement.

The FDA isn't requesting that Mennen recall the deodorant product from retail and wholesale outlet, however. Mennen estimates there are about 125,000 units already in the wholesale chain, and the company says it doesn't know how many are on retail shelves, the FDA said.

The cause of the adverse reactions is suspected to be the vitamin E ingredient, but this hasn't been "proven conclusive," the FDA spokesman said. Until it is, "we have no basis for action against other products containing vitamin E and for which we have no unusual number of complaints," he said.

THE 30-DAY REQUIREMENT

Mr. McGEE. Mr. President, since my colleague from Alaska brought up the question of the provisions of section 404 of the bill which requires a State to register a qualified voter up to 30 days before a Federal election, I have given considerable thought to his opposition and the arguments which he used yesterday and undoubtedly will be used again today against this provision.

I would like to analyze his argument and explain why a majority of the committee—in fact only one negative vote was recorded—voted in favor of this provision in committee along with the rest of the bill.

Prior to the enactment of the Voting Rights Act of 1970 and the ratification of the 26th amendment allowing 18-year-olds to vote, the laws of the various States relating to registration, the close of registration, and the qualifications of voters by age or residence varied widely. In Texas, for instance, a voter had to register prior to February 1 in order to vote in the general election the following November. The other extreme in North Dakota, a voter can register on election day. The enactment of the voting rights act in 1970 established as a Federal law that any citizen otherwise qualified may vote for President and Vice President in any State in which he has resided for 30 days before the Presidential election. So, the 30 day residence requirement was established by Federal law.

Then in 1972, the Supreme Court of the United States held in the case of Dunn against Blumstein that the State law in Tennessee which required an individual to reside in that State for 1 year before becoming an eligible voter was unconstitutional; and that a 30-day residence requirement was a reasonable period; but the Court left open the question of whether a period of time greater than 30 days might not be within the limits of constitutionality.

In the past year or two, a number of States have changed their residency requirements and their registration requirements to conform to the standard of 30 days. Now in Georgia and Arizona, the legislatures enacted statutes which closed the registration books 50 days before the election. Last month, the Supreme Court held by a vote of 6 to 3, that

the legislatures of Georgia and Arizona did not violate the Constitution of the United States by establishing a closing date 50 days before an election. A day or two after the Georgia and Arizona decisions, the Supreme Court issued another decision involving the State of New York. The New York case differs from the Georgia and Arizona case because it relates to the opportunity for an individual to vote in a party primary for Federal, State, and local candidates. The petitioner in that case claimed that the requirement that an individual register not later than the most previous general election in order to vote in the next primary election was unconstitutional. The Supreme Court held again by a 6 to 3 margin that it was not unconstitutional.

In the New York case, that could mean that the effective closing date for voting in a primary could be 11 months before the primary.

We are dealing with two different principles. One is, the power of the Congress to establish by Federal law the time, manner, and place of electing Federal officers which the Constitution in article 1, section 4, specifically authorizes the Congress to do. The other issue is the constitutionality of State statutes concerning registration and voting. I do not believe that the establishment by Federal law of a closing date for registering to vote for Federal officials in Federal elections can fairly be interpreted as an attempt by the Congress to overrule a decision of the Supreme Court. On the contrary, the very opposite is actually the case. If the Supreme Court had decided that the Georgia and Arizona statutes were unconstitutional, then I think it would be improper to establish, or attempt to establish, that those laws are constitutional.

But that is not what the Supreme Court did. The Supreme Court in the Arizona or Georgia or New York or any other case was certainly not attempting to tell the Congress of the United States that it cannot establish by law time, manner, and place of Federal elections. The Constitution says that. The Supreme Court was deciding the narrow issue of whether the States, in exercising their power, which is also derived from the Constitution, had acted unconstitutionally.

Section 404 goes no farther than to establish a Federal rule for Federal elections. If Georgia wants to close its books for State elections or local elections 50 days before the elections that is not our business. That is up to Georgia. If New York wants to close its books for voting in a primary 6 months or a year before the primary for State elections, let them do it. The Supreme Court of the United States has ruled that such a practice is not unconstitutional. And although I may disagree with the reasoning of the Court, I do not suggest that it does not have the power and the duty to render such a decision.

We are establishing a uniform rule for registering to vote in Federal elections and that is all we are doing. The Senator from Alaska sees a great difference between the elections of President and the election of a Senator. I do not. As far as Alaskans are concerned, I am sure TED STEVENS makes every effort to represent every citizen of that State just as much as Richard Nixon does. If we do not act to establish a Federal rule, then we will probably produce 50 rules; and to avoid that result was the reason the Founding Fathers met in Philadelphia in the summer of 1787.

I urge the defeat of the Senator's proposal to delete the 30-day registration provision in section 404.

I submit a list of the States of the Union who have more than a 30-day residence requirement and who have more than a 30-day closing date. There are only a handful. Obviously the effect of our provision will have a minimal effect on the overwhelming majority of all our States.

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

DURATIONAL RESIDENCY REQUIREMENTS IN EXCESS OF 30 DAYS

DECEMBER 1, 1972

Arizona, 50 days.
Colorado, 32 days.
Indiana, 60 days.
Massachusetts, 31 days.
Missouri, 60 days.
New Jersey, 40 days.

CLOSE OF REGISTRATION EARLIER THAN 30 DAYS

Alaska, 45 days.
Arizona, 50 days.
Georgia, 50 days.
Illinois, 33–20 days (depending on area).
New Jersey, 40 days.
New Mexico, 42 days.

JOINT STATEMENT REGARDING NATIONAL EMERGENCY POWERS

Mr. CHURCH. Mr. President, the Special Committee on the Termination of the National Emergency established on January 6, 1973, pursuant to Senate Resolution 9, began hearings this morning. Senator MATHIAS and I, cochairmen of this bipartisan special committee, opened our study with the following statement.

I ask unanimous consent that the joint statement be printed here in the RECORD.

JOINT RESOLUTION

The Special Senate Committee on the Termination of the National Emergency begins today the first of a series of hearings on emergency power statutes, a subject of fundamental importance to the continued functioning of our democratic system of government. At issue is the question whether it is possible for a democratic government such as ours to exist under its present Constitution and system of three separate branches equal in power under a continued state of emergency.

Very few in Congress, in the Executive in the Courts, or in the public at large are aware that the United States has been in a declared state of national emergency since 1933. Very few are aware that over that period of time the United States Congress has enacted at least 580 separate sections of the United States Code delegating extraordinary powers to the President in time of war or national emergency. These more than 580 Code sections delegate to the President a vast range of powers, which taken all together, confer the power to rule this country without reference to normal constitutional processes. Emergency powers laws embrace every aspect of American life. Under the powers delegated by these statutes, the President may seize properties, mobilize production, seize commodities, institute martial law, seize control of all transportation and communications, regulate private capital, restrict travel, and, in a host of particular ways, control the activities of all American citizens.

When this Special Committee was authorized to study and investigate the problem of emergency powers in January of this year—it was incorrectly thought that the state of national emergency proclaimed by President Truman on December 16, 1950, in response to both the invasion of Korea by Communist China and the dangers of Communist aggression worldwide, was the only such declaration. However, research by the Special Committee soon disclosed that the United States has been in a state of declared national emergency since March 9, 1933.

At the request of President Roosevelt, Congress passed the Emergency Banking Act to meet the economic emergency of the Depression. This swift legislative stroke ratified the President's bank holiday declaration and allowed him to exercise what had originally been war powers in peacetime. This latter delegation of power was based on a provision of the 1917 Trading With the Enemy Act, Section 5(b), which authorized the President, during war or presidentially declared national emergency, to regulate and restrict trade and financial transactions between Americans and foreigners.

It is with the recognition that the Executive branch must have the authority and flexibility to deal with emergencies, that the Special Committee was created. For it is not enough to state, as we believe correct, that the Great Depression is over and that the state of economic emergency declared in 1933 should be repealed. It is not enough to state that the Korean hostilities are over and that the state of national emergency proclaimed by President Truman on December 16, 1950, is no longer valid. It is not enough to terminate any given declaration of national emergency because, if past precedents are continued, the President can, at any time he sees fit, declare a new state of national emergency. In fact, President Nixon, on August 17, 1971, did just that. In his message from Camp David, the President proclaimed "a national emergency during which I call upon the public and private sector to make the efforts necessary to strengthen the international economic position of the United States." He cited the prolonged decline in our international monetary reserves plus our threatened trade position, which in turn impaired our security.

In 1933, when President Roosevelt declared a state of national emergency, the economic life of the United States was brought substantially under the control of the President. History attests that the country believed that such centralization of authority was needed to meet the grave economic crisis.

World War II brought yet another series of crises. Every aspect of American life was brought under Presidential direction by the action of Congress which enacted a broad range of statutes to meet the "total emergency." Only five years after World War II, when war in Korea broke out, the enactment of an additional body of emergency statutes took place, authorizing the President to apply the full resources of the United States to the single end of pursuing our military objectives.

This legacy of Congressionally delegated power to be used by the President in the time of war or national emergency is still with us. It is evident from the study of the statutes made thus far by the Special Committee that, in the event of another war or national emergency most of these statutes would be useful. It is not surprising that some of the "emergency" statutes have become a part of the everyday activities of the United

States government and therefore should be recast in the form of permanent law. There is yet another category of statutes which are clearly obsolete and should be repealed. Lastly, there are a few statutes which, because of their far-reaching impact, should be recast to provide the public with protection against possible abuses of power.

As extreme examples of this last category, we cite the following:

In the context of the war powers issue and the long debate of the past decade over national commitments, 10 USC 712 is of importance:

"10 USC 712. Foreign governments: detail to assist.

"(a) Upon the application of the country concerned, the President, whenever he considers it in the public interest, may detail members of the Army, Navy, Air Force, and Marine Corps to assist in military matters—

"(1) any republic in North America, Central America, or South America;

"(2) the Republic of Cuba, Haiti, or Santo Domingo; and

"(3) during a war or a declared national emergency, any other country that he considers it advisable to assist in the interest of national defense.

"(b) Subject to the prior approval of the Secretary of the military department concerned, a member detailed under this section may accept any office from the country to which he is detailed. He is entitled to credit for all service while so detailed, as if serving with the armed forces of the United States. Arrangements may be made by the President, with countries to which such members are detailed to perform functions under this section, for reimbursement to the United States or other sharing of the cost of performing such functions."

The Defense Department, in answer to inquiries by the Special Committee concerning this provision, has stated that it has only been used with regard to Latin America, and interprets its applicability as being limited to noncombatant advisers. Section 712 is one of the statutes the Special Committee will discuss with the Defense Department as to its present utility and validity.

To those who believed the repeal of the Emergency Detention Act was a constructive and necessary step, a remaining provision may be of concern, as it is to us.

"18 USC 1383. Restrictions in military areas and zones.

"Whoever, contrary to the restrictions applicable thereto, enters, remains in, leaves, or commits any act in any military area or military zone prescribed under the authority of an Executive order of the President, by the Secretary of the Army, or by any military commander designated by the Secretary of the Army, shall, if it appears that he knew or should have known of the existence and extent of the restrictions or order and that his act was in violation thereof, be fined not more than one year, or both.

The first of these statutes, 10 USC 712, could be construed as a way of extending considerable military assistance to any foreign country. Since Congress has delegated this power, arguments could be made against the need for further congressional concurrence in a time of national emergency. The second of these statutes, 18 USC 1383, does not appear on its face to be an emergency power. Although it seems to be cast as a permanent power, the legislative history of the section shows that the statute was intended as a World War II emergency power only, and was not to apply in "normal" peacetime circumstances. Two years ago, the so-called Emergency Detention Act was repealed. However, this statute, 18 USC 1383, which has a similar effect, remains on the books. This statute, of course, may be properly a matter for the Judiciary Committee to consider, but we cite it as an example of one important problem raised by our investigation.

We would like to address yet another pertinent question among many, that the Committee's work has revealed. It concerns the statutory authority for domestic surveillance by the FBI. According to some experts, the authority for domestic surveillance appears to be based upon an Executive Order issued by President Roosevelt during an emergency period. If it is correct that no firm statutory authority exists, then it is reasonable to suggest that the appropriate Committees enact proper statutory authority for the FBI with adequate provision for oversight by the Congress.

The Special Committee is bipartisan. It is unique in the Congress: It has co-chairmen, one from each Party, and an equal number of members from each Party. The Committee's bi-partisan nature reflects the intention of the Senate to examine emergency powers legislation solely from a Constitutional perspective. We want to determine how these powers affect the proper relationship between the Executive and Legislative branches. For this reason, as specified by the authorizing resolution, the Special Committee is working closely with the Administration. Attorney General Kleindienst, in response to a specific request of the Special Committee, has assigned members of the Justice Department to work with the staff of the Special Committee, and we are happy to report that cooperation from the Justice Department has been full and thorough. It is expected that other Departments and Agencies will provide similar assistance.

The first and most difficult task of the Special Committee is to be certain that all of the statutes and relevant Executive Orders have been collected for study and deliberation. At the present time, nowhere in the government—either in Congress or in the Executive branch—is there a complete catalogue of statutes and Executive Orders pertaining to emergency powers. The staff has undertaken, in cooperation with the Library of Congress, the General Accounting Office, and the Justice Department, a computer search of all relevant statutes in the U.S. Code. These findings are now being checked by the staff and we expect that within a month, a reasonably complete catalogue of all emergency power statutes will be issued as a Committee Print.

When the statutes and Executive Orders are assembled, the Special Committee intends to work with the appropriate Executive Departments and Agencies to review every statute to determine which statutes would be required in the event of a future emergency. This process, in essence, would be an evaluation of their present and future utility. Concurrently, the Special Committee intends to consult with each Standing Committee of the Senate with regard to the particular emergency powers that apply to its separate area of responsibility, and to ask for its judgment on which laws should remain on the books, which should be dispensed with, and which should be amended.

A basic assumption of the Special Committee is that it is prudent to examine the question of emergency powers at a time other than crisis. The ending of America's military participation in the Vietnam war offers an opportunity to review, in relative calm, the ways in which our system of government has responded to a continuous series of crises: economic, wartime, and internal security emergencies as well as many instances of natural disaster. It is sensible for the Legislative and Executive branches, working together, to lay out a reasonable, regular and consistent procedure for coping with future emergencies. Insofar as it is possible to prepare for future emergencies through statute, the Special Committee believes that it is beneficial to leave such a body of law, provided however, that such statutes provide for effective oversight and for the termination of delegated authority, when the state of emergency is no longer warranted.

From the study of the Special Committee's work thus far, some preliminary conclusions can be drawn: There is no consistent way in which emergencies are invoked, reviewed or terminated. Emergencies in most cases are declared by the President, in a few, by the Congress, in some cases jointly, in still others, heads of Departments can declare emergencies. A few statutes require reports or some process of review, most do not. Very few provide for a method of termination.

The weight of all this inconsistency has made it evident that the Special Committee should devise a regular procedure to be followed in all emergency powers legislation. The following is one possible formula:

"That the President alone, or the President and the Congress jointly, can declare a state of national emergency if they perceive that an emergency exists. The President alone or the President with the Congress can declare that the following specific statutes —— are in force. The President, when he alone declares a state of emergency, must inform the Congress in writing immediately of his declaration, the reasons therefore, and the particular statutes he wishes to come into force. The Congress would then consider whether to affirm the state of emergency declared by the President and would act within 30 days on whether to continue the state of emergency in effect or, failing to act, the state of emergency would automatically be terminated. In no case could a state of national emergency be extended longer than six months; a new and updated declaration would be required at that point, and affirmative action by the Congress would be required for any and all extensions."

The hearings which begin this morning will, first, examine the Constitutional and historical context of emergency power legislation. Very few scholars have turned their attention to this vital question and, indeed, this is understandable because it is only in our own time that the nation has experienced an unrelieved state of emergency. We are fortunate to have as witnesses, Professor Robert S. Rankin of Duke University, Professor Cornelius P. Cotter of the University of Wisconsin, and Professor John Malcolm Smith of California State College. These men have made the study of the functioning of the Constitution in times of emergency a large part of their life's work. The Special Committee has asked them to lay the Constitutional and historical foundation for future hearings as well as to suggest ways to strengthen Congress' role in handling emergency situations.

On Thursday, the Dean of the Georgetown Law School, Adrian S. Fisher, will discuss some of the Constitutional aspects of emergency power legislation and will draw heavily on his own practical experience as a law clerk to Justice Frankfurter and as a key legal advisor to the Truman and subsequent Administrations. Professor Gerhard Casper of the University of Chicago Law School, will examine the Constitutional limitations upon the scope of emergency powers legislation and trace some of the historical parallels, including the Weimar Republic, that might be found in the Constitutional experience of other nations.

The Special Committee intends to call, at a later time, other Constitutional experts and historians before proceeding to the second block of hearings which will focus on the testimony of former Attorneys General, legal counsels to the Department of Defense and some former White House legal advisers. The purposes of this set of hearings will be to try to obtain some understanding of why Administrations, since the time of President Roosevelt, handled emergencies in the particular ways they did, and to obtain whatever suggestions these distinguished former offi-

cials might have to assure that emergency powers legislation does not adversely affect the purposes of our constitutional government. It is the intention of the Special Committee to review from the perspective of the past the reasons for the plethora of emergency powers legislation we now have and to determine if the lessons of history have anything to teach us; it is our belief that an analysis of recent experience will yield constructive results. Finally, the Special Committee intends, at a later date, to obtain the formal views of the current Administration, proposals from Members of Congress, and testimony from public witnesses.

On the basis of the advice obtained from these hearings and from the public at large, and the work being done with the Executive branch, the Special Committee will recommend to the Senate, in a final report, the actions it believes should be taken by Congress to assure that delegated authority in time of war or other national emergencies shall be flexible and effective enough to meet any foreseeable crisis without weakening the Constitutional guarantees of our system of government.

THE WAR POWERS ACT

Mr. EAGLETON. Mr. President, Merlo J. Pusey, author of one of the first books on the subject of war powers, entitled "The Way We Go to War," has written a third article on war powers for the Washington Post. This article, entitled "Legislating War Powers," is a strong endorsement of S. 440, the Javits-Stennis-Eagleton War Powers Act.

Mr. Pusey's article reflects more understanding of the complex legislative effort we have undertaken in S. 440 than any article I have read to date. I commend it highly to my colleagues.

Mr. President, I ask unanimous consent that Mr. Pusey's article, "Legislating War Powers," which appeared in the April 11 edition of the Washington Post, be printed in the RECORD.

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

LEGISLATING WAR POWERS

(By Merlo J. Pusey)

Is it possible to draft legislation that will restore to Congress a meaningful role in war-making without crippling the United States in its international relations? Foes of the war-powers bill say it is not. Their strongest argument is that our responsibilities as a superpower in a chaotic world are so complex that the President must have a free hand in using our military forces without the restraint of legal formalities.

A few years ago that view was widely held. It commands less support today, not only because the perils of presidential wars have been so graphically demonstrated, but also because patient and understanding legislators have devised a bill that gives promise of restoring the constitutional balance without excessive rigidity. Chief credit for the bill goes to Senator Jacob Javits, but it now has 60 sponsors in the Senate.

In its present form S. 440 is a composite worked out largely by Senators Javits, John Stennis and Thomas Eagleton and their staffs. Senators Robert Taft and Lloyd Bentsen, who had introduced war-powers bills of their own, joined the trio for the sake of consolidating support behind a single measure. The Foreign Relations Committee held extensive hearings, and the Senate passed the bill in April, 1972, by a vote of 68 to 16.

The measure failed to become law last year because the House passed the much weaker Zablocki bill and there was time for only one meeting of the conference committee before Congress adjourned. New hearings have already been held on the House side this year, however, and new Senate hearings are scheduled for today and tomorrow. Representative Clement J. Zablocki has substantially strengthened his bill, and the prospect that a useful measure will be sent to the White House has notably improved.

It is worthy of note that these are not partisan bills designed to embarrass the President. The Republican and Democratic sponsors have worked closely together with the commendable objective of reasserting the constitutional authority of Congress and of preventing presidential wars. Both the majority and minority leaders of the Senate are co-sponsors of the Javits-Stennis-Eagleton bill. It likewise has wide support among both liberals and conservatives.

Care has been taken to avoid any encroachment on the President's constitutional powers. By way of codifying the law, which Congress has a right and duty to do under the "necessary and proper" clause of the Constitution, the bill spells out the circumstances under which the armed forces could be used without declaration of war. The President could repel an attack on the United States territory or its armed forces stationed outside of the country. He could retaliate against such attacks, and he could act to "forestall the direct and imminent threat of such an attack." He could use military force to protect the evacuation of American citizens abroad if their lives were in imminent danger, and of course he could act under any specific congressional authorization such as the Middle East resolution.

The later provision does not, of course, imply that Congress might again give the President blank checks in regard to using military force, as it did in passing the Tonkin Gulf resolution. The bill specifically provides that the right to use the armed forces in hostilities shall not be inferred from any resolution unless such action is specifically authorized. Specific congressional authorization is also required for the assignment of any part of our military to the armed forces of another country that is at war or in imminent danger of being involved in hostilities.

To minimize controversy, the bill leaves undisturbed the three so-called area resolutions now on the books—authorizing the use of armed forces in Formosa, the Mideast and Cuba, if the President finds it necessary. It is anticipated, however, that one of the first actions of the President under the bill would be to review these situations and go to Congress with fresh recommendation.

One of the most delicate problems sponsors of the bill had to deal with was its effect on NATO. The NATO treaty provides that an attack upon one of its members shall be regarded as an attack upon all of them. If it is to remain effective, the unified NATO commands must be able to respond to attacks in Europe at the discretion of the President (and other NATO executive authorities) without waiting for legislative action. The Foreign Relations Committee report interprets the bill, however, as meaning that "no treaty, existing or future, may be construed as authorizing use of the armed forces without implementing legislation." This seems to say that any military action by American forces in defense of an ally in NATO would have to be approved by Congress.

The debate in the Senate makes clear that no such crippling of NATO is intended. The President could respond to an attack upon a NATO country if American forces stationed there were involved or if he deemed the attack to be also aimed at the United States. Such action would not necessarily mean full-scale war any more than a presidential response to an attack upon the United States would. In either case follow-up action by Congress would be necessary if a war had to be fought.

Congress has a legitimate interest in preventing use of the NATO treaty as a substitute for a declaration of war. A treaty ratified only by the Senate cannot nullify the war power which belongs to both houses. In reasserting its war power, however, Congress should be careful to avoid casting any doubt upon the right of the President to speak for the United States in authorizing immediate NATO action in case of an emergency. The language of the report on this point needs to be clarified.

The heart and core of the bill are Sections 4 and 5. Section 4 would require the President to report promptly to Congress whenever he might take emergency military action under the terms of the bill. Section 5 would forbid him to continue the hostilities thus begun for more than 30 days without congressional approval, unless Congress had been put out of operation by an armed attack. In any circumstances, however, the military could continue to fight while disengaging from the unauthorized hostilities.

In case of an outrageous abuse of presidential power to make war Congress could, by a two-thirds vote (overriding a veto), tell the President to stop in less than 30 days. And of course Congress could always extend the 30-day period by legislative action. Accelerated procedures are laid down to make certain that Congress would not be hamstrung by filibustering or other dilatory tactics. While the 30-day cut-off is necessarily arbitrary, it would allow time for reports and deliberation, and it would force Congress to act before a military build-up like that in Vietnam could take place.

The effect of the bill would be to put the President on notice that he could not undertake a military venture without explaining to Congress his action and his aims and his claim of authority. That alone would be a powerful restraint upon dubious hostilities that would not bear scrutiny or win popular support. Even more important, the bill would almost compel Congress to face the issue and to assume responsibility for the course to be taken.

Congress itself has been shamefully negligent in relinquishing into the hands of the President all but absolute control over the fate of the nation. Now it is attempting by cool and rational legislation to redress the balance and to assume its rightful place as the national policy-making body. Every American has a vested interest in the success of this undertaking, even though the details of the bills under consideration are still open to debate, clarification and improvement.

THE STATUS OF THE ARMS CONTROL AND DISARMAMENT AGENCY

Mr. HUMPHREY. Mr. President, I have spent many years working for arms control as a way to increase our national security.

I was recently asked by the Military Spending, Arms Control and Disarmament Committee of the Members of Congress for Peace through Law to prepare a report on the status of the U.S. Arms Control and Disarmament Agency.

I have a special interest in the Arms Control Agency. I urged that President Kennedy send to Congress legislation creating such an Agency in 1961. I introduced the ACDA legislation and have followed the progress of the Agency since its founding.

While the President is asking for a $4.2 billion increase in defense spending for fiscal year 1974, he has asked the Congress to cut ACDA's budget by one-third—from $10 million to $6.6 million. Apparently the Agency has encountered Presidential disfavor, like many other

agencies of government which have been vigorously and independently pursuing their course.

ACDA has been without a Director for the past 4 months. I am pleased that the President has at last recommended a new nominee for ACDA Director. The confirmation hearing for Mr. Fred Ickle will provide members of the Senate with an excellent opportunity not only to consider his fitness for the job, but also to examine closely the rationale for the administration's recent actions toward the Arms Control Agency which are discussed at length in my report.

Members of Congress should be interested in the work of the Arms Control Agency because it is the only instrument of the Federal Government with the responsibility of pursuing rational and deliberate policies of arms reductions. I ask unanimous consent that my report to MCPL be printed in the RECORD.

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

REPORT ON THE STATUS OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY

(Prepared by Senator HUBERT H. HUMPHREY for Members of Congress for Peace through Law)

INTRODUCTION

In May, 1972, the United States and the Soviet Union announced "the most momentous arms control accords concluded by major states in the modern era." They included the ABM Treaty, the Interim Agreement on Offensive Weapons and the earlier agreements on the Avoidance of Accidents and the Hot-Line Modernization.

Among the many lessons learned from the extensive negotiations leading to these accords was the advantage gained by having an effectively led, ably staffed, independent, and adequately supported agency for carrying on these technically and politically complex negotiations, as well as the increasing responsibilities of the U.S. in other areas of arms control.

The story of this successful achievement began in 1961, when the Congress established the United States Arms Control and Disarmament Agency by a vote of 73 to 14 in the Senate and 280 to 54 in the House. At that time, it was recognized that the prospects for agreement on disarmament were not bright.

An international interest in substantial arms control did indeed develop as more and more nations, including the Soviet Union, realized that the stockpiling of nuclear weapons did not increase national or international security but jeopardized that very element which they were designed to enhance.

The foresightedness of the United States government paid off in the period of 1969–1972, when we were equipped with an experienced agency to exploit the opportunity afforded by a Soviet willingness to negotiate strategic arms limitations.

Nor has the success of the government's arms control agency been limited to SALT, though it is the capstone of a decade of effort. [See Appendix I.] The Arms Control and Disarmament Agency took the initiative within the government on the Limited Test Ban Treaty in 1963. It has for over ten years represented U.S. interests at the Conference of the Committee on Disarmament (CCD), formerly the Eighteen-Nation Disarmament Committee.

This forum has produced such measures as the Nuclear Nonproliferation Treaty, the Treaty on the Peaceful Uses of the Seabed, the Treaty on the Exploration and Use of Outer Space, and the Biological Weapons Treaty. It has played an important role in the preparations for the Mutual and Balanced Force Reduction talks and has undertaken important research work on conventional arms transfers.

Today, the Arms Control and Disarmament Agency is in danger of being denied the necessary tools to achieve its mission. The ability of the United States to pursue a rational and deliberate policy of arms reductions will be seriously endangered without a vigorous and independent arms control agency.

Any diminution of the role of the Arms Control and Disarmament Agency at this moment in time would be truly unfortunate.

American public understanding and sympathy for arms control are at a record high. And there seems to be a favorable international climate for arms control with the end of the Vietnam war and a growing feeling of detente in Europe.

More than a decade ago John Kennedy said, "The ingenuity that has made the weapons of war vastly more destructive should be applied to the development of a system of control of these weapons." It is the duty of both the President and the Congress to work together in a creative partnership to provide ACDA with the support it needs to continue its work so that it can make further progress in a field so vital to increasing national and international security.

BACKGROUND

A brief discussion of why the Arms Control and Disarmament Agency was founded and the legislative history of the Arms Control and Disarmament Act of 1961 is needed to understand the Agency's present status.

Until its founding the United States had never had a single agency to deal with the complex political and scientific problems of arms control. The field of arms control was splintered among several agencies, each with a small staff and a limited degree of commitment. Although President Eisenhower and President Kennedy did have special assistants for disarmament and there was an arms control administration within the State Department, the arms control effort lacked centralized direction and the necessary coordination for the formulation of effective proposals.

This serious defect in the government's ability to deal with arms control issues became apparent in the late 1950's because of the increasing American involvement in international conferences on disarmament. From the end of the second World War until ACDA's founding in 1961, there had been over seventy such conferences. The U.S. government had not always been adequately prepared for these discussions, in part because we lacked a central arms control planning body.

In testimony before the Senate Foreign Relations Committee on behalf of the creation of ACDA, former Secretary of Defense Robert Lovett said:

I believe that the present method of dealing with disarmament problems is far too dispersed and fragmentized to make possible the orderly planning, policymaking and supervisory procedures which are increasingly necessary as man's ingenuity in killing himself continues to outrun his self-restraint.

The need for a separate arms control agency was clear: The interrelationship of political, strategic and scientific problems related to arms control required a central organization responsible to the President and staffed by experts dealing broadly with the whole range of disarmament matters, including research, policies and programs.

As I said on the floor of the Senate when first introducing the legislation which established the Arms Control and Disarmament Agency:

Our disarmament preparations must be continuous, constant, up to date and ever more reliable. Disarmament is a demanding task. Disarmament is full-time work. It cannot be undertaken by half-hearted, part-time efforts.

The bureaucratic rationale for the creation of ACDA was obvious. But there was a more basic reason for the establishment of an arms control agency. It was a way to demonstrate the actual and symbolic commitment of the United States to the general proposition of halting the nuclear arms race. It was also a mechanism to begin a modest reordering of priorities with emphasis on achieving security through arms limitations instead of through a spiraling arms race—which was seen as decreasing rather than enhancing national and international security.

It would have been impossible to create ACDA without strong presidential backing and support from leaders in the defense and diplomatic communities. Despite a not altogether sympathetic public understanding of the need for arms control, President Kennedy said during his campaign in 1960:

Peace takes more than words. It takes hard work and large scale efforts. Above all, it takes a government which is organized for the pursuit of peace as well as the possibility of war, a government which has a program for disarmament as well as a program for arms.

The agency which President Kennedy originally hoped to name "The U. S. Disarmament Agency for Peace and Security" was intended to be an advocate for peace within the Federal government. It clearly was meant to express an expert viewpoint and a perspective that could provide some balance to the views propounded by military planners.

However, it was not conceived as an antagonist of the Pentagon. Rather, its role was to provide the State Department and the President with policy options in the field of arms control which were prepared by professional experts.

Detractors of ACDA feared that it was going to become a proponent of unilateral disarmament and endanger the security of the United States. This has never occurred. ACDA's policies, in the words of Dean Rusk, have been "meshed" with those of the Departments of State and Defense. At no time in the Agency's history has its commitment to arms control taken precedence over its concern for national security.

In fact, President Nixon has taken note of this and stated:

Our Department of Defense and our Arms Control and Disarmament Agency share the same objective—the enhancement of our national security. Their perspectives, while different, are complementary.

Because of the fear that ACDA would become an over-zealous advocate of disarmament, its resources have always been severely limited and its position in the government has been overseen by the State Department. Despite these limitations present from the outset in the enacting legislation, ACDA has been able to gain a reputation for professionalism and expertise in the arms control field. The Test Ban Treaty of 1963, the Non-Proliferation Treaty and the SALT agreements are some of the important developments in which ACDA has played a key role.

ACDA's preeminent position as the principal source of arms control policy recommendations has come about in the last four years. One need only cite the upgrading of ACDA's status on the National Security Council, where it has played a central role on the Verification Panel, in the development of National Security Study Memoranda relating to arms control, on the Defense Program Review Committee, the Senior Review Group, the Under Secretaries Committee, and various interdepartmental, regional, and functional groups. In previous administrations, the part played by ACDA in the NSC system was far less institutionalized.

Herbert Scoville, Jr., former Deputy Director of the CIA and Assistant Director of ACDA for Science and Technology, notes that ACDA had a major voice in switching from the Sentinel to the Safeguard ABM system. Says Scoville: "From a bureaucratic point of view, the participation for the first time of ACDA in unilateral arms program decision-making marked a major turning point in that agency's position within the government."

At a moment when arms limitations seem more necessary and more possible, the prestige, responsibility and capacity developed over the last decade, and especially the last four years, should be increased rather than reduced.

I stated in 1961 that "this proposal (for the establishment of ACDA) represents in a tangible manner the restatement of a fundamental objective of our national policy—"the securing of a just and enduring peace." The performance of ACDA over the past twelve years has only reinforced my belief that Congress must not allow the Agency to be downgraded.

EXPERIENCED LEADERSHIP

It is necessary to explore in detail the major developments which lead to the belief that the Arms Control and Disarmament Agency is not receiving the support so crucial to capitalizing on past gains in limiting costly and unnecessary arms races and preventing the outbreak of new ones.

The principal focus on arms control over the last four years has been the Strategic Arms Limitation Talks. Public interest in the SALT talks has also increased general understanding and sympathy with the subject of arms control.

The three-year SALT talks were carried out by a negotiating team composed of representatives of the Joint Chiefs of Staff, Departments of State and Defense. Gerard Smith, the Director of the Arms Control and Disarmament Agency, headed the SALT delegation. Because of Smith's role, ACDA was charged with doing the major staff backstopping for the talks.

ACDA gained great stature from its role in SALT even though the President and the National Security Council had the overall decision-making responsibilities for the talks.

After Gerard Smith's resignation, the President named Under Secretary of State U. Alexis Johnson to become Chief U.S. Negotiator to SALT. He was not named Director of the Arms Control and Disarmament Agency.

Depriving the ACDA Director of leadership of the SALT delegation has had critical implications for the Agency's role in SALT II:

It is doubtful that it will be used as the principal staff backstopper for the talks. There is speculation that Ambassador Johnson will use the State Department staff for this purpose.

It is also unclear that ACDA's Director will be the President's chief advisor on arms control matters as prescribed by law.

ACDA's role in the National Security apparatus dealing with SALT and other disarmament matters will be considerably undermined by the Agency's loss of principal responsibility for SALT.

ACDA's prestige among other agencies and departments of the Federal government has been undermined, thus making it more difficult to have an effective voice on other non-strategic arms control matters.

The chances for success at SALT II—especially in the field of control of MIRV's—might be adversely affected by the absence of the ACDA's staff expertise.

It is important to note that Gerard Smith had significant experience in the field of arms control. Ambassador Johnson is an experienced and able career diplomat but lacks any past professional involvement with complex arms control issues. Although it may be desirable to separate the functions of ACDA directorship and SALT negotiator because of the great demands placed on both of these positions, it is unfortunate that a more knowledgeable person in the field of arms control has not been appointed to lead the SALT delegation. The further possible exclusion of ACDA from a principal role at SALT could deny our delegation the expertise we should have at Geneva.

At the time of the writing of this report the President has not named a replacement for Gerard Smith as Director of the Arms Control and Disarmament Agency.

The Agency has been without a Director for four months.

The practice of leaving vacant an agency's top appointed position for months on end is a widely recognized sign in Washington that the agency or department is in Presidential disfavor.

Ambassador Johnson left for Geneva in the first week of March to begin the second round of SALT negotiations. It is unfortunate that as SALT II begins the President is without a chief counselor on arms control, which is the statutory role of the ACDA Director.

In the absence of a new ACDA Director, it would seem logical that Dr. Henry Kissinger would be assuming the principal role of presidential arms control advisor. Although Dr. Kissinger's competence in this area is not doubted, the demands of his position prevent him from giving this subject the fulltime attention it deserves, a situation which apparently delayed progress on the SALT I accords.

After his re-election President Nixon asked for the resignations of all Administration appointees. The top officials at the Arms Control and Disarmament Agency submitted their letters of resignation.

It is clear now that President Nixon has accepted the resignations of several of ACDA's most experienced and knowledgeable ranking staff members. Those leaving the Agency include: Mr. James Leonard, Assistant Director and Chief of ACDA's International Relations Bureau; Mr. Spurgeon Keeny, Jr., Assistant Director and Chief of ACDA's Science and Technology Bureau; and Mr. Lawrence Weiler, Counselor to the ACDA Director.

All of these men have been associated with arms control efforts for many years. All of them have scrupulously followed the policy guidelines established by the President, the NSC and the Department of State.

Their departure from ACDA leaves the organization with a serious vacuum of talent, independent judgment and expertise in the arms control field. It will be extremely difficult to replace these individuals with equally talented personnel.

Much the same is true of the President's General Advisory Committee on Disarmament, the membership of which includes not only Chairman John McCloy, one of the chief drafters of the agency's enabling legislation but also a number of other distinguished and eminently qualified citizens. They are:

John J. McCloy, lawyer, former adviser on disarmament to President Kennedy, retired Chairman of the Chase Manhattan Bank, former Chairman of the Ford Foundation, President of the World Bank, US High Commissioner for Germany, and Assistant Secretary of War during the Second World War.

I. W. Abel, President of the United Steel Workers of America.

Dr. Harold Brown, scientist, President of the California Institute of Technology, member of the SALT delegation, and former Secretary of the Air Force.

William C. Foster, former Director of the Arms Control and Disarmament Agency and former Deputy Secretary of Defense.

Kermit Gordon, economist, President of the Brookings Institution, former member of the Council of Economic Advisers, and Director of the Bureau of the Budget.

Dr. James R. Killian, Honorary Chairman of the Corporation of Massachusetts Institute of Technology, former Special Assistant to the President for Science and Technology.

General Lauris Norstad, USAF (Ret.), Chairman of the Board and President of the Owens-Corning Fiberglas Corporation, and former Supreme Allied Commander in Europe.

Dr. Jack Ruina, scientist, Professor of Electrical Engineering at Massachusetts Institute of Technology, former President, Institute for Defense Analyses, and Assistant Director for Defense Research and Engineering, Department of Defense.

Dean Rusk, Professor of International Law, University of Georgia, former Secretary of State.

Governor William Scranton, lawyer, former Governor of Pennsylvania, and former Member of Congress.

Dr. John Archibald Wheeler, scientist, Joseph Henry Professor of Physics at Princeton.

This panel has operated with relatively little change in its membership for nearly a decade, thus developing a knowledge and experience base parallel to that within the agency. A complete change in membership, which appears to be indicated by the requests for the resignations of present members, would deprive the U.S. arms control effort of still another valuable source of expertise.

The President has conducted bureaucratic "house cleaning" with several of his departments and agencies. ACDA does not need bureaucratic revitalization—it was already vigorously pursuing its objectives in an effective manner. ACDA's intellectual independence could be adversely affected by the loss of its experienced staff.

The total number of Agency personnel is less than 250. This rather tightly knit organization must be keenly aware of shifts in attitudes both within and outside the organization. Maintaining a high level of morale is essential if the Agency is to carry out its functions effectively.

ACDA BUDGET

Proposals to reduce the ACDA budget by one third—from $10 million to $6.6 million for FY 1974—are responsive neither to the needs nor opportunities for arms controls in an era of detente.

In FY 1973 $88 million was budgeted for civil defense activities of the Office of Emergency Preparedness, while ACDA received only $10 million, reflecting an apparent disparity of priorities between the value of prevention as opposed to the value of cure.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY—SUMMARY OF APPROPRIATIONS AND AUTHORIZED POSITIONS, FISCAL YEARS 1962–73

Fiscal year	Appropriations	Authorized positions
1962	$1,831,100	126
1963	6,500,000	220
1964	7,500,000	220
1965	9,000,000	214
1966	10,000,000	238
1967	9,000,000	238
1968	9,000,000	263
1969	9,000,000	268
1970	9,500,000	249
1971	8,645,000	249
1972	9,116,000	249
1973	10,000,000	244
1974 (proposed)	6,600,000	

The proposed ACDA budget represents .0078 percent of the total proposed DOD budget. The cost of a single F–15 fighter plane exceeds the total ACDA budget by several million dollars. Nobody expects a balance or anything approaching it between defense and arms control budgets. However, the comparison is illustrative of general priorities given these two areas of governmental activity.

The principal effect of the ACDA budget

cuts will be felt in the research arm of the Agency. The Arms Control and Disarmament Act of 1961 states that one of the most basic functions of the Agency is "to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament."

The budget for fiscal year 1974 shows ACDA's research funds being cut from $2 million to $500,000. This will severely limit ACDA's ability to conduct both scientific and social science research relating to arms control.

Since 1961 ACDA has sponsored over 300 external research projects at a cost of $12 million. There are, of course, mixed evaluations concerning the usefulness of some of these research projects—especially those in the social science field.

However, in science and technological areas, ACDA's research has been highly regarded by experts in the arms control field. The Agency's scientific research has provided many valuable insights for policy makers. Work on such subjects as the verification of nuclear testing was instrumental in obtaining the Limited Test Ban Treaty and will be vitally important if there is to be a comprehensive test ban. ACDA research on the feasibility of upgrading SAM missiles was critical to the negotiation of an ABM Treaty.

In several instances, ACDA research has served as an intellectual countervailing force to Department of Defense research efforts. Such a relationship reflects the checks and balances principles of American government.

The extensive research cutback will mean that both the social science and scientific research efforts will be severely hampered. Work on such important subjects as conventional arms transfers and limitations and n the subject of the impact of domestic reconversion of the defense industry may have to be discontinued.

Because of its research contracts, ACDA was able to encourage scholars in several disciplines to become interested in arms control policy questions. The cutbacks will inevitably decrease such worthwhile activities and reduce valuable contacts between the Agency and the research and academic communities.

Such activities as the quarterly publication of an arms control and disarmament bibliography at a cost of $175,000 a year will be discontinued. This bibliography provided an invaluable service to the academic community and to the Congress.

Now that the groundwork has been laid with a decade of general research, it is no doubt desirable to redirect the research program from social science research to efforts more directly related to concrete policy matters, yet this could have been done without indiscriminately curtailing the entire research effort.

When Gerard Smith served as Director he realized some of the deficiencies in the research program and established a Research Policy Committee to establish overall guidance for ACDA research. The Agency's research has improved greatly because of this evaluation unit.

The formulation of realistic arms control policies requires extensive research. The severe cutbacks in research activities can only injure ACDA's overall effectiveness in the policy process and limit the range of arms control options we can pursue in international negotiations.

CONCLUSION

When legislation to establish the Arms Control and Disaramament Agency was considered in the Senate in 1961, I said that "the prospects for agreement on disarmament are not bright. The Soviets do not appear to want to negotiate. . . but the world outlook may change and I am hopeful that the Soviets may someday show a genuine interest in real, substantial arms control."

These words expressed a hope for the future.

And that future is here today.

The Soviet Union and other nations have shown an interest in arms control. Interestingly enough, two experts on the Soviet Union with access to classified information, Roman Kolkowicz and Alexander Dallin, have pointed out in separate studies that since 1964 there has been an emerging arms control bureaucracy in the Soviet civilian and military administration.

We are beginning our fourth year of talks aimed at the limitation of strategic weapons.

The feeling of detente in Europe grows as trade and commercial exchange break down the old barriers of hostility.

We have just embarked on discussions to achieve a mutual and balanced force reduction in Europe.

The United Nations has declared the 1970s to be "a decade of disarmament."

Twelve years ago, we seemed to be teetering on the precipice of nuclear confrontation. Though we still possess the weapons of catastrophic destruction and indeed they have proliferated despite our efforts, time seems to have eroded the fear and bitterness which could precipitate a nuclear exchange.

Rather than be content with the status quo of a more favorable atmosphere of lessened tensions among great powers, *we must now take the initiative in achieving both strategic and conventional mutual arms reductions.*

Yet how can we continue to exercise leadership and initiative in the arms control field if our single, most dedicated agency for arms control is to become merely "a research and staffing organization" in the words of an administration spokesman. Now is not the time to dismantle or downgrade the arms control apparatus. Now is not the time to halt or limit the forward momentum achieved by the professional work of this independent agency.

The ultimate effect of budget cuts and personnel losses will be that ACDA will be unable to serve as an effective advocate for arms control among competing forces in the government.

In actual terms this will mean that the Agency will be denied needed and sensitive information by the Department of Defense and the National Security Council. According to informed sources, such a practice has already begun.

A newly hired ACDA defense analyst has been unable to secure from the Department of Defense the Five Year Defense Plan used as a basic tool in analyzing the defense budget. When he worked for the Department of the Navy, this document was readily available to him.

The effects of the downgrading will also mean that ACDA's recommendations can be safely ignored despite the Agency's reputation for expertise. This phenomenon will be especially damaging in the process of moving policy recommendations forward to the President for his personal consideration.

The Arms Control and Disarmament Agency's loss of position as an effective advocate for arms control would mean that we have reverted back to the pre-1961 problems which plagued the government's handling of arms control policy: lack of continuity, lack of coordination, lack of expertise, lack of long range planning and lack of research.

While each Administration has every right to select its advisors on arms control and disarmament matters, it is equally the right and duty of Congress to ensure that our government possess a strong and effective agency for arms control.

Writing in the Washington Post at the beginning of this year, Chalmers Roberts said:

Stassen, Foster and Smith all were effective, or ineffective, to the degree that they could establish an independent input from an office or an agency that was beholden neither to the diplomatic views of State, the military views of defense or the views of the White House staff.

It is the critical independence of the Arms Control and Disarmament Agency which seems to be at stake.

Mutual arms control limitations provide all parties to such agreements with a politically viable method to reduce defense expenditures and channel these resources to badly needed domestic projects. Whether it is a question of providing a higher standard of living and more protein to the Soviet consumer or rebuilding American cities, *arms control and reductions as a method of cost saving to overtaxed citizens and financially overburdened governments have been sorely neglected.* Only a vigorous ACDA provided with ample financial resources can present the feasible alternatives which can lead to the saving of billions of dollars. There is absolutely no other agency of government with the same concern.

ACDA is sure to survive the measures designed to limit its responsibilities. But it is questionable whether the Agency will now be able to enter vigorously new areas of research and advocacy which need to be developed. The Agency had only begun to deal with the question of control and limitation of conventional arms when it was proposed to cut its budget and staff. This area alone provides the means for a major source of worldwide conflict. The issue of developing a comprehensive test ban and obtaining an agreement on MIRV's are key short range goals which may be adversely affected by the White House action.

The Congress and the Executive Branch must ask themselves the following questions as they consider the future of ACDA.

How are we to assess the effect of the various arms control proposals without the valuable research provided by ACDA?

How are we to present alternatives and solutions to deadlocks in arms control negotiations when ACDA's budget is being cut, its staff demoralized and its viewpoints in danger of being relegated to obscurity?

How can we neglect the experience and knowledge that ACDA has accumulated over the past twelve years and that its staff has acquired over the past twenty years at the time when prospects for substantive arms control are so great?

A year ago the President said: "Intelligently directed arms control and disarmament efforts are an important element of our foreign policy and are essential to our national security."

If the commitment to arms control remains as serious in the next four years as it has in the previous four, then there is little need for concern among arms control advocates. But recent actions point to an alarming deterioration in support for the single institution within the Federal government capable of becoming a strong advocate for increasing our security through arms control and disarmament.

It is therefore recommended that the Congress and the President take the following steps to enhance the position and capability of ACDA:

1. At the earliest possible time, the President should nominate a new director for the Arms Control and Disarmament Agency. The nominee should have substantial experience in the arms control field as well as a deep commitment to the concept of insuring national security through arms limitations. The new director should have the full confidence of the President.

2. The President should in the near future make a public statement to reaffirm his confidence and support of the work and mission of the Arms Control and Disarmament Agency.

3. In order to maintain the agency's high level of staff expertise, the President should promptly appoint highly qualified and ex-

perienced personnel to fill the posts of those he recently asked to resign. These persons should also share a commitment to arms control.

4. Congress should restore the Arms Control and Disarmament Agency's budget to the FY 1973 level of $10 million. Of this sum, at least $2 million should be allowed for "external research and field testing."

5. If the budget is restored by Congress, one year following such action, the Foreign Relations Committee should request that the General Accounting Office submit to the Committee a report and evaluation of the Agency's research efforts.

6. If the President has accepted the resignations of the now eleven member General Advisory Committee on Disarmament, he should promptly submit to the Senate a list of new nominees for this important presidential advisory panel. President Nixon should make every effort to appoint men and women to this committee who are knowledgeable concerning the subject of formulation of public policy, who have an interest in arms control and who are persons of stature in their respective professions.

7. The President and his Advisor for National Security Affairs should move immediately to upgrade ACDA's role at SALT II, at the MBFR conference and within the National Security Council's apparatus. The President should direct Ambassador Johnson to use the staff of the Arms Control and Disarmament Agency as the principal support staff of the negotiations.

8. The Disarmament Subcommittee of the Senate Foreign Relations Committee should in the near future conduct extensive hearings on the status of ACDA.

APPENDIX I

VOLUME OF ARMS CONTROL AND ARMS CONTROL-RELATED AGREEMENTS AND NEGOTIATIONS, 1958–73

1958: East-West Surprise Attack Conference, Geneva.

1959: Antarctic Treaty negotiated.

1960: Ten-Nation Disarmament Committee Conference, Geneva.

1961: McCloy-Zorin talks lead to U.S.-U.S.S.R. Joint Statement of Agreed Principles for General and Complete Disarmament.

1962: Eighteen-Nation Disarmament Committee convenes; U.S. & U.S.S.R. submit proposals for International Disarmament Organization.

1963: "Hot Line" agreement signed; Limited Test Ban Treaty negotiated; US & USSR verbally agree not to place weapons in outer space.

1965: U.S. and U.S.S.R. announce draft nonproliferation treaties.

1967: U.S. proposes Strategic Arms Limitation Talks; Treaty on the Exploration and Use of Outer Space negotiated; Treaty on the Prohibition of Nuclear Weapons in Latin America negotiated.

1968: Nonproliferation Treaty negotiated and opened for signature. SALT announced.

1969: ENDC enlarged to 26 members; US supports UK draft prohibiting biological weapons; US renounces first use of lethal chemicals.

1970: 1925 Geneva Protocol on gas & bacteriological weapons resubmitted to Senate; NATO calls for Mutual & Balanced Force Reductions.

1971: Seabed Treaty negotiated; U.S. and U.S.S.R. conclude agreements on avoidance of missile accidents and to upgrade "Hot Line."

1972: U.S. and U.S.S.R. sign ABM Treaty & Interim Agreement on Offensive Weapons, as well as Incidents at Sea Accord; Biological Weapons Treaty signed; US & USSR call for Chemical Weapons Accord; preliminary talks for MBFR and European Security Conference.

1973: SALT II begins; MBFR; ECSC.

NATIONAL LIBRARY WEEK

Mr. McGEE. Mr. President, President Nixon has chosen a strange way to implement his declaration launching this as National Library Week: In the goal of realizing to the fullest the potential abilities of every American, the President states—

Nothing is more essential . . . than an efficient and readily accessible library system.

Actions, Mr. President, speak louder than words, and the action that this administration has taken in its budget for fiscal 1974 is to provide no funds—zero—for libraries. Just as public libraries were told that, although they were being zero-funded, they have the privilege of competing under general revenue sharing, for local revenue sharing funds along with police and fire protection, sewage disposal, garbage collection and other essential local services, so school libraries are now being told that they would be able to compete for "supporting services and materials" dollars against other essential school services, under the administration's proposed education special revenue sharing legislation. College libraries, also zero-funded under the President's budget, are merely told that "recent amendments to the legislative authorities for these programs have made it impossible to set funding priorities and provide meaningful levels of assistance." This amounts to telling the libraries of our colleges and universities that, since we cannot give you enough, we shall give you nothing.

Mr. President, 50 million Americans use the Nation's public libraries, and millions more depend on the libraries in our schools, colleges, and universities. As we mark the observance this week of National Library Week, we do so with a certain sadness that an administration which engages in glowing rhetoric about the importance of our libraries does not back up its words with deeds and—more important—with dollars. I call to the attention of the Senate the forthcoming campaign of the American Library Association, entitled "Dimming the Lights on the Public's Right To Know," in which the Nation, it is hoped, will be made more aware of the rich resources of its public and educational libraries and of the threat to them if all major programs of Federal support are terminated.

I ask unanimous consent that the President's statement be printed in the RECORD.

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

PRESIDENT NIXON'S STATEMENT LAUNCHING NATIONAL LIBRARY WEEK (APRIL 8–14, 1973)

THE WHITE HOUSE,
Washington.

The strength of our nation resides in the knowledge, wisdom and spirit of our people. As we approach the two hundredth anniversary of our national independence, it is imperative that we intensify our efforts to hasten the day when every American will have a truly equal opportunity to realize the full potential of his abilities. Nothing is more essential toward the achievement of this goal than an efficient and readily accessible library system.

National Library Week gives appropriate focus to the great array of resources offered by our libraries to people of every age. It calls on all Americans to broaden their vision, enhance their skills and achieve their rightful places as dignified, self-reliant citizens. It calls upon every community to improve its library and thereby to promote the well-being of its people.

I ask all Americans during this special observance to share generously in the support of our libraries and to make the fullest possible use of the rich treasures they possess.

RICHARD NIXON.

THE FUEL SHORTAGE

Mr. FULBRIGHT. Mr. President, in recent weeks I have heard from a large number of Arkansas farmers about the possible lack of adequate fuel for farm usage. This problem could be particularly critical in the coming months ahead when farmers are involved in land preparation and planting and therefore are consuming large amounts of fuel for operation of farm equipment.

This problem arises out of the fact that many fuel distributers in the area are being allocated less fuel than they received last year. Yet, due to unusual circumstances, the demand for diesel fuel is inevitably going to be much greater than last year.

One reason for the increased need is that more land will be in cultivation for row crops this year. The Government has encouraged additional planting and there will be less land "set aside." In Mississippi County, Ark., for example, due to the change in governmental programs about 32,000 acres which was previously "set aside" will now be intensively cultivated. Since approximately 8.85 gallons of fuel are necessary for each acre of farmland devoted to row crops, the increased acres resulting from the change from "set aside" to row crop would require 283,200 additional gallons of fuel to meet this need.

A second and more dramatic reason for the increased fuel need results from the extremely heavy rains and flooding which have occurred in the area. Because of the very wet conditions and the fact that considerable farmland is still under water, above normal tractor time will be required to put the land in condition for planting. Much of the land is rutted to the point that it will dry slowly and will delay field operations.

Because the heavy rains have been occurring regularly since last fall, much of the fieldwork which is normally done in the fall still remains to be done before the 1973 crops can be planted.

Mr. President, the fuel shortage is a problem which has serious implications for all of us, but particularly for these farmers whose crops are vital to the national well-being.

I would hope that the relevant Government agencies, including the Department of Agriculture, will look closely at this situation and do everything possible to insure that adequate fuel is available to farmers at this critical time. This is important not only to the agricultural sector of our economy, but in our efforts to control inflation, which effects all of us. Likewise, we depend heavily on the

export of agricultural commodities to help our international trade and payments balance.

Mr. President, I have received a number of letters from farm groups and others in Arkansas concerned with this problem, and I ask unanimous consent to have a few of them printed in the RECORD.

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

MISSISSIPPI COUNTY FARM BUREAU,
Blytheville, Ark., April 3, 1973.

Hon. J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR MR. FULBRIGHT: We are deeply concerned about this area's ability to produce a crop in 1973 because of the drastic reduction in the diesel fuel which will be available to us. Such a reduction would seriously disrupt the farming activities of our area and would create extreme hardships for individual farmers. It would also cause serious losses in production of food crops so essential to the national well being at this time.

It should be borne in mind that there is no acceptable substitute for high grade diesel fuel for use in the sophisticated, high horse power tractors used on the farms in our area. The diesel engines have been developed over a long period of years for high quality diesel fuel. Any lesser substitute could play havoc with farmers investments in expensive machinery and greatly hamper their efficiency.

For your further information, we would like to give you more background material. *First*, more fuel will be required to produce the 1973 crop than was used in 1972. This is true because in 1972 there were approximately 32,000 acres of "set aside" land in Mississippi County. Due to a change in governmental programs this land will be changed from "set aside" to intensively cultivated row crops. Approximately 8.85 gallons of fuel is necessary for each acre of farmland devoted to row crops. The increased acres resulting from the conversion of "set aside" to "row crop" would require 283,200 additional gallons over last year's use to meet this need.

Second, above normal tractor time will be required this season to put our land in planting condition due to extremely unfavorable weather during the fall harvest. This land is rutted to the point that it will dry out slowly and will delay field operations. A look at the official weather bureau record from Keiser, attached as Exhibit A, will tell the story. Note that after October 15th the longest period without rain was four days. There was excessive rainfall and most unfavorable distribution.

Third, land preparation and planting is the most critical time so far as fuel consumption is concerned. This involves the months of April, May and June, the very same months the fuel supply has been reduced. If fuel is not available during these months it will be too late! The crop will be lost! This, of course, gives urgency to our cause, and makes time of the essence.

We fully appreciate the position of the oil companies with regard to total supply. We also know that they have allocated a proportionate share of their fuel to us. At the same time we believe our condition is serious enough to warrant special consideration because of the very urgent contribution we are making to the total supply of foods for the consuming public. We believe it is the National Policy to do what is necessary to get full production of these crops to help control inflation. We also recognize another compelling factor—that of having high production of exportable crops for favorable balance of trade and the need for an adequate supply of food for the consumers of our country.

We will appreciate your efforts to help alleviate this most serious situation.

Sincerely,

GENE LITTLE,
President, Mississippi County Farm Bureau.

WEATHER INFORMATION

Month	1972 rainfall	1972 number days rain	1972 longest period without rain (days)	Average rainfall
January	2.53	14	8	5.45
February	1.87	10	5	4.33
March	3.53	16	4	5.00
April	5.50	11	4	4.01
May	3.06	12	6	4.17
June	2.98	5	12	3.29
July	4.39	9	10	3.66
August	2.80	8	9	3.38
September	5.75	12	6	3.21
October	4.08	14	12	2.80
November	5.93	12	4	3.93
December	6.42	17	3	4.24
Total	48.84	140	----------	47.47

Note: Although the rainfall in 1972 was only 1.37 in. above normal, rain fell so frequently that field work was limited and harvest was delayed, preventing any field work to be done in the fall as is normally done. Consequently this field work will have to be done in the spring of 1973 before crops can be planted.

Source: University of Arkansas, Northeast Branch Experiment Station Weather Bureau, Keiser, Ark.

ARKANSAS FARM BUREAU FEDERATION,
Little Rock, Ark., March 13, 1973.

Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: Farmers are becoming alarmed over recent announcements by major oil companies concerning a shortage of diesel fuel for farm usage. Most farm supply outlets are being allocated 20–30 per cent less than they received last year.

We understand of course that the nation as a whole is facing a fuel shortage. We are not sure, however; that industrial and trucking industries are being asked to curtail their usage by this much.

Field work in the row crop area of our state is behind due to an unusually wet winter season. The next 45 days is critical for planting crops. Is there anything we can do to insure an adequate supply of fuel for farm equipment operation during this busy season? Your help will be appreciated.

JACK JUSTUS,
Director, Legislative Affairs.

MILLER COUNTY FARM BUREAU,
Texarkana, Ark., March 21, 1973.

Hon. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SIR: The Miller County Farm Bureau Board of Directors, at their last meeting, voted to contact you in regards to the increase in prices and reported shortage of farm fuel and oil. It would be appreciated that, in your position, you might get legislature to make sure the farmers will be to purchase fuel and oil for production of farm products.

We would appreciate anything that you might be able to do for Miller County and Arkansas agriculture.

Yours truly,

D. S. SANTIFER,
President, Farm Bureau Insurance Co. of Miller County.

HOME OIL CO.,
Osceola, Ark., March 6, 1973.

Hon J. W. FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR FULBRIGHT: I am manager of a large farm supply cooperative serving about 225 farmers in Mississippi County.

I am deeply concerned about the diesel fuel supply for our farm accounts this spring. Practically no farm land preparation was done in late fall and winter, leaving it all for spring work. With fuel for our farmers' tractors being allocated on a basis of last years use by the month, I am fearful we are going to be short and that the farmers will not be able to get the crops planted when they need to be.

I would urge some sort of priority setup which will assure the farmer a supply of fuel at the time and in quantities to fully serve his needs.

Any help that you can give us along this line will be appreciated.

Your very truly,

W. O FRAZIER, *Manager.*

PROPOSED PRICE ROLLBACK WRONG

Mr. DOLE. Mr. President, half the employees of the packinghouses in the State of Kansas are out of work. They have been laid off as a reaction to the threat to their business posed by the so-called housewife boycott against purchasing meat.

The Rules Committee of the House is today considering how to handle H.R. 6168 and its amendments on the floor of the House. This bill would extend the Economic Stabilization Act and, as amended by the House Banking and Currency Committee, it would mandate a rollback of prices and interest rates to January 10, 1973, levels.

This amendment, in all probability, Mr. President, would lead to bankruptcy for many Kansas businesses and certainly would increase the substantial unemployment already caused by the closing of many packing plants.

According to the Kansas Livestock Association, the proposed rollback would cost the beef industry of Kansas—overnight—$297 million.

Basically, there are three types of cattle in the beef industry. There are feeders—those in the feedlot, which average about 1,100 pounds. There are stockers—which are being prepared for the feedlots. These weigh about 600 pounds. And there are the calves, which will become the stockers. These weigh about 400 pounds. The Kansas Livestock Association estimates that the proposed rollback to January 10 prices would reduce feeder cattle from $46 to $40 per hundredweight, for an average loss of $66 per head. The total loss for the 1,230,000 cattle now in Kansas feedlots would be $81 million.

For the stocker cattle, the estimated price reduction would be from $58 to $46 per hundredweight, for a loss of $72 per head. This would mean an additional $144 million loss on the 2 million stocker cattle in that State.

The value of these 1,800,000 calves in Kansas would be reduced by $10 per hundredweight—from $70 to $60. That would mean an average reduction of $40 per head, or a total loss of $72 million. This totals a staggering $297 million potential overnight loss if the proposed rollback should be passed. This does not take into account the additional losses brought on in the reduced operations of cow herds

and in the lowered sales of replacement heifers.

Some economists see an inevitable multiplier effect on general income in an economy so strongly influenced by agricultural production. The Kansas Livestock Association has used a 5.5 multiplier factor to project an almost inevitable, immediate loss of $1,633,500,000 to the economy of the State of Kansas if the proposed rollback to January 10 price levels were effected.

Additional losses could be projected for other commodities, products and services. The point is that this rollback would pose across-the-board economic disaster to the State of Kansas. For example, one large grocery retailer in the State has estimated that the rollback would cost him $3 to $6 million loss, by reducing the value of his inventory.

HOUSEWIFE DEMAND

Mr. President, we are forgetting the basics.

The high price of meat is the result of high consumer demand. It is just as simple as that.

The reason meat prices have increased has been that the housewife who does the shopping, and her husband who fires up the charcoal broiler, like the taste of beef. More and more people have tried it, and they like it. And so they keep buying more of it. With the increased demand, our farmers have set out to increase their production of beef. They have not been able to keep pace, but they have expanded their herds as fast as nature will allow.

COULD BACKFIRE

Simply stated, if livestock and meat prices are not maintained at fair margins, our cattlemen will not be able to profitably refill their feedlots as they market their present supply. The certain result will be the gradual dwindling of the supply, making the remaining beef more costly than it is today. Such a development is dictated by the elementary facts of economy and it is, incidentally, just the reverse of what our housewives hope to accomplish with the boycott.

More generally, the number of cattle and calves on feed on March 1 in the seven top producing States totaled 9,698,000 head. That is up 8 percent from the figure a year ago. The number of cattle marketed was up 4 percent from a year ago. This means simply that more meat—a bigger supply, and possibly lower prices—are on the way.

But beef is still produced according to Mother Nature's cycle—not through the urging of would-be production expediters. Present trends in production indicate that prices will stabilize sometime this year. Secretary Butz has predicted that meat prices will decline later this year, if the weather will cooperate. The reports on cattle population bear this out. Prices must be maintained if we want additional beef production.

U.S. PRICES LOW IN COMPARISON

Mr. President, it would be well if our "boycotting" consumers would take note of what consumers in other nations are paying for beef, and other foods.

In mid-March, the price for sirloin steak in Washington, D.C., was $1.69 per pound. At the same time, it was $2.45 per pound in Brussels and $1.88 per pound in London. In Paris, round steak was selling for $2.57 per pound. In Tokyo, T-bone steak sold for $3.57 per pound and beef loin was sold for $11.50 per pound.

These are some of the figures contained in the April 1973 issue of Foreign Agriculture, and I ask unanimous consent that the entire article, "What Consumers Are Paying in the World Marketplace," be printed in the RECORD.

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

FOOD PRICES ARE WORLDWIDE PROBLEM—GOVERNMENTS SPEED SEARCH FOR SOLUTION AS CONSUMERS REACT

(By Beverly J. Horsley)

U.S. consumers concerned over rising food prices need not feel alone. Their views have been echoed the world over—and with increased fervor during the past year—as inflation continues to mount in Western Europe, Japan, and many of the developing countries. For example—

In France, butchers this past year protested fixed retail prices for beef cuts when wholesale costs were rising at twice the retail rate. But consumers still were paying some 15 percent more for their beef than a year earlier, causing the Government to focus on meat prices in anti-inflationary measures.

In Italy, consumers returned from August vacations to find further increases in beef prices, which rocketed 30 percent during the year ending August 31. And that was just the beginning, as retail beef prices soared further to well over the equivalent of US $2.00 per pound, and shortfalls in domestic fruit and vegetable crops caused prices for certain of these to climb as much as 80 percent.

In the United Kingdom, the Government clamped on a wage-price freeze in November 1972 to stem rising prices and other inflationary forces. At that time also, sentiment was strong against Britain's January 1, 1973, accession to the European Community (EC), where even higher food prices must be met by increases over the next 5 years in British prices.

In Chile, the food and beverage group of the official consumer price index rose 243.3 percent in 1972.

These are just a few examples of food price problems that have developed abroad during the past year. Governments have responded with stiffer price controls and, in some cases, freer import policies. But halting the price spiral remains an elusive goal, complicated by such problems as soaring demand for meat and high-quality products, desired as people become more affluent; widespread crop shortfalls during 1971–72 in grains and other staples; and protective trade policies of the European Community (EC), Japan, and other countries and regional groups.

Among the developed countries, consumer concern over food prices has been most obvious in Western Europe—particularly the European Community.

During calendar 1972, prices gained by over 6 percent in all of the EC Six (according to forecasts based on EC data), ranging from an estimated 6.2-percent increase in West Germany to 8.5 percent in the Netherlands. In most of the EC nations, meat prices—and beef in particular—accounted for much of the increase, with all of the EC Six recording gains of over 9 percent in the meat indices.

Although fueled by a number of factors, including rapid economic growth in the EC and resulting increases in consumer demand, these price jumps have focused attention on the very substance of the EC system, with its highly protective Common Agricultural Policy (CAP). Since the formation of the EC in 1958, the CAP has been gradually developed into an all-encompassing policy, affecting over 90 percent of EC agriculture. By controlling imports through an elaborate system of target prices, threshold prices, and variable levies, the CAP has thrown a protective shield around EC agriculture, serving to retain production inefficiencies while charging much of that protection—including the cost of subsidizing exports of surplus farm production—to the EC consumer.

Moreover, one of the original purposes of the CAP—to insulate consumers from sharp price increases on the world market—obviously has not worked during the current food shortage, since prices in EC countries last year rose much more sharply than in the United States and many other developed countries of the world.

In addition to problems of the original six members of the EC are those of the United Kingdom, Ireland, and Denmark, which joined the Community this January. In these countries, price rises over the next few years will be spurred by increases already planned in order to bring farmer returns up to the high levels prevailing in the EC.

With these and other aspects of inflation in mind, heads of government of the nine nations of the enlarged EC met in a Paris summit on October 19 and 20. Their joint communique instructed finance ministers meeting on October 30–31 in Luxembourg to adopt the necessary measures to control price rises. The Council of Ministers subsequently expressed the aim, among others, to limit price increases between December 1972 and December 1973 to 4 percent and to achieve this through temporary tariff reductions, quota liberalization and other steps to expand supplies and reduce price pressures.

It is difficult to say which of the original six EC nations has been most affected by rising food prices. While the rate of increase has been faster in some other countries, it has perhaps been most troublesome in Italy—beset not only by inflation but also by recession.

Italian price gains, while apparent throughout 1972, accelerated in late summer, resulting in price controls being imposed in Rome on August 28. They were rescinded 2 days later, however, as a result of protests from producers and retailers that proved even stronger than those by consumers. Coming in the form of a butchers' strike and sympathy strikes by other retailers, those protests led to the replacement of the freeze with a system of voluntary controls similar to ones adopted earlier in Milan.

The Italians have been especially adamant over rising beef prices, which not only climbed dramatically during the year (boosting the meat index 13.4 percent) but also put pressure on prices of alternative products like pork and chicken. Furthermore, unfavorable weather damaged some fruit and vegetable crops in Italy, contributing to sharp price increases during 1972. These ranged from about 30 percent for citrus, apples, and pears, to around 50 percent for tomatoes and potatoes, to nearly 80 percent for onions and figs.

Butchers and beef have likewise figured prominently on the French scene, where jumps of 25 percent and more in wholesale beef prices last summer eclipsed gains of 15 percent at the retail level. With retail prices of certain cuts like frying beef (bifteck) controlled, butchers protested loudly while at the same time labeling some of their bifteck "filet" or "rumpsteak" for which there were no maximums. A compromise was finally reached, increasing the maximum prices somewhat.

As part of an anti-inflation drive begun in August 1972, France also moved to have imports of meat liberalized.

With consumer prices for calendar 1972

up about 8 percent—and food accounting for much of the rapid gain—France has been under heavy pressure recently to take further measures. This pressure was accentuated by the impending elections of the French Assembly which took place last month. As a result, the Government on January 1, 1973, announced an anti-inflation package which included suspension of the 7.5-percent value-added tax on beef.

German officials also have been taking a hard look at their policies, which thus far have shied away from Government controls. While German prices in past years had risen at a much slower rate than those in other EC countries, they took a sizable 6.2-percent jump in calendar 1972 with an acceleration in the rate in the latter half of 1972. Among the categories, meat prices rose an estimated 12 percent; bread, biscuits, and cakes, 6.3 percent; dairy products, 5.4 percent; and fruits and vegetables 8.9 percent. Here again, the rise has focused attention on the EC Common Agricultural Policy and its effect on consumer prices.

In the Netherlands, food prices skyrocketed in the last half of 1972, ending the year with an 8.5-percent leap over calendar 1971. Meat prices were the biggest gainers, up 14.3 percent but breads, up 9.4 percent, and dairy products, 9.3 percent, were close behind. As in the other EC countries, these increases created concern and some action. The Government, for instance, has sought a tripartite agreement among Government, labor, and employers to restrict price increases in 1973. Along these lines a system of compulsory registration of price increases has been established.

In Belgium, food prices, rising an estimated 6.9 percent in calendar 1972; climbed at a much faster pace than the general price index, with beef again accounting for much of the jump. Fruit and vegetable prices also showed a steep climb—almost 10 percent—following a decline between 1970 and 1971.

To halt the spiral in meat prices, the Belgian Government in September 1972 attempted to establish price controls on the sale of beef. A similar program had been attempted in 1971 but was abandoned following a butchers' strike. Strong opposition from the trade also prevented this new proposal from being implemented, but in November 1972 an agreement was reached between the Ministry of Economic Affairs and the retail meat trade, including supermarket chains, by which meat prices to the consumer would be frozen for 6 months. This measure has had more of a psychological than a practical effect since a clause permits price adjustments when cattle or hog prices increase by at least 5 percent at the livestock and meat market of Anderlecht (Brussels).

Among the new members of the EC, food price increases have found their most vocal resistance in the United Kingdom. Here, the index of retail food prices climbed 22 percent between June 16, 1970, and October 17, 1972, including increases of as much as 25 percent for certain bread items, 41.7 percent for New Zealand butter, and 36.5 percent to 48.4 percent for home-produced beef.

AVERAGE ANNUAL FOOD PRICE INDICES FOR SPECIFIED OECD COUNTRIES

[1963=100]

Country	1968	1969	1970	1971	1972	Increase from 1971 (percent)
Canada	116.6	121.4	123.9	125.3	133.7	6.7
United States	113.6	119.4	126.0	129.8	135.4	4.3
Japan	130.1	138.0	149.1	157.6	163.4	3.7
Austria	118.0	112.0	127.0	132.0	[1] 140.0	6.1
Finland	147.0	152.0	154.0	160.0	174.0	8.8
Ireland [2]	122.2	129.5	139.4	149.7	167.0	11.3
Norway	122.0	127.0	143.0	152.0	162.0	6.6
Spain [3]	138.0	141.0	146.0	157.0	171.0	8.9
Sweden	124.0	127.0	137.8	150.7	162.2	7.6
United Kingdom	120.3	128.4	136.0	148.6	159.6	7.4

[1] USDA estimate.
[2] Excluding beverages and tobacco.
[3] Excluding tobacco.

Source: Main Economic Indicators, Organization for Economic Cooperation and Development, December 1972.

Food prices were thus the subject of much discussion in the United Kingdom last year, including the Debate on the Address—an annual debate following the Queen's address at the opening of Parliament, which occurred on October 31 this past year. In his last appearance in Parliament before the Government reshuffle, then Agricultural Minister Prior said that food price increases had come largely as a result of factors beyond the Government's control. These, he said, included declines in crops and livestock in important producing countries—particularly the Soviet Union, whose grain shortfall led to increased world prices, and Oceania, where drought caused a tightening of dairy product and lamb supplies. He also admitted that further price gains—of about 2 percent a year—would be necessary during the next 5 years as a result of the United Kingdom adjusting to the EC price level. Transition toward this began on February 1.

The U.K. wage-price freeze, which was put into force on November 6 and is now in the Phase II stage, was designed to halt the rapid price rise and restore confidence in the pound. Foods affected by the freeze include manufactured foods, bread, and potatoes. However, fresh produce and imported raw materials are exempted.

The other new EC members—Ireland and Denmark—have also had sharp gains in their food prices. Ireland, in fact, has experienced one of the most rapid price increases of the 21 member nations of the Organization for Economic Cooperation and Development (OECD). According to OECD data, average food prices in Ireland grew 11.3 percent between 1971 and 1972. Built-in inefficiencies of Irish agriculture account in part for high prices, but the rapid adjustment to EC price levels has been a major factor behind recent increases.

In Denmark, rising food prices, with a sharp acceleration in February-March 1973, resulted in organized protests from housewives and a direct demand to the Prime Minister to reduce or eliminate the value-added tax on food products in line with policies of other EC countries. (In Denmark, the full 15-percent value-added tax is applied to food products.)

Although EC entry (CAP application) was blamed for the upswing, other factors, such as rising feed and processing costs, shortage of meat, and general inflationary trends, were far more important. The overall increase in food prices as a result of EC membership is expected to amount to only about 10 percent over the whole 5-year transition period and means a modest 1.5-percent increase in the overall consumer price index. In comparison, food prices in Denmark rose about 10 percent during 1972 over the previous year. The upswing is expected to continue as the EC CAP virtually ensures only upward movement in prices at the farm level, and marketing costs are bound to increase.

Among the other OECD nations, Finland showed the largest increase over the 1963 base level, with its index averaging 174 in 1972, or 8.8 percent above the average for 1971. Here, as in other Scandinavian countries, higher world prices and foreign demand contributed to a rise in domestic prices. Average December prices of selected foods included the equivalent of US$2.70 for fillet of beef, $1.08 for broilers, 24 cents for imported apples, 92 cents for butter, and 72 cents for white bread.

Neighboring Sweden had a 9.1-percent increase in food prices for calendar 1972 according to national data and a 7.6-percent increase according to OECD data on average prices.

Ranking next to Finland in price levels for OECD members was Spain, with a 1972 index of 171 or 8.9 percent more than the average for 1971. To curb its spiraling prices, the Spanish Government in late October 1972 authorized civil Governors of 50 Spanish Provinces to fix retail prices of perishable foods for 6 months, with new price lists issued weekly. Products subject to these measures include bread, milk, chilled and frozen beef, frozen fish, sugar, soybean oil, and rice, representing about 20 percent of the "food basket." In addition, the Government suspended import duties on meats and certain staple items.

Also worried about rising food costs is Japan, where monthly food price indices rose 6.2 percent between January 1972 and January 1973 to 114.5 (1970=100). Among individual items showing the sharpest increase in price were beef loin, up about 35 percent; eggs, up some 30 percent; and bread, up around 22 percent.

Of the OECD countries that report food prices, Japan has posted the fourth largest price gain since 1963. However, OECD statistics also show average Japanese food prices in 1972 up less than 4 percent from 1971.

Much of the blame for rising prices in Japan has been put on the world market, which necessarily accounts for a large share of Japanese food needs, although import barriers are probably a more important factor. A November 28, 1972, editorial in the *Japan Economic Journal* said that, "In no other recent year than this one has Japan come under such heavy and far-reaching impact of the rising prices of international farm commodities."

Items referred to were wheat, barley, corn, soybeans, rapeseed, sugar, coffee, beef, hides, and wool. The editorial said that while some price fluctuations are inevitable owing to the unpredictable nature of weather and other factors, fluctuations could be kept at a minimum by bolstering international agreements, making longer base import contracts, diversifying import sources, and stepping up economic and technical assistance to developing countries.

Among Western Hemisphere countries, Canada ended 1972 with a sharp, 1.4-percent, advance in food prices between November and December. This gain raised the food index at year's end some 8.6 percent above the 1971 level, for the largest increase of recent years.

Between November and December, the sharpest gains were in vegetables, up 8.6 percent; eggs, 11.2 percent; and beef, 2.1 percent. Pork prices were off 1.1 percent but

not before having scored a 27-percent gain for the 12 months.

For the full year, the price increase was fueled by gains of 14 percent in meat, fish, and poultry prices; 16 percent in eggs; nearly 9 percent in fruit; 41 percent in honey; and 24 percent in sugar.

Despite the rising trend, Canada is bettered only by the United States, Denmark, and the Netherlands in having the lowest food outlay among OECD countries; this was an estimated 20.8 percent of total consumer expenditures in 1971.

In the United States, the rate of increase had been more moderate up until the sharp gains of January and February, which upped the food index 2.1 and 1.9 percent, respectively.

In all of last year, by contrast, U.S. food prices, on an unadjusted basis, rose just 4.7 percent. Largest gainers for the year were meat, poultry, and fish, up 10.3 percent; and cereals and bakery products, up 5.0 percent. The other major categories rose by less than 3 percent each.

While U.S. consumers are increasingly concerned over higher grocery bills, they still are better off than most foreign countries. Not only does this country have the world's lowest outlay for food—as a percentage of disposable income—15.7 percent (not including beverages)—but it also has had one of the slowest rates of increase in prices. Data on certain OECD countries for instance, show the United States bettered only by Canada in keeping food prices down since 1963. For 1972, the OECD index of average U.S. prices stood at 135.4 compared with 133.7 reported for first-placed Canada.

In the developing countries, price indices are not as representative as those of the developed world, as they usually are based on prices in urban areas of countries that are still largely agrarian. Generally speaking, the percentage of developing countries reporting large price increases has been smaller than that of developed countries, but those that do report big gains often have whoppers. In 1971, for instance, the Khmer Republic had a food price increase of 100 percent, mainly because of higher prices for rice, whose production was affected by civil strife. Argentina that year recorded increases of 42 percent; and Brazil, Chile, and Uruguay, about 24 percent each.

Chile topped these figures with a jump of 243.3 percent in 1972, according to Government of Chile calculations. Sharp gains in prices of fruits and vegetables, red meats, poultry, and fish accounted for most of the increase.

Because developing countries are often highly dependent on production of raw materials, their prices are generally more affected by changing supply than developed countries.

FOOD EXPENDITURES, SHARE OF CONSUMER EXPENDITURES AND DISPOSABLE INCOME, OECD COUNTRIES, 1960, 1965, 1969, 1970, PRELIMINARY 1971

[In percentage of total]

Countries	Share of consumer expenditures					Share of disposable income				
	1960	1965	1969	1970	1971	1960	1965	1969	1970	1971
Canada [1]	26.1	24.4	22.5	22.7	[2] 22.5	25.0	22.8	20.8	20.8	[2] 20.6
United States [1]	22.2	20.5	19.0	19.2	[2]	20.7	18.9	17.7	17.6	[2] 16.7
Japan	43.1	41.5	35.1	34.4	33.4	35.6	31.2	28.3	27.4	[2] 26.6
Austria	33.7	29.7	[3]	[3]	[3]	30.2	26.6	[3]	[3]	[3]
Belgium	27.5	25.6	24.0	24.0	23.1	24.6	21.8	20.6	20.1	[3]
Luxembourg	39.8	34.5	[3]	[3]	[3]	31.8	29.8	[3]	[3]	[3]
Denmark	23.4	21.4	20.1	20.9	21.3	20.8	18.9	18.4	[2] 18.2	[3]
Finland	44.2	40.7	40.3	39.2	[3]	40.2	35.7	35.0	34.1	[3]
France	32.3	29.2	26.3	25.8	[3]	29.2	25.9	23.6	22.6	[3]
West Germany [1]	37.7	33.6	30.6	29.9	[2] 28.9	32.0	28.2	26.2	25.2	[2] 24.2
Greece	42.1	39.1	37.7	[3]	[3]	38.4	33.9	32.5	[3]	[3]
Ireland	52.6	50.9	47.2	[3]	[3]	48.8	45.5	42.6	[3]	[3]
Italy	39.6	38.7	36.2	35.2	[3]	33.3	32.2	30.0	29.2	[3]
Netherlands	30.0	27.2	23.7	22.8	22.3	26.5	23.1	19.9	19.3	18.9
Norway	30.6	30.1	28.1	29.2	[3]	[3]	[3]	[3]	[3]	[3]
Spain	51.4	44.2	40.0	39.4	[3]	47.3	39.4	36.6	[3]	[3]
Sweden [1]	32.8	32.3	31.3	31.5	[3]	30.6	32.1	30.5	30.4	[3]
Switzerland [1]	35.2	34.7	33.2	[3]	[3]	32.1	29.8	28.7	[3]	[3]
United Kingdom [1]	37.5	34.9	33.7	33.1	[3]	35.7	32.7	31.9	31.3	[3]
OECD total	26.8	25.3	23.6	23.5	[3]	[3]	[3]	[3]	[3]	[3]

[1] In addition to food, includes all beverages and tobacco.
[2] Preliminary.
[3] Not available.

Source. OECD, National Accounts, 1960–70 and supplemental sheets.

EC-SIX COST OF FOOD INDEX

[1966=100]

Item	1970	1971	1972 [1]	Change from 1971 (percent)
Food and beverages:				
West Germany	102.6	106.4	113	6.2
France	118.3	125.0	135	8.0
Italy	109.8	114.8	123	7.1
Netherlands	115.1	119.8	130	8.5
Belgium	112.9	115.1	123	6.9
Luxembourg	114.3	118.7	127	7.0
Breads, biscuits, and cakes:				
West Germany	111.6	120.4	128	6.3
France	[2]	[2]	[2]	[2]
Italy	109.9	115.8	123	6.2
Netherlands	123.4	131.6	144	9.4
Belgium	122.6	131.6	140	6.4
Luxembourg	138.6	150.9	159	5.4
Meat:				
West Germany	99.6	99.1	111	12.0
France	[2]	[2]	[2]	[2]
Italy	109.3	114.7	130	13.4
Netherlands	119.0	122.5	140	14.3
Belgium	118.3	120.1	133	10.7
Luxembourg	118.0	121.4	133	9.6
Milk, butter, cheese:				
West Germany	105.7	113.8	120	5.4
France	[2]	[2]	[2]	[2]
Italy	112.7	122.8	133	8.3
Netherlands	115.5	125.3	137	9.3
Belgium	100.4	105.6	112	6.1
Luxembourg	105.6	111.6	122	9.3
Fruits and vegetables:				
West Germany	99.0	98.3	107	8.9
France	[2]	[2]	[2]	[2]
Italy	120.6	122.9	131	6.6
Netherlands	113.8	110.0	115	4.5
Belgium	103.3	92.0	101	9.8
Luxembourg	107.3	103.7	110	6.1

[1] USDA estimate.
[2] Not available.

Source. General Statistics, 1972—No. 12, Statistical Office of the European Community.

WHAT CONSUMERS ARE PAYING IN THE WORLD MARKETPLACE

The concern that accompanied world food price increases last year is a continuing one. In fact, it has accelerated in many countries, among them—

The United States, where prices in January and February scored additional gains. Rising 2.1 percent (unadjusted) between December and January and another 1.9 percent in February, the food price index once again was boosted largely by meat, poultry, and fish prices, up 4.9 percent, although gains also were posted in the other major categories.

The United Kingdom, where complaints about wages being frozen, while most food prices are not, spurred the nationwide strikes that have threatened its wage-price program, now in the Phase II stage.

France, where consumer concern over prices may have contributed to the Communist-Socialist coalition's strong showing in the recent elections.

Japan, where the world's highest prices prevail, with sliced Kobe beef for Sukiyaki bringing as much as $17.40 per pound, and musk melons for up to $15 per melon. Obviously, not everyone pays these prices, and per capita consumption of meat is far below that in the United States—averaging about 27 pounds per year compared with the U.S. level of 190. Determination to protect Japanese agriculture—by way of import barriers—is partly responsible for these high prices.

To see just what consumers in these countries and elsewhere are up against, U.S. Agricultural Attache offices in 1 posts and the *Foreign Agriculture* staff in Washington, D.C., checked supermarket prices prevailing in mid-March. The following tables show some of the prices found for commonly purchased foods of good quality:

Survey of retail food prices in selected cities, as of mid-March 1973

[In dollars per pound, converted at current exchange rates, unless otherwise noted]

BEEF AND VEAL

Bonn [1]:	
Roast beef	2.08
Veal, round	2.76
Brasilia:	
T-bone steak	.85
Veal cutlets	.67
Brussels:	
Sirloin steak	2.45
Roast beef	2.54
Veal steak	3.20
Copenhagen:	
Veal fillet	6.51
Beef fillet	6.51
London:	
Sirloin steak	1.88
Rump steak	2.25
Ottawa: Sirloin steak	1.68
Paris [2]:	
Top round	2.57
Veal "escalope"	3.20
Rome:	
Sirloin steak	2.79
Veal steak	2.71–2.89
Stockholm [3]:	
Porterhouse steak	3.81
Veal cutlets	2.82
The Hague [4]: Beef steak	2.77
Tokyo:	
Beef loin	11.90
T-bone steak	3.57
Ground beef	1.70–3.40
Washington, D.C.:	
Sirloin steak	1.69
Veal cutlet	2.29

PORK

Bonn [1]: Chops	1.26
Brasilia: Pork loin	1.26
Brussels:	
Roast	1.47
Chops	1.65
Bacon, sliced	.96
Copenhagen: Chops	1.96
London: Loin	1.19
Ottawa: Loin chops	1.32
Paris: [2] Fillet	1.81
Rome: Loin	1.75–2.00
Stockholm [3] Fillet	2.50
The Hague: Rib chops	1.39
Tokyo:	
Center-cut chops	2.72
Loin	2.55
Bacon	1.78
Washington, D.C.:	
Loin	1.29
Bacon	1.19

LAMB

Brasilia: Chops	.58
Brussels:	
Leg, bone in	2.14
Rib chops	2.49
Copenhagen: Chop or leg	1.88
London: Leg (Eng.)	1.26
Ottawa: Leg (imported, frozen)	.99
Rome: Chops, cutlets	1.75–2.00
Stockholm: Chops, frozen	1.98
Tokyo:	
Leg chop	1.87
Whole leg	1.53
Shoulder	1.19
Washington, D.C.:	
Leg	1.39
Rib chops	2.19

POULTRY

Bonn: [1] Broiler (Grade A)	0.62
Brasilia: Broiler	.37
Brussels:	
Broiler (frozen)	.66
Turkey (whole frozen)	.85
Copenhagen:	
Broiler	.93
Turkey (whole)	1.27
London: Broiler (3-lb. oven ready)	.47
Ottawa:	
Chicken	.65
Turkey	.63
Paris: [2] Broiler	.64
Rome:	
Broiler (whole)	.63–.71
Chicken leg	.55
Stockholm: [3] Broiler	1.00
The Hague: [4] Broiler (frozen)	.48
Tokyo:	
Broiler	1.67
Turkey	1.17–1.24
Chicken wings	.93
Washington, D.C.:	
Fryer	.65
Turkey (butter ball)	.63

DAIRY PRODUCTS AND EGGS

Bonn [1]:	
Butter	1.28
Cheese, Gouda	1.24
Eggs—doz	.88
Brasilia:	
Butter	.61
Eggs—doz	.47
Brussels:	
Butter	1.40
Eggs—doz	.94
Copenhagen:	
Butter	1.16
Cheese (45%)	.91
Eggs—doz. (medium)	.86
London:	
Butter (imported)	.57
Eggs—doz	.71
Ottawa:	
Butter	.72
Eggs—doz. (A, large)	.68
Paris [2]:	
Butter	1.26
Cheese, Emmenthal	1.44
Eggs—doz	.44
Rome:	
Butter	1.98
Eggs—doz	.60–.96
Stockholm [3]:	
Butter	1.06
Eggs—doz	.99
The Hague [4]:	
Butter	1.12
Cheese (Gouda)	1.02
Eggs—doz	.66
Tokyo:	
Cheese, proc'd	1.30–1.46
Butter	1.38–1.68
Eggs—doz	83–1.06
Washington, D.C.:	
Butter	.85
Cheese (Cheddar)	1.17
Eggs—doz. (large, A)	.73

FRUIT

Bonn: [1] Apples	.26
Brasilia: Apples (ea.)	.31
Brussels:	
Apples, domestic	.20
Oranges	.21
Copenhagen:	
Apples	.30
Pears	.44
Oranges	.20
London:	
Apples, dessert	.31
Oranges	.22
Ottawa: Apples	.83
Paris: [2]	
Apples	.26
Oranges	.23
Lemons	.39
Rome:	
Pears	0.52
Oranges	.13–.21
Stockholm: Apples, domestic	.29
Tokyo:	
Oranges:	
Navel	1.53
Mandarin	.21
Musk melons (per melon)	9.33–14.93
Washington, D.C.:	
Apples (Golden Delicious)	.35
Oranges (Fla.)/doz	.69

VEGETABLES

Bonn:	
Tomatoes	0.55
Cabbage	.11
Potatoes	.05
Brussels:	
Onions	.19
Potatoes	.08
Copenhagen:	
Potatoes	.17
Lettuce (imported iceberg/head)	.63
London:	
Onions	.15
Potatoes	.06
Paris:	
Carrots	.13
Lettuce	.43
Potatoes	.06
Rome:	
Spinach	.16
Potatoes	.10
The Hague:	
Potatoes (Bintje variety)	.06
Tokyo:	
Tomatoes	1.10
Lettuce/head	.68–1.70
Potatoes	.06–.11
Washington, D.C.:	
Lettuce/head	.39
Onions	.23
Potatoes (Idaho)	.20

BREAD

Bonn: [1] White	.33
Brasilia: 7-oz. loaf	.40
Brussel: White (sliced in bag)	.21
Copenhagen: White	.40
London: White (per 1¾ lb. loaf, sliced)	.26
Ottawa: White	.16
Paris: [2] White (sliced) per loaf	.79
Rome: Loaf	.23
Stockholm: [3] White	.49
The Hague: [4] White (1¾ lb. loaf)	.30
Tokyo: White	.17–.45
Washington, D.C.: White	.31

[1] Representative food-basket prices for week of March 3–11.

[2] Average prices for 4 weeks ending Feb. 3 for meat and dairy products and average for 2 weeks ending Feb. 3 for fruit, vegetable, and bread.

[3] Average supermarket prices as of March 15.

[4] Calculated prices for January based on index figures per item published in *Maandshrift*, Feb. 1973.

NOTE.—Owing to differences in cuts of meat, grading, and quality, prices will not be comparable from country to country. Also, because of the recent devaluation of the dollar, some inflation in price occurs when converted to U.S. dollars.

Mr. DOLE. Mr. President, the Sunday issue of the Wichita Eagle contained an article by Jerry Fetterolf, that publication's agricultural writer. The article, entitled "Beef: Calf to Counter," provides some very basic insights into the number of people involved in getting that critter from the farm feedlot to our platter—or as Jerry puts it in his article from the "breeder to the broiler." I ask unanimous consent that this article be inserted in the RECORD.

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

BEEF: CALF TO COUNTER

(By Jerry Fetterolf)

Beef has become a bone of contention.

Sliced for the producer, it's too cheap.

Sliced for the housewife, it's too expensive.

But, sliced, deboned, fried or broiled, if a typical steak could talk, it could repeat the vaudeville line this way:

"A remarkably expensive series of things happened to me on the way to the meat showcase."

And the steak would be accurate, even if it wasn't a particularly funny opening gambit.

On its trip from the mating instinct of its parents to the meat counter, it probably had seven owners, built up a sizable doctor bill, traveled many miles with a cow-eyed view of the roadside through the slatted side of a truck.

And, what's more, that beef had enough personal attention during its lifetime to make it valuable just for the labor input alone.

Little niceties like portion packaging, styrofoam trays and clear plastic wrappings in crisply cold display cases, all added their little bits of price.

Mrs. U.S. Housewife demanded these niceties—and the U.S.D.A. seal of pure edibility—but she grumbles about the price on trips to the grocery store.

The producer and processor have a different view of the situation.

From breeding time to broiling time—nearly two years—that piece of beef has been under the watchful eyes of a person or several persons. Most of them concerned with earning enough to buy a piece of meat once in awhile, too.

First of all, that piece of beef's mother was kept under the watchful eye of a cow-calf operator or one of his cowboys. When the little critter was born, the owner already had invested maybe $300 to $500 for the cost of the cow, and $100 to $120 a year for her keep. Capital investment per cow unit in Kansas has been figured as high as $2,000.

Very early in lief, the costs begin because the calf needs a few shots. The veterinary bill starts out with blackleg, leptospirosis, and a few other miscellaneous immunizations to keep him healthy while he chases his mother through pastures and around feedbunks.

By weaning time, six months later, he's had a bit more veterinary work such as dehorning, castration, and maybe another series of shots for pre-conditioning prior to being sold to a new owner.

Sounds pretty good so far. But, sometimes despite the watchful eyes of a cow-calf operator and his ranch hands, all cows don't have calves.

Ordinarily a good herdsman has a 90–95 per cent calf crop. The past winter, many herdsmen figured they were doing good if they got a 75 per cent calf crop.

The second owner of a calf grows the little cow brutes into beef.

After a frightening truck ride and being pushed into pens with strange calves the same size, he goes through the auction ring and someone buys him. The buyer pays the bills for the auctioneer and the seller pays the trucker's bill—a couple of more cost items.

So, by the time that beef gets to the new owner, maybe miles away, his truck bill is beginning to add up. Before he gets to the packing house, his trucking bill will have cost about $15 on an average.

When the weanling hits grass pasture, then wheat pasture or a growing lot, he gets another set of shots. And by the end of that truck ride, he may be sick so some of the shots this time are antibiotics.

After another few months of growing up, he gets another truck ride, another auction pen or two, and yet another truck ride followed by more veterinary shots—but these may be his last because that's the feedlot where he is finished to choice cutability.

If he stays reasonably healthy from calfhood through the finishing feedlot, his veterinary bill may total somewhere between $8 and $10 before his final alive truck ride to the packing house.

From the time he was born at 65 to 80 pounds, the piece of beef has been piling up costs, and at 750 pounds, when he goes into a finish feedlot, the labor cost already invested in that animal is about $14 or $15.

In the feedlot, special care and handling, adds another $5 for cowboys and millhands who handle the feed. By now just the clerical and management help he has required is worth at least $1.25.

The cost of his growth, on an average from the 100-pound to 400-pound class, is about $75. From 400 pounds to 750 pounds, the cost of gain is an added $70. Then costs for gain on that last 350 pounds—to the choice steak size of 1,100 pounds—is about $105 these days.

Actually, it takes about 8 pounds of feed to make one pound of beef under normal conditions. However, the harsh winter, plus skyrocketing grain and protein costs after huge U.S. exports of grain last year are considered responsible for the increased costs for poundage in the feedlots.

By this time, there has been money borrowed with him as collateral a few times, too. Average interest costs in these several transactions, for a finished beef may be $30 to $40.

By this time, he's a pretty valuable animal, with maybe $1,200 to $1,500 having changed hands in his behalf. And the packer is ready to pay maybe $500 these days for him. That's about 45 cents a pound.

When he gets to the packing house, it's a bit difficult to trace exact cost figures, but the housewife is interested in only about 60 percent of the beef anyway.

Offal, including hide, hoofs, internal organs and tallow—everything that can't go on the meat counter—was worth about $41–$42 at midweek. Three weeks ago it was worth $51–$52.

Housewifely demand from breeding to finish has been the guiding light for beef handlers and the size of beef carcass, the texture of the meat and the taste it brings from the broiler, all have been subjected to research and the finest techniques, feed, and veterinary care available.

That care goes right on through the packing house, too. He's inspected on the hoof, then after he is slaughtered. The various operations around the plant are inspected for sanitation and disease as is the beef itself, to protect Mrs. Housewife and her family. Total packing house operating costs are about $3.45 per hundredweight.

If the beef goes out of the slaughtering plant as a whole carcass in a carload lot, it's worth $69 to $75 a hundredweight.

But, current meat-packing fashion caters to the desire for boneless, well-trimmed, neatly portioned cuts of meat.

So, much of the meat is "boxed." This means the primal cuts are packaged so that a whole beef goes into seven or eight boxes, ready for delivery to the grocery store.

Some grocery firms have central cutting units where they buy carload lots of beef and break it down into family size portions. This is expensive—the deboning, cutting and boxing.

In the grocery store, the butcher and his helpers cut beef to individual portions and put them into styrofoam trays, wrap them with clear plastic, weigh and stamp them.

Added cost in a retail store is about 25 cents a pound, according to some studies from Kansas State University.

That little plastic tray with its clear plastic wrapping costs only about 1½ cents, but the work of trimming, cutting, slicing, deboning and readying, plus overhead on the store runs the cost to the 25-cent figure.

Packing house costs show in the figures like those from Kansas Beef Industries last year. They had $200 million gross sales, but their net profit was only $2 million. That's 1 per cent profit, which doesn't really leave much margin.

Times of boycott are a bit rough for the packers, too, according to E. H. Priceman, president of KBI. He said prices for choice steer carcasses March 15 were $70–$71 per hundredweight. The offal prices they could get were about $52–$53 a hundredweight.

This week, price of carcasses was the same, while offal price was down to $40–$41. This makes it hard to live with a ceiling price, according to Priceman.

Packing houses reported profits last year of 1.1, 1, and as low as .6 per cent, according to Food Industry Magazine.

Other kinds of food did better, the record shows. Kraft Foods got 2.8 per cent profit; General Foods got 3.8 per cent.

Drinks were good, with Coca-Cola showing a 10.1 per cent profit last year. Campbell Soups made a 5.5 per cent profit.

So, maybe one should go to a custom slaughterhouse for our beef. A side of beef on the rail costs $74 a hundredweight, according to Blaine Bowline at the Whitewater Locker Plant.

If you want a side of beef wrapped in portioned cuts and frozen, that'll cost you another 9 cents a pound.

And, there is usually a 20 per cent loss of poundage in this custom operation, because of deboning, fat trimming and other techniques demanded in readying meat for the dinner table.

That's a pretty expensive start for a piece of beef.

There is little doubt the boycotting Mrs. U.S. Housewife is convinced the all-embracing everyday Yankee right to a steak on every table is endangered by exorbitant pricing designed to disenfranchise her of this constitutional guarantee.

The producers and processors read the Constitutional right a bit differently. They are convinced that when demand for a product runs so high the supplies are not adequate, the high bidder should be able to buy the product.

Actually beef pricing was a series of "hills and valleys" outlined on graphs until about 1969 when efficiencies of production and marketing began to maintain a steady supply of beef year-round.

But, there continues to be periods when an oversupply of beef is marketed by producers. There was such a period last December.

Then—suddenly, the exports of grain, the inclement weather and shoulder-to-shoulder bidding by well-paid laboring men's wives met in a three-way collision with a short supply of beef on hand.

Prices went skyward. Housewives were angered. And, boycott history is being written.

Producers and processors continue to contend from their end of the bone that they have been short-changed the past two decades and meat prices are just catching up to the point other foods reached long ago.

Malcolm McCabe, head of the Massachusetts Retail Grocers Association, said Wednesday: "The housewife has won the boycott battle by throwing millions of handsful of sand into the wheels of the world's best system of food distribution."

Priceman said—"Any industry that puts as much into itself as we do deserves better than this."

A few packing houses have shut down and laid off the workmen. A few others have trimmed back their production.

In Philadelphia Wednesday, a couple of Kansas Beef Industries representatives were

checking boycott results there in a large grocery store. There was about $50 to $60 worth of meat displayed in the case.

Three women shoppers stood nearby. One of them had bought her groceries—a quart of ice cream, some pretzels, a six pack of Coca-Cola and some cheese, no meat-producer or meat-packer profit there . . . Not very much food value either, was the meat man's comment.

Meat prices are high. Compared to what, say producers and processors.

Like the story began—Beef has become a bone of contention.

LESSON TO BE LEARNED

Mr. DOLE. Mr. President, some of our picketing housewives might take a lesson from the folks who live in the rural communities throughout the Nation.

In these communities, the residents know that the farmers who live near their town must get a better price if they are going to make a living and be able to stay in the comfortable, healthy atmosphere of rural living.

Over the past 20 to 40 years, many of their sons and daughters and friends may have moved to town to "make more money for less work." Those who stayed in the rural community, however, have seen many of those migrants return home for a visit and a "breath of fresh air," and heard them express the wish that they could return to the rural area to live—and still enjoy improved income and all the conveniences of urban living.

If we ever expect to stop this migration from the rural areas to our big cities, the farmers, who form the backbone of this Nation, must be put in a better and more stable income situation.

A visitor to most towns of 5,000 or less will hear few complaints about higher beef prices. There they know the need for better farm income. This was pointed out in a recent article in the March 30 issue of the New York Times, by Drummond Ayres, Jr., who visited Sloter, Mo. Ayres learned how the standard of living rises and falls with the rise and fall of cattle and grain prices. Mr. President, I ask unanimous consent that this article be inserted in the RECORD.

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

FARM TOWN HAS NO COMPLAINTS AS ITS OWN FOOD PRICES SOAR

(By B. Drummond Ayres, Jr.)

SLATER, Mo., March 29—Round steak was bringing $1.79 a pound today at the U.S. Supermarket, about 50 cents more than at the turn of the year. But no one complained to Mrs. Betty Moore, the checkout worker who stood beneath a sign urging customers to fight inflation." No irate housewives picketed on Main Street. There was no demand for horse meat.

This is a farm town, one of those heart-of-America collections of white frame houses, squat brick stores and jutting wheat elevators, home for 2,600 people whose standard of living rises and falls with the rise and fall of cattle and grain prices.

Seldom has Slater lived so high on the hog.

Like the farmers who raise the rich yellow corn and fat slaughter steers in the surrounding fields, the town is enjoying inflation.

"Sure my grocery bill has increased, but you don't complain these days when you live in a farm town," Miss Valda Coleman, a secretary, said.

Deposits in the shiny steel vault at the state bank of Slater have jumped 20 per cent in the last 12 months.

HIGH PRICES; MORE SAVINGS

"I attribute at least half the increase to the better prices farmers are getting," said Don Boyd, the bank's executive vice president.

Across the street in the cluttered parts department of Gilliam Chevrolet, H. W. Gilliam reported "above average" sales and added:

"Everybody is buying the best model, with all the extras. I've been here since the 30's and there's never been a better year. The only folks I see hurting are the retired people on fixed incomes."

At the City Pharmacy, as much a notions store as a drug store, the owner, Frank Markovich, said:

"Even the kids of farmers seem to have plenty of money. They come in here and buy sunglasses at 10 bucks a pair."

Marvin Harris, a farmer from nearby Miami, sliced into one of the Bungalow Cafe's $4.50 T-bones, ignored the fact that it now cost $1 more than three weeks ago, then mused:

"It's about time the people who raise the food in this country got what's coming to them."

What's coming is 44 cents a pound for steers, 30 cents a pound for hogs, $1.93 a bushel for wheat, $1.43 a bushel for corn and an astounding $5.74 a bushel for soybeans.

By contrast, a year or so ago steers were bringing 35 cents a pound, hogs were 25 cents a pound, wheat and corn were about $1.25 a bushel and soybeans were less than $3.45 a bushel.

CALM GRIPE SESSIONS

"We've finally gotten a good margin of profit," said Wilbert Blumhorst, a farmer who arrived at the Bungalow Cafe with Mr. Harris for a Missouri Farmer Association meeting.

Normally, such meetings are as much gripe sessions as anything. Farmers have been squeezed by high costs and low incomes for so long that complaining has become a part of their life-style.

But the meeting in the Bungalow Cafe was almost totally free of bellyaching. The only notes of gloom were sounded when Mr. Blumhorst said that bad weather had delayed spring plowing at least a month, a serious postponement, and when Byron Kitchen reported an overnight fall-off in hog prices.

"Maybe the threat of a meat boycott by housewives is having some effect," said Roy Eddy, a pig farmer.

"They shouldn't take it out on us when they know full well we don't control the market," Woodrow Shepard added.

HOT DOGS NOW 50 CENTS

"Nobody around here has held back any grain or cattle," Mr. Shepard said. "The only thing we can do is take our corn to the elevator and accept the going price or take our steers to the stockyard, which holds a public auction. The price increases have been caused by people further up the line."

The owner of the Bungalow Cafe, Mrs. Helen Hannaford, listened to all of this talk with mixed emotions. When her customers prosper, she prospers. But when they get 44 cents a pound for steers, she must charge $4.50 for her 12-ounce T-bone dinner.

"These fellows kid with me a lot and I kid them back, but we both understand about this inflation," she said, looking over one of the menus she was forced to revise three weeks ago because of rises in food prices.

The old prices were scratched through and new prices had been penciled in—hamburgers up a nickel to 45 cents, hot dogs up a dime to 50 cents, pork chop dinners up 50 cents to $2.20 and the T-bone up $1 to $4.50.

"I fought it for a year," Mrs. Hannaford sighed, "but every time I'd go to the store something else would be up a penny or two. I finally had to give in."

Mrs. Bruce Van Winkle, standing in the checkout line at the U.S. Supermarket, also remarked on the "penny or two" increases. But she did not complain.

"I just buy whatever we need," she said, "then pay the bill. My husband makes good money. He works for the railroad."

The railroad, the Illinois Central & Gulf, is hauling grain out of Slater around the clock.

SERMON FOR CONVERTED

For those few shoppers here who might feel compelled to complain seriously about food prices, U.S. Supermarket tucked the following declaration into a corner of a full page "specials advertisement in this week's Slater News-Rustler:

"Food is still one of the biggest bargains in the country, despite the rising prices.

"According to a recent study, the price of food has increased 44 per cent over the last 20 years, compared with an increase of 60 per cent in housing, 64 per cent in transportation, 100 per cent in medical care and 136 per cent in hourly wages.

"We [Americans] spent 15.8 per cent of our 1972 after-tax income for food—less than any other major nation in the world. Japanese shoppers would pay $10 for the staple groceries we Americans can buy for $9.04. West Germans spend $16.14 and the French $12.75 for the same items."

In Slater that is preaching to the converted.

BOYCOTT COUNTERPRODUCTIVE

Mr. DOLE. The well-intentioned efforts of those who have been boycotting the meat could well be fostering even higher future prices. Without fair return, our farmers will not be able to expand their production of meat. Let us not forget that there is growing demand for protein throughout the world. If the producer cannot realize a profit at home, he will export his production to the higher bidders in overseas markets. If economic restrictions are continued—or if they become more rigid, as would result from the proposed rollback—many meat producers will liquidate their producing herds, take their losses and retreat to a level where costs and prices will allow a fair return.

Meat prices have traditionally fluctuated as demand and supply cycles fluctuated. Through the introduction of feedlots for cattle and hogs, broiler houses for chickens, laying houses for hens, and so forth, these seasonal fluctuations have stabilized, quality has greatly improved and demand has naturally increased as the consumer's access to an ample supply of high quality meat and poultry has increased.

Recent higher prices resulted from an extremely wet winter that caused a considerable loss in feed grains and protein supplement from soybeans. Through a decrease in supply, these commodities have increased in cost. Soybean meal that once sold for $72 per ton, was recently selling for over $200 per ton. Grain prices were also increased from expanded exports to Russia and other nations desirous of expanding their production of meat protein. Indications are that this demand will continue.

So there will be expanded demand for meat in the United States.

There will be expanded demand for protein supplements worldwide.

There will be expanded demand for feed grains worldwide.

While demand rises, we have had losses in animals from extreme winter weather, and losses in grains from wet weather.

And there have been improved worldwide market prices for grains due to devaluation.

All of these factors have contributed to the higher price of beefsteak, pork chops, and hamburger at your local supermarket counter.

To restrict the expansion of meat production with ceilings or rollbacks is to automatically threaten the future supply of high quality meat for U.S. consumers.

If we are to consider a rollback at all, let us consider a rollback on the amount of disposable income the average American family pays for food. The average American's income more than doubled between 1960 and 1972. At the same time, the percentage of his disposable income which he had to pay for food dropped from 20 percent to 15.5 percent.

Mr. President, I urge my colleagues to support reasonable income for our farmer-producers and to oppose unreasonable restraints on them. Only if we do that can we expect to have an adequate supply of top quality food at reasonable prices for everyone in this Nation.

EXHIBIT ON THE LIFE AND DISCOVERIES OF NICOLAUS COPERNICUS

Mr. PELL. Mr. President, I would like to call to the attention of my colleagues a major exhibit relating to the life and discoveries of Nicolaus Copernicus, whose opening I had the honor to attend this past weekend at the Smithsonian Institution.

As chairman of the Senate Subcommittee on the Smithsonian Institution, I wish to congratulate its Secretary, S. Dillon Ripley, and all those involved in this exhibit for their imaginative leadership in assembling both graphic and fascinating memorabilia within our Nation's most renowned museum complex. I also congratulate Mr. Edward J. Piszek, the president of the Copernicus Society of America for his leadership and his outstanding efforts in making this exhibition the immense success it is.

Entitled "The Copernican Century" this exhibition reflects objects on loan from the University of Krakow in Poland and is made available in the United States by the Copernicus Society of America. It thus represents an international spirit of cooperation.

Nicolaus Copernicus was born 500 years ago in the port of Torun, on the Vistula River some 100 miles from the sea. His origins were Polish, and he has helped bring honor and distinction to his country and to the Polish people throughout the world through his pioneering quest to discover how the planets move and how our own planet Earth is related to the rest of the universe.

His theories were revolutionary. Until his time, astronomers and mathematicians subscribed to the ancient Ptolemaic beliefs, which held that the Earth was at the center of the universe. According to Ptolemy, the second century Egyptian astronomer from Alexandria, the Earth lay motionless surrounded by the revolving stars and planets. It was thought that the firmament of heaven consisted of a series of spherical shells surrounding the Earth, with celestial lights attached to each moving layer. Theological beliefs and teachings were deeply involved with the perpetuation of the Ptolemaic system.

Copernicus transformed man's concept of the universe. Through long and solitary observation he concluded that the Ptolemaic tenets could not be sustained, and he set out to prove them incorrect. His great work, "De Revolutionibus Orbium Caelestium," forms the foundation and the very basis for our own scientific knowledge and understanding of today.

Nicolaus Copernicus was an avid scholar. He studied at the University of Krakow, which has maintained educational excellence over intervening centuries, and later in Italy, at Bologna and Padua.

He came from a family closely associated with the church. After his father died when young Nicolaus was only 10, he was brought up by his uncle, Lucas, who became a bishop. His uncle appointed Copernicus a canon in the church. Within this setting he became more and more a solitary figure, and he died himself virtually unrecognized and unsung.

Though the faculty at the University of Krakow may well have perceived his genius, another century passed before the scientific and scholarly community confirmed the supreme importance of his concepts.

Today we honor him not only as an outstanding example of the genius of Poland, but throughout the world.

For 20 years Nicolaus Copernicus worked on his monumental task of meticulously reexplaining the universe. He worked with primitive instruments. The telescope was not invented until some 60 years after his death. He lived in an old brick tower from which he could gaze at the heavens. It is reported that toward the end of his life his few remaining friends considered him an eccentric recluse.

It is also reported that he was reluctant to publish his voluminous writings and that when he finally agreed, the printed text arrived as he lay dying—too ill to realize that his words had at last been made available to the world at large.

He was willing to let history judge the truth his work contained. In our own busy lives, we are reminded of the quiet steadfastness and perseverance he personified.

He did not seek notoriety. He was satisfied to follow his own beliefs without acclaim. Truly, and in the best sense of the phrase, he was a man "who kept his eyes on the stars."

Mr. President, I ask unanimous consent that the texts of two excellent articles published recently in "Smithsonian," the monthly publication of the Smithsonian Institution, be printed in full following these remarks. One is by Dr. Donald Gould, whose scholarly work has been previously published by "Smithsonian." The other is by Jacob Bronowski, a Pole by birth and a distinguished scholar now at California's Salk Institute. These two articles add dimensions to my own remarks and I believe will be of interest to my colleagues.

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

THE POLES CELEBRATE THEIR NATIONAL HERO, COPERNICUS, ON HIS 500TH ANNIVERSARY

(By Donald Gould)

On a pilgrimage to Poland, four Americans follow the footsteps of the solitary genius who changed Man's concept of the universe

Just before Christmas four young American students—three boys and a girl—landed at Warsaw airport to begin the pilgrimage of a lifetime. They were Katharine Park, a Harvard graduate studying the history of science in London; Gregory Perczak, a senior at Notre Dame specializing in the philosophy of science; Bruce Dolego, studying mathematics at St. Johns College in Annapolis, Maryland; and Clifford Martin, a graduate student in physics at Pennsylvania State University. Sponsored by the Copernicus Society of America and by the Smithsonian Institution, this journey was the first "project" in the Smithsonian's fifth international symposium, with the main events taking place in Washington, D.C., next month.

The four students were setting out on a fortnight's journey across Poland from Krakow in the far south to Frombork near the Baltic coast. Their purpose was to see all they could of the places and things which had played a part in the life of Poland's greatest national hero—Nicolaus Copernicus, the solitary canon who transformed Man's concept of the universe.

This is a record of some of the things they saw and learned along the way.

Copernicus was born on February 19, 1473, in the busy port of Torun, which lies on the Vistula River about 100 miles from the sea. This year therefore marks the 500th anniversary of his birth, and there are great works in hand all through the country, aimed at restoring or reconstructing all the remaining relics of the immortal mathematical recluse.

Nicolaus was the second son of a prosperous copper merchant, a member of the powerful, closed circle of prelates and traders who virtually ruled such cities at that time. His mother and two sisters completed the group. The young Copernicus was born into an easy life, enjoying comfort and privilege, but not so much as to excite the dangerous envy of powerful neighbors. One particular family connection was to shape his whole career. His mother's brother, Lucas Waczenrode, became the bishop and prince of Warmia, a patch of territory rather smaller than the state of Delaware and shaped like a crumpled leather bottle with a narrow neck that reached the shore of the Gulf of Gdansk.

When Copernicus was a youth, Uncle Lucas' see of Warmia formed a virtually autonomous buffer state between the lands still held by a turbulent semireligious order, the Teutonic Knights, and the country over which the Polish court had full authority. The Bishop of Warmia was therefore responsible not only for the spiritual welfare and the temporal control of the inhabitants of his own diocese—he also played the role of diplomat and high constable, keeping an eye on the unruly ex-crusaders, and nipping in the bud their not infrequent attempts to stray beyond the borders of their fiefdom and nibble away at Poland.

None of this might have mattered in the least to Nicolaus Copernicus but for the fact that his father died when he was ten. Uncle Lucas, then a mere canon on the cathedral staff at Frombork, where the narrow neck of the see of Warmia reaches the coast, promptly took charge of Nicolaus and his older brother, Andreas, and the two girls.

For the time being they were left at Torun to finish their schooling. The present burghers of the town believe they have found the very building where the brothers absorbed the three Rs. It is now a school for nurses, looking entirely part of the industrial age, except for a couple of arched medieval red-brick window frames with painted transoms which have been discovered and uncovered under many later layers of daub and plaster. Poland (and perhaps this is true of every country kept poor across the centuries because of constant wars or mean resources) remains rich in material remnants from the past. The old is not destroyed to make place for the new.

At the age of 18 both of the boys left their home in Torun and enrolled as students of the University of Krakow. Dr. Karol Estreicher is the present professor of the history of art at the University of Krakow. He is a living and remarkably lively example of the kind of continuity of culture and tradition which has kept Poland a nation despite the most tempestuous history of invasion and appropriation which any society has had to endure over the past 1,000 years. The professor is the fifth Estreicher in successive generations to have held a chair at the University of Krakow.

Professor Estreicher explains that in the 15th century, Poland, and especially the capital city of Krakow, was a major center of European culture, and the University of Krakow was an adventurous-minded modern school, particularly strong in mathematics, and stirred by the new intellectual movements of the Renaissance.

There was a considerable German colony in Krakow, and no clear line—either cultural or cartographical—could be drawn either then or since to mark the place where the one nation gave way to the other. Copernicus has, of course, become one of the immortals, and his is one of those names like Plato, Shakespeare and Leonardo da Vinci, which shed a permanent glow of glory on the nations which can claim them for their own. For something like a couple of hundred years there has been a sterile dispute between the Germans and the Poles as to the true nationality of the great cosmologist from Torun.

Says Estreicher: "When Copernicus was a student there were two important centers of influence in Krakow—one was the court and the other the university. The German colony was important, but perhaps comparable to the Polish colony in Chicago today. It wasn't the center of things. The court and the university were run by Poles. The aristocrats were Poles, the clergy were Poles, and so were most of the professors."

To this extent, and also because Copernicus was born in an undoubtedly Polish town, the nation can claim him as her son. But perhaps the most significant clue to the true seedbed of the Copernican mind is in Professor Estreicher's comment: "Somebody asked me if Copernicus spoke German or Polish. Surely he knew both languages—he thought in Latin. If you or I speak with a peasant we talk in the peasant's language, but we think in our language, and *his* was Latin."

Presumably, Copernicus was a Pole. Certainly he was a European, and a child of the Renaissance.

The Copernicus brothers left Krakow without a degree, but so did a great majority of their fellow students. They went home to Torun for a time, and Uncle Lucas, who was by this time the Bishop of Warmia, planned to provide them with a living in the Church, for whose servants there was an almost guaranteed lifetime of comfort and security and power.

The Bishop had it in mind to place them as canons of the cathedral at Frombork, but until a vacancy opened up it was decided that the Copernicus brothers should use the internal for continuing their education in Italy. If Krakow was a modern, forward-looking school, Italy was the very source of the Renaissance and the new humanism.

Nicolaus went to Bologna at the age of 23. Later he moved to Padua, and it was nearly ten years before he came home to Poland for good. He studied a little of everything, including medicine, and Karol Estreicher believes he may have been the first Pole to have taken part in the dissection of the human body.

We do know that he took a degree in canon law. Perhaps this was because, shortly after he had left Torun for Bologna, he was made a canon of Frombork. From that time on Nicolaus drew his canon's stipend, but, by permission of the Warmia chapter, he remained an absentee official for the next eight years.

During the Italian period the Copernicus brothers drew apart. Nicolaus clearly remained respectable, while Andreas lived the wild life. Uncle Lucas made Andreas a canon of Frombork only a couple of years after Nicolaus' preferment, and he, like his bother, was allowed to continue as an absentee student. But there are records of Andreas falling into debt, and when he did return to Frombork he was suffering a pox which might have been leprosy or syphilis. Probably it was leprosy because he was disfigured and clearly repulsive to his fellow clerics. In the end the chapter paid him a pension to go away. He died somewhere and at some time not long afterward, but nobody knows exactly where and when.

Nicolaus Copernicus returned to Poland in 1503 when he was 30 years old and his uncle had him seconded to the bishop's palace in the town of Lidzbark, where he acted as the prelate's personal physician, secretary and general factotum. It seems that this "immortal" was perfectly content to be the lackey of his powerful patron. There was no sign, in his daily life, of the revolutionary—the man prepared to ignore the most sacred tenets of his culture when they offended the demands of reason. He was submissive, efficient and orthodox. Copernicus remained the lieutenant of his uncle until 1510.

Before the Bishop's death in 1512, Copernicus had moved to Frombork Cathedral to lead the life of a common canon. He had lost both the benefits and the obligations of being the nephew of the ruling bishop. He was given quarters in one of the red-brick towers built into the fortress walls enclosing the cathedral precincts. Except for a four-and-a-half-year period when he served as administrator in Olsztyn, helping with the defense against the Teutonic Knights, he lived in the tower house at Frombork for the next 30 years until he died.

In fact it appears that none of his fellow clergymen at Frombork regarded him as anything more than a somewhat moody and introverted colleague of no particular talent. His astronomical work was of no interest to them. Certainly they were at no pains to mark his grave when he died; all canons were buried in unmarked graves. The present chapter members show a touching sensitivity about the failure of their predecessors to give the cathedral's greatest son due honor, and when asked where Copernicus lies, they are embarrassed, but do a little quick talking about a number of human bones unearthed just recently by workmen laying electric cables close to the place supposed to have been the canon's private altar.

Astronomy and mathematics were subjects of major concern to the teachers and students of all the universities attended by Nicholaus Copernicus. But when he was a student, it was supposed that the firmament of heaven consisted of a series of spherical shells surrounding the Earth, which lay fixed and still at the center of it all. The shells revolved together with the celestial lights attached to each layer.

The planets were a nuisance in an otherwise happy scheme of things, but Ptolemy the Alexandrian had explained their apparent indiscipline as long as the second century. He supposed that the planets did indeed circle the Earth, but he also supposed that each of them performed a second, smaller, private dance of its own—like that of a spot on the tire of a motorcycle being driven around a wall of death, with the Earth standing at the center of the pit. The Ptolemaic system therefore satisfied both common sense, and also the percepts of an all-powerful church which taught that Man was the chief work and principal concern of a God who had fashioned the entire structure.

Copernicus would have been taught Ptolemaic astronomy at Krakow, Padua and Bologna—not as an interesting theory, but as the only proper astronomical theory. But the Ptolemaic model did not explain all astronomical observations.

A full 17 centuries before Copernicus was born, the Greek, Aristarchus of Samos, had argued that the world revolves around the sun, but his theories were entirely forgotten with the decay of classical culture. A re-examination of Greek and Roman learning, with a view to reviving neglected but valuable attitudes and concepts, was a major preoccupation among Renaissance scholars, and during his ten years in Italy Copernicus might have come across these early theories.

Under these circumstances the largely ignored ideas of the ancients, which raised the possibility that the Earth was simply one among the host of moving heavenly bodies, could well have appealed to the young scholar. There are no means of knowing when Copernicus first began to favor the idea of a sun-centered planetary system. While a student at Bologna, he had lodged and worked with a Professor Domenico Maria da Novara, a famous astronomer, and had helped make observations needed for the compilation of astronomical tables. Novara was a widely known critic of the Ptolemaic system, because it failed to explain some of his own painstaking contemplations of the sky. They must have discussed such difficulties, but there is nothing on record to suggest that Novara had any revolutionary ideas of his own, or that he wanted to do more than simply improve upon the Ptolemaic pattern.

There are some slender grounds for arguing that the Copernican universe was, indeed, the fruit of solitary contemplation, since the first hint of the idea forming in the canon's mind was contained in a short essay (*Commentariolus*) which he wrote at about the time of his uncle's death. So it is reasonable to imagine that the arguments set down in this document had been forming over the previous five or six years.

One of the great principles influencing the astronomical theorists, including Copernicus himslef, was the belief that all the motions of the stars and planets must proceed in perfect circles, since the circle was the "perfect" form, and so the patttern which a Creator of perfect edifices would have employed. Copernicus explains in an introduction to his treatise that a major source of his dissatisfaction with the Ptolemaic scheme was the need to assume that the planets varied the speed with which they followed their set courses. Only by assuming that they sometimes traveled faster and sometimes slower, could Ptolemy's model be made

to account for their known behavior, if the concept of their circular movement was to be sustained. Copernicus wrote, "Having become aware of these defects, I often considered whether there could perhaps be found a more reasonable arrangements of circles . . . in which everything would move uniformly about its proper center, as the rule of absolute motion requires."

The Copernican scheme involved accepting a number of propositions which were unorthodox, if not outrageous, by contemporary standards, and these he then explained in almost brusque terms. They included the real secret of the release of the mind of Man from the concept of an Earth-centered universe, which was an appreciation of the fact that the apparent movement of the firmament around the Earth could equally well be due to the Earth's spinning on its own axis.

The canon's assumptions also included the facts that the Earth is not the center of the universe, but only of the orbit of the moon, and that the sun is the center of the planetary system, and that the distance from the Earth to stars was far greater than had been supposed.

There were certain other concepts, which, together, amounted to a nearly faultless statement of the broad geography of the universe as we now understand it. However, this brief, brilliant exposition contained no sort of proof for the fundamental assertions it contained. There was a curt promise that proof would follow later in a larger work.

The *Commentariolus* was not printed, but circulated in manuscript form among various unidentified scholars. And yet it was enough to excite a good deal of talk and thought within the few centers of Renaissance learning.

Nicolaus Copernicus had retired to his red-brick tower at Frombork at the age of 48. While he may have been a recluse in the sense that he kept his thoughts and emotions largely to himself, he remained a man of affairs. For a number of years after taking up residence in Frombork he administered several of the chapter's territories. Records survive of his stewardship, which give details of his meticulous dealings with tenants and servants and tradesmen.

It was against this background that the massive *De revolutionibus orbium caelestium* was written, in which the canon argued out in detail the ideas presented in his early essay. It seems that the labor may have lasted some 20 years, spanning the time between his arrival at Frombork and about 1530, when he appears to have completed the job and then to have locked the thing away.

Inevitably, perhaps, Nicolaus is nowadays presented to the world as a dedicated stargazer, and among the impedimenta decorating a great canvas hanging in the new Copernicus Museum at Frombork there is something looking remarkably like a telescope, despite the fact that this spyglass on the skies was not invented until more than 60 years after his death.

Indeed, Copernicus had learned how to use the simple instruments of his time during his student days, and must have made numerous astronomical observations during the many years of creation of his great plan of the universe.

Coupling his own observations to the tables of the motions of the stars and planets compiled long ago by Ptolemy and even earlier observers, he discovered that the planetary orbits had changed. Such close astronomical observations lent weight, though no particular proof, to his concept of heliocentricism. Indeed, this achievement was an almost purely intellectual tour de force, like that of Einstein.

The titillating ideas set out so plainly in the *Commentariolus* had excited a number of scholars all over Europe. In 1536 Cardinal Nicholas Shoenberg, who was a considerable power in Rome, wrote to Copernicus to say that he had heard of his ideas, and asked for more information. He said "I beg you most emphatically to communicate your discovery to the learned world, and to send me as soon as possible your theories about the universe, together with the tables and whatever else you have pertaining to the subject."

We know that this letter pleased Copernicus, but it was not enough to persuade him to release the secrets of his reasoning.

In 1539 a young man called Rheticus arrived at the cathedral from the University of Wittenberg, where he was professor of mathematics. He had intended to stay in Frombork for about two weeks, but as things turned out, he was to be in and out of the place for the next couple of years. It was Rheticus, backed by a friend of Copernicus, Bishop Tiedemann Giese, who finally persuaded Copernicus to publish *De revolutionibus*. Slowly the two of them wore down the resistance of the reluctant genius, and as a start Rheticus was allowed to write a résumé of the masterwork which was printed in Gdansk in 1540.

During the following year Rheticus copied out the entire manuscript of *De revolutionibus*, and he arrived with the precious text in Nuremberg in 1542, where the work began of setting it up in type. As it turned out, Rheticus didn't complete the task of presenting the ideas of Copernicus to the world. He was offered a good job in Leipzig, and he took it. He handed over the responsibility for seeing *De revolutionibus* through the press to a Lutheran clergyman with a mathematical bent called Andreas Osiander.

Osiander wrote an unsigned preface to Copernicus' text in which he attempted to anticipate criticism by explaining that the ideas described in the book need not be taken as truth, and that it was simply an exercise in logic, by no means designed to upset traditional concepts of the universe. In those days, one did not reach truth by geometrical theorems but by theology. The preface even attempted to show how some of the propositions contained in the text were untenable.

When the first copies of *De revolutionibus* came off the press Copernicus lay dying in his red-brick tower. He had suffered a series of strokes, and was helpless and almost senseless. One story has it that a copy of the Nuremberg edition of his book was put into his hands, and perhaps he was still sufficiently aware to know what it was, but was too far gone to read the preface which denied the author's faith in what he had to say.

There was also a humble dedication to Pope Paul III, in which the canon set out to excuse the temerity he was showing in publishing ideas so opposed to popular opinion and common sense. The dedication refers to some of the classical authors who had imagined a moving Earth, and ends by imploring the Pope to ignore the attacks by ignorant critics.

In fact, the great work caused remarkably little stir, either from critics or supporters. Professor Estreicher claims that there were members of the faculty of the University of Krakow who immediately recognized the genius of their great alumnus, and who sustained and preached his doctrines, but it was to be another century or so before the work of men like Keppler and Newton confirmed to the world at large the supreme importance of Copernican ideas. It even took half a century for his critics to get moving properly.

De revolutionibus was only placed on the Index of banned books by the Roman Church some 80 years after the canon's death. Later the Church published "corrections" of the text and it was removed from the Index in the 1830s.

So Copernicus died unwept, unhonored and unsung. Indeed, in his later years he had become something of an embarrassment to his colleagues, an old man of strange habits. There are surviving letters which passed between the canon and his bishop concerning a serving woman in Copernicus' household. Her presence had been causing, rightly or wrongly, something of a scandal in the neighborhood. The bishop wanted the canon to send her packing. She did go in the end, so that particular problem was resolved, but one can imagine that there was probably a general, if decently muted, sigh of relief to be heard around the chapter when the old man died.

Today Copernicus is a national hero of such stature that his name is magic.

All over the country millions of dollars have been spent on restoring castles, churches and entire streets to the state in which he knew them. The four student pilgrims were allowed to turn the pages of the original manuscript of *De revolutionibus* in the Jagiellonian Library in Krakow, and in the town of Olsztyn they saw letters written by Copernicus during the troubles with the Teutonic Knights.

Let Professor Karol Estreicher have the last word on the nature of this lonely cleric who played such a major role in shaping Man's attitude toward his position in the scheme of things, and who has taken first place in the ranks of the heroes of a fiercely patriotic nation.

"He was a typical modern man of science. He had no real care for politics. He was timid—even weak—with the weakness of a man who wants to be alone and not to be involved. Not brutal. Not seeking influence and power. There are not many people like this."

THE HEAVENS WERE BROUGHT DOWN TO EARTH BY COPERNICUS THE HUMANIST

(By Jacob Bronowski)

Amid the bustling ferment of Renaissance thought, this modest, committed man brought a human perspective to astronomy

The facts of Copernicus' life may seem modest (SMITHSONIAN, March 1973) and his character obscure to us. But we know that Copernicus the astronomer was also a humanist gentleman and I want first to transmit the broad and even romantic sense of humanism in that description. I want to begin with the tang and taste of the age, its almost physical sense of bursting from the monastery back to nature, which is so vivid in the Renaissance.

Movements that claim to go back to natural ways of thinking usually turn out to have a bias against science, and humanism was no exception. The father and fountainhead of the movement, Petrarch in the 14th century, had such an antipathy toward scientific techniques that he even disliked medical men. Nevertheless, one of Petrarch's good friends, Giovani de' Dondi, was a doctor, and a fine mechanic into the bargain; he was nicknamed dell'Orologio because he spent 16 years, during a busy medical and university practice, in making a beautiful astronomical clock at Padua. The original clock is lost, but it has been possible from the drawings to make a copy which is now in the Smithsonian Institution in Washington (see page 42).

It is a mechanical model of Ptolemy's system, with seven faces on which the seven planets of antiquity (Mars, Jupiter, Saturn, the Moon, Mercury, Venus and the Sun) run on geared sets of wheels that trace out their epicycles. We do not know when the clock was lost; it may be that Leonardo da Vinci saw it, since there is a drawing of his that looks very like the mechanism designed to carry Venus.

I linger on de' Dondi's clock because I want to bring home the age's sense that the starry heavens are a work of art, and a divine inspiration for the poet and the scientist alike. Petrarch could not be expected to find that

in the classical authors that he admired and reintroduced: They were Latin, and came from a culture that had little head or taste for science. But a hundred years later, the movement of humanism to the Greek classics recovered a culture with a different outlook, in which science in general and astronomy in particular had been highly regarded. Humanism in the 15th century was preoccupied with Greek as a language and with Greek ideas.

Copernicus was not at the hub of humanism in Krakow—an eastern frontier town at the edge of Europe, as we are still reminded by the trumpeter who blows the hours from the Cathedral tower to commemorate a Tartar raid. One of his objectives in going to Italy was certainly to learn Greek, and probably to learn Greek in a scientific context; it had just been introduced, for example, at the medical school in Padua. Indeed, it has been suggested, and supported by astronomical evidence, that Copernicus had already convinced himself that the earth moves around the sun, and that he went to Italy to learn Greek specifically to find sources in Greek thought—in Aristarchus of Samos, for example, and in Pythagoras.

At this point it is right to ask: But was not Greek science known in Europe before the Renaissance, before Petrarch even? Surely Ptolemy was known, surely Euclid and Galen were known. And surely already by 1270 Thomas Aquinas had turned Aristotle into a household oracle and a Christian.

Indeed, that is so; the books of these men were read and revered in Europe, having been translated first into Arabic and thence into Latin during the Moorish occupation of Spain. But that roundabout and narrow channel had produced a tradition dominated by one Greek thinker, Aristotle, in all fields of science. A central thrust in humanism is the revolt against Aristotle, and this is true whether we interpret humanism broadly as I am doing, as a thirst for the whole wealth of knowledge, or strictly as an academic program of reform in education. For example, when the founder of the new alchemy, Paracelsus, showed his contempt for medical dogmatism by publicly burning a standard textbook in Basel in 1527, he chose the *Canon of Medicine* by Avicenna, an Arab follower of Aristotle.

Since what we would call the scientific establishment based itself on Aristotle, the up-and-coming young men avid for new ideas naturally turned to Plato. The masterly translation of Plato was begun by Marsilio Ficino in the 1460s and finally published in 1484; he had trained himself for it in the instructions of Cosimo de' Medici, who had made Florence a home for Platonists. These events had two effects on the development of science and its conjunction with humanism—one direct and one indirect.

The direct effect was to make science more mathematical, since Plato was much concerned with geometrical notions. Aristotle's insight had been into differences of quality; he was a naturalist by temperament, a lover of taxonomic systems, and that was the mood of science and medicine before 1500. In contrast, Platonism brought in a more quantitive manner, in which general principles were expected to satisfy specific tests, so that the detail of nature became significant for scientists as well as artists.

The new temper is evident in the work of Leonardo da Vinci, who wanted his drawings of a machine or a flower not only to look right but to work right. Aristotle has no sense of mathematics as a dynamic description; for example, he thinks of an eclipse of the moon as an inherent property of the moon, not as an effect of its motion. The idea that the world is in movement that can be pictured mathematically had to come from the Platonists. Later, when Galileo in his *Dialogue on the Great World Systems* explained the Copernican system, he repeatedly stressed his debt to Plato.

The indirect effect of the Florentine school of Platonism is more subtle and harder to trace, though I think it no less important. There is an underlying sense of mystery in Plato, and even in the Greek fascination with mathematical relations. It was therefore foreseeable that the new Platonism in Florence and elsewhere leaned to mysticism and in time became obsessed by it. When Cosimo de' Medici's buyers came back to Florence from Macedonia with a manuscript of the fabled Hermetic texts, which were supposed to be pre-Christian prophecies by an Egyptian magus called Hermes Trismegistos, he had Ficino put Plato aside and translate them first. Their influence was immense, for they gave to nature a numinous quality, a sacred but vibrant life, which fitted the breathless adventure of the Renaissance. They are quoted in this sense by Copernicus in a well-known passed in *De revolutionibus orbium coelestium:*

In the center of all rests the Sun. For who would place this lamp of a very beautiful temple in another or better place than this, wherefrom it can illuminate everything at the same time? As a matter of fact, not unhappily do some call it lantern; others, the mind, and still others, the pilot of the world. Trimegistus calls it a visible God.

However, we must not let this single passage lure us to believe that Copernicus drew much on the Hermetic texts or on Ficino's own rapturous essays on the sun; he did not. But their is no doubt that the appeal of Copernicus' system was heightened by an enthusiasm for the astrological power of the sun that came from the Hermetic texts. The fact is that until 1600 humanists knew Ficino better than Copernicus, and were quick to recognize his touch. For instance, when Giordano Bruno lectured on Copernicus in Oxford in 1583, his hearers ignored the science but were sharp to spot the quotations from Ficino.

MYSTICISM AND SCIENCE

The mystical fantasies in neo-Platonism seem to us now merely superstitious, and to obscure the science as they did for Bruno's audience at Oxford. But this is too simple a view. The neo-Platonists were fascinated by the relations between nature and Man, and they were too sophisticated to think that they could be controlled by the primitive and beastly magic that was current in the Middle Ages. They looked for more subtle influences in nature, such as the influence of the planets; and since those could not be browbeaten or controlled by Man, they wanted to understand nature so that they might fit their actions to the propitious moments that she presented.

In this way, they moved away from the medieval concept of black or Satanic magic, which seeks to force nature out of her course, to a new concept of white or natural magic which is content to exploit her laws by understanding them. I believe that this change in the means by which the mind hopes to master nature was an important influence of humanism on science which took place in Copernicus' lifetime.

Humanism in any sense is by origin an academic movement, because the sources at which it seeks its new knowledge are classical texts. But it would be unrealistic to ignore the strength that it drew from its popular appeal. Erasmus and Martin Luther were contemporaries of Copernicus, and showed before he published his book that the attack on authority needs a public that has the means to judge for itself—needs the printed book above all. Petrarch in the 14th century could find a poetic following in manuscript, but the sweep of humanism a hundred years later needed the backing of print; for lack of that, Leonardo da Vinci was forgotten much as William Blake was later. A list of the books printed in 1543, the same year as Copernicus' *De revolutionibus,* is fascinating: It includes the anatomical drawings of Andreas Vesalius, the first Latin translation of the mathematical works of Archimedes, and the attack on Aristotle's logic by Petrus Ramus which did so much to change methods of reasoning and of education.

A new picture of the world was forming in the public mind—a new geography that made Ptolemy old-fashioned, and a new cosmology that made him seem literal, formalist and unimaginative. What spread the new picture through Europe as if it had wings was the printed word; for example, Galileo's *Dialogue* in 1632 was sold out before the Inquisition had time to seize the copies.

But there was also a popular element in the formation and the nature of Copernicus' picture which has been neglected and which I want to stress. Consider what Martin Luther said about it before the book ever got into print. Here, he said in his *Table Talk,* is a "new astronomer who wants to prove that the Earth goes round, and not the heavens, the Sun and the Moon; just as if someone sitting in a moving wagon or ship were to suppose that he was at rest, and that the Earth and the trees were moving past him."

Luther was an earthy man, by no means an intellectual, and his earthy comparison was also made by others. Yet think how surprising it is in an age when the laws of motion were unknown, and dynamics was not understood. The principle that the motions Luther describes are equivalent is usually called Galilean relativity; Luther is speaking 25 years before Galileo was born. How had it come about that Copernicus could place his mind's eye at the sun and see the earth from it, and that much less mathematical minds could grasp what he was doing and see it as he did?

The question seems far-fetched today, because we have lived with perspective drawing for 500 years, and therefore find it easy to shift our viewpoint in imagination. But that was not so when Copernicus grew up. Perspective was a new art then that had been cultivated by the *Perspectivi* in Italy early in the century. Albrecht Dürer, who was a contemporary of Copernicus, had to travel to Italy to learn "the secret art of perspective." Copernicus himself was fortunate in seeing perspective at first hand as a popular art in the huge carved and colored wooden triptych in St. Mary's Church in Krakow which Viet Stoss finished about 1489.

Such simple and almost primitive church pictures had changed the perception of space in the 15th century. Before that, sacred pictures were flat and static because they represented a god's eye view. Perspective is a different conception, mobile and human, a moment in time that the artist has caught with a glance from where his eye happens to stand. This sense of the temporal and human pervades the picture: In the Krakow triptych it comes alive in the portraits of city worthies, the everyday people who stand around the holy figures. After the coming of Luther, the Church of Rome grew alarmed at this secularization of the heavens and at the Council of Trent expressly forbade it in sacred paintings. It is an element in Copernicus' view of nature, for although he is usually accused of removing Man from the center of the universe, in fact he moved him into the heavens. His system abolished the distinction between the terrestrial sphere and the crystal spheres beyond the moon, and made the heavens earthy.

The humanism that I have traced in Copernicus' outlook was a broad and, at the last, even a popular mode of thought. There was also, however, a narrower and specific form of humanism directed to a reform of the curriculum. In this sense, humanism was pursued in the particular study of grammar, rhetoric, poetry, history and normal philosophy. In time it mounted a formidable at-

tack on the syllogistic logic of Aristotle. But it failed to find an alternative in science to Aristotle's mode of reasoning from the general to the particular until it inspired Francis Bacon.

Nevertheless, academic humanism established results in one of its disciplines which had a far-reaching effect on science and on society together. It came in the most unlikely way from the study of Latin and Greek, which stimulated in literary scholars a feeling for exactness as passionate as that which the new-found mathematics stimulated in scientists. As a result, they learned to analyze old texts precisely enough to date them. Their discovery that this could be done, and how to do it, has a right to be ranked as a scientific discipline, a kind of literary archaeology. And like the more usual archaeology, it uncovered fakes: For example, it enabled Isaac Casaubon in 1614 to prove that the Hermetic texts had been forged in Christian times.

But a far more upsetting discovery had been made before that in the 15th century. It was made by the pioneer of the method, Lorenzo Valla, an early humanist who scandalized his contemporaries by his epicurean and irreverent ways. In 1439 he electrified the Christian world by proving that a number of revered church documents had been forged, probably in Rome in the eighth century. The most important of them was the Donation of Constantine, by which the emperor, who died in the year 337, was supposed to have granted the Popes temporal dominion in and beyond Rome. We have perhaps grown cynical now about the shuffling of treaties, and do not expect states to be scrupulous in their quest for power. But in 1439 it was catastrophic to learn that the spiritual head of the Church was sustained by fabricated documents.

The moment was a watershed for intellectual leadership in Europe, because it identified scholarship with exact truth. That had not been the character of academic disputation in the established tradition of scholasticism, nor was it prominent in the Aristotelian way of doing science. Of course, Aristotelian and Thomist science offered explanations for natural phenomena, but these explanations were not expected to have the precision of detail and sharpness of fit that Valla's literary archaeology had shown to be possible and definitive. It was not self-evident and not a foregone conclusion that the lesson would be picked up by scientists, and singled out so that it became a crucial part of their method.

There is a case for saying this was the most profound influence of humanistic scholarship on science.

The preoccupation with the exact detail of truth created a different ethic for science: In the long run, it shifted the pursuit of science from results to methods, and the personality of the scientist from a finder to a seeker—characteristically, we now call his work *research*. In this way science becomes an activity which demands for its collective success that all those who practice it share and adhere to certain values. As a particular case, the critical need for the detail of truth has forced the scientific community to insist that ends must not govern means: There are no supreme ends—only decent and honest, namely truthful, means.

Had the Church drawn the same lesson from the scandal of the Donation of Constantine, there might have been no reason for it to part company from science. Instead, Valla was long persecuted, and 150 years later Cardinal Bellarmine still castigated him as *praecursor Lutheri*, a man who opened the way for Luther. By then the Copernican world system had been made a religious issue; Bellarmine had a finger in the trial of Bruno and in the first proceedings against Galileo, and science in Italy was doomed.

Copernicus was a silent man, but a committed one. He believed that his world system was true, and no ground of expediency persuaded him to say less. More is at stake here than belief in any one truth: Copernicus' attitude implies that truth exists in nature absolutely, and cannot be established or overturned by any authority other than the study of nature herself. In this simple and rational faith, Copernicus was a humanist pioneer who created his science from a base of philosophy as Isaac Newton did in a later age, and Albert Einstein in ours.

OUR NONPOLICY TOWARD LATIN AMERICA

Mr. McGEE. Mr. President, in a recent issue of World magazine, there appeared an article written by Sol M. Linowitz, who served nearly 3 years as U.S. Ambassador to the Organization of American States and U.S. Representative to the Inter-American Committee of the Alliance for Progress.

Mr. Linowitz's article, "Look, Mr. President, Latin America Is on the Map, Too," is a very penetrating analysis of what the writer terms our "nonpolicy" toward Latin America. Mr. Linowitz offers us the benefit of his perceptive insights into what the United States should be doing in an effort to strengthen our relations with the Latin American community.

I strongly urge my colleagues to give close attention to this 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:

LOOK, MR. PRESIDENT, LATIN AMERICA IS ON THE MAP, TOO

(By Sol M. Linowitz)

Not long ago the *Jornal do Brasil* (a not unfriendly Brazilian newspaper) ran a cartoon that shows President Nixon standing before a globe of the earth contemplating Europe, the United States, and Asia. In the next panel, Nixon, crouching down, peers in astonishment at South America and exclaims: "Look, there's a map on the underside, too!"

The cartoon's implications are painfully clear: To Latin Americans, President Nixon is the first U.S. President in this century who has prided himself on his mastery of world affairs, yet has had literally no policy for Latin America. Other Presidents during the past seventy years, whether their goals were regarded as constructive or jingoistic, at least seemed to have some clear idea of what they wanted to accomplish "south of the border." Theodore Roosevelt had his Big Stick and Gunboat policies, replete with territorial-imperative chest pounding. FDR launched the well-meaning, paternalistic Good Neighbor policy. And John F. Kennedy created the Alliance for Progress, which was later furthered by Lyndon B. Johnson. But the Nixon administration has seemed rudderless in this area, and Latin Americans speak bluntly of the Nixon "non-policy" toward Latin America.

Ironically, the relationship between the United States and Latin America inherited by the Nixon administration was basically a healthy, cooperative one.

There were, of course, problems and quarrels. But under the Alliance for Progress, Latin America had managed to achieve an annual average of 2.4 percent real per capita growth. This was exactly one decimal point below target, but far better than might have been expected during the 1960s, when the area's terms of trade and income from export commodities suffered badly. During that decade the United States contributed over $8 billion in bilateral aid and was responsible for much of the $6.5 billion in loans from international institutions such as the World Bank and the Inter-American Development Bank. The Latin Americans themselves, moreover, put up at least 90 percent of the capital required to fuel development and built up a sizable infrastructure of public-works projects and social programs.

One of the Alliance's crowning achievements was in export expansion and diversification—which is the critical bone of contention between the United States and Latin America today. Under the Alliance, Latin America moved away from the wasteful import-substitution policy that had been its mainstay during the 1950s, and concentrated instead on diversifying its exports. However, toward the end of the decade, Latin American leaders realized that further success in this program would require the United States and other countries of the developed world to tear down the trade barriers to Latin American-manufactured exports. It was at this stage that President Nixon stepped onto the scene.

Then came two striking developments in U.S.-Latin American relations: the Rockefeller mission to Latin America and the Latin American meeting that produced the document called the consensus of Vina del Mar.

In late January 1969, Nixon announced that he was sending Gov. Nelson Rockefeller—a former Co-ordinator of Inter-American Affairs, long known for his deep interest in the area—on a fact-finding mission to a dozen Latin American capitals. Rockefeller surrounded himself with highly respected experts from a wide range of disciplines and embarked on a whirlwind tour of Latin America. Some skeptics asked whether still another study was in fact necessary, but when it came out, the Rockefeller report did demonstrate the importance of Latin America for the United States objectives, and recommended significant action. The President accepted the report, and Latin Americans waited to see whether he would act on it.

Meanwhile—at precisely the same time as the Rockefeller mission—there was a meeting of CECLA—the Special Coordinating Committee on Latin America, which consists of all OAS members except the United States. The purpose of the meeting was to coordinate the Latin American position within the Alliance, and the conferees agreed on a statement issued as the consensus of Vina del Mar.

The consensus covered a good deal of ground, ranging from international financing to the transfer of technology and the role of foreign direct investment; and from tariffs and quotas to the prices of commodities on the world markets.

Specifically, it asked that the United States eliminate tariff and non-tariff barriers on goods from the developing world and that it champion Latin exports by helping secure similar treatment for them in other developed markets. The CECLA group also sought greater financial cooperation that would allow recipients of aid to set their own priorities with no strings attached to the foreign aid they received.

Few national leaders in their first year in office have had such clear guides as the consensus and the Rockefeller report by which to formulate a foreign policy for a region. Yet for some inexplicable reason, the President failed to respond. In his only major Latin American policy statement, on October 31, 1969, the President indicated his awareness of the key problems, and then to the great disappointment of Latin Americans did very little about them.

The Nixon proposal for Latin America, as outlined in the October speech, was known as Action for Progress in the Americas; its ideas were meant to be the backbone of the Nixon policy for Latin America. On the face of it, the program seemed to offer highly pos-

itive concessions to Latin America in four key areas.

First, with respect to trade preferences, the statement said that the United States would urge other industrialized countries to agree on a uniform, nondiscriminatory system toward developing countries. The system would be very generous, with no ceiling on preferential products that Latin America felt it could sell to the United States; and the United States would be prepared to go ahead with preferences for Latin America on a number of products if Europe and Japan could not be persuaded to go along on a more general trade preference for all developing countries.

A second point was the untying of U. S. AID (Agency for International Development) loans. It was emphasized in the policy statement as a significant step forward. What was not underscored was the fact that while AID recipients would no longer be tied to U. S. sources alone, they would be free to purchase manufactured imports with AID funds only from sources *within Latin America.*

A third and slightly related point was the promise to move toward increased multilateralization of U. S. aid for Latin America.

The program's last key point concerned the need to "deal realistically with governments in the inter-American system as they are." The President conceded that each nation had a right to decide whether or not it wanted foreign private investment. Without threatening countries that might choose the path of expropriation, the President quietly warned that such action might seriously affect investor confidence.

Latin Americans accepted these key policy positions with a sense of hope, which has over the months turned to cynicism and disillusionment.

One major setback to Latin American confidence in the new program came on August 15, 1971, when the Nixon new economic game was announced. The plan placed a 10 percent surcharge on imports to protect the U. S. balance of payments, and Latin America found itself lumped in with the other exporting areas. Many commodities that make up the bulk of Latin American exports were excluded, and White House spokesmen pointed out that only 22 percent of Latin American exports would be affected by the surcharge. However, they missed two important points that did not escape Latin Americans: First, the exports affected were fast-growing manufactured products, which Latin producers had worked long years to be able to manufacture for successful marketing in the United States. Second, Latin America's dollar-trade deficit with the United States had exceeded a billion dollars the previous year; and Latin Americans understandably felt that they should not be penalized in the same category as the European, Japanese, and other exporters who had contributed to the balance of payments predicament of the United States.

Quite clearly, the President had missed an extraordinary opportunity. He could have said he recognized that Latin America was not a factor in U.S. economic problems and could have absolved the area from the added burden of the surtax. Having failed to do so, however, he could no longer blame a protectionist Congress (as his administration had been doing) for the failure to live up to his commitment on trade preferences for Latin America.

The predictable result was to unite Latin America firmly against the United States. Even such strange bedfellows as Brazil and Chile were able to get together with other Latin American countries in an emergency CECLA meeting in Buenos Aires that condemned the U.S. action and explored possible sanctions against the United States. A belated decision (made after the CECLA affair) to roll back the 10 percent AID cut failed to overcome the resentment and hostility that had been aroused.

The promised multilateralization of aid also proved to be a disappointment to the Latin Americans. At the beginning of last year, President Nixon issued a statement that appeared to increase politicization of multilateral aid channeled through the Inter-American Development Bank and the World Bank. He warned that all U.S. aid—including that funneled through multilateral institutions—would, in the absence of special circumstances, be cut off from countries that expropriated U.S. investments without prompt and adequate compensation.

Other statements exacerbated the situation. While still secretary of the treasury, John Connally stated in an interview: "The United States can afford to be tough with Latin Americans because we have no friends left there anymore." Later, as good-will ambassador to Latin America, Connally warned Venezuelans that "the United States has the power to export prosperity or poverty to any country in the world to which it chooses to do so."

Against this background it is quite clear that the Nixon non-policy toward Latin America has had one effect: It has united Latin America in opposition toward the United States and its surrogates—the hundreds of subsidiaries of U.S. corporations spread throughout the region. On other issues it has helped set Latin American leaders against each other in their efforts to vie for leadership of the region precisely at the time when the nations of Latin America should be working solidly together for development of the continent.

Neither the United States nor U.S. private investment in the area has benefited from this non-policy toward Latin America. Therefore, what we now need—and need badly—is a cohesive policy for Latin America that will take into account the hemisphere's special requirements and desires. And this challenge presents the new Nixon administration with an extraordinary opportunity at a pivotal moment.

What should be the ingredients of such a policy? Here are a few suggestions:

1. *Define U.S. goals in the hemisphere, and spell out just as clearly what the United States expects of others. Then stick to these commitments.*

There is no need of studies and analyses that make clear what our approach should be and how we should go about it. What we need—and desperately—is to recognize that clarity, like charity, must begin at home. To talk about "partnership" at a time when there is not even a constructive dialogue is neither realistic nor constructive. To be effective, a partnership must begin at the top—with the President. There must also be a genuine commitment on the part of the President, which in turn is reflected throughout the administration.

2. *Move the Alliance for Progress toward a second stage, in which it would really be directed on a multilateral basis, with goals mutually defined.*

We have long since passed the time when the United States can attempt to direct the destiny of Latin America. It is now necessary for all sides to participate in setting up goals and guideposts. The consensus of Vina del Mar and the recommendations of the Rockefeller commission can be important guides in establishing common objectives. The United States should indicate its readiness to join in developing such common goals.

3. *Use existing inter-American institutions to conduct as much of our governmental business with Latin America as possible.*

The OAS and the Inter-American Development Bank are two established organizations in which the United States can place its trust in dealing with the area. Both are staffed with dedicated international civil servants who are seeking to develop the region and who can speak both the language of the United States and that of Latin America. We should make clear our confidence in, and respect for, such inter-American institutions.

4. *Once the United States has agreed to the principle of multilateralism, we should assure that decisions with respect to multilateral aid are truly multilateral.*

As is true with any corporate board of directors, the role of the board of a multinational institution is to set overall standards and leave everyday management to the professional managerial staff. The same should apply in the case of international lending institutions. It would be helpful in this regard if Japan, European countries, and others were to join such institutions as the Inter-American Development Bank in order to assure that they are truly multilateral and not dominated by the political influence, express or implied, of the United States.

5. *Open up the U.S. market to Latin American products to the greatest extent possible and in a way that will truly benefit inter-hemispheric trade.*

One idea worth exploration would be for the United States to allow Latin American products to come in free of all duties and quotas to the extent of the almost $2 billion trade surplus it has with the region. There is no reason why a nation as powerful as the United States must make its mark at the expense of its developing neighbors. To make the formula more acceptable to Congress, the United States could insist that Latin nations reduce their barriers against U.S. exports to the degree they benefit from increased exports to the United States.

6. *Help rekindle the fire of economic integration.*

During the first eight or nine years, regional integration worked well, but it has since been stymied in its growth. Both LAFTA (Latin American Free Trade Association), which includes all of South America plus Mexico, and the Central American Common Market have run into difficult times. At the presidents' summit meeting in April 1967, a Latin American common market was the leading item on the agenda. The United States could help revive interest in it by offering to become a nonreciprocal member—which would open up its markets—but not insist on the same from Latin Americans. A major market outside the area could be the stimulus that regional integration needs to set its export goals high and to develop the way to reach them.

7. *Make clear the nature of the relationship between the U.S. government and Latin American subsidiaries of U.S. parent companies.*

If the U.S. government has a responsibility for helping American companies in conflict with foreign governments, then it must also be prepared to be responsible for companies that conduct themselves badly in a particular country. The United States could insist that American companies follow a specific code of conduct of responsible international companies that would state what rights companies should be able to expect when dealing internationally, and what duties to the host country they have in return. If a U.S. company is wronged under such a code, then the U.S. government could, in good conscience, step in to make this known to an international tribunal, while avoiding any unilateral action.

8. *Accept the idea that Latin American countries—like other countries of the world—have the freedom to determine their own political, social, and economic systems on behalf of Latin Americans and in a Latin American way.*

The United States must learn to understand and accept the fact that differences exist among people and their ways of looking at things. And it must learn to adapt to these systems when they pose no intrinsic danger to the United States, and to avoid

hostile kneejerk reaction when disagreement occurs.

There is, of course, no guarantee that such policies will entirely abate hostility and tension. But they could begin to change the climate and move us back to a spirit of cooperation, rather than conflict. The need has never been greater, both in our own interest and in the interest of hemispheric progress and world peace.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

VOTER REGISTRATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 352, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

The Senate resumed the consideration of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McGEE. Mr. President, I should like to yield to the distinguished Senator from Nevada (Mr. BIBLE) for the purpose of propounding a question or two.

Mr. BIBLE. I thank the manager of the bill, the distinguished Senator from Wyoming (Mr. McGEE). There are some problems on this particular bill which have been called to my attention by the registrar of voters for Clark County, Nev., Mr. Stanton B. Colton, who has written to me that he is in full agreement with enhancing opportunities for voter registration in Presidential elections but feels that placing the control and management of registration in a Federal agency will be a hindrance rather than an aid to the States' efforts to maintain the integrity of the ballot through purity of registration. Mr. Colton feels that the committee bill will open the door to multiple registrations by individuals throughout the country and thinks the States will need time to develop cooperative efforts to prevent a person registering in more than one place.

Would the Senator from Wyoming comment on this problem which has been called to my attention by the registrar of voters of Clark County, Nev., which, incidentally, has 60 percent of the voting population of the State of Nevada?

Mr. McGEE. The registrar in Clark County raises relevant questions. Many others raise those questions. They have been raised in this body regularly. I believe there should be direct and forthright responses given for the benefit of the registrar of Clark County.

In answer to his first question, that injecting a Federal agency into the process now will tend to confuse and clutter up what is a pretty good operation in his county, let me say, the legislation introduces nothing new for Clark County that does not already exist.

In other words, registration by mail is only supplemental to what is now done. Forty-five days and no later than 30 days before the close of voter registration, registration forms would be mailed out by the Bureau of the Census.

It is that mailing that could conceivably require more manpower for handling in Clark County, but that would depend on how many people are already registered under the regular process. This is simply to add to what is going on. So, except for the unknown of that manpower, I think there would be no additional complication.

The 30-day provision in the bill is taken from the National Voting Rights Act of 1970 that is already on the books for voting for President and Vice President. This would extend the coverage of that same time limit to other Federal offices; namely, Congress and the Senate.

The second question that the registrar from Clark County raises has to do with the possibility of fraud.

Mr. BIBLE. That is right.

Mr. McGEE. Of duplicate registration. Two things: First, the postcard is only an application to the State or county registrar. It is only an application to be registered. The affirmation of that does not take place in Washington or in the Bureau of the Census. It takes place where all the other registrants are now affirmed under the procedures of the bill. This would be accompanied by a second limitation, that is, a very severe penalty in case there would be those who might try to do violence to the intent. There is a $10,000 fine and/or 5 years in prison.

Remembering that our income taxes are collected in this way by mail, without eyeball-to-eyeball confrontation, we think there would be no reasonable incentive to seek to exploit this or to seek any predictable gain.

As the witnesses before the committee testified where this has been tried, Texas is a good case in point, where they have had postcard registration for some time and they found no evidence of fraud in the registration process of the postcard. The fraud encountered came at the ballot box when corrupt officials ran off with the ballot box, or when they stuffed the ballot box. But that is not in the original process. That has been the pattern of our history.

Mr. BIBLE. I do not think the registrar has to direct himself to abuses that probably have happened in every State of the Union during the course of our history. But the problem is, we do not see how, under the use of postcard registration, we can prevent a person from registering in more than one place. I suppose we cannot do that. The answer to that, to prevent anyone from doing that, is the heavy criminal penalty involved.

Mr. McGEE. Yes; the criminial penalty involved, which would be somewhat of an incentive against fraud.

Another point is that the voters still have to be validated, if they are registered by postcard. The same people who validate them under the present registration system—eyeball-to-eyeball will continue to do so.

In any event, it does not win a vote. How we get them to vote is another problem.

Mr. BIBLE. He is not concerned himself with that same problem. I am sure that is a different problem involved in the bill.

The second question Mr. Colton has is that he maintains no method is delineated for the distribution of post card registrations authorized by the bill.

Mr. McGEE. No method delineated for the distribution of it?

Mr. BIBLE. That is right.

Mr. McGEE. It is envisaged in the bill, first of all, that the Bureau of the Census, would simply send out the post cards registration forms between 45 and 30 days before the primary election. The forms would go to every residence in the country.

Mr. BIBLE. That is to be done by whom?

Mr. McGEE. By the Bureau of the Census. But none of the cards come back to the Bureau of the Census.

Mr. BIBLE. They are taken from where the last official census was taken?

Mr. McGEE. The household. Every household gets the card.

Mr. BIBLE. Those are the names now available to the Bureau of the Census.

Mr. McGEE. The cards go to the household not to names.

Mr. BIBLE. I appreciate the comments of the Senator from Wyoming. I shall certainly elicit further suggestions and comments from the registrar of Clark County, Mr. Colton.

Again I thank the Senator from Wyoming very much.

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

Mr. McGEE. I am glad to yield to the distinguished Senator from Louisiana.

Mr. LONG. I would like to get a few things straight in my mind about this matter.

What type information would be on the postcard?

Mr. McGEE. On the postcard of a State would be the relevant questions that State law requires in that State. We make no pretentions here of trying to impose something that would try to tell a State what it had to do. It goes to the States registrar, and the relevant information that State requires would be contained on the postcard.

Mr. LONG. It is my impression that the original, standard size postcard would not be sufficiently large to take care of all the questions that would be on the ballot with respect to the form required by Louisiana, for example. Do I correctly understand that the postcard mailed would be larger than the normal size?

Mr. McGEE. There is nothing that would limit it to the penny postcard, as we used to call it—which does not exist anymore—that one mails to friends when one visits Washington, D.C. But whatever was relevant for that State, in the immediate outlines of this law, would be adjustable, so far as a postal registration authority in the Bureau of the Census is concerned. They are mailers. We have tried not to prescribe what ought to be on that card, because it would vary among the States.

Mr. LONG. It occurs to the Senator from Louisiana that at some point and some time we will need some kind of firm identification for every citizen, for some purpose, and this might be one area in which that might be necessary.

For example, I am sure that we would like to pursue the principle of one man, one vote, not one man, two or three votes. So that if a person were living in Washington, D.C., we would not want him to be casting a ballot in Washington and in Virginia and in Maryland and in Delaware, all on the same day. To avoid that kind of situation, it seems to me it would be desirable to have a central computer somewhere and some registration number or something so that a person could, on behalf of this Nation, check these overlapping registrations if that type situation should develop. Is there any procedure involved here whereby that could take place?

Mr. McGEE. We had a long discussion about whether we ought to lodge that by instruction in this voter registration agency at this time. Our decision was that that would be premature at this moment, at the very beginning, for two reasons. One was that we thought we should not pre-empt that judgment from the voter registration agency before they ever got things put together. Obviously, they are not interested in multiplying votes. We wanted to leave them the latitude of discretion because of the variables among the States.

The second reason is that we insist that the State registrars retain the judgmentary control that this man, indeed, is a verifiable resident who is entitled to vote, and he puts his name on the voter list.

For someone to succeed in doing that in several States at once becomes exceedingly difficult, as under present laws. We have not introduced a new factor that is not already present in terms of validating the voter list.

Therefore, in trying to abide by the initiatives of the States, because they differ, we have preferred to go that route rather than to mandate the States on that kind of procedure due to the variable there.

So that we believe that those two factors—one, the decision by the voters agency and, two, the validation by the individual States according to their rules—would be sufficient check on that.

There is one other, and that is that in our recommendations, without legislating it, because we do not want to tie the hands of the voter registration agency in advance, is the suggestion that some kind of identification would help to tighten the whole operation, requiring a social security number, as an illustration of a type of thing that might be listed there, listing the penalties in front of their eyes as they sign it, with the reminder that if any of this is invalid, it is false, and that they can be fined $10,000, with 5 years in prison, as something of a deterrent to keep it a little under control.

Mr. LONG. Of course, as salutary as a heavy fine or a criminal penalty might be, it really does not mean much until you have made it clear that you are going to enforce it. It is true that in some agencies they do not have much of a budget for enforcement. I have in mind some of the banking agencies, for example, which once in awhile will do a close audit and then, where some prominent person is involved with a bank, indict that person and prosecute him, on the theory that once they prosecute him, anyone else who may be doing it will correct his way of doing it in a hurry. I think that makes good sense. Until such time as you actually have prosecuted somebody and put him in jail for dual registration, it stands to reason that many people might be willing to take liberties with the system.

Mr. McGEE. They might. The difference is, as I see it, upon registration. You count the casting of a ballot, and therefore you are still one step removed from what already exists. Even if they sought to exploit the registration system, they still have to go there in person and pick up a ballot and be verified and checked off. So that there is another check at the ballot box, and I think that difference adds one other ingredient in the restraint.

There still are those who will try to take advantage of it, even if you wrote it in the Lord's garden itself.

But as to the prosecution which takes place now in the event of falsification of ballot results or seizing a ballot box or stuffing it, the same things apply under this proposal, except that this does not cast any ballot. It only registers a name. The crime would still have to be committed at the ballot box.

Mr. LONG. I thank the Senator.

These problems have troubled me. I think the Senator does see that there could be a usefulness in having some type of identification number or some sort of identification that associated a person with his date of birth, place of birth, name, name of parents, so that it could be cross checked at some point. It might be useful particularly in connection with a Federal election.

Mr. McGEE. Suppose we just start with the social security number. Any centralized mechanization in a State, let us say, could expose that in a hurry, if a duplication popped up in two places or several places.

Those are the kinds of things we certainly endorse for cross checking. We thought we ought to let the expertise of the Commission, as it launches this, sort that out, so that we would not be shooting from the hip here on the floor in order to take care of that particular situation in Wyoming and this one in Louisiana and one some place else because of a hodgepodge that would be more difficult to enforce.

Mr. LONG. That raises another point. I believe the Senator knows that the law does not forbid a person to have more than one social security number.

Mr. McGEE. That is true.

Mr. LONG. A person can have two, three, or five. I have some doubt as to the wisdom of that. I believe the incipiency of that provision had to do with a suggestion by organized labor that social security numbers could be used for blacklisting purposes, and they did not want the numbers to be had for that reason. I think it would be far better to have a severe law against using a social security number for blacklisting purposes and to forbid anyone to have more than a single social security number.

Mr. McGEE. I think that has merit, too. That is one of the reasons why we did not seek to prescribe specifically that you had to have, on there, a social security number of the type approach to the postcard form that would be available to those finally required to make the judgment. I think it is a good suggestion.

Mr. LONG. I just hope if we enact this bill we do not open the door to practices we have managed to discard in the past whereby machine politics, particularly competing machines in politics, would take advantage of all sorts of devices to register people who were not legitimate voters, register them all singly when they came to register, keep the papers, and vote them whether they were there or not.

Mr. McGEE. I do not know all the tricks of the trade, but, again, we found most of those instances centered around the voting of people rather than registering people. We found instances where checks were made at the polls but it still happened.

The other thought is with respect to the experience in Texas in postcard registration, which was testified to in depth before the committee. While they had some mechanical problem they had no problems in regard to fraud. The fraud came in when bad guys stole the ballot box and ran off and hid in the woods, or stuffed the ballot boxes. From New York City the registrar testified that this would make it more difficult for a political boss to whip into line the droves because it bypassed their systematic recording of bodies, and brought in all of those who are interested.

It was testified that, if anything, this would be a restraint to those practices and would complicate the job for the boss who would want to mobilize a vote.

Mr. LONG. I thank the Senator.

CALL OF THE ROLL

Mr. McGEE. 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. 93 Leg.]

Aiken	Cranston	Mansfield
Allen	Domenici	Mathias
Baker	Fong	McGee
Beall	Hart	Roth
Bellmon	Hathaway	Scott, Pa.
Bentsen	Helms	Sparkman
Byrd, Harry F., Jr.	Javits	Talmadge
Case	Kennedy	Young
	Long	

The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. 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 Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Abourezk	Fulbright	Montoya
Bartlett	Gravel	Moss
Bennett	Griffin	Muskie
Bible	Gurney	Nunn
Biden	Hansen	Pastore
Brock	Hartke	Pearson
Buckley	Haskell	Pell
Burdick	Hatfield	Percy
Byrd, Robert C.	Hollings	Proxmire
Cannon	Hruska	Randolph
Chiles	Hughes	Ribicoff
Church	Humphrey	Schweiker
Clark	Inouye	Scott, Va.
Cook	Jackson	Stafford
Cotton	Johnston	Stevens
Curtis	Magnuson	Stevenson
Dole	McClellan	Symington
Dominick	McClure	Taft
Eagleton	McGovern	Thurmond
Eastland	McIntyre	Tower
Ervin	Metcalf	Weicker
Fannin	Mondale	Williams

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Wisconsin (Mr. NELSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

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

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The PRESIDING OFFICER (Mr. HELMS). A quorum is present.

Mr. McGEE. Mr. President, may I ask, what is the parliamentary situation?

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment to S. 35. That is the pending question.

Mr. McGEE. May I ask if it is in order to request adoption of the committee amendments en bloc?

The PRESIDING OFFICER. That would take unanimous consent.

Mr. McGEE. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

Mr. ALLEN. Mr. President, reserving the right to object, Senators will recall that on the last legislative day, the distinguished Senator from Alaska (Mr. STEVENS) raised the point about a provision in section 404 on page 5 of the printed bill which would add, if adopted, and if unanimous consent were given, a provision that "each State shall provide for the registration or other means of qualification of all residents of such States who apply, not later than thirty days immediately prior to any Federal election, for registration or qualification to vote in such election."

Mr. President, it was pointed out by the distinguished Senator from Arizona that the Supreme Court has held in the Georgia case and in the Arizona case that the State might prescribe a date for closing its books for the removal, 30 days from the election. So if the committee amendments are adopted en bloc, it would rule out the opportunity for the Senator from Alaska (Mr. STEVENS) to raise that point. The only way he would have his day in court would be to vote against the amendment when it comes up separately.

Then, too, there are a number of other amendments that should have a yea-and-nay vote and should be voted on separately.

So, for those reasons, Mr. President, I do object to consideration of the committee amendments en bloc.

From time to time I shall, in all likelihood, request the yeas and nays with respect to some of the individual amendments, not having in mind that any amendments to knock out everything after the enacting clause would perfect this bill. Yet, the Senator from Alabama feels that it should be in order to request a yea-and-nay vote on some of the amendments. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. McGEE. Mr. President, I wonder if I might ask the Senator from Alabama whether the strictly technical amendments, which are rather obvious, among the group of committee amendments might be agreed upon en bloc.

Mr. ALLEN. I think we could get an answer to that by having the clerk state the amendments.

Mr. McGEE. Mr. President, I ask that the clerk read the first of the committee amendments.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 8, after the word "State", insert a comma and "the Commonwealth of Puerto Rico, the Virgin Islands, Guam,".

Mr. McGEE. Mr. President, I want to say, while we have several Members of the Senate here, that by agreement we have worked out a procedure for this afternoon that will involve calling up, individually and in order, each of the 18 committee amendments, at the request of the Senator from Alabama. On many of them, no yea-and-nay vote is anticipated; that is, they are easily acceptable by voice vote. On several, as Senator ALLEN has just explained, he would like to have a rollcall vote.

Therefore, because of the procedure, we wanted Members to be on the alert that there certainly will be votes on the committee amendments during the course of the afternoon but that on a number of them there will be no rollcall votes. I cannot promise 18 rollcall votes. It would be a great afternoon's harvest for the RECORD. But we will proceed in the order of the committee amendments to see what kind of procedure will be most in order.

The issue now is on the first committee amendment, which addresses itself to the meaning of the word "State"; and the committee added, as its amendment, "the Commonwealth of Puerto Rico, the Virgin Islands, Guam," because we wanted no uncertainty about the word "State." It is a clarifying technicality rather than an extension of the meaning of the bill, and I move its adoption.

Mr. KENNEDY. Mr. President, I ask unanimous consent that my aide, Mr. Parker, be permitted access to the floor during action on the voter registration bill and during the rollcall votes.

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

The question is on agreeing to the first committee amendment.

Mr. FONG. 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.

LEWIS CARROLL AND RICHARD G. KLEINDIENST: A MEETING OF THE TWAIN

Mr. ROBERT C. BYRD. Mr. President, in the course of our labors here on Capitol Hill we eventually come into contact with every conceivable human situation. In truth, little happens in the way of human conduct and human relations that does not, at one time or other, manifest itself here. Presumably, this is to be expected since however lofty the concept of democratic and representative government may be, it is, in the final analysis, government by people and for people. However, whatever our individual views on the lengths we need to travel in doing the people's business, we are united in one thing: we are in the business of giving people service; not in the service of giving the American people the business.

Mr. President, the Attorney General's extraordinary appearance and even more extraordinary comments yesterday regarding the scope of the so-called executive privilege falls into the second category. In one fairly abbreviated appearance, Mr. Kleindienst—for whose ability I have a high regard—achieved immortality and should forever be enshrined in the Pantheon of such distinguished personalities as Lysenko, Lombroso, and the editor of the Literary Digest.

Lysenko was the Russian geneticist

whose views officially prevailed in the U.S.S.R. until the middle 1950's, who combined genetics and environment in his theories of the development of man in such a way as to render himself a laughing stock among scientists, but to support the Stalinist regime and rationalize its practices.

Lombroso, as Senators will recall, was the Italian sociologist who fallaciously maintained that criminal tendencies could be detected through facial structure and appearance, an obvious contradiction in point being the case of Pretty Boy Floyd.

And the editor of the Literary Digest I have in mind, of course, was the man who vehemently predicted the resounding defeat of Franklin D. Roosevelt by Alf Landon.

Mr. Kleindienst's solo performance yesterday seems to have come full blown from the mind and pen of Lewis Carroll. As I perceive the product of the Attorney General's fertile mind, the words from "Alice's Adventures in Wonderland" flood my memory.

For instance:

"The time has come," the Walrus said,
"To talk of many things:
Of shoes—and ships—
And sealing-wax—
Of cabbages—and kings—
And why the sea is boiling hot—
And whether pigs have wings."

In addition to the humorous illogic that has captivated untold millions, Alice has fairly good counsel for all of us. One particular passage that should have made—but obviously did not make—an impression upon the Nation's chief legal officer is the following colloquy between Alice and the Mad Hatter:

"Really, now you ask me," said Alice, very much confused, "I don't think——
"Then you shouldn't talk," said the Hatter.

As he turned the beneficient doctrine of separation of powers on its head to cover potentially politically embarrassing "statecraft," the able and distinguished Attorney General reminded me of the following memorable quotation.

"You are old, Father William," the young man said,
"And your hair has become very white;
And yet you incessantly stand on your head—
Do you think, at your age, it is right?"

The Attorney General is a very congenial and personable man, and I admire him. However, the Attorney General's undisguised arrogant demeanor in this instance is almost forgotten in the welter of the import of his remarks. In the words of the senior Senator from Maine, the Attorney General's claims are "frightening"—if they could be taken seriously. Frightening because, if widely held, they picture a superarrogation of power by the executive which even the most sensitive of us did not envision. But, I suspect, that his views are singular and are more accurately described in such Carrollian terms as—

Such epithets, like pepper,
Give zest to what you write;
And, if you strew them sparely,
They whet the appetite:
But if you lay them on too thick,
You spoil the matter quite!

However, leaving aside all sense of personal shock and dismay, I commend to the Attorney General and those whom he may represent this parting quotation from Lewis Carroll:

The Good, the True, the Beautiful—
Those are the things that pay!

VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. McGEE. Mr. President, what is the pending parliamentary situation?

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. McGEE. If there are no other speakers on that amendment, I move the adoption of the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the second committee amendment.

The assistant legislative clerk read as follows:

In line 12, after the words "Vice President", insert a comma and "an elector for President and Vice President,";

Mr. McGEE. Mr. President, if I may explain this amendment, it was simply to make it more clear that the use of the phrase "Federal office" means the office of the President and the Vice President of the United States, and then we inject "an elector for President and Vice President".

The reason for the addition is purely technical, to make certain that they could not split hairs on whether you were voting for an elector as you voted for President and Vice President. Does the Senator from Alabama wish to raise a question about it?

Mr. ALLEN. Yes, if the Senator will yield the floor.

Mr. McGEE. I move the adoption of the amendment.

Mr. ALLEN. Mr. President, in a moment I shall request the yeas and nays on this amendment.

The distinguished Senator from Hawaii, in his minority views with respect to this bill, covers this amendment. He points out that in yet another way, S. 352 propels the Federal Government into an area heretofore reserved to the States.

Up to now, an elector for President and Vice President has been deemed a State officer. S. 352 would make such electors Federal officials.

It makes electors Federal officials by the amendment itself. The bill as originally introduced did not contain the words "elector for President and Vice President".

Mr. McGEE. Mr. President, if I might respond to my colleague from Alabama, by way of clarification, there was no intention of seizing upon any other individual and trying to hijacking him into the Federal Government as a Federal officeholder. It was an attempt to clarify the impact of the law, and that is that under the law we vote for the electors, which in fact means that we are voting for President and Vice President. That was the only purpose for including that, to attempt to clarify that situation. We did not want that left ambiguous in terms of whether this was a Federal office that was under consideration.

Mr. ALLEN. Mr. President, I appreciate that explanation given by the distinguished Senator from Wyoming, but I should like to point out to him that there is no election for electors or for President that does not also carry an election for Representative. So "Representative" is included in this paragraph, and there is really no need to clutter up the statute books with a recital that an elector is a Federal officer when in fact he is not.

I am wondering whether the distinguished Senator from Wyoming, in order to avoid a rollcall vote on this issue, will not agree that the amendment might be tabled.

Mr. McGEE. The only trouble that that gives me is that it would appear to leave this gap in the procedure that the word "Representative" or the word "Senator" does not encompass, when we are addressing ourselves to the office of President and Vice President.

Mr. ALLEN. Does the Senator think there is any doubt about the meaning of the words "Presidential election"? Is that not an election at which electors from the various States are chosen?

Mr. McGEE. If McGEE were writing the law, that would be easy, but we have lawyers around here who are still quarreling with that. They insist that intent would be clarified by this language. That is the only reason for it. It would be easy for me to accept a much broader interpretation, but it is the legal refinements that give some of the legal counselors some misgivings about this.

Mr. ALLEN. If I might go on, then, with the argument made by the distinguished Senator from Hawaii (Mr. FONG) in his minority report, which I want to adopt as my own views, unless the Senator would be willing to table——

Mr. McGEE. Let me point out that the distinguished Senator from Hawaii is a lawyer.

Mr. ALLEN. Yes, and the Senator is calling attention to the defect in the committee amendment.

Mr. McGEE. That is correct.

Mr. ALLEN. He cites the Constitution itself, article II, section 1, clause 2, which provides:

Each State shall appoint, in such manner as the legislature may direct, a number of electors . . .

If that would not make him a State officer, I do not know what would. The State does not go around appointing Federal officers, I do not suppose.

Mr. FONG. Mr. President, will the distinguished Senator from Alabama yield?

Mr. ALLEN. I am delighted to yield to the Senator from Hawaii.

Mr. FONG. Mr. President, in Justice Harlan's dissenting opinion—400 U.S. at 211—

There is substantial authority to the effect that Presidential electors are State rather than Federal offices.

That is substantiated in *In re Green* 134, U.S. 377, 378 and *Ray* v. *Blair* 343 U.S. 214, 224–225.

By this amendment, which makes Presidential electors Federal officers, who are actually changing the officers, who have always been heretofore regarded as State officers, to Federal officers. I will say that this in effect revises the Constitution of the United States without really actually amending it.

Instead of having a constitutional amendment, we are amending the Constitution by this legislation.

Article II, section 1, clause 2, provides:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress . . .

The sole authority of Congress under the Constitution respecting Presidential electors is to—

Determine the time of choosing the electors, and the day on which they shall give their votes . . .

That is in article II, section 1, clause 4 of the Constitution.

The Constitution does not give Congress the right to determine the manner of selecting Presidential electors, yet that is what we are doing in this bill. It flies in the face of constitutional authority.

We have a publication here in the Senate entitled "Nomination and Election of the President and Vice President of the United States," which was compiled by Richard D. Hupman and Robert L. Thornton under the direction of Francis R. Valeo, the Secretary of the Senate. This was published in January of 1972, in reference to Presidential electors. This document states as follows:

These electors are State officers, being nominated and elected according to State law and paid some form of compensation, usually only necessary traveling expenses, by the individual States.

So, by this bill, we are changing the Constitution. These people are State officers and not Federal officers.

I therefore believe that the argument made by the distinguished Senator from Alabama (Mr. ALLEN) is quite in order. We have gone far beyond, in this bill, what the Constitution allows by defining a residential elector as a Federal officer.

Mr. McGEE. Mr. President, will the distinguished Senator from Alabama yield that I might get into this colloquy?

Mr. ALLEN. I am delighted to yield to the Senator from Wyoming.

Mr. McGEE. May I ask first, because I am not a lawyer, was the Harlan opinion the Senator from Hawaii just cited a majority opinion of the court or a minority opinion?

Mr. FONG. It was a dissenting opinion, but that was substantiated, as I understand it, by In re Green and Ray versus Blair.

Mr. McGEE. My next question, which is an obvious question, Was the issue stated in the decision the status of an elector?

Mr. FONG. I do not know, because I have not read it.

Mr. McGEE. I am advised by counsel that that was not the issue but a test in the case and, thus, it is not particularly applicable here; but the point is that we are tampering with nothing under the Constitution. What it seeks to do, frankly, is to make sure there is no equivocation at any State level about determination as to whether it is a Federal election or not, because the issues have been raised legally as to whether—where the President's name is not included in the ballot, where only the names of the electors appear, because that is understood, whether there would be opportunity and decision at some State level to rule that this was not a Federal election. Because of that ambiguity, I am advised that it was felt this was a simple refinement of an area where, in the past, there had been some difficulty, even though, hopefully, that has been resolved at the present time. I add that as an addendum to what we were discussing.

Mr. ALLEN. Mr. President, it occurs to me that there is no national election—an election held in November in a Presidential election year—that would not have electors and Representatives elected at the same time and in the same election. So it seems to me that leaving out the definition of electors being a Federal office would not do violence to the thrust of the action itself because a Representative is elected every 2 years, as the distinguished Senator knows, and a President is elected every 4 years. But each time there is a Presidential election, there is also an election for Representative, of necessity. So there is no need to take over the State office of elector and call him a Federal official.

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

Mr. ALLEN. I yield.

Mr. FONG. I have a Senate document which has been published by the Senate, entitled "Nomination and Election of the President and the Vice President of the United States," compiled by Richard D. Hupman and Robert L. Thornton, printed for the use of the Office of the Secretary of the Senate, Mr. Francis R. Valeo, January 1972. The document states:

These electors are State officers, being nominated and elected according to State law and paid some form of compensation, usually only necessary traveling expenses, by the individual States.

So the authority which came from the U.S. Senate also says that these officers are State officers.

Mr. McGEE. May I say that that is exactly right. I agree, and I would have voted the same way in the decision. The point is that this does not affect that. That is where we disagree.

I respect the Senator's concern on that point very much. I see the point he is getting at. But I would have to insist that that is neither the intent nor the effect of these words that were added simply for clarification, so that there can be no misconstruing by anyone who succeeds those of us in this generation in that responsibility—that this was not intended to let that become an exception.

Mr. ALLEN. It does not matter what the intent is. The very words themselves say that a Federal officer means an elector. That defines an elector as being a Federal officer. No matter how the Senator might feel about it, that is what the words say.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were not ordered.

Mr. CURTIS. Mr. President, has the Senator yielded the floor?

Mr. McGEE. Mr. President, I suggest the absence of a quorum, so that we can get the order for the yeas and nays. We will not go to the yeas and nays until the Senator from Nebraska has a chance to speak.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALLEN. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

TRANSFER OF NAVAL RESERVE FUNCTIONS TO NEW ORLEANS

Mr. CURTIS. Mr. President, I rise to serve notice on the Senate, the President of the United States, and the Secretary of Defense that an extremely serious mistake is being made by the U.S. Navy as far as its future is concerned.

Other members of the Nebraska Congressional Delegation have joined me in calling this mistake to the attention of the Secretary of the Navy, and he has ignored our warning.

I am today sending an urgent message to the President and the Secretary of Defense asking them to put a "stop order" on the transfer of a number of Naval Reserve functions and personnel from various locations throughout the United States to a port warehouse area in New Orleans, La., pending a full investigation of the facts and circumstances.

The "stop order" must be imposed immediately if the administration and the Navy are to avoid the pitfalls of a TFX-type scandal involving the consolidation of buildings and functions comparable to the all-purpose airplane fiasco of the Defense Department of the 1960's.

I charge here and now that there is a rotten mess at the bottom of the transfer of various Naval Reserve and other Armed Forces installations and functions from various locations in Nebraska, Illinois, Maryland, Virginia, California, and Washington, D.C., to New Orleans, La.

I charge that the mess involves an attempt by the Navy to cater to the demands and wishes of the House Armed Services Committee chairman, Representative F. EDWARD HÉBERT, into whose congressional district all of these functions and attendant personnel are proposed to be moved.

I chage further that by Representative HÉBERT'S own claims and calculations published in the New Orleans Times-Picayune, these various transfers of functions and personnel by the Naval Reserve alone will cost the taxpayers of

the United States at least $41,500,000 for construction, travel, and other expenses related to the move.

Let me quote the first paragraph of the lead story on the front page of the New Orleans paper for Sunday, March 11. It states as follows:

> Secretary of the Navy John Warner has signed an order that will result in expenditures of $40 million and the creation of 1,700 military and civilian jobs in New Orleans over the next 2 years.

It goes on to say that most of the work and new jobs will be at the old port of embarkation on Poland Avenue at Danphine Street in New Orleans. It states further that:

> Warner's action was disclosed in a statement by U.S. Representative F. EDWARD HÉBERT of New Orleans, Chairman of the House Armed Services Committee.

Now, let me quote what Representative HÉBERT of New Orleans said. He said it is "Undoubtedly the largest single move made by any branch of the military into the New Orleans area in history." Representative HÉBERT said further that this $40 million expenditure of Federal tax money creating 1,700 new jobs in New Orleans is in addition to the previously announced decision to transfer the Naval Reserve Surface Command from Omaha, Nebr., and the Naval Air Reserve Command from Glenview, Ill., to the same port of embarkation area in New Orleans. The Times-Picayune of November 25, 1972, related that the earlier decision would cost the taxpayers about $1.5 million including $675,000 to prepare the support buildings, plus the transfer of more than 200 military and civilian personnel from Omaha and Glenview to New Orleans. This boosts the total initial outlay to $41,500,000 in Federal tax dollars for moving approximately 2,000 military and civilian personnel to New Orleans from various parts of the country.

All of this now comes to light on the heels of an announcement by then Secretary of Defense Melvin Laird last January that the Navy already was in deep trouble with Congress and administration budget officials because of excessive personnel moving costs.

I quote now from an Associated Press article that appeared in the Omaha World-Herald on Monday, January 8, which reads as follows:

> The Navy has told Congress it illegally went more than $100 million in the red on personnel moving costs and will need money to make up the difference.

The article states that Secretary Laird criticized the violation, saying, and I quote now from Mr. Laird:

> They were caused from mismanagement, poor judgment, inadequate or nonobservance of procedures and controls and personnel turbulence associated with the Southeast Asia conflict.

And it quotes Representative LES ASPIN of Wisconsin as saying:

> The Navy is obviously treating this massive violation with kid gloves and dealing out mild punishment for what may be a criminal act.

Representative ASPIN pointed out that Federal law provides a $5,000 fine and 2 years in jail for officials who willfully overspend Congress' appropriations, but that the Navy has merely written "mild letters of admonition" to two admirals and transferred two civilian employees to other jobs." The overpayments were for moving costs and travel pay and allowances to Navy personnel and their families who were moved from place to place the same way the Navy is now proposing to do with 2,000 personnel from various locations in five States and the District of Columbia to New Orleans.

And what is Representative HÉBERT saying about the proposed movement of all these functions and personnel to New Orleans?

Last November 28 the Omaha World-Herald quoted him as saying the transfer of the Naval Reserve Surface and Air Commands from Omaha and Glenview had been "in the works for a long time," and that "I did not go to the Navy or the Navy Department with the plan."

But on November 25, 3 days earlier, Representative HÉBERT was quoted by the New Orleans Times-Picayune as saying, and I quote verbatim:

> The most important facet of the entire project is that in reality it is only the beginning of what is to come.
>
> As Chairman of the House Armed Services Committee, I am deeply appreciative of the consideration which the Navy has given my efforts to have this vast Reserve program placed in the city of New Orleans, the headquarters of the Eighth Naval District.
>
> When it is realized that for the first time there shall be "one Navy" as related to the so-called brown and black shoe navies, then the magnitude of this decision is something that is really hard to encompass and fully understand as well as the impact it will have on the community, both militarily and economically.

And then Representative HÉBERT declares, and I quote again from the November 25 New Orleans paper:

> All of this means the bringing to New Orleans of hundreds of people from other sections of the country, and the pouring in of millions of dollars of expenditures in the community to add to the $21 million a year which is already being poured in the local coffers by the Eighth Naval District.
>
> Where before we had one admiral, a two-star rear admiral, as commandant of the Eighth Naval District, this move will mean we will have three new admirals, one a three-star vice-admiral, and two two-star rear admirals. This, alone, should indicate how important this move is.

Representative HÉBERT went on to list a number of other military expenditures programed for installations in the New Orleans area, including a new 250-bed hospital at a cost of $11 million and a number of new housing units, after which he said, and again I quote verbatim:

> All of this has been accomplished with the complete cooperation of the Secretary of the Navy, John Warner, and the Chief of Naval Operations, Admiral Elmo Zumwalt, together with our local command, Rear Admiral Emmet Riera, Commandant, Eighth Naval District; Captain Roy Faulk, Commanding Officer, U.S. Naval Air Station, Alvin Callender Field: Rear Admiral John McCubbin, Commandant, Eighth Coast Guard District, and Colonel Heywood Smith, Director of the Eighth Marine District.

And finally Representative HÉBERT served notice that he will continue pushing for more and bigger military build-ups in New Orleans, stating as follows:

> This is merely a capsule resume of what is to be expected in New Orleans in the future. It is my intention to continue pressing for future build-ups of the military in New Orleans which will include complete occupation of the three warehouse buildings at the old Port of Embarkation. This area will be completely reconfigurated and the parking area properly landscaped.

In the Sunday, March 11, Times-Picayune, Representative HÉBERT further delineated the benefits of moving Navy personnel and functions from other parts of the United States to New Orleans, saying, and again I quote verbatim:

> The move is a model example of management of facilities and manpower. The payroll alone will amount to more than $35 million a year, which obviously will bolster local business establishments and the consumer market in the New Orleans area.

Mr. President, I predict the cost by the time all the proposed construction and moves are made would far exceed the $41,500,000 estimated now. I not only personally resent but publicly object to vast amounts of Federal tax dollars being spent to enrich the economy of one city or area of the country at the expense of others. I submit that it is a great mistake for the Navy to give up its visible presence in five other States to consolidate certain functions in one city represented in Congress by the chairman of a committee which has jurisdiction over all Department of Defense activities. I believe the purported Federal savings from the proposed consolidation of Naval Reserve functions are largely imaginary and will not in fact be achieved. I believe further that any estimated savings are false economy in terms of the cost in loss of Navy visibility and consequent loss of enlistments in inland States such as Nebraska.

Finally, I believe it is healthy to have the Naval Reserve commands somewhat removed from regular Navy headquarters, since they represent an arm of service dependent for success on closer contact with civilians from whom they draw their personnel.

I think a thorough investigation needs to be made, and I call for one.

For those interested in more details about the States and installations affected by the proposed changes, I request unanimous consent that the text of the March 11 Times-Picayune lead article together with a list of projects released by Representative HÉBERT in the same issue of the paper be printed in the RECORD at this point.

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

N.O. ECONOMY IS DUE $40 MILLION BOOST: NAVY PROJECT WILL PROVIDE 1,700 CIVILIAN, MILITARY JOBS

Secretary of the Navy John Warner has signed an order that will result in expenditures of $40 million and the creation of 1,700 military and civilian jobs in New Orleans over the next two years:

Most of the work and new jobs will be at the former Port of Embarkation on Poland Avenue at Dauphine Street.

Warner's action was disclosed in a statement by U.S. Rep. F. Edward Hébert of New

Orleans, chairman of the House Armed Services Committee.

Hébert termed it "undoubtedly the largest single move made by any branch of the military into the New Orleans area in history."

The latest transfer of Navy activities to New Orleans is in addition to the recent establishment of the consolidated Naval Reserve Command, which will also be housed at the former Port of Embarkation.

Once fully operational, the newly announced activities will pump an estimated $35 million a year into the city economy in payroll alone.

The largest single activity included in Warner's order is consolidation of three existing Navy commands into a single multi-million dollar computer facility with a staff of 873 military and civilian personnel. At present the three commands are operating at nine different locations.

Also included in the order is transfer to New Orleans of the Fourth Marine Airwing Headquarters, currently located in Glenview, Ill. Some 169 persons will be involved in this move which will take place at the same time as the new Naval Reserve Command becomes fully operational.

In connection with Warner's order, Rear Adm. Foster Lalor Jr., who is director of Shore Facility Projects Division of the office of Chief of Naval Personnel, will visit New Orleans this week to go over the various projects with local Navy officials. He will be accompanied by a team of Navy construction specialists.

Another project included in the package is the conversion of the middle building at the Port of Embarkation facility into a 1,000-car parking garage with ramps leading from that building to the two buildings on either side.

The Times-Picayune reported last Feb. 10 that it had learned that New Orleans was one of seven cities being considered for location of the computer facility.

Initially the Navy had 21 sites under study. Locations were being considered on the basis of location as well as existing government facilities that could house the combined computer facility.

It is expected it will cost in excess of $10 million to set up the new centralized operation.

The three commands involved are:

The Naval Reserve Personnel Command, a consolidation of activities now located in Omaha Neb., Bainbridge, Md., and Washington, D.C.

The Personnel Management Information Center, with activities now located in Norfolk, Va., San Diego, Calif., and Bainbridge.

The Enlisted Personnel Distribution Office, now located in Norfolk, San Diego, and Washington, D.C.

Hebert's statement detailed the projects included in Warner's order. Not included in that statement, but anticipated in Fiscal Year 1974 are construction of an enlisted men's barracks and mess at the Algiers Naval Support Activity.

The full text of Hebert's statement follows:

"New Orleans today becomes in the words of Secretary of the Navy John Warner the capital of Navy and Marine Reserves in the United States."

"It is with understandable pride and satisfaction that I am able to inform the people of New Orleans that the Secretary of the Navy has signed the necessary order which will result in an estimated expenditure of $40 million in Fiscal Year '73 and '74 and will bring into physical being in the New Orleans area a total of 1,700 personnel—900 military and 800 civilian.

"Of this number 1,130 will be new people to be added to the 400 already here.

"This latest decision by the Navy is over and above the recent establishment of the air and sea Naval Reserve Command in New Orleans under the direction of Vice-Adm. Damon W. Cooper.

"It will be recalled that ceremonies in this connection were recetnly held at the Naval Support Activity in Algiers.

"This newest Navy decision is the result of an extensive, in-depth, nationwide study to eliminate waste, both in money and personnel, and to establish a stronger, concentrated, centralized command for all Naval and Marine Reserve activities, including some support from regular forces.

"The move is a model example of management of facilities and manpower. The payroll alone will amount to more than $35 million a year, which obviously will bolster local business establishments and the consumer market in the New Orleans area.

"It is undoubtedly the largest single move made by any branch of the military into the New Orleans area in history.

"New Orleans presented the ideal location for the consolidation of these forces. It presented the huge complex at the old Port of Embarkation, which the Navy owns, making it possible for the installation to have a single price figure by eliminating the necessity of renting buildings not owned by the government in other areas.

"The available land also allows for the expansion of housing for the military in Algiers and at Alvin Callender Field.

"Included in this new program is an additional 100 units of family housing at a cost of $2.4 million to be added to another 100 units already programmed.

"The figures on economy are obvious. By establishing this huge complex in New Orleans, the Navy will save millions of dollars in yearly leasing and rentals and at the same time get the maximum amount of production out of less personnel.

"In addition to this, the secretary also signed an order to move the 4th Marine Airwing Headquarters from Glenview, Ill., to New Orleans at the same time the Navy consolidation occurs.

"In line with these changes, I am also pleased to announce that the Navy Hospital, which has been authorized and funded, will be increased from a 100-bed facility to 250 beds with an additional appropriation of $3 million to cover the expansion.

"The total cost of the hospital will be $14.8 million.

"As of March 11, bids are 'on the street' for the Armed Forces Recruiting facility, which will cost $273,000, involve 140 personnel, and is scheduled for completion on Oct. 31, 1973; and for work to provide administrative spaces for various Department of Defense agencies at a cost of $208,000, involving 139 personnel, with completion set for Oct. 31, 1973.

"On April 2 bids will be let on contracts to establish the Chief of Naval Reserve headquarters totaling $1,060 million with a completion date of Dec. 31, 1973. Some 367 people are involved.

"Cost have not yet been firmed up for the Marine headquarters, but 169 personnel will be connected with the operation, and it is expected that this project will be completed by July 1, 1974.

"One of the big projects involves work on three existing buildings. It will cost $800,000 and should be completed by the end of the year. (Dec. 31, 1973.)

"Bids went out on March 9 for renovation of the cafeteria at the Naval Station, and this project should be completed by Dec. 31, 1973. This project will cost $280,000.

"For further alteration of the three existing buildings, bids will be let for work costing about $42,000 on June 12, 1973.

"Bids will go out on April 2, 1973 for passenger elevators for the buildings and a ceremony area entrance lobby. This project is estimated to cost $298,000.

"Funds will be requested in the 1974 budget to carry out further projects, but an exact figure has not yet been determined.

"I have notified Mayor Landrieu of this latest development which will contribute so much to the New Orleans area.

"I must also express thanks to the Eighth Naval District, under Admiral Robert Emmet Riera, commandant, for its full cooperation.

"In the ultimate, four other admirals will be assigned to New Orleans.

"There is no doubt about New Orleans traditionally and historically being a Navy town. The magnitude of this project is rather difficult to grasp immediately, but a study of the composition of the project clearly demonstrates that New Orleans, not only in tradition, but in truth, is a Navy town.

"Although this is the greatest contribution the military has made to New Orleans since I became chairman of the Armed Services Committee, I will continue my efforts to convince the military that New Orleans offers many attributes and conditions which can be well utilized by the military interest. "These are and should be the guiding factors in making these decisions."

LIST RELEASED BY REP. HEBERT—PROJECTS ON BOTH EAST AND WEST BANKS

The following is a list of military projects, mostly Navy, either under way or planned for New Orleans, according to information released by U.S. Rep. F. Edward Hebert.

Armed Forces Recruiting headquarters, will cost $273,000 and require 140 personnel. Bids will be advertised for March 11, and completion is expected by Oct. 31.

Administration space for various Department of Defense agencies, $208,000, 139 personnel, bid advertisement March 11; completion by Oct. 31.

Chief of Naval Reserve headquarters, $1,060,000, 267 personnel; bid advertisement April 2; completion by Dec. 31.

Fourth Marine Airwing Headquarters, funding currently being developed, 169 personnel; completion expected about July 1, 1974.

Exterior work on Buildings 601–602–603 at old Port of Embarkation, $600,000, bid let, completion by Dec. 31.

Alteration and improvements to Defense Personnel Support Center, $42,000, bid advertisement April 2; completion by Dec. 31.

Passenger elevators, ceremony area and entrance lobby at Port of Embarkation, $298,000, bid advertisement April 2; completion by Dec. 31.

Naval Personnel Administration and Computer Center, $8,435,000, 873 personnel, anticipate completion by June 30, 1975.

Armed Forces Entrance and Examination Center, no dollar amount available, 115 personnel. No bid information or completion date.

Employe parking at Embarkation facility, estimated at $2.3 million, no bid date or completion date.

On the West Bank:

Improvements to cafeteria at Algiers Naval Station, $260,000, bid let, completion by Dec. 31.

Navy Hospital, 250 beds, $14.8 million, initial bid for demolition work let, completion of hospital anticipated for July 1, 1976.

Family turnkey housing, 100 units, $2,270,000—74 units at Algiers Naval Support Activity and 26 units at Naval Air Station at Belle Chasse; bid advertisement in May, completion hoped by November, 1974.

Upgrading of four Q–6 (Navy Captain) quarters to flag (admiral) quarters, $119,000, no bid or completion information.

Fiscal 1974 Projects at Naval Support Activity include construction of an enlisted men's barracks with mess hall; an additional 100 units of housing, a Navy Exchange, and an addition to the branch commissary store.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized tomorrow under the standing order, the following Senators be recognized, each for not to exceed 10 minutes, and in the order stated: Mr. MUSKIE, Mr. KENNEDY, Mr. JAVITS, Mr. CRANSTON, Mr. PELL, Mr. ABOUREZK, Mr. HASKELL, Mr. SYMINGTON, Mr. JACKSON, Mr. EAGLETON, Mr. MONDALE, Mr. WILLIAMS, Mr. HATHAWAY, Mr. HUGHES, and Mr. Moss; and that following those Senators, Mr. GRIFFIN be recognized for not to exceed 15 minutes, the junior Senator from West Virginia then be recognized for not to exceed 15 minutes, and the distinguished majority leader then be recognized for not to exceed 15 minutes.

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

VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (S. 352) to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

Mr. McGEE. Mr. President, I understand the Senator from Alabama (Mr. ALLEN) would like to move to table the amendment.

Mr. ALLEN. Mr. President, that was the intention of the Senator from Alabama, but he understands now the Senator from North Carolina desires to discuss the matter. When all debate has ended on the amendment, prior to a rollcall vote on it, the Senator from Alabama will move to table.

Mr. McGEE. Mr. President, may I ask the Senator from North Carolina, then, if he can give his colleagues some indication of the length of his remarks?

Mr. ERVIN. They will be short.

Mr. McGEE. We are merely trying to give our colleagues some idea whether they should return to their offices or hang around a few minutes.

Mr. ERVIN. As far as the Senator from North Carolina is concerned, they can hang around. [Laughter.]

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. ERVIN. Mr. President, I am opposed to the committee amendment which undertakes to bring under the regulation of this bill the offices of Presidential and Vice Presidential electors.

The Presidential electors are not Federal officials; they are State officers. The Constitution of the United States says, in express terms, that the electors shall be chosen in such a way as the State legislatures may prescribe, and here is an effort on the part of the proponents of this bill to put a State officer under regulation by the Federal Government.

Certainly, the bill is bad enough without that amendment, and we certainly ought not pass a regulation right in the face of the express words of the Constitution to the effect that Presidential electors and Vice-Presidential electors are State officers to be chosen, so the Constitution says, in the precise manner in which the State legislatures of the several States may direct.

Sometimes I wonder whether admonishing the U.S. Senate concerning some of our proposed legislation, such as trying to put under Federal regulation every activity in the Nation, is worthwhile.

I cannot help making one other observation about the bill. I yield to the temptation. But it is a perfect example. We have had it since George Washington took his first oath of office as President of the United States, and even before that, in the Colonies, in the elections that were conducted by local officials.

For the first time in history, we have a proposal that the States be deprived of their power and that it be vested in three Federal officials sitting on the banks of the Potomac River—an administrator and two deputy administrators.

The main symptom of the condition of Potomac fever is that a Senator or Representative comes to the conclusion, after he gets to Washington, that the people who sent him here do not have enough intelligence to manage their own affairs, and that that makes their representives blessed with some kind of bureaucratic guardianship. I am glad to say that the Senator from North Carolina can brag on the fact that he has acquired immunity to Potomac fever.

It grieves me, truly, to see such a distinguished Senator and so good a friend as the able Senator from Wyoming suffering from the throes of that disease. I wish I had some way to vaccinate him, because most of the time the Senator gives the appearance of being a man in his right mind. I do not know of any U.S. Senator who is more frequently clothed in his right mind than my good friend from Wyoming. I wish I had some kind of therapeutic instrument that I could use to get him cured of his attack of Potomac fever.

Mr. McGEE. Mr. President, will my beloved friend from North Carolina yield?

Mr. ERVIN. Yes, I yield.

Mr. McGEE. The Senator's State is well known for some of the very effective shots he has administered. He has administered more needles to me of late; thus he knows how to get a shot injected. But I would say to my friend that if we can go to North Carolina and revel in the marvelous atmosphere there, if we can come to a vote on the bill this afternoon and get it out of the way, I would be glad to take him to Wyoming, not to the Potomac, where we could enjoy the pure air, the great mountains, and the wonders of the scenery.

Mr. ERVIN. There is nothing I would rather do than go to the beautiful State of Wyoming, where the mountains are high, the atmosphere is clear, and where the vision of the people is such that they can see what ought to be done to preserve the system of government as written by the Constitution; namely, the Constitution that was established to compose an indestructible union of indestructible States. It just grieves me that a man who has vision would say that we deserve what is proposed by this bill.

I wish we were in Wyoming; but I also wish we were in North Carolina, where we have those beautiful mountains that immunize a man from such things as Potomac fever.

White lightning, O. B. Jordan, white mule, or moonshine. But the good thing about it is that it has the virtue of curing anybody of that virulent pestilence known as Potomac fever. And I would like to help cure the Senator from Wyoming.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment. On this question the yeas and nays have been ordered.

Mr. ALLEN. Mr. President, I move to lay on the table the committee amendment and ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McGEE. Mr. President, as I understand the parliamentary situation—and I need it verified by the Parliamentarian—the motion is to table only the committee amendment that contains the language about electors for Presidents and Vice Presidents—that, and no further than that.

A vote of "aye" would be against the committee amendment. A vote of "nay" would sustain the committee amendment.

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion to table the committee amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Indiana (Mr. BAYH), the Senator from Indiana (Mr. HARTKE), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Wisconsin (Mr. NELSON) are necessarily absent.

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

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

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

The Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

The Senator from Virginia (Mr. SCOTT) is detained on official business, and if present and voting, would vote "yea."

The result was announced—yeas 38, nays 49, as follows:

[No. 94 Leg.]

YEAS—38

Aiken	Dole	Johnston
Allen	Domenici	McClellan
Baker	Dominick	McClure
Bartlett	Eastland	Nunn
Beall	Ervin	Percy
Bennett	Fannin	Roth
Brock	Fong	Scott, Pa.
Byrd, Harry F., Jr.	Griffin	Sparkman
	Gurney	Talmadge
Byrd, Robert C.	Hansen	Thurmond
Cook	Hatfield	Tower
Cotton	Helms	Weicker
Curtis	Hruska	Young

NAYS—49

Bellmon	Hollings	Moss
Bentsen	Hughes	Muskie
Bible	Humphrey	Pastore
Biden	Inouye	Pearson
Burdick	Jackson	Pell
Cannon	Javits	Proxmire
Case	Kennedy	Randolph
Chiles	Long	Ribicoff
Church	Magnuson	Schweiker
Clark	Mansfield	Stevens
Cranston	Mathias	Stevenson
Eagleton	McGee	Symington
Fulbright	McGovern	Taft
Gravel	McIntyre	Tunney
Hart	Metcalf	Williams
Haskell	Mondale	
Hathaway	Montoya	

NOT VOTING—13

Abourezk	Hartke	Scott, Va.
Bayh	Huddleston	Stafford
Brooke	Nelson	Stennis
Buckley	Packwood	
Goldwater	Saxbe	

So the motion to table the second committee amendment was rejected.

The PRESIDING OFFICER (Mr. HELMS). The question recurs on agreeing to the second committee amendment.

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

The PRESIDING OFFICER. They have.

Mr. McGEE. I ask that the Senate proceed with the vote.

The PRESIDING OFFICER. The question is on agreeing to the second committee amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from Indiana (Mr. HARTKE), the Senator from Idaho (Mr. CHURCH), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

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

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Indiana (Mr. HARTKE), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKE) is absent by leave of the Senate on official business.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

The Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. GOLDWATER), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

The result was announced—yeas 47, nays 38, as follows:

[No. 95 Leg.]

YEAS—47

Abourezk	Hathaway	Montoya
Bellmon	Hollings	Moss
Bentsen	Hughes	Muskie
Bible	Humphrey	Pastore
Biden	Inouye	Pearson
Burdick	Jackson	Proxmire
Byrd, Robert C.	Javits	Randolph
Case	Kennedy	Ribicoff
Chiles	Magnuson	Schweiker
Church	Mansfield	Stevens
Clark	Mathias	Stevenson
Cranston	McGee	Symington
Eagleton	McGovern	Tunney
Gravel	McIntyre	Williams
Hart	Metcalf	Young
Haskell	Mondale	

NAYS—38

Aiken	Domenici	McClellan
Allen	Dominick	McClure
Baker	Eastland	Nunn
Bartlett	Ervin	Percy
Beall	Fannin	Roth
Bennett	Fong	Scott, Pa.
Brock	Griffin	Scott, Va.
Byrd, Harry F., Jr.	Gurney	Sparkman
	Hansen	Taft
Cook	Hatfield	Talmadge
Cotton	Helms	Thurmond
Curtis	Hruska	Tower
Dole	Long	Weicker

NOT VOTING—15

Bayh	Goldwater	Packwood
Brooke	Hartke	Pell
Buckley	Huddleston	Saxbe
Cannon	Johnston	Stafford
Fulbright	Nelson	Stennis

So committee amendment No. 2 was agreed to.

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

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

The motion to lay on the table was agreed to.

PENSION REFORM

Mr. JAVITS. Mr. President, the President has today sent us a message respecting two bills relating to private pension plan reform. These are the Retirement Benefits Tax Act and the Employee Benefits Protection Act.

It is well known that this is a matter which has been of very profound concern to me. Some 5 years ago, I introduced a bill in connection with this subject. I have since joined Senator WILLIAMS, chairman of the Committee on Labor and Public Welfare, in an effort to put together a proper private pension and welfare reform bill. After having had a very bad experience in the last Congress, when the bill was gutted by the Committee on Finance—which, in my judgment, does not have the primary jurisdiction—we went at it again this time; and now the Committee on Labor and Public Welfare has reported a bill—I think a very splendid bill—of enormous importance to the American people, certainly to the 35 million workers who are affected.

I hope very much that we will not tread the thorny path we trod the last time and that we will get action now, as this is probably one of the most highly regarded bills in this country by the rank and file of people who are subject to retirement and by the enormous body of millions of members of trade unions and others who work for corporations which have private pension funds.

Therefore, Mr. President, I welcome very much the fact that the President has submitted to us the administration's ideas for pension reform and indicates that the time has now come when pension reform can become law.

I consider this one of the most vital measures dealing with the morale of the American worker and his belief in the American system, as it will directly make possible decent retirement, when added to social security, of the great many millions of workers; 35 million workers are covered by private pension and welfare plans, with resources of approximately $150 billion, which are increasing at the rate of $10 billion to $12 billion a year. This is a fantastically important measure.

The administration's proposal, which I welcome because it joins the issue and really says the President will sign a bill, has, however, some major defects when compared with S. 4, the Williams-Javits pension bill, which, as I say, has now been reported by the Committee on Labor and Public Welfare. These defects are the following:

First. The vesting proposal. The administration has the so-called "Rule of 50." That is the least equitable and desirable from the viewpoint of the worker. What the "Rule of 50" means is that the combination of the number of years the worker has worked for an employer and his age equal 50 before his pension vests.

Under our bill—the Williams-Javits bill—the pension vests 30 percent at the end of 8 years of work, regardless of the age of the worker, and 10 percent a year for 7 years thereafter, making full vesting after 15 years of work. Also, we look after retrospective pension rights to the worker, regardless of age. So we think the "Rule of 50" is far less effective, because it operates only prospectively, and it does the least for the generation of older workers presently covered by private pension plans and counting on a decent retirement in their older years.

Second. The President's bill provides for some new funding standards. So far, so good. But it fails to provide for a program of planned termination insurance to protect workers in the event of an employer bankruptcy and similar events. That is not the case with us. We have a very comprehensive plan of insurance which will protect workers. The deficiency in the administration bill of the lack of insurance is exacerbated by the fact that the administration is proposing to impose vesting standards on smaller employers who are most likely to encounter financial difficulties in funding a private pension plan. So they need insurance the most.

Third. The administration's funding

standards are minimal and lack an effective enforcement mechanism, and nothing in the bill compels employers to make contributions to pension funds in accordance with the prescribed standards. Our bill contains very sound actuarial provisions which will assure funding to the individual beneficiary.

Fourth. The fiduciary and added disclosure requirements proposed by the administration are comparable to those in the Williams-Javits bill and have been much improved over the last time they were submitted by the administration. Still, a number of important additions in this area made by the Committee on Labor and Public Welfare have been ignored, among them a very important provision to safeguard workers against interference with the exercise of their pension rights. Indeed, we know of situations in which even violence—actual or threatened—was employed in order to intimidate workers from asserting their pension rights.

I am rather keenly disappointed that, as I understand it, the administration chose at the last moment to disregard a more adequate set of proposals respecting planned termination insurance and funding which had already been drafted by the Treasury and the Labor Departments; and I hope that when these Departments testify, we may learn what they really think from their own expertise on these two matters.

I must say, however, that the administration has a strong point which I commend highly, and that is the administration proposals to provide tax reductions for employee contributions to individual retirement savings plans and to employer plans as a means of expanding private pensions for those not covered by private pension plans. However, even here I feel that the administration's proposals can and should be strengthened greatly now by raising the tax deduction limits for employee contributions and providing greater incentives to small businessmen to establish private pension programs.

Mr. President, I conclude as follows: Effective pension reform legislation is one of the most significant measures now pending in Congress. I welcome the administration's improved initiatives in this field even though I disagree with the approach to the pension problems of working men and women, as for example, omissions of insurance. Since both the administration and the Congress are committed to pension reform, it is incumbent on the congressional leadership in both parties to move this legislation ahead toward enactment as expeditiously as possible in order to safeguard fully the vital retirement interests of American workers and to stimulate their confidence in the ability of our economic system to provide adequate economic justice.

I am hopeful that we will have on the floor for consideration within the next 30 days the pension plan reform legislation as reported by the Senate committee. I might report to the Senate that such legislation is also moving in the other body under the chairmanship of Representative DENT of Pennsylvania. Very active work is going on in the subcommittee of the other body on this measure. Whatever we do here will be of great encouragement to them.

There is no single bill pending in this Congress that I know of that has a greater head of steam in the support of millions of people who know about this bill. Very few people generally can identify a bill but they know about this bill. Hopefuly, with the Senate acting on it, we will be able to fulfill a long-felt crying need of the American people for retirement security, as far as it can be afforded under our economic system, and this I emphasize, with no public participation, but all private enterprise.

The outside estimate of the average effect of such a reform measure on payrolls is about 1.5 percent, which is certainly a modest addition, considering the vast benefits which will flow from it to every worker in every wage bracket.

Mr. HUMPHREY. Mr. President, I wish to join the distinguished Senator from New York in his comments relating to the pension reform legislation. First, I wish to say that the distinguished senior Senator from New York has been a leader in this program of pension reform legislation and we are indebted to him. I know he has been cooperating with the chairman of the Committee on Labor and Public Welfare, the distinguished Senator from New Jersey (Mr. WILLIAMS). I have been privileged to join as a cosponsor of this reform legislation.

We have had many instances in my home State of Minnesota in which employees of very fine companies have found themselves without any pensions due to layoffs, due to recession, due to mergers, due to technological and scientific change which may have compelled a business to change its development program, its production program, and thereby to change its employment pattern. All of these instances are filled with heartache and economic tragedy.

In my judgment today one of the most humane acts that could be performed by the Congress of the United States is to adopt legislation that will assure, protect, and guarantee the pension rights of our working people who have lived in the thought and in the belief that they were going to obtain a pension at the time of the twilight of their lives, or establish a number of years of service with a company. All too often these hopes have been dashed. All too often many people have found themselves bitterly destitute after years of faithful working employment.

The legislation that is before the Committee on Labor and Public Welfare is directed toward remedying this situation.

I am pleased that the administration has seen fit to submit its recommendations. I have not had an opportunity to study those recommendations. I am hopeful, however, that as a result of the hearings before the committee of the Senate and the appropriate committee of the House, headed by the distinguished Representative DENT that we will have before us very promptly the legislative program that can give the workers of this country under private pension plans the protection which they fully merit.

I just wanted to join in this discussion today with the Senator from New York because we look to him as we do to the chairman of the committee (Mr. WILLIAMS) for leadership in bringing this legislation to the Calendar of the Senate and then for debate and final passage.

Mr. JAVITS. Mr. President, I thank my distinguished colleague very much for his support and for joining as a cosponsor, and for his voice in the debate and for his influence and great prestige. We know he will be of enormous benefit in getting this law passed for the benefit of millions of Americans.

I thank the Senator very much.

JOHN LORD O'BRIAN

Mr. JAVITS. Mr. President, I note with great regret the passing of John Lord O'Brian, one of our most distinguished lawyers and one who rendered great service to the State of New York and the United States. New Yorkers would, I know, wish me to speak of his career.

Mr. O'Brian was a partner in the Washington law firm of Covington & Burling for the past 28 years and was the dean of the Supreme Court bar. He distinguished himself as a lawyer and humanitarian during the entire 20th century.

Mr. O'Brian was born in Buffalo, N.Y., and obtained his law degree from the University of Buffalo. He served as a State assemblyman from Buffalo, and was also U.S. attorney for the western district of New York. He served the Federal Government in a number of important posts including Assistant Attorney General.

John Lord O'Brian's passing ends one of the most fabulous careers in the legal profession of this country. As Chief Justice Burger has said, his death at age 98 "marks the end of an era."

I ask unanimous consent that the obituary appearing in today's New York Times be printed in the RECORD.

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

JOHN LORD O'BRIAN DIES AT 98; DEAN OF THE SUPREME COURT BAR

WASHINGTON, April 10—John Lord O'Brian, the distinguished lawyer, died today at the age of 98. Mr. O'Brian, who fell in his apartment last Wednesday and was taken to the George Washington University Hospital, died of heart failure there.

Mr. O'Brian was a partner in Covington & Burling here for 28 years. He was the senior lawyer before the Supreme Court and served as assistant to the Attorney General from 1929 to 1933.

Chief Justice Warren E. Burger said of Mr. O'Brian:

"The death of John Lord O'Brian, the dean of the Supreme Court Bar, at 98, marks the end of an era in a sense. Mr. O'Brian had a remarkable career in public service and in his profession for three quarters of a century. He epitomized the highest standards of the legal profession."

He is survived by 4 daughters, Mrs. Kellogg Mann and Mrs. Winfield L. Butsch, both of Buffalo, Mrs. S. Davis Boylston of Sarasota, Fla., and Mrs. Thurston T. Robinson of Lakeview, N.Y.; 13 grandchildren and 28 great-grandchildren.

A service will be held Thursday at St. John's Church at 2:30 P.M.

REASONED LIBERALISM

(By Murray Schumach)

John Lord O'Brian was guided in his careers of law and politics by what he called "reasoned liberalism," a credo that placed fair play before opportunism.

A Republican, he argued hard, but unsuccessfully, in 1920, to prevent disenfranchisement of five Socialists who had been elected to the New York State Legislature. And in 1935, as Special Counsel to the Democratic Administration, he won, in the Supreme Court, the fight to uphold the constitutionality of the Tennessee Valley Authority.

But as the Republican opponent of the late Robert F. Wagner for the United States Senate in 1938, he knowingly weakened his chances by attacking the New Deal for excessive spending, bureaucracy and defeatism. It was during this campaign that Mr. O'Brian discussed his brand of liberalism. He said:

"The true liberal is tolerant of friendly criticism, full discussion and he believes in a government resting upon the power of persuasion and not on compulsion or coercion or other forms of restraint. Those at Washington would reverse the meaning of the word liberal. For in their view a liberal is a yes man, who gives blanket approval to all acts of authority."

This openmindedness and a sense of public obligation brought him posts under Presidents Theodore Roosevelt, Taft, Wilson, Hoover and Franklin D. Roosevelt. He spurred antitrust suits against corporations that were heavy Republican donors. He believed strongly in resisting incursions of civil rights.

Mr. O'Brian was a lawyer's lawyer, more concerned with precedent and logic than with trickery and forensics. Quietly dressed, usually with a white handkerchief protruding from his breast pocket, he spoke deliberately and forcibly.

On April 2, 1962, he received a rare tribute in the United States Supreme Court. As his spare figure rose, Chief Justice Earl Warren looked down upon his lined face and shrewd eyes and said:

"I am told that this is the 50th anniversary of your own admission to the bar of this court."

"That is true, your honor," replied the 87-year-old Mr. O'Brian.

Then Mr. Warren said:

"Few men in history have had a longer or more active practice before the court. During all of these years you have served the court in the highest sense. I wish for you many more years as a member of our bar and with it, continued happiness."

By this time Mr. O'Brian had been an Assemblyman from Buffalo, United States Attorney, head of the War Emergency Division of the Department of Justice in World War I and member of the New York State Board of Regents, received the highest award from the American Bar Foundation and an honorary degree in law from Yale, served as a member of the Board of Overseers of Harvard and been counsel to the War Production Board in World War II.

In the postwar era, when the power of Senator Joseph R. McCarthy of Wisconsin increased and brought with it a wave of loyalty oaths for Federal employes, Mr. O'Brian refused to compromise his own liberal standards and attacked these developments.

And in later years, when he would sometimes recall that he had given J. Edgar Hoover a job as investigator that eventually led him to the Directorship of the Federal Bureau of Investigation, he would add:

"This is something I prefer to whisper in dark corners. It is one of the sins for which I have to atone."

Mr. O'Brian was born in Buffalo Oct. 14, 1874. After attending public schools there, he graduated from Harvard College and obtained a Bachelor of Laws degree from the University of Buffalo and a doctorate in law from Hobart College.

In 1907 he was elected to the State assembly from Buffalo, leaving in 1909 to become United States Attorney of the Western District of New York, the first of a number of Federal appointments.

His honors for public service included the Presidential Medal of Merit and awards from the National Conference of Christians and Jews.

Mr. O'Brien was a Fellow of the American Academy of Arts and Sciences and a member of the American Law Institute, the Washington National Monument Society, the Washington Literary Society and the Century, Harvard, Buffalo, Metropolitan and Alibi and Alfalfa Clubs.

PERSONAL STATEMENT

Mr. HUMPHREY. Mr. President, in yesterday's RECORD, on page 11667, I noted the comments of our worthy and distinguished colleague, the minority leader of the Senate (Mr. SCOTT) concerning some remarks that I had made earlier yesterday pertaining to the problems of inflation.

I take just a few moments to correct the RECORD, because I believe it deserves that attention.

First of all, the Senator from Pennsylvania apparently was looking at the wrong clock and the wrong rules. He notes something about a 30-minute speech. That was hardly the case, Mr. President. Not only that; he noted that the request was made for 3 minutes, which is not necessary at the end of the day. There are no rules that limit debate at this hour.

I thought we ought to set that minor little technical detail in proper perspective.

The Senator from Minnesota addressed himself rather briefly to the administration's failures in combating inflation in this country. I repeat once again what I said—that prominent economic journalists, whether they are of liberal persuasion or of the most conservative persuasion, are stating openly that so-called phase 3 is in deep trouble and indeed is not damping down the fires of inflation. I put it more directly—phase 2 is a "bust." It just is not protecting the public interest, and the administration ought to reexamine its premature decision of last January and once again start to restore some order and balance to this economy before it becomes so distorted that a major recession results.

I want to say to my distinguished colleague from Pennsylvania that the problems of inflation are here and that political gamesmanship is not going to erase those problems. I stated facts and figures in my comments of yesterday that were revealed by the Department of Labor. I spoke of the wholesale price index, the price index relating to food, the price index relating to nonfood items, the price index relating to raw materials. The figures are there specifically and accurately. I do not believe the rejoinder of the minority leader in any was able to erase those facts.

Now, the minority leader ended his rather lucid dissertation in economic fiction, by these words: "Meat is high because Congress is loose with money."

I want to say that I hope the administration is not looking to that kind of talk for economic advice. Meat is high because it is in short supply. If anybody does not know that, then he is not very capable or competent to discuss economic issues.

Second, the text of yesterday's RECORD reads: "Textiles are high because Congress is loose with money."

Well, now, Mr. President, if we were to accept that argument, then we would have to say that when the Congress seemed looser with money a year ago than it is now, textiles should have been higher. The fact of the matter is that statements such as "Textiles are high because Congress is loose with money" is nothing more or less than sheer political poppycock, and may I say poppycock of a substandard quality. It has nothing to do with economic fact.

Finally the statement reads: "Everything is high because Congress is loose with money."

Well, the price of soybeans is high, but not because Congress is loose with money. The price of soybeans is high because soybeans are in short supply, from 10 to 15 percent of the American crop had to be left in the field because of weather conditions.

I say that any Senator who says the prices are high, that everything is high because Congress is loose with money, has failed to understand the basic, elemental facts of economic life.

Of course, wanton, reckless spending on part of both the Congress and the President can be a factor in inflation, but the fact still remains that the Congress has reduced Presidential budget expenditure requests in the last 4 years by some $20 billion. And to make it totally nonpartisan, Congress in the last 26 years has reduced Presidential budget requests every year.

So I am not going to let this country be inundated with a barrage of statements that inflation is due to Congress, that Congress is fiscally irresponsible, and that taxes will have to be raised 15 percent unless we listen to the all-powerful voice at 1600 Pennsylvania Avenue.

There is no evidence presented that is economically sound or acceptable to justify those kinds of propaganda statements, but this administration speaks as if it had a record or a tape recording in every broadcaster, to cite three things—that inflation is here and they have no responsibility for that at all; that the Congress is fiscally irresponsible and cannot be trusted; third, that if we do not listen to the President, our taxes will go up 15 percent—a figure, by the way, picked out of thin air, with no justification presented whatsoever.

Furthermore, may I add that taxes are established by the Congress of the United States, not by Presidential edict.

Everyone has a concern over inflation. It is a nonpartisan matter. Prices affect everybody. The status of our economy and its health is a matter of deep concern for all of us, and it is not sheer partisan talk before this body or any place else to recite the wholesale price index, the Consumer Price Index, the price index on ferrous metals, the price index on soft goods, the price index on nonfood products, the price index on

lumber, housing, and rent. Those are facts, and the fact is that the situation is growing worse instead of better. And, for more than 3 months, since the shifting away from phase 2 to phase 3, the economy has been showing signs of getting into deep trouble.

The stock market itself demonstrates this. The market has had precipitous declines. Consumer credit is at an alltime high. And many of the plans of American business for expansion and growth are being suspended pending administration policy on the economic front.

We in the Congress have our responsibility. And I have voted for the Economic Stabilization Act to give the President the tools he needs to do the job. I have voted for the price, wage, profits, and dividends freeze.

I have joined with my distinguished senior colleague, Senator MONDALE, today in legislation that would call for a freeze for 60 days on all prices, wages, dividends, profits, and interest rates so that the President and his administration can once again get hold of this economy and put it in some kind of reasonable balance.

No one is happy over inflation. No one is happy over a recession. However, one of the problems when one is in power is that he has to take responsibility. And it does not make any difference which administration or which party. With power comes responsibility.

All that I am asking is that the administration reassess its earlier decision. And I hope that they will not just rebuke us for bringing these matters to public attention, because I repeat that some of the most respected and most enlightened economists, bankers, businessmen, and spokesmen of the financial circles are asking the President of the United States to do exactly what I am saying here today—to stop, look, and listen and to take another hard look at what is happening in this economy before it is too late.

Mr. President, there is a basic vitality to the American system. And we have tremendous resources. We are an anxious and eager people.

I do not underestimate the difficulties that face the President of the United States when he has to make decisions related to price controls, rent controls, and all of the other controls. These are difficult decisions. The most difficult thing of all, however, is to let things drift. There is no indication that things are getting better. But there is every indication that the inflationary pressures are getting worse.

Mr. President, Congress is moving to reform its budget procedures—to better analyze and understand exactly what is taking place in the economy.

Last week the Senate adopted a spending ceiling of $268 billion, $700 million less than the President recommended. But that is only part of the story.

There is also obligational authority in the Presidential budget.

When testifying before the Subcommittee on Budget, Management, and Expenditures of the Government Operations Committee, chaired by the distinguished Senator from Montana (Mr. METCALF), I brought to the attention of that committee the importance of our getting a proper handle on and control over what we call obligated funds, the so-called authorizations and obligations as well as the budget expenditures.

I am prepared to make my decision to see to it that we act responsibly and sensibly. I am not prepared to stand idly by and have documented evidence discussed in a manner which is frivolous, which is filled wit half truth and innuendo, rather than to have that evidence documented in forthright and factual debate.

Therefore, while my distinguished colleague and friend—and he is my friend—the minority leader is not present in the Chamber, any more than I was as of yesterday, my remarks today are said in a spirit of good debate, honest and frank discussion, and good will. I simply happen to believe that when we discuss matters of the economy, we ought to be a little more precise than to make broadgaged statements that meat is high because Congress is loose with money. Every economist, grocer, butcher, processor, and farmer could do nothing else but laugh at such a statement or feel a sense of pity.

"Textiles are high because Congress is loose with money. Everything is high because Congress is loose with money." So says the distinguished minority leader. The junior Senator from Minnesota says the causes are much deeper than that. I simply say that when we discuss economic matters, we should try to have a little more economic evidence available, rather than an affluence of vocal effervescence.

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.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, following the remarks of the distinguished Senator from Utah (Mr. Moss) under the order previously entered, the distinguished Senator from Oklahoma (Mr. BARTLETT) be recognized for not to exceed 10 minutes; that he be followed by the distinguished Senator from Minnesota (Mr. HUMPHREY) for not to exceed 10 minutes; that he be followed by the distinguished Senator from Alabama (Mr. ALLEN) for not to exceed 15 minutes; that he be followed by the distinguished Senator from Minnesota (Mr. HUMPHREY) on another subject for not to exceed 15 minutes, and that he be followed by the Senator from Michigan (Mr. GRIFFIN), the Senator from West Virginia (Mr. ROBERT C. BYRD), and the Senator from Montana (Mr. MANSFIELD), each for not to exceed 15 minutes.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, an order for the transaction of routine morning business has likewise been entered for tomorrow, has it not?

The PRESIDING OFFICER. No, it has not.

Mr. ROBERT C. BYRD. For a period not to exceed 15 minutes, with statements therein limited to 3 minutes?

The PRESIDING OFFICER. It has not.

Mr. ROBERT C. BYRD. Then I make that unanimous-consent request.

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

VOTER REGISTRATION ACT—ORDER FOR RESUMPTION OF THE UNFINISHED BUSINESS (S. 352) TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that at the conclusion of routine morning business tomorrow, the Senate resume the consideration of the unfinished business, S. 352.

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

ORDER FOR RECOGNITION OF SENATORS PRIOR TO LAYING BEFORE THE SENATE THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that, notwithstanding the close of the morning hour on tomorrow prior thereto, the various orders for the recognition of Senators and the order for the transaction of routine morning business be permitted to expire prior to the laying before the Senate of the unfinished business.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9:30 a.m.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 10 minutes and in the order stated: Mr. MUSKIE, Mr. KENNEDY, Mr. JAVITS, Mr. CRANSTON, Mr. PELL, Mr. ABOUREZK, Mr. HASKELL, Mr. SYMINGTON, Mr. JACKSON, Mr. EAGLETON, Mr. MONDALE, Mr. WILLIAMS, Mr. HATHAWAY, Mr. HUGHES, Mr. MOSS, Mr. BARTLETT, and Mr. HUMPHREY.

Thereupon, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. ALLEN, Mr. HUMPHREY, Mr. GRIFFIN, Mr. ROBERT C. BYRD, and Mr. MANSFIELD.

Following the recognition of the aforementioned Senators under the orders entered, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Senate will resume the consideration of the unfinished business, S. 352, the voter registration measure.

Yea-and-nay votes may occur on that bill. It is possible, if consent is given, that the measure would be temporarily laid aside from time to time and other items on the Calendar could be taken up tomorrow and Friday—but only if unanimous consent is gotten.

With respect to the bill to amend the National Foundation on the Arts and Humanities Act, I do not believe that that bill will be taken up tomorrow. The distinguished author of the bill (Mr. PELL) has requested that the bill be taken up not tomorrow, but either Friday or Monday.

As I say, there may be yea-and-nay votes tomorrow.

The Senate will be in session on Friday.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL ON FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, so that Senators will be appropriately alerted, that when the Senate completes its business tomorrow it stand in adjournment until 12 o'clock meridian on Friday.

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

ADJOURNMENT UNTIL 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and at 5:53 p.m. the Senate adjourned until tomorrow, Thursday, April 12, 1973, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 11, 1973:

ADMINISTRATION ON AGING

Arthur S. Flemming, of Virginia, to be Commissioner on Aging, vice John B. Martin, Jr., resigned.

NATIONAL TRANSPORTATION SAFETY BOARD

Timothy J. Murphy, of Massachusetts, to be a member of the National Transportation Safety Board for the term expiring December 31, 1977, vice Francis H. McAdams, term expired.

IN THE COAST GUARD

Harold James Barneson, Jr., of the U.S. Coast Guard Reserve, for promotion to the grade of rear admiral.

IN THE ARMY

The following-named officers to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Julian Johnson Ewell, [redacted], Army of the United States (major general, U.S. Army).

Lt. Gen. William Raymond Peers, [redacted] Army of the United States (major general, U.S. Army).

Lt. Gen. Willard Pearson, [redacted], Army of the United States (major general, U.S. Army).

Lt. Gen. Richard Thomas Cassidy, [redacted] Army of the United States (major general, U.S. Army).

The following-named officers under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (ae) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. William Robertson Desobry, [redacted] Army of the United States (major general, U.S. Army).

Maj. Gen. Richard Joe Seitz, [redacted], Army of the United States (major general, U.S. Army).

Maj. Gen. Raymond Leroy Shoemaker, [redacted] Army of the United States (major general, U.S. Army).

EXTENSIONS OF REMARKS

TOASTMASTERS INTERNATIONAL—SERIOUS SPEECH CONTEST

HON. DAVID TOWELL

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. TOWELL of Nevada. Mr. Speaker, recently I had the pleasure of addressing members of Area III, District 36, Toastmasters International, who were assembled in Washington for their annual Serious Speech Contest. I suggested to them that their work toward bettering human communication strengthens their community, their country, and, ultimately, the rapidly shrinking world we live in. As a past governor of Toastmasters International, District 59 in Nevada, I know first-hand of the contribution these men and women are making toward the Toastmaster's goal of "Better Listening, Thinking, and Speaking."

The winning speech of the evening was delivered by Mr. Williamson Day, past president of Capitol Hill Club, Toastmasters International and 1972 Outstanding Toastmaster for District 36. Mr. Day, whose speech was titled "Five Faces of War," brings to his remarks a heritage of service to his country. He is a veteran of Korea, and his forebears have served in every major American war since the Revolution, when Col. Oliver Spencer fought with General Washington. As we look toward the Bicentennial celebration of our country's birth, I am pleased to share with my colleagues Mr. Day's thoughtful comments about his country and his deep commitment to its freedom:

FIVE FACES OF WAR

(By Williamson Day)

Five faces of War . . . five faces to remember.

THE FRENCH AND INDIAN WARS, 1754

A 22-year old colonel of provincial militia stands in a makeshift fort somewhere near the twisting Monongahela. He stands in torrential rain, the end of an ill-conceived and disastrous expedition to attack French-held Fort Duquesne. After seven years, Colonel George Washington's men are rebelling. Without food or ammunition, they break into the last of the supplies: the rum. Washington fits together the words he will use to surrender to the French.

You kneel by the Colonel, holding a wounded soldier. What passes for a surgeon is amputating his leg. You hand the soldier his anesthetic: a wooden block to clench between his teeth. You know he will die, but not quickly or pleasantly.

THE REVOLUTIONARY WAR, 1777

The wind howls down the Schukylkill and across the Valley Forge plateau. It is subzero weather. In weeks past it has snowed, but tonight it is too cold to snow. You are huddled with remnants of the 11th Virginia, Varnum's brigade, and Lee's Dragoons. You sit, swathed in rags, tucking bits of straw and grass into your boots to keep warm.

Near you sits a sentry, a Marylander hoping to be home by spring. He is numb with cold, too weak to stand. An officer limps by, and the sentry, grasping his rifle, stiffens in salute. The next morning, as dawn colors the sky, you find him—frozen in salute.

WORLD WAR I, ARDENNES, FRANCE, 1918

Verdun is to the South, Chateau-Thierry behind, the Meuse-Argonne line ahead. It is Christmas Day. The snow has frozen with mud. Trenches zig-zag across the breast of the earth, scarring the French countryside. You see Americans and Englishmen leave their trenches and meet Germans in no-man's land to exchange chocolates and cigarettes: American Lucky Strikes for German Ecksteins. The soldiers sing, first in German, *Stille Nacht; Heilige Nacht,* then in English, *Silent Night, Holy Night.* They shake hands and thread their way back through the coils of barbed wire to their trenches. Hours later, they meet again, eviscerated, lying lifeless on the wire. In the pockets of the Germans, saved for later, Lucky Strikes; in the tunics of the English, Ecksteins.

WORLD WAR II, 1943

The Marianas, Southwest Pacific. The United States has been at war for two years. You are an American marine, bare to the waist, short on water, testing your condition. You press your tongue to the roof of your mouth and your gums bleed. Now your squad is moving up. Someone's flame-thrower explodes, covering him with jellied gasoline. He crawls grotesquely, screaming, until, charred and burned, he is immolated.

THE VIETNAM WAR, 1972

The United States has been in Indochina for 12 years. Before that, the French had been at war for 10. You are stationed in a military hospital in Denver—in the Burn Ward. You see a lieutenant, 22 years old, the point of his patrol, with second- and third-degree burns on 80 percent of his body. He has turned sour.

"You've got a girl," says a doctor. "Try to think about replying to her letters. She knows you're burned." The lieutenant stares with hollow eyes. "You'll be out of here in no time," the doctor lies. The lieutenant is smarter; for all intents and purposes, he was dead the moment he was hit.

Five faces of war. Five faces that gave us the freedom we enjoy tonight. Five faces that gave us a legacy of peace. Those faces are looking at us tonight, looking into our eyes.

If we fail to keep that peace, dare we look back?

PETER SNOWE, MAINE STATE REPRESENTATIVE, KILLED

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 11, 1973

Mr. COHEN. Mr. Speaker, on Tuesday the people of Maine lost one of their most promising young legislators. State Repre-